

Road safety: Rules on EU-wide driving disqualifications for major traffic offences

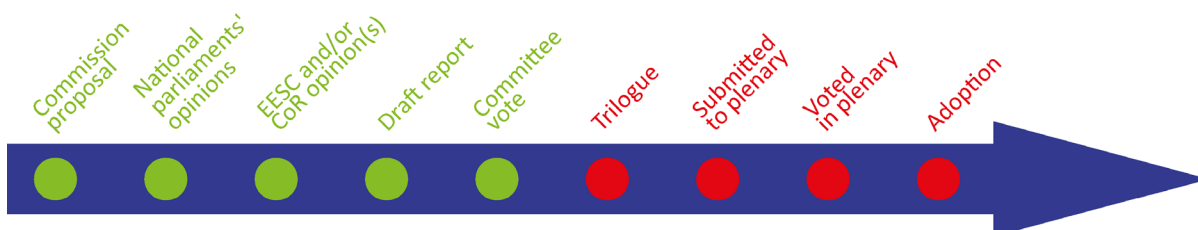
OVERVIEW

On 1 March 2023, as part of the road safety package, the European Commission published a legislative proposal to help ensure EU-wide application of driving disqualifications. It calls for increased cooperation, harmonisation of legislation, simplification of information exchange, capacity building, and improved public awareness efforts.

In order to prevent impunity due to a lack of legislation, the proposal sets out rules to allow better EU-wide enforcement of driver disqualification decisions when drivers commit major traffic offences outside their own country.

In the European Parliament, the Committee on Transport and Tourism (TRAN) is responsible for the file (rapporteur: Petar Vitanov, S&D, Bulgaria). The TRAN committee adopted its report on 29 November 2023, along with a mandate to enter into trilogue negotiations.

Proposal for a directive of the European Parliament and of the Council on the Union-wide effect of certain driving disqualifications		
<i>Committee responsible:</i>	Transport and Tourism (TRAN)	COM(2023) 128 1.3.2023
<i>Rapporteur:</i>	Petar Vitanov (S&D, Bulgaria)	2023/0055(COD)
<i>Shadow rapporteurs:</i>	Markus Ferber (EPP, Germany) Izaskun Bilbao Barandica (Renew, Spain) Tilly Metz (Greens/EFA, Luxembourg) Angel Dzhambazki (ECR, Bulgaria) Roman Haider (ID, Austria) Elena Kountoura (The Left, Greece)	Ordinary legislative procedure (COD) (Parliament and Council on equal footing – formerly 'co-decision')
<i>Next steps expected:</i>	Trilogue negotiations	



Introduction

Improving road safety is one of the most important objectives of the European Union's transport policy. Reducing fatalities, injuries and material damage are the primary aims of the EU in this area. According to Commission data, over the last 20 years, roads have become significantly safer in the EU. The number of road fatalities fell by 61.5 %, from around 51 400 in 2001 to around 19 800 in 2021. Nevertheless, in 2022, road deaths totalled 20 600 – a rise of 3 % on the previous year – in part because of rising traffic levels following the pandemic. The improvement in road safety was not strong enough to meet the EU's ambition to reduce the number of road deaths by 50 % between 2001 and 2010, and by an additional 50 % between 2011 and 2020. It is uncertain whether the '[vision zero](#)' target of reaching close to zero road deaths or serious injuries on the EU roads by 2050, and reducing deaths and serious injuries by 50 % by 2030, set out in the [EU road safety policy framework 2021-2030](#), can be attained.

In the 2020 [sustainable and smart mobility strategy](#), under Flagship 3 (Making inter-urban and urban mobility more sustainable and healthy) the Commission asks for plans at national and local level to attain zero road fatalities, while Flagship 10 (Enhancing transport safety and security) highlights the importance of increasing road safety (in particular for vulnerable users) and of pursuing the implementation of the [EU road safety strategy](#) of 2018. It was in this context that the European Commission announced the publication of a new road safety package in its [2023 work programme](#).

Context

[Driver disqualification](#) is the withdrawal or suspension of the right to drive, of a driver of a motor vehicle, that is no longer subject to a right of appeal. This means that the driver is banned from driving for a period determined by a decision that may last from some days or weeks to the complete withdrawal of the driving licence. Driver disqualifications are a penalty for [serious traffic offences](#), such as: reckless or dangerous driving; driving under the influence of alcohol or other substances affecting or diminishing the driver's mental and physical abilities; 'hit-and-run' incidents; causing death or serious bodily injury; or driving a vehicle considerably faster than the permitted speed.

To ensure road safety and effective enforcement of road safety regulation, it is crucial that the EU take a consistent approach to recognising and enforcing driver disqualifications across the Member States. This requires Member States to cooperate on driving disqualifications of non-resident drivers. Under the [current legal framework](#), even when a driver's conduct is extremely serious and should result in a driving disqualification, the withdrawal of the driving licence can only happen if the infraction has been committed in the Member State that issued the driving licence. The absence of the possibility of EU-wide enforcement leads to relative impunity among road traffic offenders driving outside their home Member State. [In 2019](#), about 40 % of cross-border offences were committed with impunity.

Existing situation

The 1998 [Convention on Driving Disqualifications](#) establishes a binding legal framework between the Member States, with the aim that drivers disqualified in a Member State other than that of their principal residence cannot circumvent the disqualification when they leave the Member State in which the offence was committed. According to the convention, the state in which the infraction took place should notify the driver's state of residence, without delay, of any driving disqualification imposed for an offence. The state of residence then decides to give effect to or to refuse the driving disqualification. According to the convention, each Member State has to indicate in a declaration which of the procedures it intends to apply in its capacity as state of residence.

[Directive 2006/126/EC](#) of the European Parliament and Council of 20 December 2006 on driving licences includes some provisions concerning driving licence withdrawal. A Member State can refuse to issue a driving licence to an applicant whose driving licence is restricted, suspended or

withdrawn in another Member State. A Member State can also refuse to recognise the validity of any driving licence issued by another Member State to a person whose driving licence is restricted, suspended or withdrawn – this is, however, just a possibility, not an obligation.

The Commission's [ex post evaluation of Directive 2006/126/EC](#) highlighted that the absence of a specific and efficient EU framework for driving disqualifications leads to problems when it comes to preventing abuses by drivers that commit offences on the territory of one Member State but then can continue to drive in another Member State without facing consequences for their offences.

[Directive \(EU\) 2015/413](#) of the European Parliament and Council of 11 March 2015 facilitating cross-border exchange of information on road-safety-related traffic offences, also known as the Cross Border Enforcement or CBE Directive, includes measures to tackle the relative impunity of non-resident drivers. It makes no specific mention however of the cases of driving licence withdrawal or driver disqualification.

Some other, general legal instruments may also apply in this matter. These are: the 2008 [Prüm Decisions](#) strengthening automated cross-border data exchange and combating serious and organised crime in Europe; the 2000 [Convention on Mutual Assistance in Criminal Matters](#) between the Member States of the EU; and [Directive 2014/41/EU](#) on European investigation orders in criminal matters.

Parliament's starting position

The Parliament [resolution](#) of 27 May 2021 highlighted the high number of major road traffic offences in the EU detected each year that relate to speeding and drink-driving committed by non-residents. While acknowledging progress made in setting up a framework for the cross-border enforcement of traffic offences since 2015, the Parliament regretted that this framework still does not adequately ensure the enforcement of penalties or the recognition of decisions on penalties. The resolution highlighted that better cross-border enforcement of road traffic rules would increase compliance and improve prevention, thus reducing dangerous behaviour and improving road safety. Furthermore, the resolution encouraged the Member States to set annual targets for enforcement and compliance in their road safety plans and to ensure their adequate funding, as well as to undertake and publish an annual follow-up analysing the targets achieved and results obtained.

Council starting position

On 24 June 1999, the Council approved an [explanatory report](#) on the Convention on Driving Disqualifications. In this report the Council pointed out that in cases of an infraction taking place in a country that is not the state of residence of the driver, the disqualification applies only within the country where it was imposed and only for as long as the person is in that country. If the licence has been taken by the authorities of that state, it must be returned to the driver when they leave that country. In addition, the Council noted that the Member States' laws and systems relating to disqualification vary. The definition of the state of residence can also be problematic in the case of drivers working and living in different countries.

In July 2002, the Danish Presidency of the Council presented an initiative aimed at putting in place a network of national contact points with regard to disqualifications. These contact points were to obtain and disseminate any information concerning individuals who had been personally disqualified.

At the informal Transport Council in Valletta in March 2017, EU transport ministers adopted the [Valletta Declaration](#) on road safety. Member States called upon the Commission to explore ways to strengthen the Union's road safety legal framework, with particular attention to Member States' cooperation on the mutual recognition of driving disqualifications of non-resident drivers, without prejudice to the appropriate legal base(s) for such proposals.

Preparation of the proposal

Between 2019 and 2021, an [ex-post evaluation](#) of Directive 2006/126/EC on driving licences took place, including a [support study](#), an open [public consultation](#) and a range of targeted consultation activities (including a stakeholder workshop, a targeted survey and interviews). This resulted in a [final report](#) in January 2022. During the consultation, many stakeholders asked for the scope of the directive to be enlarged to include rules on the mutual recognition of driving disqualification. The evaluation of the directive also examined the role of the [RESPER](#) telematic network in the exchange of data concerning driving disqualifications. RESPER is the network that operates the information exchange between driving licence authorities in the Member States. According to the national authorities interviewed, the network is one of the main factors that make the application and enforcement of driving licence rules easier. An [impact assessment](#) for the revision of Directive 2006/126/EC also included elements on driving disqualifications.

The [revision](#) of Directive (EU)2015/413 on cross-border exchange of information on road safety-related traffic offences took place at the same time. The Commission contracted a consortium to support the [impact assessment](#). In this context, extensive research was carried out on the regulatory framework and case law concerning driving disqualifications. That research concluded that a new legal act was necessary to secure the Union-wide effect of driving disqualifications through the mutual recognition of such decisions.

The changes the proposal would bring

This [proposal](#) on the EU-wide application of driving disqualifications was published on 1 March 2023 as part of a road safety [package](#) that also includes proposals for the revision of the two related directives mentioned above, namely:

- the [proposal](#) for a directive amending Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences ([COM\(2023\) 126 final](#)), and
- the [proposal](#) for a directive on driving licences, amending Directive (EU) 2022/2561, Regulation (EU) 2018/1724 and repealing Directive 2006/126/EC and Commission Regulation (EU) No 383/2012 ([COM\(2023\) 127 final](#)).

In order to prevent impunity due to a lack of legislation, the proposed directive seeks to establish a system for applying certain driving disqualifications throughout the EU when a Member State has imposed one. Union-wide driving disqualification should be established on the basis of the national law of the Member State that has issued the driving licence. According to the proposal, Member States would be obliged to provide an 'auxiliary Union-wide effect', in accordance with their own national legislation, to a driving disqualification that was imposed by another Member State.

The key elements of the proposal are the following.

- **Scope:** Referring to [Directive \(EU\)2015/413](#), the proposal defines as major road-safety-related traffic offences the following: drink-driving; speeding; driving under the influence of drugs; and conduct that infringes road traffic regulations, and that caused death or serious bodily injury.
- **Strengthening cooperation:** The proposal calls for improved administrative cooperation and information exchange between Member States, including the timely sharing of driver disqualification data and the development of joint enforcement actions. Any driving disqualification imposed for a duration of 1 month or more should be communicated to the Member State issuing the driver's licence. This communication should be made using a standard certificate. The Commission is empowered to adopt an implementing act establishing the format and the content of this certificate. Following the notification, the Member State issuing the driving

licence would have 15 days to take appropriate measures to ensure that the driving disqualification has Union-wide effect.

- **Harmonisation of legislation:** The proposal requires Member States to work towards harmonising their national legislation regarding driver disqualifications, with particular respect to the definition of offences and the application of penalties. Nevertheless, because of differences in Member States' legal systems, the directive provides for a competent judicial authority of the Member State that issued the driving licence to check the legality and enforceability of the decision on its territory. This authority may refuse enforcement if the conduct in question is not punishable in its own legal system.
- **Defence of drivers' fundamental rights:** The directive includes several mechanisms to defend the fundamental rights of drivers accused of committing very serious traffic offences: correct identification of the driver and a clear attribution of the facts, information about and guarantee of the offender's right to a defence and legal remedies in the Member State of the offence.
- **Simplification of information exchange:** The proposal recommends that Member States simplify and streamline the information exchange process, including the use of standardised formats and the application of electronic information exchange systems. Measures taken, certificates, or exemptions should be shared through the RESPER system. For swift and efficient communication, Member States should communicate through their national contact points. The driver concerned should be informed of the measures taken.
- **Raising public awareness:** The proposal emphasises the importance of public awareness campaigns to inform EU citizens of the mutual recognition of driver disqualifications and to promote responsible driving behaviour.

The Commission would have a reporting obligation towards the European Parliament and the Council concerning the implementation of the proposed directive, including in particular its impact on road safety. The report of the Commission would be due 5 years after the transposition of the proposed directive by the Member States.

Advisory committees

For this proposal, consultation of the European Economic and Social Committee (EESC) and the European Committee of the Regions (CoR) is mandatory. The Economic and Social Committee adopted its [opinion](#) on 16 June 2023. The Committee of the Regions did not submit an opinion.

National parliaments

National Parliaments were invited to scrutinise the proposal for possible [subsidiarity](#) and proportionality issues by 9 June 2023. The Czech Chamber of Deputies submitted an [opinion](#) on 31 May 2023, which supports the Commission proposal and does not raise subsidiarity concerns. In a [resolution](#) issued on the same day, the Czech Senate supports the Commission proposal, but regrets that the format and content of the standard certificate for notifying a driving disqualification will be the subject of an implementing act. The Czech Senate considers that the content of this key document should be defined directly in the proposal for a directive. The [Italian Chamber of Deputies](#) and the [Portuguese Assembleia da República](#) have also submitted contributions to political dialogue. Neither of them raised subsidiarity concerns.

Stakeholder views¹

The European Transport Safety Council ([ETSC](#)) welcomes the road safety package proposals, which introduce important changes to EU rules on driving licences and cross-border enforcement of traffic offences. It considers that this could significantly reduce deaths and serious injuries, and ensure that a wider range of traffic offences committed by non-resident drivers can be followed up across

borders. This could be a new possibility to apply driving disqualifications across the EU. The ETSC asks Member States and the Parliament not to water down the measures contained in this package.

The Federation Internationale de l'Automobile ([FIA](#)) welcomes the proposed revised rules on cross-border enforcement, and in particular, the improved requirements regarding information letters to be sent to people accused of cross-border offences. The FIA considers the Commission's intention to make road traffic offenders accountable in all Member States beneficial for road safety. Regarding the proposal on driving disqualifications. However, the FIA considers that Member States should retain competence to legislate, given national differences in legal and enforcement mechanisms.

[ADAC](#) welcomes the proposal to give EU-wide effect to driving licence measures, which would in its view help to increase road safety. The fact that misconduct abroad would no longer remain without consequences in the country of residence could have an educational effect on drivers.

Legislative process

The Commission tabled the [proposal](#) on 1 March 2023. Discussions have begun in the Council, focused in particular on the legal basis of the proposed directive.

In the European Parliament, the Committee referral was announced on 17 April. The Committee responsible for the file is the Committee on Transport and Tourism (TRAN); the rapporteur is Petar Vitanov (S&D, Bulgaria).

On 17 May 2023, the European Data Protection Supervisor (EDPS) published an [opinion](#) on the Commission proposal. The EDPS considers that the proposal sufficiently justifies the establishment of an EU-wide framework of driving disqualifications for major road safety-related offences committed in a Member State other than that which issued the offender's driving licence. The EDPS points out that the proposal adequately limits the personal data that need to be exchanged with the Member State of issuance to comply with the obligations that it lays down.

In the European Parliament, the TRAN committee published the [draft report](#) on 4 September, and adopted the [report](#) on 29 November 2023. The committee welcomes the road safety package and specifically the current proposal, which could greatly dissuade reckless driving. According to TRAN, the proposal sets the right approach, scope and depth of measures to ensure the intended effect – a decrease in severe road accidents.

However, the report proposes some modifications. It seeks to improve the timeframes for important stages in the procedure granting EU-wide effect to certain driving disqualifications. It also defines deadlines in the proposal more narrowly to ensure the adequate execution of each stage and, consequently, the effectiveness of the entire procedure.

The TRAN committee proposes expanding the list of severe traffic offences that trigger an exchange of information on driving disqualifications by adding driving without a valid licence.

As Member States have different penal codes for traffic offences, the Committee proposes that a degree of synchronisation be sought, within existing limitations, between the Member State of offence and the Member State of issuance.

Another adjustment proposed by the committee concerns the grounds for exemption linked to disqualifications based on speeding. There are considerable differences between urban and non-urban road speed limits, which the committee believes should be taken into account.

TRAN is also seeking the profound improvement and adjustment of the EU driving licence network RESPER, which should be the main means for all information transactions between Member States.

Announced in plenary on 11 December, the committee's decision to open trilogue negotiations was endorsed that week, and so once the Council reaches its position on the proposal, negotiations can begin.

EUROPEAN PARLIAMENT SUPPORTING ANALYSIS

Hahnkamper-Vandenbulcke N., [Revision of Directive 2006/126/EC on driving licences](#), implementation appraisal, EPRS, European Parliament, 2023.

Hahnkamper-Vandenbulcke N., [Directive \(EU\) 2015/413 on cross-border exchange of information on road safety-related traffic offences](#), implementation appraisal, EPRS, European Parliament, 2023.

OTHER SOURCES

European Parliament, [Union-wide effect of certain driving disqualifications](#), Legislative Observatory (OEIL).

ENDNOTE

- ¹ This section aims to provide a flavour of the debate and is not intended to be an exhaustive account of all different views on the proposal. Additional information can be found in related publications listed under 'European Parliament supporting analysis'.

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