



Alliance Internationale de
Tourisme

The Eurocouncil of the



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l'Automobile



**Comments by the Alliance Internationale de Tourisme (AIT) and the
Fédération Internationale de l'Automobile (FIA) to the Commission's
proposals for a Recast Directive on Driving Licences,
COM(2003) 621, 21st October 2003**

The AIT and the FIA are pleased to have this opportunity to comment on the Commission's 3rd Driving Licence Directive. The AIT and the FIA are the worldwide federations of Touring and Automobile Clubs. Within the European Union the AIT and the FIA represent some 40 million motorists. One of the primary aims of the AIT and the FIA is the protection of the interests of our members, and motorists in general, thus it is right that we comment of these proposals as it will be our members who will be most affected.

Introduction and Background

The proposals contained in the 3rd Driving Licence Directive are governed by the intention to facilitate the free movement of Europe's citizens and improve road safety. The first Council Directive (80/1263/EEC) introduced the recognition of driving licences by other Member States without the holder having to pass another driving test. However, citizens were obliged to change their licences within one year of taking up residence in another Member State. This administrative obstacle to the free movement of Europe's citizens was removed by the second Directive (91/439/EEC) which, at the same time, introduced the principle of mutual recognition. However, implementing this rule has been slowed by the fact the national rules on the validity periods of driving licences and periodicity of medical examinations were not harmonised. The present proposals aim at removing the remaining legal uncertainty and can therefore be considered as the end of a process of general harmonisation.

Overall, the AIT and the FIA are supportive of the aims of the Directive as it can only improve the mobility of our members and road safety in general. However, there are a number of points upon which we feel the need to make particular comments. In addition, our member Clubs will be making individual comments specific to their national circumstances.

Modifications Concerning Motor Vehicle Driving Licences

According to the current legislation, the holder of a driving licence of category B is entitled to drive the following motor vehicle-trailer combinations:

- Tractor vehicles with a maximum authorised mass not exceeding 3500 kg; when combined with a trailer, the maximum authorised mass of the trailer must not exceed 750 kg; or



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- Combinations of tractor vehicles and trailer with a maximum authorised mass not exceeding 3500 KG, if the maximum authorised mass of the trailer does not exceed the unladen mass of the tractor vehicle.

According to the Commission, these definitions are too complex and result in practical problems for licence holders changing either the tractor vehicle or the trailer. Furthermore, they discriminate against drivers of trucks and buses who are not given the similar rights to for their driving licence categories: they have to obtain an additional licence in order to be entitled to tow trailer of more than 750 kg. Therefore, the Commission aims at ensuring adequate levels of training and testing for the holders of category B licences before driving large vehicle combinations. Following transposition of the Directive into national law, those drivers of trailers with a maximum authorised mass of more than 750 kg will require a category B+E licence. On the other hand, the Commission states that all acquired rights will be guaranteed and that holders of licences issued before that date that the Directive comes into force will continue to be able to make use of their present rights.

It is the position of the AIT and the FIA that there are no facts to justify these Commission proposals. The discrimination of bus and truck drivers is excluded because they automatically hold a category B licence and therefore benefit from the existing legal possibilities when driving a combination of motor vehicle and trailer. Additionally, the argument that licence holders do not understand the current legal situation is not valid because, in fact, there are no practical misconceptions of the scope of the category.

The AIT and the FIA also believe that the accident rate of motor vehicle-trailer combinations cannot justify a revision of the current licence categories. There is no proof that the use of these combinations is a major cause of accidents and deaths. Indeed, the Commission itself does not even raise any road safety arguments. Therefore, we believe that in the view of the enormous additional costs of obtaining a category B+E licence, we may expect a number of negative consequences ranging from a decline in the number of caravan owners (a major contributor to Europe's tourism industry) to a switch to lighter caravans with their negative connotations for road safety. In addition, given that caravanners generally get out on the road on an annual basis, while we see the value of motoring and touring clubs offering instruction for new drivers prior to their departure we see little value in obtaining a licence which may not be used for some time negating any training given. Experience with motor caravans shows that due to their advanced safety equipment, vehicles of more than 3.5t are particularly safe. Therefore, from the point of view of road safety the logical step should be to include motor caravans (or car and trailer combinations) with a maximum authorised mass of up to 4.25t in category B, thereby creating an additional incentive to buy vehicles with particularly high safety standards.

The New Driving Licence Model

The introduction of a plastic card licence is welcomed because of its durability. The AIT and FIA will not comment further on the issue of administrative renewals given the breadth of opinions held among national members except for the following comments. The inclusion a microchip on the card which will contain the same information as is visible on the document itself seems to be a superfluous and costly addition that will require the introduction of microchip-reading facilities. Care should be taken that the new driving licence model does not simply become the 81st driving licence model, in addition to the already existing models in

the EU. All efforts should be taken to avoid that the issuing of driving licences does not become yet another overly bureaucratic and cost intensive obligation felt by citizens to be a hurdle placed in the way of their free circulation around the European Union.

Driving Licenses for Powered Two-Wheelers

For mopeds with a maximum design speed not exceeding 45kph and a displacement not exceeding 50cc the Community-wide introduction of a category AM for drivers with a minimum age of 16 years has been proposed. This would lead to a harmonisation of the national category M. Thus, the German system of progressive access to the most powerful motorcycles will be largely adopted for the whole Community. To this end a new category A2 will be introduced. For a period of three years after obtaining the A2 driving licence the holder is restricted to riding motorcycles not exceeding 35kw before being allowed access to the category A licence for unrestricted motorcycles. Under the current legal system the holder of a progressive licence has access to motorcycles of up to 25kw during the first two years. At present, in Germany the minimum age for the so-called direct access to unrestricted motorcycles of category A is 25 years; according to the EU proposal it will be lowered to 24 years. Given that the AIT and FIA believe that no one should drive a motorised vehicle without a minimum of traffic education and practice we can support these proposals. For this reason we would also recommend the inclusion of “micro cars” – i.e. lightweight cars with a moped motor (45 kph and a maximum of 50cc) under the new moped licence class AM.

New Regulations for Truck and Bus Drivers

The Directive provides for a maximum validity of five years for newly issued licences of categories C and D, the period of validity will be one year if the holder is more than 65 years of age. The minimum age for category C licences will be raised from the present 18 years to 21 years and for bus licences from the present 21 years to 24 years.

The efforts of the Commission to improve road safety are to be applauded, even though the age of the licence holder must not be the only criterion. From the point of view of the AIT and the FIA, a more important factor is that a person obtaining a bus or truck driving licence has acquired previous driving experience on smaller vehicles. The maximum validity of only one year when the licence holder is over 65 of age, however, seems unreasonably short, as this group of road users consists mainly of non-professional drivers who, e.g., want to drive large motor caravans. A maximum validity of only one year results in disproportionate cost and inconvenience which cannot be justified by an exceptionally high involvement of elderly road users in accidents with vehicles of over 7.5t. Therefore the maximum validity of five years is also sufficient for drivers over 65.

Medical Checks

Contrary to much speculation the Commission has not proposed mandatory medical checks for holders of category A or B licences. Member States, however, can chose to impose medical checks and/or other road safety measures at the time of renewal of the licence. Only for truck and bus drivers medical checks are mandatory in line with the mandatory validity periods of their professional licence categories.

The AIT and FIA do not believe that older drivers should be unfairly penalised by the introduction of medical checks at the time of renewal. Research has shown that eyesight capacity requirements for driving start to be affected in drivers who are in their forties. Thus for this reason, we can see some justifications for voluntary visits to optometrists for eye tests from the age of 45 years. Research has yet to prove that there is a need for any other

medical tests. Moreover, there is a wealth of research which shows that older drivers are no more dangerous than other age categories because they tend to modify their driving behaviour in line with their capacities and restrict themselves to a limited area. Unfairly penalising older drivers could have important societal impacts. For many older drivers, possession of a licence is a *key to life*. Indeed, it has been noted that people over 70 are more vulnerable to being involved in road accidents as pedestrians than as drivers. Thus the AIT and FIA would emphasise the personal responsibility of licence holders in the modification of their driving behaviour.

Elimination of Driving Licence Tourism and Enforcement of Traffic Rules for Better Road Safety

The AIT and FIA welcome the initiative undertaken in this Directive to ensure that each individual holds only one licence and thereby eliminate “driving licence” tourism. This is particularly important where citizens who have had their licences withdrawn for misdemeanours in one country are able to obtain another valid licence in another Member State. However, we would urge that any system for the cross border exchange of data intended to support the enforcement of this measure should respect the privacy rights of the individual.

AIT and FIA believe that the attempts in this Driving licence Directive to harmonise the enforcement of traffic rules with a view to improving road safety require much more reflection particularly as the aim of this Directive is to facilitate free movement of as well as improved road safety. Indeed this issue would be better addressed within the domain of Justice and Home Affairs.

AIT and FIA have a number of concerns. Currently there is an absence of Europe wide uniformity in traffic laws, policing and the enforcement of those laws, the penalties issued, and the judicial processes followed, not to mention citizens’ access to justice – i.e. the procedural safeguards in place permitting citizens to defend themselves in such matters. The monitoring of the enforcement of traffic regulations is organised so differently in all 25 member states that any standardised definition of monitoring measures would infringe the elementary principle of subsidiarity.

The task of enforcement – particularly of traffic monitoring – should be left exclusively to each nation state.

If this Directive is seeking to achieve better enforcement of traffic rules to improve road safety then it should clearly address itself only to those serious motoring offences which would incur at the very least fines of €500 or more and which pose a menace to road safety. Moreover any harmonised cross border enforcement of traffic rules should not be considered without putting in place the necessary procedural safeguards for citizens involved in such cross border judicial processes. AIT and FIA would also call for motorists convicted of a serious motoring offence in a foreign court to be allowed a right of appeal in their state of residence

A Commitment to Post Licensing Driver Training

The Commission has not included any form of commitment or encouragement for post licensing driver training. However, increasingly the member states are introducing such systems targeting novice licence holders/drivers to ensure that their perceived and actual driving skills and behaviour match the requirements and challenges of driving safely in road traffic. AIT and FIA believe that such a commitment in this Directive would make a real contribution to road traffic safety in line with the stated policy objectives underlying the introduction of the proposed measures in this draft Directive and lifelong learning.

The administrative costs of this proposal

It is not clear whether the benefits in terms of increased road safety (reduced numbers/severity of road accidents), improved driving licence security, reduced fraud and improved free circulation of citizens will match or outweigh the administrative costs of introducing the proposed new categories of licences, new model licences (with or without microchips), frequent administrative renewals as well as the introduction of new enforcement measures by administrations for European citizens who will have shoulder the burden of these costs. AIT and FIA would urge decision makers to bear this point in mind in developing this proposed Directive.

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Contributions:

ADAC, Germany (KS)

OAMTC, Austria (UZ)

ANWB, Netherlands (LE, IR)

AIT&FIA Brussels (CO, AIM)

AIT & FIA Legal & Consumer Affairs Working Group