



24.6.2010

## NOTICE TO MEMBERS

**Subject: Petition 0029/2010 by Markus Tilli (German), on alleged discrimination by the German authorities regarding driving licenses for motorbikes of 125 cc (Category A1)**

### 1. Summary of petition

The petitioner alleges that the German rules for driving a motorbike not exceeding 125 cc (category A1) are discriminatory; it would appear that a separate licence is required for persons born after 1 April 1980, whereas people born before that date are covered by their driving licence for motor vehicles (category B).

### 2. Admissibility

Declared admissible on 23 April 2010. Information requested from Commission under Rule 202(6).

### 3. Commission reply, received on 24 June 2010.

Following the adoption of Directive 91/439/EC on driving licences<sup>1</sup>, Germany reformed its system of categorization of driving licences on 1 January 1999, and included category A1 for light motorcycles with a cubic capacity not exceeding 125 cm<sup>3</sup> and of a power not exceeding 11 kW. With the introduction of this new category, holders of B-licences issued before this date will keep the right to drive such vehicles with their driving licence. This situation is linked to the fact that Directive 91/439/EC should not prejudice existing entitlements to drive granted or acquired before its date of application.

Under Directive 2006/126/EC on driving licences, which will be applicable as from 19

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<sup>1</sup> OJ L 237, 24.8.1991, p.1

January 2013, the main change is that category A1 will become an obligatory category. The possibility for Member States to authorize the driving of light motorcycles with a B licence is maintained, but this right is restricted to their national territory.

The Commission does not therefore have any evidence that the German legislation would constitute a violation of Directive 91/439/EEC on driving licences, or would constitute a discrimination based on age.