


Procedure file

| Basic information | | |
|---|--------------------------------|---------------------|
| CNS - Consultation procedure Decision | 1998/0901(CNS) | Procedure completed |
| Road regulations: driving disqualifications | | |
| Subject | | |
| 3.20.06 Transport regulations, road safety, roadworthiness tests, driving licence | | |
| 7.40.02 Judicial cooperation in civil and commercial matters | | |

| Key players | | | |
|-------------------------------|--|---|------------|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| | LIBE Civil Liberties and Internal Affairs | | 05/02/1998 |
| | | PPE REDING Viviane | |
| | Committee for opinion | Rapporteur for opinion | Appointed |
| | TRAN Transport and Tourism | The committee decided not to give an opinion. | |
| Council of the European Union | Council configuration | Meeting | Date |
| | Environment | 2106 | 17/06/1998 |
| | Justice and Home Affairs (JHA) | 2099 | 28/05/1998 |
| | Justice and Home Affairs (JHA) | 2075 | 19/03/1998 |

| Key events | | | |
|------------|---|---|---------|
| 15/01/1998 | Legislative proposal published | 05217/1998 | Summary |
| 29/01/1998 | Committee referral announced in Parliament | | |
| 19/03/1998 | Debate in Council | 2075 | |
| 30/03/1998 | Vote in committee | | |
| 30/03/1998 | Committee report tabled for plenary, 1st reading/single reading | A4-0121/1998 | |
| 02/04/1998 | Debate in Parliament |  | |
| 03/04/1998 | Decision by Parliament | T4-0218/1998 | Summary |
| 17/06/1998 | Act adopted by Council after consultation of Parliament | | |
| 17/06/1998 | End of procedure in Parliament | | |
| 10/07/1998 | Final act published in Official Journal | | |

| Technical information | |
|----------------------------|---|
| Procedure reference | 1998/0901(CNS) |
| Procedure type | CNS - Consultation procedure |
| Procedure subtype | Legislation |
| Legislative instrument | Decision |
| Legal basis | Treaty on the European Union (after Amsterdam) M K.6; Rules of Procedure EP 050 |
| Stage reached in procedure | Procedure completed |
| Committee dossier | LIBE/4/09690 |

| Documentation gateway | | | | | |
|---|--|--|------------|-----|---------|
| Legislative proposal | | 05217/1998 | 15/01/1998 | CSL | Summary |
| Committee report tabled for plenary, 1st reading/single reading | | A4-0121/1998 OJ C 138 04.05.1998, p. 0015 | 30/03/1998 | EP | |
| Text adopted by Parliament, 1st reading/single reading | | T4-0218/1998 OJ C 138 04.05.1998, p. 0200-0213 | 03/04/1998 | EP | Summary |

| Final act |
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| Justice and Home Affairs act 1998/710 OJ C 216 10.07.1998, p. 0001-0001 |

Road regulations: driving disqualifications

OBJECTIVE: to draw up a Convention on driving disqualifications. CONTENT: because of the increase in international road traffic, drivers are often disqualified from driving in a Member State other than that in which they usually reside. In order to comply with road safety regulations in the European Union and protect its citizens, drivers who are disqualified from driving in a Member State must be stopped from escaping the consequences of the driving disqualification when they leave the Member State in which the offence was committed. This draft Convention therefore seeks to ensure that the Member State of residence executes the driving disqualification imposed by the Member State of the offence, especially in the case of offences which are considered to be particularly serious under its natural law, in accordance with the terms set out in the draft Convention. The offences in question are listed in an Annex to the draft Convention and concern: - driving without due care or dangerous driving (which may or may not result in death, injury or serious danger), - violation of obligations incumbent upon drivers following a road traffic accident (offence of leaving the scene of the accident), - driving a vehicle under the influence of alcohol or other mind-altering substances, - driving above the speed limit, - driving while disqualified from driving, - any other circumstances which constitute a serious offence in the Member State of the offence and which have resulted in a driving disqualification in the Member State in question of at least 6 months (or less if agreed bilaterally by the Member States in question).?

Road regulations: driving disqualifications

In adopting the report by Mrs Viviane REDING (EPP, L) on driving disqualifications, Parliament approved the draft Convention, while amending certain points. In particular it called for: - a deadline of seven working days for the notification by the State of the offence leading to driving disqualification to the State of residence, - the setting of a deadline for selecting the appropriate procedure to be used by the State of residence for dealing with the decision of the State of the offence. The Draft Convention sets three types of procedure for dealing with the decision by the State of residence, namely: 1) recognition of the decision of the State of the infringement as such and its immediate execution in the State of residence, 2) execution of the decision as such via a judicial or administrative decision in the State of residence, 3) taking due note of the decision of the State of the offence by the State of residence and then substituting a new administrative or judicial decision for that decision. For these last two procedures Parliament suggested the setting of a deadline of four weeks after receipt of the notification from the State of the offence. Parliament also considered that the Member States should not be able to alter their initial choice of one of these three procedures unless the new procedure chosen entails simplification (replacement of the third option by the second or the second by the first). In the interest of legal clarity, Parliament also hoped that the Member States would not penalize the driver of a vehicle until a judicial or administrative decision to implement the driving disqualification has been made by the State of residence. Considering that it was legally inconceivable to impose a penalty for which there was no provision in national legislation, Parliament considered that the State of residence

must (the draft provides only that it may) refuse to apply the driving disqualification when its legislation does not provide for such a penalty for the acts concerned or if there is a period of limitation for the acts concerned in its national legislation. The refusal must also be compulsory if the person has not had an adequate opportunity to defend himself in the State of the offence, in particular for linguistic reasons. ?