

Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (Recast) (Text with EEA relevance)

DIRECTIVE 2006/126/EC OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

of 20 December 2006

on driving licences (Recast)

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁽²⁾,

Whereas:

- (1) Council Directive 91/439/EEC of 29 July 1991 on driving licences⁽³⁾ has been significantly amended on several occasions. Now that new amendments are being made to the said Directive, it is desirable, in order to clarify matters, that the provisions in question should be recast.
- (2) The rules on driving licences are essential elements of the common transport policy, contribute to improving road safety, and facilitate the free movement of persons taking up residence in a Member State other than the one issuing the licence. Given the importance of individual means of transport, possession of a driving licence duly recognised by a host Member State promotes free movement and freedom of establishment of persons. Despite the progress achieved with harmonising the rules on driving licences, significant differences have persisted between Member States in the rules on periodicity of licences renewal and on subcategories of vehicles, which needed to be harmonised more fully, in order to contribute to the implementation of Community policies.
- (3) The possibility of laying down national provisions with regard to the period of validity provided for in Directive 91/439/EEC leads to the co-existence of different rules in different Member States and over 110 different models of driving licences valid in the Member States. This creates problems of transparency for citizens, police forces and the administrations responsible for the administration of driving licences and leads to the falsification of documents which sometimes date back several decades.

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- (4) In order to prevent the single European driving licence model from becoming an additional model to the 110 already in circulation, Member States should take all necessary measures to issue this single model to all licence holders.
- (5) This Directive should not prejudice existing entitlements to drive granted or acquired before its date of application.
- (6) Driving licences are mutually recognised. Member States should be able to apply the period of validity prescribed by this Directive to a licence without a limited administrative validity issued by another Member State and whose holder has resided on their territory for more than two years.
- (7) The introduction of a period of administrative validity for new driving licences should make it possible to apply at the time of periodic renewal the most recent counter-falsification measures and the medical examinations or other measures provided for by the Member States.
- (8) On road safety grounds, the minimum requirements for the issue of a driving licence should be laid down. Standards for driving tests and licensing need to be harmonised. To this end the knowledge, skills and behaviour connected with driving motor vehicles should be defined, the driving test should be based on these concepts and the minimum standards of physical and mental fitness for driving such vehicles should be redefined.
- (9) Proof of fulfilment of compliance with minimum standards of physical and mental fitness for driving by drivers of vehicles used for the transport of persons or goods should be provided when the driving licence is issued and periodically thereafter. Such regular control in accordance with national rules of compliance with minimum standards will contribute to the free movement of persons, avoid distortions of competition and better take into account the specific responsibility of drivers of such vehicles. Member States should be allowed to impose medical examinations as a guarantee of compliance with the minimum standards of physical and mental fitness for driving other motor vehicles. For reasons of transparency, such examinations should coincide with a renewal of driving licences and therefore be determined by the period of validity of the licence.
- (10) It is necessary to strengthen further the principle of progressive access to the categories of two-wheeled vehicles and to the categories of vehicles used for the transport of passengers and goods.
- (11) Nevertheless, Member States should be allowed to set a higher age limit for the driving of certain categories of vehicles in order to further promote road safety; Member States should in exceptional circumstances be allowed to set lower age limits in order to take account of national circumstances.
- (12) The definitions of the categories should reflect to a greater extent the technical characteristics of the vehicles concerned and the skills needed to drive a vehicle.
- (13) Introducing a category of driving licences for mopeds will, in particular, increase road safety as regards the youngest drivers who, according to the statistics, are the hardest hit by road accidents.

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- (14) Specific provisions should be adopted to make it easier for physically disabled persons to drive vehicles.
- (15) For reasons connected with road safety, Member States should be able to apply their national provisions on the withdrawal, suspension, renewal and cancellation of driving licences to all licence holders having acquired normal residence in their territory.
- (16) The model driving licence as set out in Directive 91/439/EEC should be replaced by a single model in the form of a plastic card. At the same time, this model driving licence needs to be adapted on account of the introduction of a new category of driving licences for mopeds and of a new category of driving licences for motorcycles.
- (17) The introduction of an optional microchip in the new plastic card model driving licence should enable the Member States to further improve the level of anti-fraud protection. Member States should have flexibility to include national data on the chip provided that it does not interfere with commonly accessible data. The technical requirements for the microchip should be determined by the Commission, assisted by the committee on driving licences.
- (18) Minimum standards concerning access to the profession of examiner and examiner training requirements should be established in order to improve the knowledge and skills of examiners thereby ensuring a more objective evaluation of driving licence applicants and achieving greater harmonisation of driving tests.
- (19) The Commission should be allowed to undertake the adaptation of Annexes I to VI to scientific and technical progress.
- (20) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽⁴⁾.
- (21) In particular, the Commission should be empowered to establish the criteria necessary for the application of this Directive. Since those measures are of general scope and are designed to amend non-essential elements of this Directive, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (22) Since the objectives of this Directive cannot be sufficiently achieved by the Member States and can therefore, by reason of their scale and their effects, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (23) This Directive should not prejudice the obligations of the Member States relating to the deadlines for transposition into national law and application of the Directives listed in Annex VII, Part B,

HAVE ADOPTED THIS DIRECTIVE:

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- (1) [OJ C 112, 30.4.2004, p. 34.](#)
- (2) Opinion of the European Parliament of 23 February 2005 ([OJ C 304 E, 1.12.2005, p. 202](#)), Council Common Position of 18 September 2006 ([OJ C 295 E, 5.12.2006, p. 1](#)) and Position of the European Parliament of 14 December 2006 (not yet published in the Official Journal). Council Decision of 19 December 2006.
- (3) [OJ L 237, 24.8.1991, p. 1.](#) Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council ([OJ L 284, 31.10.2003, p. 1](#)).
- (4) [OJ L 184, 17.7.1999, p. 23.](#) Decision as amended by Decision 2006/512/EC ([OJ L 200, 22.7.2006, p. 11](#)).