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from: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 11 November 2011

to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European  
Union

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No Cion doc.: COM(2011) 710 final

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Subject: Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF  
THE COUNCIL amending Directive 2006/126/EC of the European Parliament  
and of the Council as regards driving licences which include the functionalities  
of a driver card

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Delegations will find attached the Commission document COM(2011) 710 final.

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Encl.: COM(2011) 710 final



EUROPEAN COMMISSION

Brussels, 11.11.2011  
COM(2011) 710 final

2011/0327 (COD)

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Directive 2006/126/EC of the European Parliament and of the Council as regards driving licences which include the functionalities of a driver card**

(Text with EEA relevance)

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

This proposal to modify Directive 2006/126/EC of the European Parliament and of the Council ("the driving licences directive") follows the proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 3821/85 on recording equipment in road transport ("the tachograph regulation") and amending Regulation (EC) No 561/2006 of the European Parliament and the Council, adopted by the Commission on 19 July 2011<sup>1</sup>. The two proposals constitute a legislative package aimed at better enforcing the social rules in road transport and at reducing frauds and administrative burden, by developing the technical aspects and increasing the efficiency of tachographs.

### 2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

Merging the driver card with the driving licence has been identified in the course of the stakeholder's consultation and impact assessment carried out in order to amend the tachograph regulation, as a solution for reducing fraud potential while at the same time limiting, in the long run, the costs (issuing and purchasing of one instead of two documents). The results of the stakeholder consultation and impact assessment have already been published<sup>2</sup>.

Driving licences and driver cards are issued in credit card format and contain very similar information (driver's details, photograph, etc). The driving licence directive already provides for the possibility of inserting a microchip in the standardised driving licence format. Moreover, both cards have a limited validity period of five years, since the driving licence directive stipulates that, as from 19 January 2013, the driving licences of trucks and bus drivers will be valid for five years.

Merging cards would therefore not require any change in the period of validity of the current tachograph cards and therefore of their durability (as they are handled on a daily basis unlike driving licence cards). Merging driver cards with driving licences would facilitate detection at the roadside check of drivers using a card that does not belong to them or using two cards. Furthermore, the drivers will be less inclined to let other drivers use their driving licence to fraud the tachograph system.

The impact assessment concluded that merging driver cards with driving licences would allow for a reduction of the administrative burden of around €100 million per year.

### 3. LEGAL ELEMENTS OF THE PROPOSAL

Article 27 of the proposal to amend Council Regulation (EEC) No 3821/85 foresees that driver cards shall be issued in accordance with the provisions of the tachograph regulation until 18 January 2018. It also provides that with effect from 19 January 2018, driver cards

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<sup>1</sup> COM(2011) 451 final

<sup>2</sup> See Impact Assessment SEC(2011)948

shall be incorporated into driving licences and issued, renewed, exchanged and replaced in accordance with the provisions of Directive 2006/126/EC.

This gradual process of replacing driver cards with driving licences requires a modification of the driving licence directive, in order to organize from a legal point of view the co-existence of the two functions merged into a sole document, i.e. the driving licence having the functionalities of a driver card.

Driver cards are currently subject to type approval procedures complementary to the ones applicable to driving licences. From 19 January 2018, the type approval of driving licences delivered to professional drivers and therefore including the functionalities of a tachograph driver card will have to follow the applicable requirements concerning the microchip, laid down in accordance with the present directive, and all additional requirements referred to in Council Regulation (EEC) No 3821/85, such as the interoperability test or the logical functionality test. However, when implementing measures related to type approval, the duplication of tests should be avoided.

The proposal will not have any consequence on the driving licences for private individuals and concerns only professional drivers subject to the rules on driving times and rest periods and to the use of tachograph. Starting with 19 January 2018, any new driving licence or driver card will be issued as a single document.

#### **4. BUDGETARY IMPLICATION**

The proposal will not entail any additional cost for the EU budget.

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Directive 2006/126/EC of the European Parliament and of the Council as regards driving licences which include the functionalities of a driver card**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>3</sup>,

Having regard to the opinion of the Committee of the Regions<sup>4</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Experience has shown that fraud and misuse of driving licences occurs less frequently than with the driver cards used in the recording equipment installed in vehicles used for the carriage of passengers or goods by road in accordance with Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport<sup>5</sup>. This recording equipment would therefore be more reliable if driver cards and driving licences were merged. Further, such a merger would reduce the administrative burden for drivers who would no longer need to apply for and hold two different documents.
- (2) Driving licences and driver cards share an almost identical design and set of data fields. The only notable difference is that the driver cards must contain a microchip, whereas for driving licences the inclusion of such a microchip is optional. It follows that the merger of the two documents is easily achievable from a technical point of view.

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<sup>3</sup> OJ C , , p. .

<sup>4</sup> OJ C , , p. .

<sup>5</sup> OJ L 370, 31.12.1985, p. 8.

- (3) The rights and obligations deriving from the administrative authorisations to hold a driving licence and a driver card should not be affected by their merger.
- (4) Driver cards are currently subject to type approval procedures complementary to those applicable to driving licences. From 19 January 2018 the type approval of the microchip introduced in the driving licences delivered to professional drivers and including the functionalities of a driver card should comply not only with the requirements of Commission Regulation XXXX/XXXX implementing Directive 2006/126/EC with regard to driving licences including a storage medium, but also all relevant requirements laid down in Regulation (EEC) No 3821/85.
- (5) Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences<sup>6</sup> should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

#### *Article 1*

Directive 2006/126/EC is amended as follows:

- (1) In Article 1, the following paragraph 5 is added:

'5. As from 19 January 2018, a microchip shall be introduced in all driving licences issued in accordance with Article 7a.

This microchip shall comply with the requirements of paragraphs 2 and 3 of this Article, including in particular any measures adopted under paragraph 2. It shall also contain all the card identification data referred to in Section IV, point 5.2 of Annex IB of Regulation (EEC) No 3821/85.

A driving licence issued in accordance with Article 7a shall, as regards type approval, comply with the requirements of [Chapter III] of Annex IB of Regulation (EEC) No 3821/85. The type approval information shall be stored on the microchip in the application for driver card purposes.'

- (2) The following Articles 7a , 7b and 7c are inserted:

#### *'Article 7a*

##### *Driving licence incorporating a driver card*

1. As from 19 January 2018, when issuing, replacing, renewing or exchanging a driving licence for a driver engaged in the carriage of goods and passengers by road within the meaning of Regulation (EC) No 561/2006 of the European Parliament and of the Council<sup>7</sup>, Member States shall deliver a driving licence which incorporates the necessary functionalities so that the driving licence can also be used as a driver card within the meaning of Regulation (EEC) No 3821/85.

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<sup>6</sup> OJ L 403, 30.12.2006, p. 18.

<sup>7</sup> OJ L 102, 11.4.2006, p.1.

2. A driving licence which includes the functionalities of a driver card shall be issued within one month of the request being received by the competent authority.
3. When delivering a driving licence which includes the functionalities of a driver card Member States shall enter on the driving licence the harmonised EU code indicated in Annex I.
4. A driver shall not simultaneously hold a driver card issued in accordance with Regulation (EEC) No 3821/85 and a driving licence which includes the functionalities of a driver card. When a driving licence which includes the functionalities of a driver card is delivered to a driver, the driver shall surrender both his former driving licence and his former driver card to the issuing authority.
5. If a Member State other than the issuing Member State withdraws or suspends a valid driving licence which includes the functionalities of a driver card, it shall return it to the authorities of the issuing Member State, indicating the reasons for that return.'

*'Article 7b*

*Renewal of driving licences incorporating a driver card*

1. Where a driver wishes to renew a driving licence which includes the functionalities of a driver card, he shall apply to the competent authorities of the Member State of normal residence not later than 15 working days before its expiry date.
2. In the event of a request for the renewal of a driving licence which includes the functionalities of a driver card whose expiry date is approaching, the competent authority shall supply a new licence before the expiry date provided that the request was sent within the time limits laid down in paragraph 1.'

*'Article 7c*

*Stolen, lost or defective driving licences incorporating a driver card*

3. Member States shall keep records of issued, stolen, lost or defective driving licences which include the functionalities of a driver card for a period at least equivalent to their period of administrative validity.
4. Theft of a driving licence which includes the functionalities of a driver card shall be formally declared to the competent authorities of the Member State where the theft occurred.
5. Loss of a driving licence which includes the functionalities of a driver card shall be formally declared to the competent authorities of the issuing Member State and to the competent authorities of the Member State of normal residence if this is different.
6. If a driving licence which includes the functionalities of a driver card is damaged, malfunctions or is lost or stolen, the driver shall within seven calendar days apply for its replacement to the competent authorities of the Member State in which the holder has his normal residence. Those authorities shall provide a replacement within five working days after receiving a detailed request to that effect.'

(3) In point 3 of Annex I the following EU code is inserted after code 96:

'97. Driving licence including the functionalities of a driver card until ... [e.g. 97(01.01.18)]'.

#### *Article 2*

1. Member States shall adopt and publish, by [2 years after entering into force] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 19 January 2018.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

#### *Article 3*

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

#### *Article 4*

This Directive is addressed to the Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*