



21.1.2010

NOTICE TO MEMBERS

Subject: Petition 0914/2009 by P.V (Dutch), on more flexible rules for the extension of the EU driving licence in cases of diabetes mellitus

1. Summary of petition

The petitioner calls for the European rules for obtaining a certificate of fitness to drive for the purpose of extending his EU driving licence to be made more flexible. The petitioner suffers from diabetes mellitus and has held a licence to drive vehicles of classes B, C and E since 1991. In the past this licence has been extended with no problems in spite of his illness. For a few years now he has suffered from a mild form of retinopathy. The licensing authority (CBR) made this a reason for refusing further extension of his driving licence. Specialists consulted by the petitioner consider that an extension ought not to be a problem and that the petitioner has sufficiently good eyesight. The petitioner states that people with more serious conditions, such as deafness, have had their driving licences extended with no problems.

2. Admissibility

Declared admissible on 22 October 2009. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 21 January 2010.

In accordance with Article 7 of Directive 91/439/EEC, driving licences shall only be issued to those applicants who, inter alia, meet the medical standards laid down in Annex III of the Directive.

Annex III of directive 91/439/EEC sets the minimum standards of physical and mental fitness for driving a power-driven vehicle. It classifies drivers in two groups. Group I includes drivers of vehicles of categories A, B and B+E and subcategory A1 and B1. Group 2 includes

drivers of vehicles of categories C, C+E, D, D+E and of subcategory C1, C1+E, D1 and D1+E. Annex III has been elaborated with the assistance of working groups composed of medical specialists appointed by Member States in the respective fields of expertise described in the Annex.

Applicants for a Group 1 licence have to undergo a medical examination if it becomes apparent, when the necessary formalities are being completed, or during the tests which they are required to undergo prior to obtaining a licence, that they have one or more of the medical disabilities mentioned in the annex (such as hearing, cardio-vascular disease, diabetes mellitus, neurological disease, etc.). Applicants for Group 2 licences (i.e. professional drivers) must undergo a medical examination before a driving licence is first issued and, thereafter, must undergo such periodic examinations as may be prescribed by national legislation. However, the minimum requirements for fitness to drive are not fully harmonised.

As regards diabetes and eyesight (in particular in the case of a progressive eye disease such as retinopathy) Annex III enables Member States to subject the issuing or renewal of driving licences to authorized medical opinion and further regular medical examination. The Commission is not competent to intervene on the medical assessment carried out by the medical authorities of Member States.

Besides, criteria laid down in Annex III are only minimum criteria. Member States are allowed in accordance point 5 of this Annex to impose stricter requirements than those set out in the Annex.

Annex III was recently updated through Commission Directives 2009/112/EC and 2009/113/EC of 25 August 2009 which harmonises further the criteria for the issuing and renewal of driving licences in relation with eyesight, diabetes and epilepsy. It also aims at providing for more flexibility as well as a more precise guidance to the doctors in charge of assessing the patient's condition. As regards drivers of Group 1, the Directive recognizes the possibility to issue or renew driving licences, subject to authorized medical opinion and regular review in case the patient is treated with medication. Besides, as regards drivers of Group 2, to whom driving licences could only be exceptionally issued in the framework of Directive 91/439/EEC, the recent amendments enable Member States' competent authorities to consider the issuance or renewal of driving licences.

Conclusion

The request for more flexibility in the issuing and renewal of driving licences in case of diabetes mellitus has been taken into account in the framework of Directives 2009/112/EC and 2009/113/EC, notably as regards driving licences for professional drivers. However, the principle that Member States are allowed to set stricter rules than those set out in Annex III has not been changed. Besides, the assessment of the medical condition of the patients remains under the competence of the relevant national medical authorities involved. Directives 2009/112/EC and 2009/113/EC state that the decision regarding licensing is taken after an examination by a competent medical authority. Therefore, the presence of the disease, without any examination, should not in itself be a basis for the refusal of a driving licence extension by the licensing authority, according to Annex III. However, as mentioned above,

Member States are allowed to set stricter rules. Should the petitioner disagree with the procedure applied, he should make use of the means of recourse in place at national level.

The Commission will closely follow the implementation of the new medical provisions of Annex III. On this occasion, should scientific and medical progress provide evidence that further harmonisation or more flexible rules need to be put in place, Annex III will be updated accordingly.