## Procedure file

### Basic information

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<th>COD - Ordinary legislative procedure (ex-codecision procedure)</th>
<th>2023/0055(COD)</th>
<th>Awaiting Parliament's position in 1st reading</th>
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**Directive**

Union-wide effect of certain 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

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<th>European Parliament</th>
<th>Committee responsible</th>
<th>Rapporteur</th>
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<td>TRAN Transport and Tourism</td>
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<td>VITANOV Petar</td>
<td>25/04/2023</td>
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<td>FERBER Markus</td>
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<td>BILBAO BARANDICA Izaskun</td>
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<td>KOUNTOURA Elena</td>
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<td>Judicial Cooperation in Civil and Commercial Matters</td>
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<th>Committee for opinion</th>
<th>Rapporteur for opinion</th>
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<tr>
<td>JURI Legal Affairs</td>
<td>The committee decided not to give an opinion.</td>
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<td>LIBE Civil Liberties, Justice and Home Affairs</td>
<td>The committee decided not to give an opinion.</td>
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<th>Council of the European Union</th>
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<td>European Commission</td>
<td>Mobillity and Transport</td>
<td>VĂLEAN Adina-Ioana</td>
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Union-wide effect of certain driving disqualifications

PURPOSE: to establish a clear EU framework for an EU-wide driving disqualification.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: improving road safety is a primary objective of the Union’s transport policy. In its EU Road Safety Policy Framework 2021-2030, the Commission recommitted to the ambitious goal to get close to zero deaths and zero serious injuries on Union roads by 2050 (Vision Zero), as well as to the medium-term aim to reduce deaths and serious injuries by 50% by 2030.

To achieve the goal of improving road safety, the EU called for the strengthening of the Union’s road safety legal framework, with a particular focus on the need for Member States to cooperate in the matter of driving disqualifications of non-resident drivers.

Under the current legal framework, even when a driver’s conduct is extremely serious and should result in a driving disqualification, this can only happen if the driving infraction was committed in the Member State which issued the driving licence. Under current rules, driving disqualification cannot be enforced Union-wide, which leads to relative impunity among road traffic offenders. To prevent this, the proposed Directive aims to establish a system for applying certain driving disqualifications Union-wide when a Member State has imposed one.

Although the share of detected offences with foreign-registered vehicles differs significantly between Member States, on average around 18% of all speeding offences are committed by non-resident drivers. In addition, about 15% of automatically detected offences in the EU are committed by non-resident offenders, some 96% of which are speeding offences.

This proposal forms part of a package that concerns the revision of two other related directives:
- Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences; and

CONTENT: the Commission proposal seeks to ensure a high level of protection for all road users in the Union. For this purpose, it lays down rules providing for a Union-wide effect of driving disqualifications for major road-safety-related traffic offences committed in a Member State other than the one that issued the driving licence of the person concerned.

The scope of this initiative covers those road traffic offences that most contribute to road traffic accidents and fatalities, namely: excessive speeding; drink-driving; driving under the influence of drugs and causing death or serious bodily injury as a result of any road safety related traffic offence.

The proposal:
- establishes the principle that a driving disqualification issued by a Member State to a person who is not a normal resident in that Member State and who holds a driving license issued by another Member State should have Union-wide effect;
- stipulates that the Member State of the offence is required to notify the Member State of issuance of any driving disqualification of a duration of at least one month. The notification should be done by means of a standard certificate, transmitted between the national contact points of the two Member States concerned;
- empowers the Commission to adopt an implementing act to establish the format and content of the standard certificate before the date of transposition of the Directive. The most important elements that the certificate should contain are listed in this provision;
- lays down rules on the languages in which the certificate may be transmitted and specifies that the certificate should be transmitted via RESPER;
- states that the Member State of issuance should take the appropriate measures to ensure that the driving disqualification has Union-wide effect, unless a ground for exemption applies;
- lays down an exhaustive list of grounds of exemptions, on which basis the Member State of issuance must refuse to give Union-wide effect to the disqualification and a list of additional grounds of exemptions on the basis of which it can refuse to give such Union-wide effect. The list includes such grounds of exemption as incompleteness of the certificate; age limit of the person concerned; immunity or privilege; or the fact that the remaining period of driving disqualification is of less than one month;
- establishes that the Member State of issuance must take the measure giving Union-wide effect to the driving disqualification not later than 15 days after the receipt of the certificate;
- imposes a reporting obligation on the Commission towards the European Parliament and the Council, concerning the implementation of the proposed directive, including, in particular, its impact on road safety. The report of the Commission is due five years after the transposition of the proposed directive by the Member States.

Union-wide effect of certain driving disqualifications


The committee responsible recommended that the European Parliament’s position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Union-wide effect of driving disqualifications

When applying a Union-wide driving disqualification, within the existing legal limits of the national rules in that regard, the Member States should aim to align their decisions, as much as possible.

In addition, the amended text stated that Member States should ensure that a driving disqualification issued by a Member State with respect to a person who does or does not normally reside in that Member State or another Member State and who either holds a driving licence issued by another Member State or does not hold a driving licence should have effect across the entire territory of the Union in accordance with this
Directive

Duty to notify a driving disqualification

The Member State of the offence should notify the Member State of issuance no later than ten working days following any decision imposing a driving disqualification for a duration of one month or more on a person who does not have its normal residence in the Member State of the offence and who holds a driving licence issued by the Member State of issuance. The Member State of the offence should also notify the person concerned if he or she is not normally resident in the Member State of issuance.

Standard certificate and means of transmission

The certificate should contain the following information: (i) the description of the major road-safety-related traffic offence, of the facts and of the causes leading to the imposition of the driving disqualification; (ii) the name and address of the person concerned and the number of his or her driving licence and national identification documents, whilst other personal information linked to the person's national identity document is to remain confidential; (iii) the right to appeal the decision before the judiciary in accordance with the national legislation of the Member State of the offence.

The transmission of the certificate and the exchange of other required information between the national contact points of the Member States in respect of the application of this Directive should be carried out through the EU driving licence network (‘RESPER’).

Ensuring the Union-wide effect of driving disqualifications

The report noted that intra-EU mobility is becoming more frequent, leading to the situation that a country of residence may not always be the country of issuance of a license. Therefore, Members called for the exchange of a person's driving license to be facilitated to ensure faster and more seamless recovery in case of a withdrawal.

Grounds for exemption

The Member State of issuance may decide to apply the following grounds of exemption: (i) the driving disqualification was imposed only on grounds of speeding and the speed limits in force in the Member State of the offence, provided that the speed limit on the road where the speeding took place was clearly demarcated, were exceeded in the case of residential area roads, by less than 30km/h and in the case of non-residential area roads, by less than 50 km/h.

Time-limits

Where it is not possible, in a specific case, to meet the time-limit of 15 working days after it received the certificate, the national contact point of the Member State of issuance should inform via RESPER the national contact point of the Member State of the offence no later than ten working days following the expiry of that time-limit, giving the reasons for which it was not possible to meet that time-limit.

Information to be given by the Member State of the offence

The national contact point of the Member State of the offence should without delay inform the national contact point of the Member State issuance: (i) any circumstance that affects the decision that imposed the driving disqualification, including any relevant information with regard to any fulfilment that has already taken place in the Member State of the offence of any additional conditions imposed in relation to a driving disqualification.

Obligation to inform the person concerned

The Member State of issuance should inform the person concerned no later than seven working days following the reception of the notification or the adoption of specific measures. The information to be provided should at least specify: the name, postal address, phone number, internet presence and e-mail contact of the authorities competent for the enforcement of the driving disqualification of both the Member State of issuance and the Member State of the offence.

National contact points

Member States should inform the Commission of the national contact points designated for the purposes of this Directive. The Commission should make the information received available to all Member States via RESPER, and on the Portal for cross-border exchange of information on road-safety-related traffic offences (CBE Portal) once it becomes operational.

Report

By five years after the date of entry into force of this Directive, and every five years thereafter, the Commission should present a report on the implementation of this Directive, including its impact on road safety. The report should include statistics from the Member States on the use of the mechanism, as well as bottlenecks and areas for potential improvement. The report should be accompanied, if necessary, by a legislative proposal to amend this Directive.