


# Fiche de procédure

Basic information		
CNS - Consultation procedure Decision	<a href="#">1998/0901(CNS)</a>	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
	<b>LIBE</b> Civil Liberties and Internal Affairs		05/02/1998
		PPE <a href="#">REDING Viviane</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>TRAN</b> Transport and Tourism	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Environment</a>	<a href="#">2106</a>	17/06/1998
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2099</a>	28/05/1998
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2075</a>	19/03/1998

Key events			
15/01/1998	Legislative proposal published	<a href="#">05217/1998</a>	Summary
29/01/1998	Committee referral announced in Parliament		
19/03/1998	Debate in Council	<a href="#">2075</a>	
30/03/1998	Vote in committee		
30/03/1998	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0121/1998</a>	
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		<a href="#">05217/1998</a>	15/01/1998	CSL	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A4-0121/1998</a> <a href="#">OJ C 138 04.05.1998, p. 0015</a>	30/03/1998	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0218/1998 <a href="#">OJ C 138 04.05.1998, p. 0200-0213</a>	03/04/1998	EP	Summary

Final act
<a href="#">Justice and Home Affairs act 1998/710</a> <a href="#">OJ C 216 10.07.1998, p. 0001-0001</a>

## 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. ?