Opinion of the European Economic and Social Committee on the proposal for a Directive of the European Parliament and of the Council on driving licences, amending Directive (EU) 2022/2561 of the European Parliament and of the Council, Regulation (EU) 2018/1724 of the European Parliament and of the Council and repealing Directive 2006/126/EC of the European Parliament and of the Council and Commission Regulation (EU) No 383/2012

(COM(2023) 127 final — 2023/0053 (COD))

and on the proposal for a Directive of the European Parliament and of the Council on the Union-wide effect of certain driving disqualifications

(COM(2023) 128 final — 2023/0055 (COD))

(2023/C 293/19)

Rapporteur: **Philippe CHARRY**

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(for/against/abstentions)	210/1/2

1. **Conclusions and recommendations**

1.1. The legislative package proposed by the European Commission aims to achieve zero fatalities on European Union (EU) roads by 2050. This opinion addresses two strands of the reform: the introduction of a digital driving licence, and a clampdown on road-safety-related traffic offences across the EU.

1.2. The objective of providing European Union drivers with a digital driving licence also aims to put an end to differences and bureaucratic delays between the various Member States in processing applications from foreign drivers for exchanging foreign licences, which lead to obstacles to freedom of movement. This driving licence will be held on a mobile phone or any other digital device. The European Economic and Social Committee (EESC) supports this objective, but hopes that paper-based driving licences will remain available to drivers who wish them. Furthermore, for reasons related to the digital inclusion of all age groups, the EESC recommends personalised and free training and coaching on using new digital driving licences.

1.3. In the same vein, the EESC recommends removing the reduced validity period of driving licences on the basis of age for persons aged 70 and over, as provided for in Article 10 of the proposal for a Directive on driving licences. It calls for a non-discriminatory approach, with a concrete medical assessment, applicable to all drivers with identified impairments that affect the ability to drive.

1.4. The EESC would like the proposal for a Directive on driving disqualifications to offer better safeguards against the risk of overlap with the area of cooperation in criminal matters. Indeed, the exchange of information on offences committed by drivers envisaged in the proposal is based on Article 91(1)(c) of the Treaty on the Functioning of the European Union (TFEU) concerning the common transport policy, whereas the planned exchange of information between national authorities seems to relate more to criminal offences covered by the principles of police cooperation as laid down in Article 87 TFEU and judicial cooperation in criminal matters as laid down in Article 82 TFEU.

1.5. The Committee finds that the legislative package focuses on the human factor; however, many road accidents are caused by a lack of road maintenance, yet it fails to touch upon the responsibility of road infrastructure managers. In the EESC's view, the interaction of the proposed Directive with Directive (EU) 2019/1936 of the European Parliament and of the Council ([1]), the transposition of which is currently being monitored by the Commission, along with a potential overlap in the planned measures, risks undermining the Directive's effectiveness by creating a fragmentation of the applicable legislation.

1.6. The proposal for a Directive on driving disqualifications provides for the national identification number indicated on the identity card to be part of the electronic data exchanged between national authorities, where necessary. However, in many Member States the national identification number also allows access to the medical file of the person concerned. The EESC notes that the General Data Protection Regulation prohibits in principle the processing of personal data relating to health because these are 'sensitive' data. The Committee therefore calls for the proposal for a Directive to be clarified in relation to this matter.

1.7. The EESC calls for removing from the legislative proposal the provision allowing the adoption of implementing measures for the Directive on driving disqualifications even before it has been transposed in the Member States, as it violates the principles of legal certainty and the hierarchy of norms, as well as their temporal application.

1.8. The EESC takes note of the opportunity to allow young people to drive lorries accompanied from the age of 17. It also stresses the need to adapt the vocational training of lorry drivers and to improve working conditions and wages in order to make the job more attractive. It calls on the Commission to encourage employers to improve the situation by all means possible, such as strengthening training or raising awareness in the Member States.

1.9. The EESC recommends harmonisation with a view to ensuring that, after theoretical training at a driving school and practical driving lessons, apprentice drivers of heavy goods vehicles gain practical driving experience with specially trained instructors. 17-year-old drivers would be permitted to drive heavy goods vehicles only after a long apprenticeship and a highly selective driving test. The EESC calls for the proposal for a Directive to move in this direction.

2. **General comments**

2.1. The legislative package proposed by the Commission aims to achieve zero fatalities on European Union (EU) roads by 2050, and to reduce road deaths by 50 % by 2030. It proposes introducing a digital driving licence valid in all Member States, and improving the cross-border enforcement of driving disqualifications. The Commission notes that lorries and cars are the cause of the majority of fatal accidents, and that in urban areas, 70 % of accident victims are vulnerable users.

2.2. This opinion focuses on two of the proposals of the legislative package, which includes a preventive and an enforcement dimension:

— prevention consists of better preparing drivers for zero-emission vehicles and for driving on city roads alongside more bicycles, other two-wheeled vehicles and many pedestrians;

— enforcement comprises improved access to vehicle registers held by the Member States and enhanced cooperation between Member States in the investigation of offences.

2.3. The particular attention paid by the legislative package to electric vehicles is also in line with the objectives of reducing carbon footprints, greenhouse gas emissions and noise pollution.

2.4. It also takes into account the technological evolution of vehicles, the transition from manual to automatic transmission, and changes in vehicle weight.

Digital driving licence

2.5. *Proposal for a Directive COM(2023) 127 final* envisages the introduction of a digital driving licence from 2023. It also includes provisions to facilitate the transition to 'zero-emission vehicles'.

([1]) Directive (EU) 2019/1936 of the European Parliament and of the Council of 23 October 2019 amending Directive 2008/96/EC on road infrastructure safety management (OJ L 305, 26.11.2019, p. 1).

2.6. It amends Directive 2006/126/EC of the European Parliament and of the Council ([2]), the purpose of which was to improve road safety and facilitate freedom of movement by introducing the following:

— a single mandatory EU model driving licence for all drivers from 2033 onwards to ensure better protection against fraud and counterfeiting;

— the categorisation of driving licences according to the type of vehicle and the minimum age for driving;

— compulsory administrative renewal of all new driving licences every 10 years;

— a simplification of the administrative burden for drivers changing their place of residence in another Member State;

— the application of common minimum standards on the skills, knowledge and physical and mental fitness of drivers;

— progressive access to more powerful motorcycles based on age restrictions and previous experience on less powerful motorcycles;

— the creation of a network for the exchange of information on driving licences between national authorities (RESPER).

2.7. There are two main reasons for this fourth revision of the driving licence rules. On the one hand, the driver's ability, behaviour and health play a considerable role in many fatal road accidents, or lead to serious consequences and non-fatal injuries. Too many driving licence holders take the wheel even though they are not fit to drive. In this respect, the age criterion no longer appears to be decisive, as studies show that certain specific medical criteria relating to drug use, mental health, epilepsy, diabetes, cardiac health and sleep apnoea are not specifically related to age, and are more relevant than age for determining fitness to drive.

2.8. On the other hand, knowledge, practice and awareness of risk are particularly limited among young drivers. The high number of accidents involving young drivers shows that the requirements for obtaining a driving licence are not fully suited to the objective of road safety.

2.9. In addition, the gradual development of assisted driving, automatic emergency braking and automated vehicles will have an impact on driving and make the current Directive 2006/126/EC obsolete.

2.10. It also appears that the free movement of European citizens is hampered by the administrative formalities linked to obtaining, recognising, maintaining or exchanging a driving licence in a Member State other than the one in which it was issued. Certain criteria in Directive 2006/126/EC, such as that of 'normal residence', give rise to multiple problems of interpretation, to the extent that in some cases driving licence holders are unable to drive for more than six months in their new country of residence. In addition, EU citizens residing in another Member State sometimes find it difficult to pass a driving licence test in a language other than their own, especially as the assistance of an interpreter is not provided for.

2.11. Furthermore, there are no common rules for recognising driving licences issued in a third country to a person establishing their place of residence in the EU, bearing in mind that a licence issued by one Member State may not be recognised as valid in another Member State.

2.12. Finally, many Member States provide for, or have already introduced, a digital driving licence which is valid without the requirement to show an identity card. However, Directive 2006/126/EC only provides for the recognition of driving licences in paper form, which creates a new obstacle to the free movement of European citizens.

2.13. The proposal for a Directive is also in line with the UN Sustainable Development Goals ([3]), which aim to help make cities and living environments more inclusive, safe, resilient and sustainable by 2030, and to ensure access to safe, affordable, accessible and sustainable transport systems for all. It is also in line with the objectives of the Green Deal, as it provides for new rules on automatic transmission and on the maximum weight of most zero-emission category B vehicles.

2.14. It also pays particular attention to vulnerable road users, such as cyclists, pedestrians, scooter users and persons with disabilities or reduced mobility, and will facilitate the renewal of category C and D licences, an aspect which is favourable to transport undertakings, most of which are SMEs.

([2]) Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (OJ L 403, 30.12.2006, p. 18).

([3]) https://sdgs.un.org/

Road safety and increased enforcement

2.15. In 2018, the European Union set itself the target of halving the number of road deaths by 2030. Unfortunately, the figures in the latest report published in February 2023 are alarming: 20 600 people were killed in road accidents in Europe last year.

2.16. The proposal for a Directive on the Union-wide effect of certain driving disqualifications (COM(2023) 128 final) reduces impunity by allowing national authorities to have access to national driving licence registers and by improving cooperation between these authorities in recovering fines.

2.17. It proposes that this cooperation, which already exists in the area of speeding, be extended to other offences, such as failure to respect safe distances with other vehicles, dangerous overtaking (especially when crossing solid white lines) and dangerous parking.

2.18. The proposed reform aims to improve driving training, as two in five fatal accidents in Europe involve a driver under 30 years of age. It provides for stricter enforcement in cases of driving under the influence of alcohol by introducing a probationary period of at least two years for newly licensed drivers, with a zero-tolerance rule on drinking and driving ([4]).

2.19. The proposal for a Directive also covers infringements committed by drivers who do not reside in the Member State in which they committed the offence. In 2019, more than 40 % of drivers who committed an offence in an EU country other than their country of residence were not prosecuted or did not pay a fine, and only 50 % of the perpetrators were identified.

2.20. The proposal considers that residents and non-residents should be treated equally in the event of infringements, and that fines should be payable through an IT portal. However, it specifies that each country will retain its own legislation on criminalisation and penalties.

2.21. The reform therefore envisages that national authorities be given access to national registers and that cooperation between them be improved in the recovery of fines. This cooperation, which already exists on speeding, is to be extended to other offences, such as failure to respect safe distances with other vehicles, dangerous overtaking, and dangerous parking.

2.22. The reform also provides for the possibility to withdraw driving licences in all EU Member States and harmonise the rules on suspending and cancelling driving licences through the principle of mutual recognition for failure to comply with traffic lights, dangerously exceeding the authorised speed limit or refusal to undergo alcohol or drug tests.

3. **Specific comments**

3.1. The EESC considers that the proposal for a Directive on driving disqualifications, based on Article 91(1)(c) TFEU on the implementation of the common transport policy, does not provide sufficient safeguards against the risk of overlap with the scope of cooperation in criminal matters. Indeed, the planned exchange of information relates to criminal offences, and involves police cooperation under Article 87 TFEU and judicial cooperation in criminal matters under Article 82 TFEU, while the proposed Directive is based on Article 91(1)(c) TFEU.

3.2. The Committee notes that the proposal focuses on the human factor, while neglecting the fact that many road accidents are caused by a failure to maintain roads, and that it fails to touch upon the responsibility of road infrastructure managers. The EESC considers that the interaction of the proposed Directive with Directive (EU) 2019/1936, the transposition of which is currently being monitored by the Commission, along with a potential overlap in the planned measures, risks undermining the Directive's effectiveness by creating a fragmentation of the applicable legislation.

3.3. Article 5(2)(c) of the proposal for a Directive on driving disqualifications provides, where necessary, for the national identification number indicated on the identity card to be part of the electronic data to which national authorities have access. Point 6 of Annex I to the proposal for a Directive on digital driving licences explicitly states that the national identity card number will be part of the data contained in the identity card microchip and readable by identity card readers. However, in many Member States the national identification number also allows access to the medical file of the person concerned.

([4]) After discussion with the Commission, it has been clarified that the concept of zero tolerance is understood as what is technically reasonable.

3.4. The EESC notes that the General Data Protection Regulation prohibits in principle the processing of personal data relating to health because these are 'sensitive' data. The Committee therefore calls for the proposal for a Directive to be clarified in relation to this matter.

3.5. The implementation of Article 5(2)(c) could be laid down in an implementing act adopted by the Commission under the comitology procedure, even before the transposition date. The EESC regrets this provision allowing the adoption of implementing measures for a Directive even before it has been transposed in the Member States, as it undermines legal certainty by disregarding the principles of the hierarchy of norms and their temporal application.

3.6. The EESC finds that giving young people the opportunity to drive lorries accompanied from the age of 17 in order to address the shortage of workers in this profession by encouraging them to become lorry drivers addresses only part of the problem. It is also necessary to adapt the vocational training of lorry drivers and to improve working conditions and wages in order to make the profession more attractive. The EESC calls on the Commission to encourage employers to improve the situation by all means possible, such as strengthening training or raising awareness in the Member States.

3.7. The EESC considers that Member States should be able to allow drivers aged 18 and over to drive buses and D/DE category vehicles on their territory without the 50 km distance limit.

3.8. The driving licence reform provides for young drivers aged between 16 and 21 to be authorised to drive limited-speed cars with a B1 licence. This is an interesting proposal for limiting the use of lightweight motorcycles or unsafe scooters and overcoming the lack of public transport in some regions, especially as limited-speed cars can also be used by drivers who do not have a B licence, or even be used as a transition for older people with reduced driving capacities. The EESC endorses these advances.

3.9. It should also be possible to limit the speed of cars by means other than the speed limit proposed by the Commission. Electronic speed limitation devices are a reliable and modern alternative. For their part, Member States could lay down penalties for the unlawful modification of engine speed limitations.

3.10. The EESC also supports the envisaged possibility to drive alternatively-fuelled vehicles weighing up to 4 250 kg with a B licence, as this could speed up the electrification of the light lorry fleet and mitigate the shortage of drivers. Moreover, vehicle manufacturers have already introduced a large number of electric vans weighing 3 500 to 4 250 kg, which have a charging capacity equivalent to that of diesel vans currently on the market.

3.11. In the view of the EESC, following theoretical training at a driving school and practical driving lessons, apprentice heavy goods vehicle drivers should gain practical driving experience with a specialist instructor. These instructors should be specially trained for this purpose.

3.12. 17-year-old drivers would be permitted to drive heavy goods vehicles only after a long apprenticeship and a highly selective driving test. The proposal for a Directive should therefore be amended accordingly.

Brussels, 14 June 2023.

The President
of the European Economic and Social Committee
Oliver RÖPKE