

## Driving Licencing

Around 300 million citizens hold a valid driving licence in the European Union. Community legislation in this field is therefore an essential factor to improve road safety, especially among novice drivers. An appropriate EU framework for a driving licence will also reduce possibilities of fraud and enhance cross-border enforcement.<sup>1</sup>

A driving licence is an official document issued by a national authority which states that a person has the necessary qualifications to drive a motorised vehicle. The issuing of driving licences is subject to successfully completing a theory test and a test of skills and behaviour. A specific driving licence exists for each vehicle category with specific requirements and age limit.<sup>2</sup>

So far, 110 different driving licence models with different entitlements and validity periods are still circulating in the EU-25. The majority of them does not respect the Community model. This huge number of licences is expected to decrease

### EU legal framework

**Council Directive 80/1263/EEC:** The first European piece of legislation on driving licences entered into force in 1983. It made possible for EU citizens moving to another Member State to exchange their licence without passing a new theory, practical or medical test. The driver however still had to exchange his licence within one year of taking up residence in a new Member State. The Directive introduced the first harmonised paper driving licence. This piece of legislation was repealed by Article 13 of the Directive 91/439/EEC.

**Directive 91/439/EEC:** The Second Directive on driving licences, which came into force on 1 July 1996, lays down the mandatory principle of mutual recognition of licences and defines normal residence as a prerequisite for obtaining a licence. It abolishes the need to exchange one's licence, introduces minimum ages as a prerequisite for the entitlement to drive vehicles, as well as a mandatory theory and practical driving examination. Subsequent amendments have been carried out e.g. by Council Directive 96/47/EC, introducing a Community plastic card model as an alternative to the paper licence model.

**Commission Directive 2000/56/EC:** This Directive revises Annexes I and II of Directive 91/439/EEC, thus adapting the list of harmonised Community codes and the minimum requirements for driving tests to scientific and technical progress. It continues the harmonisation of driving tests in order to adapt them to the requirements of road traffic. The Directive came into force on 30 September 2003.

over the years, as all driving licences issued from 1 January 1983 on will have to conform to the Community model in line with Council Directive 80/1263/EEC. But the current situation will last several decades resulting in hindrance in terms of enforcement. It makes sense, therefore, to strengthen the EU driving licence legislation.

### Why a new European Union legislation on driving licence?

The Commission proposed in October 2003 to recast Directive 91/439/EEC in order to reinforce safety on European roads, reduce possibilities of fraud and enhance enforcement:<sup>3</sup>

#### 1. More road safety

- Introduce a new category AM and a mandatory theory driving test for moped drivers (engine not over 50 cc with maximum design speed not exceeding 45 km/h) to improve road safety for the most vulnerable youngsters on our roads. A very popular means of transport, mopeds should no longer be left outside the scope of this legislation;

All Member States introduced gradually specific regulation for riding moped. E.g. the **UK** introduced in 1990 a specific licence category P for mopeds to help reduce the very high accident rate among inexperienced motorcyclists. Mopeds riders must pass a Compulsory Basic Training, a theory test and a practical test. The minimum age for riding a moped in the UK is 16 years.

- Reinforce progressive access to the most powerful motorcycles by insisting that the minimum age must be between 16 and 24 years, depending upon the technical characteristics of the motorcycle and the experience of the driver;

- Promote the generalisation of provisional licence for novice drivers: Member States who wish to do so will be allowed to limit the administrative validity of all driving licences issued for the first time;

13 Member States have already adopted a system with probationary licences with or without restrictions. In this model, the student is subject to a number of stricter measures in case of violation of traffic regulations, heavier demerit points system, speed limitations or lower maximum BAC during the probationary period. Following the implementation of the probationary period in **AUSTRIA**, accidents decreased by 18.7% for this driver category between 1991 and 1996, as opposed to a decrease of 8.9% amongst all other driver categories over the same period.<sup>4</sup>

- Impose the same periodicity for medical checks for professional drivers everywhere in the EU;

- Introduce minimum requirements for the initial qualification and training of driving examiners, which had been so far left out of the scope of any harmonisation. This should contribute to increasing similarities between driving tests throughout the EU.

## 2. Further anti-fraud protection

- Generalise the plastic card type model of European licence;

- Allow Member States who so wish to equip the new driving licences with a microchip including the information printed on the card;

- Introduce the notion of a limited administrative validity of driving licences. Drivers will keep their acquired rights but the regular renewal of the document will limit the extensive possibilities of fraud that exist today by making it possible to update the anti-fraud protection of all licences as well as the holder's photograph. All new licences of category A (motorcycles) and B (cars) would be valid for 10 years. All new licences of category C (trucks) and D (buses) will be valid for 5 years. This is already current practice in a large number of Member States.

## 3. Enforcement enhanced

- Replace all licences currently in circulation and harmonise the format. This will make it a lot easier for the police to determine whether someone is entitled to drive a specific type of vehicle or not. The rule will also guarantee acquired rights by drivers when travelling outside their own country;

- Put an end to "driving licence tourism", whereby a disqualified licence holder applies for a new licence in a neighboring country, by ensuring a coherent and pan-European application in case of driving licence withdrawal. The legislation thus proposes to reinforce the concept of 'one holder-one licence';

- Greater harmonisation of the document would be a step towards allowing drivers to be prosecuted anywhere in the EU.<sup>5</sup>

In 2004, the European Commission launched RESPER (<http://europa.eu.int/idabc/en/document/3989>), the driving licence network, which aims at facilitating the exchange of information between national authorities responsible for issuing driving licences and thus enhance cross-border enforcement of sanctions for traffic violations.

## What can be done by Member States?

### 1. Implementation of best practice such as penalty points system

Following the example of 15 other Member States, **SPAIN** will introduce a new penalty point scheme by the end of 2005. Drivers will receive an initial credit of 12 points and lose between 2 and 6 points for different types of traffic offences. They can recover points by attending awareness courses. Drivers who do not violate any traffic rules for at least two years will gain up to six points extra.

### 2. Introduction of different graduated driving licence schemes<sup>6</sup>

Several European states have compulsory post-licence or 'second phase' driver training for all novice drivers. Different studies are carried out to assess the effectiveness of such training.

International Commission for Driver Testing Authorities (CIECA) recently completed the NovEV project (2002-2004) which aimed to implement second phase (post-licence) driver training pilot projects in 6 Member States (**AUSTRIA, BELGIUM, FRANCE, GERMANY, the NETHERLANDS and SPAIN**), according to the guidelines laid down in a previous EU project called ADVANCED. The objectives of the NovEV project were to give the participating countries experience in designing, preparing and implementing such training, and to evaluate the effects of the training on novice drivers. The results of the evaluations showed that second phase programmes can positively influence the behaviour of young drivers.<sup>7</sup>

A swift recast of the Driving Licence Directive is highly needed to increase the European minimum standards in driving licencing but this should not prevent Member States from taking measures to reduce the high level of accidents amongst novice drivers in particular. The driving licence is indeed a tremendous tool to enhance behaviour and enforcement on European roads and should thus be fully used.

### References

- 1 Extensive information regarding driving licences can be found on: [http://europa.eu.int/comm/transport/home/drivinglicence/index\\_en.htm](http://europa.eu.int/comm/transport/home/drivinglicence/index_en.htm). This website allows to download all EU legislation in force, to have useful links to national authorities, to obtain other information such as ongoing EU research and projects.
- 2 See Directive 91/439/EEC on Driving Licences, available at <http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=CELEX:31991L0439:EN:HTML>
- 3 The Commission initial legislative document, as well as the European Parliament report can be found under: <http://www.europarl.eu.int/oeil/file.jsp?id=239192>
- 4 Bartl, G.(Ed.) Post-licensing measures in European Countries, Austrian Road Safety Board, 1998. Available at [http://www.dft.gov.uk/stellent/groups/dft\\_rdsafety/documents/page/dft\\_rdsafety\\_508105.hcsp](http://www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/page/dft_rdsafety_508105.hcsp)
- 5 Scadplus <http://europa.eu.int/youreurope/nav/en/citizens/factsheets/eu/drivinglicence/overview/en.html>
- 6 SWOV (Institute for Road safety Research in the Netherlands), Graduated driving licence, Fact sheet, available at [http://www.swov.nl/rapport/Factsheets/FS\\_License.pdf](http://www.swov.nl/rapport/Factsheets/FS_License.pdf)
- 7 The final report is available at <http://www.cieca.be/> under projects and studies > NovEV > available documentation