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EUROPEAN PARLIAMENT

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18 July 1973

DOCUMENT 40/73

Report

drawn up on behalf of the Committee on Regional Policy and Transport

on the proposals from the Commission of the European Communities to the  
Council (Doc. 161/72) for/

- I. a directive on the harmonization of the laws relating to vehicle driving licences
- II. a directive on the approximation of the laws of the Member States relating to  
roadworthiness tests for motor vehicles and their trailers

Rapporteur: Mr R. BOUSQUET



By letter of 11 October 1972, the President of the Council of the European Communities requested the European Parliament to deliver an opinion on the proposals from the Commission of the European Communities to the Council for:

- I. a directive on the harmonization of the laws relating to vehicle driving licences,
- II. a directive on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers (Doc. 161/72).

On 24 October 1972, the President of the European Parliament referred these proposals to the Transport Committee as the committee responsible.

The Transport Committee appointed Mr P. B. COUSTE rapporteur on 9 October 1972; on 10 April 1973 the newly formed Committee on Regional Policy and Transport replaced him by Mr Raymond BOUSQUET. It discussed the proposals at its meetings of 24 October 1972 and 10 April 1973.

At its meeting of 10 April 1973, the Committee unanimously adopted the motion for a resolution and the explanatory statement.

The following were present: Mr James HILL, chairman; Mr KOLLWELTER and Mr SEEFELD, vice-chairmen; Mr BOUSQUET, Rapporteur; Mr BOS (deputizing for Mr COLIN), Lord BRECON, Mr DELMOTTE, Mr HERBERT, Mr JOHNSTON, Mr MITTERDORFER, Mr MURSCH, Mr POUNDER and Mr SCHWABE.

The opinion of the Legal Affairs Committee is attached.

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The Committee on Regional Policy and Transport hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposals from the Commission of the European Communities to the Council for:

- I. a directive on the harmonization of the laws relating to vehicle driving licences.
- II. a directive on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers.

The European Parliament,

- having regard to the proposals from the Commission of the European Communities to the Council<sup>1</sup>;
  - having been consulted by the Council (Doc. 161/72);
  - having regard to the report of the Committee on Regional Policy and Transport (Doc. 40/73);
  - considering that road traffic conditions are becoming increasingly difficult and dangerous;
  - stresses that a safer and more expeditious traffic flow can be achieved by measures covering not simply infrastructure but also vehicles and especially drivers;
1. Welcomes accordingly the two proposed directives from the Commission for the approximation of national laws on vehicle roadworthiness tests and driving licences to a reasonably high compulsory standard;
  2. Points out that a uniform procedure for the issue of driving licences will allow their mutual recognition as well as the free movement of persons and freedom of establishment in the transport sector;
  3. Approves the choice of a standard driving licence in conformity with the model proposed by the International Road Traffic Convention but would like to see the English designation 'driving licence' added to the French 'permis de conduire' on the cover page.

1) OJ No. C 119, 16 November 1972

4. Considers, as regards categories of vehicles requiring a driving licence, that a driving licence should be required to drive cycles with an auxiliary motor and motor cycles with or without sidecar constructed for a speed not exceeding 40 km/h.
5. Considers that the licence issued for driving a motor car should not be valid for driving a motor cycle.
6. Takes the view, as regards age requirements, that authorization to drive a motor cycle should not be given under the age of 18;
7. Considers that authorization to drive agricultural tractors should be given from the age of 18 instead of 21, and that this lower age limit should not be extended to other vehicles classed in the same category 'F' (motor vehicles for public works); suggests therefore that this category should be split;
8. Considers that as regards examinations of a medical nature, sight tests must cover both night vision and day vision in equal measure, since night driving may involve special risks;
9. Recommends that the 'character aptitude' test should be replaced by tests to measure the candidate's speed and appropriateness of reaction;
10. Considers it necessary to test the candidate's knowledge of first aid;
11. Insists that more frequent examinations of a medical nature should only be required after the age of sixty-five instead of fifty, and then only every two years;
12. Notes the Commission's intention to submit proposals to the Council in the near future for uniform rules for assessing offences objectively by means of a scale of numbers relating to their gravity, and for determining the circumstances in which driving licences may be suspended, withdrawn or restored;
13. Considers that uniform rules of this kind will enable Member States to exchange information on the basis of registers of drivers which will help in the campaign against persistent offenders;
14. Considers as regards roadworthiness testing of vehicles that the Commission should initially confine itself to harmonizing the list of vehicle parts or items of equipment for inspecting as well as certain methods and conditions of test;
15. Nevertheless invites the Commission to act on its intentions and submit a proposal in the fairly near future for the harmonization of special technical standards for certain items of equipment, particularly devices to eliminate noise and exhaust fumes;

16. Considers that when a used vehicle is imported, a roadworthiness test should be carried out before the vehicle is re-registered, irrespective of when it was last tested in the country of origin;
17. Approves both proposed regulations in the realization that while it may be high, the cost of such tests is still low compared with the increasing cost of traffic accidents, not only in financial but also in human terms;
18. Trusts that the provisions in question will be speedily introduced and strictly applied in the Member States;
19. Requests the Commission to endorse the following amendments in accordance with Article 149 of the Treaty establishing the EEC;
20. Instructs its President to forward this resolution and the report of its committee to the Council and Commission of the European Communities.

I

Proposal for a Council directive on  
the harmonization of the laws relating  
to vehicle driving licences

Preamble and recitals unchanged

Article 1

Subject matter, date from which  
Directive is to take effect

With effect from 1 January 1974  
Member States shall issue driving  
licences for motor vehicles in  
accordance with the provisions of  
this Directive. Any driving  
licence so issued shall throughout  
the territories of the Member States  
entitle the holder to drive, both in  
domestic and in international traffic,  
vehicles of the categories for which  
it has been issued, irrespective of  
where he normally resides or of the  
State in which the vehicle is  
registered.

Article 2 unchanged

Article 3

Categories of vehicle for which a  
driving licence is required

1. A driving licence as referred to  
in Article 1 shall be required to  
drive the following categories of  
vehicle on the public highway:

Category A

- motor cycles with or without side-  
car having a maximum design speed  
exceeding 40 km/h;

Article 1

Subject matter, date from which  
Directive is to take effect

As soon as possible, and at the  
latest one year after this Directive  
has been adopted, Member States  
shall issue driving licences for  
motor vehicles in accordance with  
the provisions of this Directive.  
Any driving licence so issued shall  
throughout the territories of the  
Member States entitle the holder to  
drive, both in domestic and in inter-  
national traffic, vehicles of the  
categories for which it has been  
issued, irrespective of where he  
normally resides or of the State in  
which the vehicle is registered.

Article 3

Categories of vehicle for which a  
driving licence is required

1. A driving licence as referred to  
in Article 1 shall be required to  
drive the following categories of  
vehicle on the public highway:

Category A 1: cycles with auxiliary  
motor, motor cycles with or without  
side-car having a maximum design speed  
not exceeding 40 km/h;

<sup>1</sup> For full text see COM(72)862 final



TEXT PROPOSED BY THE COMMISSION OF  
THE EUROPEAN COMMUNITIES

AMENDED TEXT

- three-wheeled motor vehicles having an unladen weight not exceeding 400 kg.

Category B:

motor vehicles, other than those in category A, having a permissible maximum weight not exceeding 3,500 kg and not more than eight seats in addition to the driver's seat.

Category C:

motor vehicles used for the carriage of goods and whose permissible maximum weight exceeds 3,500 kg.

Category D:

motor vehicles used for the carriage of passengers and having more than eight seats in addition to the driver's seat.

Category E:

combinations of vehicles of which the drawing vehicle is in a category or categories for which the driver is licensed (B, C or D), but which are not themselves in that category or categories.

Category F: engineering plant and agricultural tractors, with or without trailer, capable of being driven on the public highway.

Category G:

vehicles of category A or B specially adapted to take account of the driver's disability.

Category A 2:

- motor cycles with or without side-car having a maximum design speed exceeding 40 km/h
- three-wheeled motor vehicles having an unladen weight not exceeding 400 kg.

unchanged

unchanged

unchanged

unchanged

Category F 1: engineering plant.

Category F 2: agricultural tractors, with or without trailer, capable of being driven on the public highway.

unchanged

2. (a) For the purpose of the application of paragraph 1 of this Article, a motor vehicle in category B above may be coupled to a trailer having a permissible maximum weight not exceeding 750 kg; such vehicle may also be coupled to a trailer having a permissible maximum weight exceeding 750 kg, on condition that the following two requirements are met:
- the permissible maximum weight of the trailer must not exceed the unladen weight of the motor vehicle; and
  - the combined permissible maximum weight of the vehicles coupled must not exceed 3,500 kg.
- (b) A motor vehicle in category C or D may be coupled to a trailer having a weight not exceeding 750 kg.
- (c) Driving licences for vehicles of category E may be issued only to drivers already licensed for one of the categories B, C and D.

unchanged

unchanged

unchanged

Article 4

Validity

Driving licences shall be valid as follows:

- (a) Licences valid for any of categories B, C and D shall also be valid for vehicles of all categories which, in the list set out in Article 3, precede the category for which the license is valid.

Article 4

Validity

Driving licences shall be valid as follows:

- (a) Licences valid for any of categories B, C and D shall also be valid for vehicles of all categories which, in the list set out in Article 3, precede the category for which the licence is valid (except category A 2).

TEXT PROPOSED BY THE COMMISSION OF  
THE EUROPEAN COMMUNITIES

AMENDED TEXT

- |  |           |
|--|-----------|
| (b) Licences valid for category E shall, without prejudice to the provisions of Article 3(2)(c), be valid for combinations of vehicles.  | unchanged |
| (c) Licences valid for category F shall be valid for vehicles in that category.  | unchanged |
| (d) Licences valid for category G shall be valid for vehicles in category A or B specially adapted to take account of the driver's disability. The registration number of such a vehicle must be entered on the licence. | unchanged |

Article 5

Minimum ages

Without prejudice to Article 5 of Council Regulation (EEC) No 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport, no driving licence may be issued to any person unless, at the time when he presents himself for the examinations provided for in Article 6, he has reached the age:

- (a) of 16 years for category A;
- (b) of 18 years for categories B and C;
- (c) of 21 years for all other categories.

Article 6

Examinations

1. Driving licences shall be issued by the State, or by bodies appointed for that purpose, a list of which shall be sent by each Member State to the Commission and to the other Member States by 30 June 1974 at the latest.

Article 5

Minimum ages

Without prejudice to Article 5 of Council Regulation (EEC) No. 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport, no driving licence may be issued to any person unless, at the time when he presents himself for the examinations provided for in Article 6, he has reached the age:

- (a) of 16 years for category A1;
- (b) of 18 years for categories A 2, B, F 2, and G
- (c) unchanged

Article 6

Examinations

1. unchanged

2. No driving licence may be issued to any person unless he has passed the following examinations:

(a) a practical examination, covering in particular the handling and driving of a vehicle in the category for which the licence has been requested;

(b) a theoretical examination, in which particular importance shall be attached to a thorough knowledge of traffic regulations and road signs and signals.

In the case of licences for categories other than category A, the theoretical examination shall also cover the basic mechanics and dynamics of vehicles in the category for which the licence has been requested;

(c) a medical examination as to the applicant's physical fitness, designed in particular to test his sight, hearing and nervous system and to ascertain whether he is suffering from any pathological condition which could lead to a loss of consciousness, or from any serious impediment to movement;

(d) a psychological examination involving a character test as to the applicant's fitness to drive.

2. unchanged

(a) unchanged

(b) unchanged

unchanged

(c) an examination of a medical nature as to the applicant's physical fitness, designed in particular to test his sight (both day and night vision), hearing and nervous system and to ascertain whether he is suffering from any pathological condition which could lead to a loss of consciousness, or from any serious impediment to movement;

(d) tests measuring the speed and appropriations of the candidate's reflexes;

(e) a test of the candidate's knowledge of first aid.

Paragraphs 3, 4 and 5 unchanged

Article 7 unchanged

TEXT PROPOSED BY THE COMMISSION OF  
THE EUROPEAN COMMUNITIES

Article 8

Successive medical examinations

1. Holders of driving licences for categories A to F must present themselves for the medical examination provided for in Article 6(2)(c) at intervals not exceeding:

- five years in the case of persons under the age of fifty;
- two years in the case of persons between the ages of fifty and sixty-five;
- one year in the case of persons over the age of sixty-five.

2. The holder of a driving licence for category G must present himself for such medical examination every two years, regardless of age.

3. The holder of a driving licence must present himself for such medical examination after any accident in which he has sustained injuries necessitating hospital treatment lasting more than one week.

Article 9

Reciprocal recognition of  
existing licences

1. Subject to the condition that the requirements of paragraph 2 are satisfied, each Member State shall recognize the validity, for the purposes both of domestic and of international traffic, of driving licences issued before 1 January 1974 by another Member State, irrespective of where the driver normally resides or of the State where the vehicle is registered.

AMENDED TEXT

Article 8

Successive medical examinations

1. Holders of driving licences for categories A to F must present themselves for the examination of a medical nature provided for in Article 6(2)(c), at intervals not exceeding:

- five years in the case of persons under the age of sixty-five;
- deleted
- two years in the case of persons over the age of sixty-five;

unchanged

3. deleted

Article 9

Reciprocal recognition of  
existing licences

1. unchanged

TEXT PROPOSED BY THE COMMISSION OF  
THE EUROPEAN COMMUNITIES

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2. Recognition shall be subject to the following conditions being satisfied:

- the cover page of the licence must bear the distinguishing sign prescribed by international convention of the State issuing the licence, and, in French, the title 'Permis de conduire';
- if the category of vehicle for which the licence is valid does not correspond to one of the categories listed in Article 2 of this Directive, a clear description of the category for which the licence is valid must be given in a certified translation into the other Community languages, which must accompany the driving licence.

3. Existing national driving licences shall be replaced, before 1 January 1976, by driving licences conforming to the model set out in Annex I to this Directive.

Article 10 unchanged

Article 11

Suspension of validity in a Member State other than that in which the licence was issued

1. Each Member State may suspend the validity of a driving licence issued by another Member State in any case where the holder of such licence commits an offence in the territory of the first-mentioned State which, under the law of that State, is punishable by suspension or withdrawal of the driving licence.

AMENDED TEXT

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2. Recognition shall be subject to the following conditions being satisfied:

- the cover page of the licence must bear the distinguishing sign prescribed by international convention of the State issuing the licence, and, in French, the title 'Permis de conduire' and, in English, 'driving licence';

- unchanged

3. unchanged

Article 11

Suspension of validity in a Member State other than that in which the licence was issued

1. unchanged

Suspension shall have effect only in the territory of the State in which the offence occurred.

unchanged

2. Suspension as provided for in paragraph 1 shall be recorded in the driving licence by means of a stamp placed by the competent authorities of the State suspending the licence:

2. unchanged

- either in the box watermarked with the letter indicating the Member State concerned provided for this purpose on page ... of the model in Annex I to this Directive;
- or, in the case of a licence issued before 1 January 1974, on the first page of the licence.

The duration of the suspension and the date on which it is to take effect must be indicated by means of this stamp.

3. Before any licence may be suspended, the holder must be given all proper facilities to make representations in the Community language of his choice before the competent authorities of the Member State proposing to suspend his licence.

3. unchanged

4. Every suspension pursuant to this Article shall be notified within one month to the Member State which issued the licence.

4. unchanged

5. The Council shall, before 1 July 1974 and on a proposal from the Commission, adopt uniform rules for assessing offences objectively by means of a scale of numbers relating to their gravity, and for determining the circumstances in which driving licences may be suspended or withdrawn.

5. The Council shall, before 1 July 1974 and on a proposal from the Commission, adopt uniform rules for assessing offences objectively by means of a scale of numbers relating to their gravity, and for determining the circumstances in which driving licences may be suspended, ~~withdrawn~~ or restored to the holder.

Articles 12 and 13 unchanged

Annex I

see amended Article 9(2)

Annex II unchanged

II

Proposal for a Council Directive on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers

Preamble and recitals unchanged

Article 1

(Date of introduction of roadworthiness tests conforming to Community requirements).

The Member States shall take the necessary steps to ensure that, as from 1 January 1975 at the latest, motor vehicles and their trailers registered in their territory shall be tested for roadworthiness in accordance with the provisions of this Directive and of its Annexes, which form an integral part thereof.

Article 1

Date of introduction of regular roadworthiness tests conforming to Community requirements .

The Member States shall take the necessary steps to ensure that, as from 1 January 1975 at the latest, motor vehicles and their trailers registered in their territory shall be regularly tested for roadworthiness in accordance with the provisions of this Directive and of its Annexes, which form an integral part thereof.

Articles 2 to 7 unchanged

Article 8

(Imported used vehicles)

Each Member State shall, before registering any imported used vehicle, require it to undergo a roadworthiness test. Such test shall not be required if it is proved, by a certificate issued in any Member State from which the vehicle is imported, that the vehicle was tested within the two months immediately preceding the request for registration.

Article 8

Imported used vehicles

Each Member State shall, before registering any imported used vehicle, require it to undergo a roadworthiness test.  
(second sentence deleted)



Articles 9 and 10 unchanged

Article 11

(Carrying out of the test)

1. The tests to be carried out are described in Annex I. If the result of the test is satisfactory as provided in paragraph 3, a roadworthiness disc in the form set out in Annex II shall be issued.

2. The roadworthiness disc shall be first affixed upon the vehicle when the vehicle is registered. After each periodic test a new disc shall be affixed.

The roadworthiness disc shall be firmly affixed and, if practicable, shall be affixed to the rear registration plate. If this is impracticable, it shall be affixed in some other place clearly visible from outside the vehicle.

3. When a vehicle is found to be in good running order, with no defects likely to affect the smooth flow or safety of traffic, the testing centre shall issue and affix a roadworthiness disc.

When defects are found which do not constitute any immediate danger for traffic safety, but nevertheless make the continued use of the vehicle on the road unsafe, the testing centre shall fix a maximum time-limit by which the vehicle shall be re-tested for the purpose of checking whether the defects have been eliminated.

Article 11

Carrying out of the test

1. unchanged

2. unchanged

unchanged

3. unchanged

unchanged

The defects found and the time-limit granted for re-testing shall be recorded on a document to be kept in the vehicle. The new roadworthiness disc shall not be issued until repair has been effected and duly verified.

If the defects represent an immediate danger for road traffic, the vehicle shall not be used on the road except for the purpose of driving the vehicle, without passengers or load, from the testing centre to the owner's home or to a garage for repair. In this case too, the defects shall be recorded on a document issued by the testing centre to be kept in the vehicle; the roadworthiness disc shall be withdrawn.

4. Special procedures may be laid down for vehicles belonging to the armed forces and to the police.

unchanged

4. Special procedures may be laid down for vehicles belonging to the armed forces and to the police.  
However, such vehicles shall comply with the same safety standards as other vehicles.

Articles 12 - 15 unchanged

Annexes I and II unchanged

B.

EXPLANATORY STATEMENT

I. GENERAL

1. The development of intra-Community road haulage resulting from the progressive integration of the national markets, together with the rapid and sustained growth of tourism both make a serious increase in road traffic and an aggravation of the accompanying difficulties, dangers and nuisances likely.

2. All the Member States are faced to the same degree with the problems of a safe and orderly traffic flow.

It is therefore essential for the Community organs to adopt as part of the common transport policy a number of measures to improve road traffic conditions throughout the Community.

3. Road traffic conditions may be improved by action in three main fields: infrastructure, vehicles and drivers.

It is acknowledged that the human factor is vitally important; in some countries it is estimated that drivers are responsible for 83 per cent of accidents, infrastructure and vehicles accounting for the remaining 17 per cent.

The two proposed directives under consideration here set out to harmonize at a 'reasonably stringent level' the various legal provisions in the two latter fields.

II. DRIVING LICENCES

4. There are still wide differences between national legislations on the issue of driving licences.

The Commission's first proposal seeks to lay down uniform requirements for the issue of driving licences in the Community.

5. A uniform procedure for the issue of driving licences would allow mutual recognition of licences and facilitate the free movement of persons and freedom of establishment in the transport sector.

A standardized driving licence would be a significant step towards harmonized conditions of competition in the transport field.

6. The Commission proposes harmonization at the highest possible level of the aptitude requirements and theoretical and practical standards to be met before a driving licence can be issued.

As from 1 January 1974, Member States must issue new driving licences in accordance with the provisions of the Directive (Article 1) and on a standard model (Article 2). This date does not seem very realistic now. The Council must adopt this directive as soon as possible and in compliance with this directive Member States must issue the new driving licences at the latest one year after it has been adopted.

The Commission will also have to modify the other dates given in the proposed directive.

As from 1 January 1976, old driving licences must be replaced by the new model (Article 9(3)).

7. The standard driving licence selected is illustrated in Annex I; it corresponds to the licence provided for by the UN Convention on Road Traffic which was laid open for signature in Vienna on 8 November 1968.

The issue of a driving licence is subject to certain requirements concerning age, theoretical and practical knowledge, physical and mental aptitudes.

8. As regards categories of vehicles for which a driving licence is required (Article 3), the Committee on Transport considers that any person driving on the roads should carry a licence.

Category A excludes motor cycles having a maximum design speed not exceeding 40 km/h; the Committee on Transport proposes placing them in a special category: A 1 (category A of the proposed directive becomes A 2).

The proposed directive provides that a driving licence for certain higher categories (Article 4) should also be valid for vehicles of all lower categories.

The Committee on Transport considers that a driving licence issued for driving a motor car (category B, C or D) should not entitle the holder to drive a motor cycle (category A 2), which can be driven at high speed and requires special aptitudes.

9. As regards age, the Committee on Transport considers that motor cycles should not be driven by persons under the age of 18 (instead of 16).

However, authorization to drive an agricultural tractor should be given before the age of 21. Driving licences for this category of vehicle come under category F which also includes heavy and cumbersome engineering plant. The Committee on Transport proposes establishing two different categories here: F 1 and F 2. A driving licence for category F 2 (agricultural tractors) could then be issued at the age of 18 instead of 21.

10. In its opinion, the Legal Affairs Committee proposes that Article 6(2)(b) should specify that the theoretical examination should also cover 'the principal regulations in force in the other Member States'.

Because of the practical difficulties which a supplementary examination of this kind would involve it could be considered unnecessary. The International Convention concluded in Vienna in 1968 and the European Implementing Agreement adopted by the Economic Commission for Europe have harmonized the main rules of the highway code (a few differences remain in the matter of road signs).

11. With reference to the examinations of a medical nature, the Committee on Transport feels that night driving may involve special risks; it therefore proposes that the sight test should cover both day and night vision.

12. Article 6(2)(c) calls for 'a psychological examination involving a character test as to the applicant's fitness to drive'. The Committee on Transport holds that a 'character test' would be difficult before a driving licence is issued. A test of this kind might however prove necessary in certain cases when circumstances warrant after the driver has been penalized for involvement in an accident.

An important factor is the speed and appropriateness of the candidate's reflexes. Since these reflexes can be measured, the Committee on Transport proposes that the character aptitude test should be replaced by tests to measure the candidate's reflexes.

13. Moreover, the Committee on Transport would like these tests to be supplemented by a test of the candidate's knowledge of first aid.

14. Beginners are required to drive for one year at a limited speed which will make it easier for them to adjust to traffic conditions.

Throughout this year a special sign, conforming to the model shown in the annex, must be displayed on the rear of the vehicle.

The Legal Affairs Committee considers that a symbol and not a letter should be used for this purpose. Although the sign adopted recalls the

letter 'L', it is nevertheless a symbol (a vertical bar with a horizontal bar at the bottom) which cannot be confused with any road signs. The colour should be stipulated in implementing regulations.

A further point is that elderly persons are required to undergo more frequent medical examinations to detect physical disabilities.

Any move towards the withdrawal of driving licences on grounds of age must of course go hand in hand with a wider and better public transport system.

15. On this point, the Legal Affairs Committee wonders whether differential treatment according to age is compatible with the principle of 'equality before the law'. One could consider that the principle of equal treatment presupposes similar conditions, which is not the case here.

16. The Committee on Transport feels that elderly persons should undergo more frequent examinations of a medical nature from the age of sixty-five instead of fifty.

Moreover, after the age of sixty-five these examinations should be carried out every two years rather than every year.

Furthermore, the Committee on Transport does not see the need for a special medical examination after accidents necessitating hospital treatment lasting more than one week.

17. The first indent of Article 9(2) stipulates that the cover page of the driving licence should bear the French designation 'permis de conduire'.

This accords with Annex VI, paragraph 2, of the Vienna International Convention which applies to international road traffic.

The Legal Affairs Committee considers that the English designation 'driving licence' should be added.

The Committee on Transport accepts this addition by analogy with the provisions of Article 2 dealing with the information shown inside the driving licence.

18. Article 10, paragraph 2, stipulates that each Member State should make the necessary arrangements to enable it to supply within one month any information from the register concerning its nationals requested by another Member State.

The Legal Affairs Committee considers that this information should be communicated automatically.

One could take the view that a driver's previous record would have to be communicated only in a few cases, where for example the foreign driver had caused a fairly serious accident. In deciding what penalty should be applied the driver's previous record may be useful but not always necessary. It should therefore be left to the State concerned to decide whether or not to request communication of this record.

Otherwise, each Member State would be obliged to keep not only national but international records for all other Member States.

19. Article 11 provides that any Member State may suspend the licence in its own territory, regardless of the issuing Member State, if the holder has committed an offence that, under its own legislation, would lead to suspension or withdrawal of the licence.

The Legal Affairs Committee raised the question of whether paragraph 1 should not stipulate 'suspension or withdrawal' in line with paragraph 5.

This does not seem possible at the present time, for a state other than the issuing state can do no more than suspend the driving licence. In other words, the only state able to withdraw the licence is the issuing state.

20. The Council should adopt by 1 July 1974 uniform rules for assessing offences objectively by means of a scale of numbers relating to their gravity, and for determining the circumstances in which driving licence may be suspended, withdrawn or restored.

### III. ROADWORTHINESS TESTS

21. National regulations on vehicle roadworthiness tests vary widely, particularly as regards the categories of vehicles subject to compulsory tests and the frequency and extent of tests.

22. It is essential for safety that vehicles on the road should be maintained in good operating condition and fitted with the statutory equipment.

Furthermore, noise and exhaust-fume levels should be strictly limited by means of special devices subject to control.

23. The temporary laying-up of vehicles for periodic inspection and the associated costs are liable to affect the conditions of competition in commercial transport between Member States.

24. The second directive proposed by the Commission seeks to standardize the essentials of roadworthiness tests: designation of the categories of vehicle to be tested, frequency and type of tests, principle of government responsibility, clear proof that the relevant test obligations have been fulfilled.

25. Foreign vehicles without a roadworthiness disc or with one that is out of date may be required to pass a test (Article 7, paragraph 2). The Legal Affairs Committee considers that in such cases testing should be compulsory.

The competent authorities in a Member State cannot be obliged to test a foreign vehicle but they should be given the possibility of so doing.

They should, however, notify the Member State in which the vehicle is registered that the roadworthiness disc was missing or out of date.

If the competent authorities in a Member State opt to test a foreign vehicle, this does not exempt the vehicle from compulsory testing in the country of registration.

26. With regard to Article 3, paragraph 1, the Legal Affairs Committee considers that where a used vehicle is sold, the seller should be responsible for roadworthiness testing.

This point is covered in the Commission's text which stipulates that in such cases 'the previous owner shall be responsible for having the test carried out'.

If a used vehicle is imported (Article 8), the Committee on Transport considers that the roadworthiness test carried out in the country of origin should not exempt it from testing in the country of destination when it is re-registered.

27. As far as the type of test is concerned, the Commission has so far confined itself to harmonizing the (non-exhaustive) check list of vehicle equipment or parts as well as certain methods and conditions of test (Annex 1 B).

Prior to 1 January 1975, the Council will harmonize the special technical standards with which certain items such as brakes, lights, tyres, noise, exhaust fumes, etc. must comply to be considered satisfactory.

28. On this point, the Legal Affairs Committee proposes that this list of items should be replaced by a reference to Annex 1 which details all of the components to be inspected either by visual or operational tests or both.



In Article 14, the Commission proposes that inspection procedures be harmonized for certain items of equipment only. These are items whose performance can be expressed in figures. Precise standards cannot be applied to all components to be checked and accordingly one must keep to the Commission's text which is, moreover, not restrictive.

29. The Community provisions are to take effect on 1 January 1975.

As matters stand it will be a considerable task to achieve the degree of harmonization called for in Annex I, bearing in mind the disparities between countries.

Member States are to remain at liberty to require vehicles registered in their territory to pass special tests in addition to those provided for by Community regulations. In this way, allowance can be made for special operating conditions or local situations calling for more frequent inspection of certain components.

30. Article 11, paragraph 4, leaves Member States free to lay down special procedures for military and police vehicles.

The Legal Affairs Committee considered it advisable to specify that such vehicles must comply with the same safety standards as others.

This is self-evident, for the paragraph in question concerns 'procedures' which do not affect the type of test.

The Committee on Transport nevertheless makes the following addition to the Commission's text: 'However, such vehicles shall comply with the same safety standards as other vehicles'.

31. Article 12 allows for the possibility of additional intermediate tests.

Anxious to avoid the recurrence of distortions of competition which the directive seeks to eliminate, the Legal Affairs Committee wishes to see such tests limited to well-defined cases for which there is due justification.

#### IV. CONCLUSIONS

32. Following frequent consultations and consideration of national provisions, the Committee proposes that national laws be harmonized at a reasonably high compulsory level.

The agreed standard driving licence is in conformity with the model approved by the Vienna International Convention.

33. Subject to the addition of a few points of detail, the Transport Committee approves both of the directives proposed by the Commission, realizing that while the costs to national budgets may be high, they may be regarded as low in relation to the cost of accidents (in both financial and human terms) and their economic implications which are difficult to quantify.

Working from national estimates, the Commission has calculated that the aggregate cost of road accidents in the Community as a whole amounts to more than 4,000 million units of account (1.15 per cent of the Community GNP. This figure corresponds to the 50,000 deaths and 1,200,000 injuries that occur each year on the Community's roads. Adding material damage and the losses to society, the estimate rises to roughly 8,000 million units of account or 2.5 per cent of the Community's GNP.

34. The Transport Committee's main concern is that the proposals should be quickly introduced in the Member States and the provisions they contain strictly observed.

Opinion of the Legal Affairs Committee

Draftsman of the opinion : Mr S. MEISTER

The Legal Affairs Committee appointed Mr Meister draftsman of the opinion on 16 October 1972.

It examined the draft opinion at its meeting of 23 November 1972 and adopted it unanimously.

The following were present : Mr MEISTER, acting chairman and draftsman; Mr BRUGGER, Mr D'ANGELOSANTE, Mr De SANCTIS, Mr DUVAL, Mr KOCH, Mr MEMMEL, Mr SPENALE, Mr VERMEYLEN and Mr VERNASCHI.

## General observations

1. The Commission of the European Communities has asked the European Parliament for its opinion on :

- a proposal for a directive on the harmonization of the laws relating to vehicle driving-licences;
- a proposal for a directive on the approximation of the laws of the Member States relating to road worthiness tests for motor vehicles and their trailers.

2. These proposals form part of the programme for the development of transport policy put forward on 8 November 1971.

3. Both proposals aim at increasing road safety and at creating harmonized conditions of competition by eliminating the present distortions. These distortions are caused both by the lack of mutual recognition of national driving licences (which is particularly disadvantageous to persons working in foreign countries), and also by the differences between national legislation in regard to the kinds of vehicles obliged to undergo testing, the intervals of time between such tests and their nature, the age of the vehicle, etc.

## First Directive

4. The legal basis for the proposal on the harmonization of driving licences is Article 75, paragraph 1(c) which stipulates that the Council shall make appropriate provisions for implementing the common transport policy.

The Commission did not consider it necessary to cite Article 61(1) on freedom to provide services in the field of transport, since this article refers to the Title on transport.

Your draftsman feels that the reference to freedom of establishment in the fourth recital ought to be regarded as a legal basis; this could be done by wording the recital as follows :

- having regard to the Treaty and in particular to Article 75 (1)c and to Title III, Chapter 2 on freedom of establishment,

in order to emphasize the basic aim of the proposal.

5. The proposal on driving licences has as its practical purpose the creation of a genuine 'European driving licence' in two stages :

- as from 1 January 1974 Member States would issue a driving licence on the conditions uniformly defined in the draft directive and based on an

identical model (reproduced as an annex to the draft);

- as from 1 January 1976 all driving licences issued previous to that date would have to be replaced by licences conforming to the common model.

6. These licences would be valid throughout the Community, irrespective of the place of residence of the driver holding the licence or the country in which the vehicle is registered. This means that the holder of a 'European driving licence' issued by one Member State could drive vehicles registered in any other Member States.

The proposal envisages in particular driving licences being issued under uniform conditions with regard to age, practical and theoretical examinations and medical and psychological tests and, in addition, regular medical check-ups in the case of older drivers. The Commission also proposes uniform conditions for suspension of the validity of a driving licence in a Member State other than the one in which the licence was issued.

#### 7. Observations on the different articles

##### Article 6:

Paragraph 2 deals with practical and theoretical examinations and the medical certificates needed to take out a licence.

In the interests of greater precision, the wording should be changed to read as follows:

'No driving licence may be issued to any person unless he has successfully passed the following examinations:

- Paragraph 2(b) should be completed as follows:

- a theoretical examination, in which particular importance shall be attached to a thorough knowledge of traffic regulations and road signs and signals in the state issuing the driving licence and an adequate knowledge of the principal regulations in force in the other Member States.

This addition seems necessary in view of the rapid increase in international motorized tourism and in anticipation of uniform regulations being introduced in all countries (particularly with regard to horizontal traffic signs).

Article 7, paragraph 3 lays down that, for one year from the date of issue of the driving licence, the licence holder may drive only if the rear of his vehicle carries a sign confirming to the model shown in Annex II. This model merely indicates the dimensions of the sign and requires the letter 'L'

to be shown. It would be advisable to stipulate the colour of the sign also or, better still, to devise a symbol (for example, a red circle), since an initial letter may not have the same meaning in all languages.

Article 8, paragraph 1 prescribes regular medical examinations as a function of age. In this context the question would have to be considered as to whether the varying treatment envisaged on grounds of age is compatible with 'equality before the law', all the more so since statistics show that the accident rate is lower for older drivers, who are generally more skilled and prudent, than for young persons between 18 and 28 years of age (see, for example, the German Statistical Yearbook).

Article 9, paragraph 2, first sentence stipulates that the cover page of the licence should carry the distinguishing sign, according to the current international conventions, of the State issuing the licence and the title in French 'Permis de conduire'. In our view the English title 'Driving licence' should also be added, by analogy with the provision of Article 2.

Article 10 provides that by 1 January 1974 each State shall draw up a national register containing the names of all drivers who have been convicted for traffic offences other than minor infringements.

Furthermore, each State must, within one month, furnish other States, at their request, with all information pertaining to its own citizens who appear in this register; this will help to bring about effective cooperation in the campaign against persistent offenders.

In our view this information ought to be furnished automatically, instead of on request. Indeed, it is hard to see how one state could become aware of penalties imposed in another.

#### Article 11

- paragraph 1 stipulates that any Member State may suspend the validity of a driving licence issued by another Member State, when, under the law of that state, an offence has been committed which is punishable by suspension or withdrawal of the driving licence. This suspension operates only on the territory of the state in which the offence has been committed.

- paragraph 5: the Council shall adopt by 1 July 1974 uniform standards for the objective ~~assessment~~ of the gravity of traffic offences and for determining the circumstances in which a driving licence may be suspended or withdrawn.

This raises the question as to whether these two paragraphs ought not to be harmonized so that both indicate suspension or withdrawal.

When the uniform standards envisaged in paragraph 5 have come into force, will a suspension imposed in one Member State be valid also on the territory of the other States?

### Second Directive

8. The proposal under consideration envisages the approximation of laws relating to roadworthiness tests for motor vehicles and trailers. It is obvious that such approximation is necessary since vehicles deteriorate with age, apart from the fact that they are often ill-used and their maintenance neglected; this means that they function less efficiently and less safely, which in turn leads to a greater probability of accidents and to accidents being more serious when they do occur.

The approximation of national standards already in force will bring about an increase in road safety and also ensure greater protection of the environment by helping to combat noise and exhaust fumes.

It will also lead to improved conditions of competition in the field of road transport by eliminating present differences in regard to the control of lorries and buses (loads and immobilization).

9. Keenly aware of the need to acquire sufficiently wide experience before proceeding to complete harmonization, the Commission has considered it advisable, at the present time, to confine itself to harmonizing a list of parts and pieces of equipment of vehicles which ought in general to be subject to inspection, as well as certain methods and conditions of test.

Only at a later stage will it be possible to harmonize specific technical conditions (limits on operation or on the efficiency of certain devices and pieces of equipment).

### 10. Observations on the articles

Article 3, paragraph 1 deals with the registration of a used vehicle in the name of a new owner and the obligation on the previous owner to have the test carried out.

It might perhaps be advisable to impose the same obligation on dealers in used vehicles, who ought also to correct any defects found to be present.

Article 5: the cost of the test is to be borne by the holder of the vehicle's registration certificate and will be fixed by the public authorities at a standard rate throughout a state's territory.

This article seems to contradict the third recital which states that the costs of testing may influence conditions of competition. Even if it is not possible to fix a single Community tariff, minimum and maximum costs should be prescribed.

Furthermore, the cost of roadworthiness tests ought to be borne by used-vehicle dealers.

Article 7: foreign vehicles.

- paragraph 2: if the competent authorities of one Member State find that a foreign vehicle does not carry the roadworthiness disc or if the period of validity indicated thereon has expired, they may have the foreign vehicle tested. In our opinion this test ought to be obligatory for safety reasons.

Article 10

Calls for no comment on the whole; however, the advisability of drawing up a 'Community' register of drivers guilty of traffic offences might perhaps be considered.

Article 11

Paragraph 4: stipulates that Member States may lay down special procedures for vehicles belonging to the armed forces and police. It should be added, however, that these vehicles must meet the same safety requirements as other vehicles.

Article 12

In addition to the obligatory tests this article envisages the possibility of Member States prescribing intermediate tests. This provision might, however, restore the distortions in competition which the directive seeks to eliminate.

In this context it is worth considering whether these tests ought not to be prescribed solely in specific, well-founded instances.

Article 14

The specimen list in the final sentence should be replaced by the phrase: '...based on the items listed in Annex I'.