

MAG UK 3rd European Driving Licence Directive Report - 27th March 2006

Title: Common Position agreed at the Transport Council of Ministers (27th March)

Following an informal Council of Ministers meeting in Bregenz, on 2nd - 3rd March there has been an acceptance to move the Driving Licence Directive (DLD) forward.

In December you may remember that the Council of Ministers, under the UL Presidency, did not agree on the directive mainly due to opposition focussing on the time scale of the of the replacement of old licenses for new ones by Germany, France, Poland, Denmark and Austria.

We had thought that there would be a longer period, a breathing space due to this issue to re group our position but now under the Austrian Presidency the issue of replacement licences seems to have been resolved.

Periodic compulsory renewal of licences, agreement every 15 years and the timeframe for exchanging all licences to a harmonized European model, 20 years after the DLD enters into force, previous timescale for this was 2011.

However the European Parliament, with the support of the European Commission, has agreed on a compromise with the Austrian Presidency to adopt the Directive as it stands

This means that the motorcycle part of the directive, which is the Luxembourg compromise position we have been fighting will be adopted without further discussion

The UK Government sent an unofficial presentation of their position to relevant MEPs, the Commission and other Member States, with the intention of reopening discussions on the motorcycle part. The document stated that the UK wanted to be able to have A1 at 17 and A2 at 18 and that it did not support the training or testing between A2 and A.

This has been part of the FEMA compromise position (FEMA excepted A1 Licence at 18 with no derogation to 17 as is at present in the UK) but as you know our position since late last year has been to remove the motorcycle part so that it can be discussed fully thus separated from the Directive.

It appears that:

- The paper was rejected by ALL other parties.
- The UK did not make the points during its presidency because holding the Presidency it is not supposed to pursue national interests.
- The points made in the letter were dismissed by all other Member States - and European Parliament and European Commission.

As above this means that the Common Position will be voted upon without discussion (perhaps with a dissent position being put down for the record by some Member States) on the 27th March.

The UK Government will present a "dissent position" from a debate in the House of Lords on 23rd March, "While, the Government support much of what is included in the text (Directive), they are concerned about the proposals on motorcycle staging. The Government consider that the system proposed on motorcycle staging will create significant difficulty for our motorcyclists, with no tangible benefit for road safety in the UK. I therefore intend to enter a minutes statement reiterating the UK's disappointment that it has been impossible to reach agreement on a better approach to motorcycling staging."

We know from information received that in the European Parliament the Rapporteur and Shadow Rapporteurs¹ were strongly encouraged by the European Commission to support a compromise with the Council so that the DLD can be adopted now that the Member States have an agreement on all its main aspects.

The motorcycle part of the proposal will remain as in the text reached under the Luxembourg Compromise.

¹ **Rapporteur** A rapporteur is an MEP appointed by a parliamentary committee to draw up a report on a Commission proposal. The rapporteur presents the committee's adopted report to Parliament.

Once the Transport Council of Ministers takes its Common Position the text is sent back to the European Parliament.

The text will have to be formally considered and adopted by the Transport Committee (Committee made up of MEPs) and following that by the European Plenary, agreed and adopted by European Parliament.

It is formally possible for any MEP to table an amendment, however in order for these to be carried, the amendment needs to be supported in Plenary by at least half plus one of the 732 MEPs.

MEPs are grouped in Political Groups, UK MEPS are grouped with other European MEPs from a similar political divide e.g. Independence and Democracy Group(ID).

It would appear that these groups at present will not table amendments because of the compromise and the majority looks in practice unattainable.

Bearing in mind that we had a situation in the Council last year where some Member States wanted to have Direct Access at 27 years of age, the compromise is 24 years although we had asked for the retention at 21 years, the current compromise instead will force all Member States, some of them rather unwillingly, to allow Direct Access at 24 years of age. However the text allows for member states to derogate upwards to 27.

Overall the DLD is not beneficial for motorcycling. (***Annex 1 Licence Regime***)

The compromise position from FEMA at the moment and restrictive movement on any amendment background is

1. The DLD seeks to encourage progressive access by pushing up Direct Access at 24 AND by defining a more usable A2 machine, from the current 25 kW to 35 kW;
2. However, having agreed these two things, a strong deterrent to progressive access A2 to A is then introduced by the Institutions with the testing/training requirement, on top of the current two years' waiting time which is itself an acceptable and a sufficient requirement to build experience;
3. This testing/training requirement is:
 - a. An administrative burden and therefore a cost for the National Administrations and for the applicants to a motorcycle licence, since no Member States has this system and the necessary infrastructure currently in place.
 - b. Useless – Germany tried it out for a few years and stopped using it as it had no influence on road safety.

The council has approved the DLD today (27th March 2006)²

“Following agreement reached with the European Parliament, the directive is expected to be adopted in second reading without further amendments.”

“An access regime for motorcycles”

“This compromise is aimed at further enhancing road safety by subjecting the conduct of certain vehicle-trailer combinations under a category B licence to additional training and/or practical testing, and subjecting access to heavier motorcycles under category A to a "stepup" approach with a requirement for two years' practical experience in a lower category and additional training and/or testing, while direct access to the heaviest category A motorcycles will be possibly only at the age of 24 years.”

As mentioned above the council held an informal meeting on the 2nd -3rd March, it would appear that the final position was decided there.

² http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/misc/89035.pdf

As can be seen from above and through this whole episode the text and the object of the directive from the start has been to enhance Road Safety.

This has been tied into the European Commission White Paper on the European Transport Policy, the adoption of a RSAP (Road safety Action Programme) and a European Road Safety Charter initiative to reach the overall objective of halving the number of road fatalities by 2010 as set in the White Paper .

These set out the aims to encourage road users to improve their behaviour, to make vehicles safer, to improve road infrastructure and to reduce the number of fatalities by 50%, by the year 2010.

MAG has over several years been part of the Road Safety debate but not at the expense of our right to ride, enjoy fundamental freedoms and control our machines.

MAGs aim has over the years to steer legislation rather than oppose it outright and by doing this it is frequently possible to "draw the teeth" of proposals.

Last year at the Brussels demo we did oppose the directive because when we realised we had come to an end of trying to steer the legislation, we played the game by their rules and it is again time for more direct action and hopefully the rest of the motorcycling community will follow suit this time.

Apart from support from individual MEPs the whole of the European Institutional bandwagon has not listened to the arguments the advice of the motorcycling community (**See Annex 2**) bandwagon

So who is not listening? Well it appears to be from the top of the bandwagon with the chief banjo players being, M Jacques Barrot European Commission Vice President Transport and the current holder of the council presidency, Mr Hubert Gorbach, Austrian Vice-Chancellor and Federal Minister for Transport, Innovation and Technology.

After the informal meeting of the council of ministers the bandwagon held a press conference and the banjo players made two statements regarding motorcycles.

Mr Jacques Barrot said, 'We have 6% more deaths since the year 2000 caused by motorbikes. We have to take very targeted action there'³

Mr Hubert Gorbach said, "We have seen that there are all sorts of ideas for joint actions we are considering drinking but then there is the problem of motorbikes as the Commission said with the exception of Greece, there are everywhere increasing deaths from motorbikes in Europe.....motorbike riders - whether there should be automatic access to the next level - that needs to be clarified. I have spoken to ministers and these subjects are still very controversial."

MAG has data from member states' own statistics that deaths have reduced in relative terms, motorcycle use has increased as have casualties but the rate has decreased. We take issue with the part of the statement that reads, 'Deaths caused by motorbikes.' Although not in the blame game regarding who causes accidents, data from various sources indicate that the primary blame for accidents with motorcycles and other vehicles lies with the other vehicle more than 50% of the time. Therefore any targeted action, in MAG's opinion, should be with other vehicle drivers. The directive does not address car drivers and the licensing "regime" for these vehicles.

The council is considering drinking perhaps the council is under the influence, not drinking but those that are pushing the anti motorcycle stance in Europe. The subject of motorcycle access may be controversial and needs clarified but obviously in the councils mind this has been resolved with the political acceptance of the directive at this stage but not to the satisfaction of MAG.

So were do we go from here what is our next step?

FEMA will discuss the next steps in Europe at its meeting on Saturday 1st April, poignant as its April fools day on the next steps in Europe.

We have the DLD event in Salisbury on 23rd April with BMF and UKIP which will be given a higher profile.

³ From Translation

Our own failure has been to play the game in Europe, MAG along with other motorcycle groups in the UK and Europe last year drew a line in the sand on no more compromise, this is a wake up call to others who failed to follow lets hope it is not too late!

The next political steps are outlined below and we will play the game to this extend but basically we need a mass lobby and a mass demo in Brussels. Perhaps, not as has been suggested directly against the directive as such but against the European Institutions and their behaviour, a failure of the institutions to follow a transparent and democratic course of action of the institutions.

The Next Technical Political Steps in Europe⁴

Next Steps:

The text agreed by the Council is to be adopted in the form of a common position, after its legal and linguistic finalisation / without further discussion, at a forthcoming session of the Council and sent to the EP for Second Reading. The Directive is expected to be adopted in second reading without further amendments.

- Stages Remaining:

Under the Co Decision procedure, the proposal requires the approval of the Council of Ministers and the European Parliament.

The EP will appoint a committee to study the proposal and the committee will appoint a rapporteur to produce a report offering Recommendations and amendments. Other committees may also be asked for their opinions, although these will not provide the resolutions to be debated. This will then be put to the whole EP, which will give its opinion, voting to accept, reject or amend the proposal.

The Council will also consider the proposal, and it too may propose amendments in its common position.

If, after this First Reading in the EP, the Commission, Council and EP are in agreement, the proposal can be adopted as a legislative act, provided the Economic and Social Committee (ECS) has been consulted.

If, however, any amendments are proposed, the proposal is passed back to the Commission, which must decide whether to agree to the amendments, revise the proposal itself or withdraw it. If the proposal is not withdrawn at this stage, a revised proposal will be passed back to the Council and the EP.

In the EP, the proposal will be resubmitted to the Committee and rapporteur that dealt with it originally. A Second Reading will subsequently take place, in the same form as the First Reading. At Second Reading the EP can approve, amend, reject or take no action on the proposal. If the EP approves or takes no action on a common position the Council can within three months, adopt it as a Legislative Act.

If the EP proposes amendments, the Council can adopt Parliament's amendments by a qualified majority, or modify Parliament's amendments only by a unanimous vote.

If the EP rejects the common position by absolute majority, or the Council does not approve the EP's amendments, then a Conciliation Committee will be set up. The Conciliation Committee will try to negotiate a mutually acceptable compromise text, which can then be recommended to both institutions. The Committee will have six weeks in which to do so, operating on the basis of qualified majority voting for the Council members and simple majority voting for the EP members.

If the Conciliation Committee agrees a joint text, the EP and the Council will have six weeks in which to adopt it. The EP must do so by an absolute majority, and the Council by a qualified majority. If either institution fails to adopt the text, the act cannot be adopted.

Trevor Baird
Director Of Public Affairs (MAG UK)

⁴ DeHavilland Political Information Services

ANNEX 1

European Commission Directorate General for Energy and Transport⁵

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 ¹ 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	

⁵ http://europa.eu.int/comm/transport/home/drivinglicence/doc/2006_memo_driving_licence_en.pdf

ANNEX 2

The 22 member National Organisations have been represented in the European institutions and parliament by the Federation of European Motorcyclists Associations (FEMA) which has seen a coordinated approach with FIM (Fédération Internationale de Motocyclisme) and ACEM, the Motorcycle Industry in Europe.

Following the deferral announcement in December 2005 MAG stated that the licensing directive as it stands represents a huge obstacle to the young and new motorcyclist wanting to gain a full licence and will deter tens of thousands from pursuing the option. The EU package threatens environmental security and riders' safety and should be totally re-thought.

- The British Motorcyclists Federation (BMF) stated earlier in 2005 that the main concern is that the motorcycle-related aspects will simply make motorcycling less accessible to prospective users, not safer. Legislation should be properly formulated and intended to reduce casualties by making motorcycling safer for everyone say the BMF. The BMF regards the motorcycling elements of the Directive as unworkable with few, if any, benefits to motorcycling but considerable disincentives to ride motorcycles.
- The UK Motor Cycle Industry Association (MCI) stated in August 2005 that the proposals for motorcycling are among the most draconian ever seen and discriminate particularly badly against people who wish to take up motorcycling either for commuting purposes or for leisure and touring. Once again Brussels is ignoring road safety evidence so that it can simply blame motorcyclists for motorcycle accidents, while ignoring the deficiencies of other road users. New car drivers will not face such heavy-handed treatment despite their frequent involvement in road accidents. These new proposals are unfair, unjustified, discriminatory and simply not acceptable to the UK motorcycle community. The motorcycle industry and rider groups in Europe have proposed a set of amendments to the Directive and MCI strongly urges to the UK Government to table these and put an end to this Euro madness.
- ACEM, the Motorcycle Industry in Europe stated in December 2005 while taking note of the outcome of the Council meeting, restates that important parts of the motorcycle access scheme, as drafted in the compromise proposal, are unjustified, illogical and even run counter to the stated objectives of the European Commission.
- The FIM (Fédération Internationale de Motocyclisme)/UEM (Union Européenne de Motocyclisme) stated in October 2005 that it is still lobbying and negotiating together with FEMA and ACEM and with the assistance of EPPA to get too strict rules removed from the law text. At this stage we are pointing our arrows on the proposed compulsory test when upgrading from the restricted license A2 to the unrestricted license A. Main arguments to get this test removed are that there is no safety based evidence for such a test in the EU co-funded motorcycle safety study MAIDS, that any extra burden to the citizen does not invite them to follow the stepped system and is therefore counterproductive to the goal of the system and that this additional threshold to motorcycle riding will have a negative effect on the motorcycle and motorcycling economy, representing a large number of jobs and a high economical value.
- ETRA – the motorcycle dealers in Europe in January 2006 stated the text prepared by the Luxembourg Presidency and integrally proposed by the British Presidency at last Council of Transport Ministers, does not facilitate and reward the citizen, who decides to access the different categories of Power Two Wheelers in a progressive way. Instead, he/she is constrained to take new exams or training at every step.
- FEMA stated in December 2005 that the whole motorcycle sector welcomes the outcome of the Council meeting. Citizens deserve good legislation and good legislation takes time. Important parts of the motorcycle access scheme, as they are proposed in the compromise proposal, are unjustified, fundamentally illogical and even countering the stated objectives of the European Commission. We believe it is now time for the EU institutions to acknowledge that the compromise proposal made in June is politically dead. We urge the Council, under the upcoming Austrian Presidency, and the European Parliament to take the opportunity to appropriately review the proposal. This should be done in co-operation with the stakeholders, as it is in everybody's interests to achieve a workable and effective licensing scheme for motorcycles. We believe it is now time for the EU institutions to acknowledge that the compromise proposal made in June is politically dead. We urge the Council, under the upcoming Austrian Presidency, and the European Parliament to

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