



# The European Driving Licence: ensuring security, safety and free movement



## 3rd Driving Licence Directive

On the 27<sup>th</sup> of March 2006, the Member States agreed on the new rules for driving licences in Europe, which had initially been proposed by the European Commission in 2003. The new rules constitute a revision of European legislation on driving licences, reduce possibilities of fraud, guarantee a true freedom of movement for EU drivers and reinforce safety on European roads.

### 1. Why propose a new driving licence system in the Union?

European legislation on driving licences has a direct impact on nearly all Europeans. An estimated 60% of the Union's population holds a valid driving licence - that is around 270 million citizens. A great number of these Europeans make cross-border trips within the Union for private or professional purposes and every year many Europeans and their families move to another EU country.

It is thus paradoxical that the free movement of EU drivers is still not a full reality. Because of differing validity periods or medical examination rules, the current lack of harmonisation of driver licensing systems has resulted in legal uncertainty for many Europeans who move to another Member State. A fully functioning internal market, an objective set by the European Council in the Lisbon agenda, also requires action in the field of driving licences, so that **the free movement of driving licence holders** is at last ensured.

More than 110 different driving licence models with different entitlements and validity periods are circulating today in the Member States, allowing for little proper enforcement in the area. Yet a driving licence not only gives access to all kinds of vehicles, possibly with considerable weights and dimensions, in many EU countries it can also be used as an identification document to open a bank account or to book flights. An **anti-fraud protection** aspect to the driving licence has thus been identified as a major cause for concern.

Last but not least, driving licence rules certainly have an impact on **road safety**. With slightly more than 40.000 deaths on European roads each year, driving licence rules will help enhance safety on European roads.

## 2. Driving licence legislation so far in the Union

The first European piece of legislation on driving licences dates back to 1980. A Council Directive then made it possible for EU citizens moving to another Member State to exchange their driving licence without passing a new theory, practical and medical test. The driver however still had to exchange his licence within one year of taking up residence in a new Member State.

It is only in 1991 that a new Directive established the mandatory principle of mutual recognition and abolished the need to exchange one's licence. However, in practice the application of this principle has been impeded by the fact that validity periods of licences and the periodicity of the medical examination were not harmonised. As the national legal systems of driver licensing in the 25 Member States of the European Union and the three further members of the European Economic Area (N, IS, FL) continue to differ considerably on those points, the legal uncertainty for citizens who take up residence in another Member State has increased.

## 3. Objectives of the new legislation on driving licences

### 1. Reducing the possibilities of fraud

#### *Withdrawal of the paper model driving licence*

To limit the number of different licence models that are in circulation, and to enhance the protection against fraud, the paper Community driving licence model shall be phased-out. **The only European driving licence model to be issued shall be a plastic "credit" card type**, already used in most EU countries, which allows for greater protection against forgery. Current paper driving licences will stop being issued from the entry into force of the new legislation.



#### *Introduction of a compulsory administrative renewal for all new licences*

A mandatory and regular administrative renewal of driving licences will ensure that all documents in circulation be updated using the most up-to-date security features. The reduction of the number of licence models in circulation will ease enforcement, and so will the greater likeness of the holder of the photo on the licence.

All new licences for **mopeds, motorcycles, cars, tricycles and quadricycles** shall have a maximum administrative validity of **10 years**. Member States may choose to issue such licences with an administrative validity of up to 15 years.

**NEW!** All new driving licences for **trucks and buses** shall have a maximum administrative validity of **5 years**.

**These rules shall not affect a right to drive a vehicle that was acquired beforehand.**

**NEW!** Drivers with licences issued before the entry into force of this Directive will be subject to the new rules on validity at the latest **26 years** after entry into force of this Directive.

### **Anti-fraud protection**

**NEW!** Minimum standards safeguarding a high level of protection of the driving licence document have been adopted.

**NEW!** Furthermore, Member States are allowed, if they so wish, to insert a **microchip** in the licence. The repetition of the information printed on the card in the microchip increases anti-fraud protection and ensures protection of the data contained within. Needless to say, European legislation on the protection of personal data will have to be respected.

### **Outside the European Union**

Most Western countries limit the validity of their driving licences. In Japan, drivers need to renew their licences every 3 years and an eyesight check is carried out. In the USA and Canada, drivers need to renew their licenses every 2 to 8 years and licences are not systematically recognised in between their states.

## **2. Guaranteeing the free movement of citizens**

**NEW!** Alongside this new compulsory regular renewal of the document, the last remaining obstacles to the free movement of drivers have been abolished. The main principle will be that all licences issued as of the date of application of the new Directive **will remain valid as stipulated on the driving licence**. Before expiry, the holder will have to renew the driving licence in his country of residence. From that date, the host Member State will apply the new administrative validity period and is allowed to impose a medical check if this is foreseen for its own citizens. These provisions will finally provide the necessary legal security for the holder of a driving licence.

**NEW!** With regard to the driving licences issued before the date of application of the current Directive and which are still valid and in circulation, all these driving licences will have to be replaced by a new driving licence **26 years** after the entry into force of this Directive at the latest.

In practice, one of the following two situations can occur:

- the driving licence expires in 26 years or later: in this case the document has to be replaced within 26 years at the latest
- the document expires before this period and will simply be replaced by the new model at the time of expiry

At the same time, the right to drive a certain type of vehicle will clearly be established by the new driving licence and thus easy to recognise by the holder, the administrative authorities and the enforcement authorities.

### **Current obstacles to the freedom of drivers' movements**

At present, the principle of mutual recognition of licences issued in a Member State is obstructed by national provisions on the validity of licences and medical examinations.

An EU citizen who moves to another Member State may have to undergo a medical examination or find that his licence expires at a different time from the one noted on the licence. At present, almost all Member States have different regimes regarding medical examinations and the period of validity of licences. This means that virtually no citizen who takes up normal residence in another Member State knows when his or her driving licence will expire because of differing validity periods, or knows when he or she has to undergo a medical check prescribed by that country's legislation.

In some Member States, certain categories of licences are issued for life; in others, licences have to be renewed at regular intervals or from a certain age. Where, for instance, a German licence holder moves to The Netherlands, he will have a document indicating that the licence is valid for life. The Netherlands will apply its legislation on validity periods and oblige the German licence holder to exchange his licence after a period of 10 years. Or if, for example, a Swedish licence holder goes to live in Spain to enjoy some of his years as a pensioner, then he will be confronted with the Spanish legislation requiring regular medical checks and licence renewals, instead of the purely administrative renewal every 10 years in Sweden. This situation creates legal uncertainty and a lack of transparency. This has been expressed by complaints received by the Commission from hundreds of citizens.

The Commission also proposes to clarify national rules governing medical examinations by:

NEW!

- for lorry and bus drivers, harmonising the periodicity of these checks which have to be carried out at each renewal of the driving licence in accordance with the system in place in each country;

NEW!

- for car and motorcycle riders, Member States will be free to carry out regular examinations, but at the time of renewal only.

### Current medical examination rules in the Union

European legislation, through the 1991 Directive, lays down the minimum standards of physical and mental fitness for driving with which all licence holders have to comply at the time of obtaining their licence and thereafter. However much of the application of this rule is left to the Member States at present.

#### *For drivers of cars and motorcycles*

No medical examination is imposed upon obtaining the licence or thereafter. A medical examination is only prescribed in cases of doubt as to the applicant's ability to drive. National rules differ widely, three main approaches can be identified:

- no mandatory medical examination at all once the licence holder has obtained the initial driving licence;
- mandatory medical examinations from a certain age onwards; or
- mandatory medical examinations at 5 or 10-year intervals.

#### *For drivers of buses and lorries*

Periodic medical examinations are required by the Directive. The intervals between the examinations, however, are left to Member States to decide. In practice, all Member States impose regular medical examinations for this group of drivers, mostly at 5-year intervals.

## 3.

### Contributing to improved road safety

#### *1. Fighting driving licence fraud*

Today, several types of fraud exist. They range from trafficking the document itself, unlawfully obtaining duplicates by suggesting theft or loss of the original licence, obtaining a driving licence in a different country while being banned from driving in the home country.

The basic philosophy that underlies the fight against driving licence fraud is the principle that one person can only hold one driving licence. This principle has been reinforced by this Directive.

One cornerstone in the policy to combat driving licence fraud is the regular renewal of driving licences which will allow Member States to have a regularly updated national database and thus a constantly updated knowledge of the valid driving licences which are in circulation.

NEW!

The counterpart to this measure is the communication between the national authorities which will be improved by creating a communication network for driving licences between them. The regular consultation of this network will allow applying the new and stricter rules on the prohibition to issue a licence to someone whose licence has been withdrawn, suspended or restricted.

#### *2. Introduction of a new driving licence category for mopeds*

No licence was needed to drive mopeds in the Union. However, accident figures show a highly increased risk of accident involvement of very young road users. In some Member States very young riders - as young as 14 - are allowed to ride mopeds.

NEW!

A new harmonised licence category **AM** has been introduced, which can be obtained after passing a **mandatory theory test** which should allow to better control this vulnerable group of road users and make them more aware of traffic requirements. It will also clarify the situation regarding moped riders crossing borders or renting a moped when on holiday. Moreover Member States may require applicants to pass a test of skills and behaviour for this category.

The age limit for category AM is **16 years**. However, Member States may authorise access from the age of **14** having effect on national territory only or elevate it to 18 years.

### **3. Introduction of a power/weight criterion for light motorcycles (licence category A1)**

Light motorcycles were limited to 125 cc and 11 kW. No power to weight ratio was imposed. This could lead to ever lighter vehicles, thus achieving steadily increasing acceleration and top speed possibilities. Therefore licence holders of category A1 are only allowed to drive light motorcycles with a cylinder capacity not exceeding 125 cubic centimetres, of a power not exceeding 11 kW and **with a power/weight ratio not exceeding 0.1 kW/kg. All Member States have to introduce this category of licences which did not exist in all Member States.**

NEW!

NEW!

The age limit for A1 licences remains at **16 years**. This age may be elevated to **17 or 18 years**.

### **4. Reinforcing the principle of progressive access to the most powerful motorcycles**

Previous legislation allowed many young riders without practical experience to ride the most powerful class of motorcycles. Accident statistics prove that the accident risk of novice riders of heavy motorcycles is particularly high under 24 years of age. It is moreover impossible to control whether any experience has effectively been acquired on a limited motorcycle. In the interest of road safety, **new vehicle, minimum age and access criteria have been introduced.**

NEW!

#### **A new category A2 with new technical characteristics**

The previous category A, which was split into a limited and an unlimited part, is now split into two distinct categories "A2" and "A". An additional technical requirement to avoid "downtuning" of motorcycles is introduced for category A2.

- Category A2: motorcycles, with or without a sidecar, of a power not exceeding 35 kW, a power/weight ratio not exceeding 0.2 kW/kg and not derived from a vehicle of more than double its power.
- Category A: motorcycles with or without sidecar.

#### **New minimum ages and access rules**

For category A2, the minimum age is fixed at 18 years. If a Member State fixes the minimum age for category A1 at 17 or 18 years, the minimum age for category A2 will be 19 and 20 years because there must be 2 years between the minimum age for category A1 and the minimum age for category A2.

If the applicant has acquired an experience of 2 years on a motorcycle in category A1, he has to pass a test of skills and behaviour only, or to complete a training.

For category A:

#### **Dangers and shortcomings of the previous legislation on motorcycles**

To be entitled to ride motorcycles exceeding a power/weight ratio of 0.16 kW/kg or a power of 25 kW, a driver was previously required to either have had 2 years of experience on a smaller motorcycle or to have reached the age of 21 (if direct access was allowed by the Member State concerned). Thus, within the previous category A for motorcycles, a limited and an unlimited category have been created.

The limited category A was composed of many downtuned motorcycles. In many cases, manufacturers produced motorcycles for category A unlimited within the range of 300 cm<sup>3</sup> to 1000 cm<sup>3</sup> which they then artificially restricted to fall within category A limited. This so-called "downtuning" sometimes led to the production of motorcycles with characteristics which were not consistent with the restricted power. Moreover, these motorcycles could also be tampered with before being ridden.

Furthermore, drivers could easily avoid the requirement of 2 years of practical driving experience simply by waiting two years after acquiring an "A limited" licence: for example, some applicants passed their examination at the age of 18, did not drive at all and then bought a heavy motorcycle when they reached the age of 20.

Member States could also waive the requirement of previous driving experience by granting direct access to unlimited motorcycles as of the age of 21. Almost all Member States allowed for direct access. Therefore, applicants could wait until they reached the age of 21 and in practice many did since the smaller motorcycles were not deemed to be sufficiently attractive.

**NEW!** - for **progressive access** applicants have to have acquired a two years **experience** on a motorcycle of category A2 and pass a test of skills and behaviour only, or to complete a training. If these two conditions are met, they will be entitled to drive vehicles of category A from the age of **20** (or possibly 21 or 22, depending on the minimum age for A2).

**NEW!** - for **direct access the minimum age limit has been raised from the previous 21 years to 24 years.**

## 5. *New trailer rules for car driving licences*

Category B allows for the driving of a vehicle of 3500 kg and a trailer of 750 kg.

With regard to vehicle-trailer combinations within category B, trailers of a weight exceeding 750 kg may be coupled to the towing vehicle, as long as the combination does not exceed 4250 kg and the rules on type-approval are respected (that fix the relation between the vehicle and the trailer).

**NEW!** However, for such combinations within category B that exceed the weight of 3500 kg, a training, a test or both a training and a test will be imposed. This provision will allow for the driving of bigger combinations within category B in the future than is the case today, pending a training and/or test is passed.

**NEW!** With regard to category B+E, drivers will be allowed to tow trailers with a maximum authorized mass of 3500 kg. Combinations with a towing vehicle in category B and a trailer exceeding 3500 kg will fall within category C1+E.

The age limits for driving cars and car/trailer combinations have not changed. They remain fixed at 18. However as far as cars are concerned, Member States may authorise access to category B from the age of 17 on national territory only, as was the case previously.

### Shortcomings of the current legislation on car/trailer combination

The previous tractor vehicle/trailer ratio rule resulted in practical problems:

- drivers who changed either the tractor vehicle or the trailer might be obliged to pass an additional examination for category B+E;
- some vehicle combinations, exceeding sometimes 10 metres in length, were currently allowed under a category B licence when they in fact required specific skills to be driven safely.

## 6. *Reinforcing the principle of progressive access to the most powerful trucks and lorries*

### New definitions

In the interest of safety, driving licences for trucks and buses have been amended in order to:

- refer to the number of passengers and not the number of seats;
- bring the technical requirements for smaller trucks and buses in line with that of the market's vehicles, and make them mandatory categories throughout the Union.

**NEW!** • Category C: motor vehicles used for the transport of goods, the maximum authorised mass of which exceeds 3500 kg and not transporting more than eight **passengers** in addition to the driver. They may be combined with a trailer under 750 kg.

**NEW!** • Category C1: same as C but for motor vehicles with a maximum authorised mass not exceeding 7500 kg. **All Member States now need to introduce this category.**

### Shortcomings of the current legislation on lorries and buses

The categories for smaller trucks and buses, **C1 and D1 did not previously exist in every Member State**. These subcategories allowed however for a better distinction between the biggest trucks and buses mostly used for commercial transport and the smaller ones used for different purposes.

The previous definitions of all lorry and bus categories referred to the number of **seats**. This led to a situation where a vehicle such as a bus with mainly standing passengers and only a few seats might be driven by a category B or D1 licence holder, instead of a category D licence holder.



- Category D: motor vehicles for the transport of passengers with a capacity to transport more than 8 **passengers** in addition to the driver. They may be combined with a trailer under 750 kg.
- NEW!** • Category D1: same as D but for motor vehicles with a capacity to transport not more than 16 passengers in addition to the driver and with a maximum length not exceeding eight metres. They may be combined with a trailer under 750 kg. **All Member States now need to introduce this category.**
- All 4 above categories can be combined with trailers over 750 kg, then needing a separate driving licence (categories C+E, C1+E, D+E, D1+E). **All Member States now need to introduce this category.**

#### New access rules

**NEW!** The access of non-professional drivers to these categories will be brought in line with the training and minimum age requirements of professional drivers, as fixed by Directive 2003/59/EC on the initial qualification and periodic training of drivers. Progressive access has been established for these drivers. The same rules will thus apply for professional and non professional drivers.

To allow for progressive access to categories C1, C, D1, D and their respective trailer categories:

- C1 licences can be issued from the age of 18, licences of categories C from the age of 21;
- a similar distinction will be made for licences of categories D1 which can be issued from the age of 21, whereas licences of categories D can only be issued from the age of 24.

## Overview of the new proposed licensing system

Category	General rule	Conditions	Exception rule
AM	16 years	Theory test Practical test is optional.	14 years possible on national territory only. Up to 18 years possible.
A1	16 years	Theory and practical test	Up to 17 or 18 years possible
A2	18 years	Theory and practical test. If holder category A1 for 2 years, passing a test or complete a training only	2 years minimum between A1 and A2: if minimum age for category A1 fixed by MS at 17 or 18 years, the minimum age for category A2 is 19 or 20 years.
A	20 years for progressive access	Passing a test or complete a training	2 years minimum between A2 and A: if minimum age for category A2 fixed by MS at 19 or 20 years, the minimum age for category A is 21 or 22 years.
A	24 years for direct access	Theory and practical test	
B1	16 years	Theory and practical test	
B and B+E	18 years	Theory and practical test	17 years possible for B and B+E on national territory only
C1 and C1+E	18 years	Theory and practical test	For professional drivers, the age and training requirements of Directive 2003/59/EC <sup>1</sup> need to be complied with.
C and C+E	21 years	Theory and practical test	
D1 and D1+E	21 years	Theory and practical test	
D and D+E	24 years	Theory and practical test	

<sup>1</sup> JO L 226 du 10.09.2003 p 4

## 7. Probational licence for novice drivers

**NEW!**

Member States are allowed, if they so wish, to apply specific measures to novice drivers to allow them to acquire more experience.

## 8. Introducing minimum requirements for the initial qualification and training of driving examiners

There are no set standards on the training and education of driving examiners, which vary widely throughout the Union. In some Member States examiners have almost no specific education or do not even hold the driving licence for the category they were examining. This will no longer be possible. Since theoretical and practical tests have been harmonised in detail, the harmonisation of the minimum requirements for examiners would ensure that test results are comparable in the EU. A regular and adequate training of examiners should also have a positive impact on road safety by maintaining their skills and experience in a faster changing technical environment.

**NEW!**

**Basic conditions have been set** for entering the profession of driving examiners and introduce **minimum standards for their initial qualification as well as regular refresher courses:**

- driving examiners should always have a valid licence for the category they are examining. They should have obtained an initial qualification and be obliged to participate in periodic training;
- examiners should be trained extensively on fundamental subjects and obtain an initial qualification before being allowed to examine. Progressive access should be mandatory. Examiners should initially test candidates for category B which accounts for 90% of all examinations. Only after gaining experience on these tests and after obtaining additional qualification for other categories may they test candidates in other categories.

MEMO is prepared by the Information and Communication Unit of DG Energy and Transport

### For further information

Web site of the European Commission Directorate General for Energy and Transport :  
[http://europa.eu.int/comm/dgs/energy\\_transport/index\\_en.html](http://europa.eu.int/comm/dgs/energy_transport/index_en.html)

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