Summary of the Opinion of the European Data Protection Supervisor on the Proposal for a Directive of the European Parliament and of the Council on driving licenses, 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

(2023/C 199/07)

(The full text of this Opinion can be found in English, French and German on the EDPS website https://edps.europa.eu)

On 1 March 2023 the European Commission issued a 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 ([1]) ('the Proposal').

The general objectives of the Proposal, as stated by the Commission, are to improve road safety, facilitate free movement as well as respond to the need for an increased sustainability and digital transformation of road transport.

The EDPS recognises that the objectives the Proposal aims to achieve, in particular promoting road safety and facilitating the free movement of individuals are legitimate purposes that qualify as public interest tasks. At the same time, it is important to ensure that the envisaged measures constitute an appropriate tool with regard to the objectives pursued by the Proposal.

The EDPS welcomes the intention to align the Proposal with the Union legislation on data protection. The EDPS also welcomes the additional safeguards provided for by the Proposal to ensure the protection of personal data during the verification of the driving rights of the holder of the driving licence. Also positive is the clarification that the Proposal would not provide a legal basis for setting up or maintaining databases at EU/national level for the storage of biometric data.

At the same time, the EDPS regrets the absence of a specific assessment on the necessity and proportionality of broadening the use of the network for the exchange of information related to driving licences between national authorities (RESPER) to prevent, detect and investigate criminal offences and recommends limiting the processing of driving licence data to road traffic-related offences.

Furthermore, the EDPS considers that with regard to the use of electronic applications for the verification of mobile driving licences, it should be ensured that no personal data other than those necessary for the verification of the driving rights of the holder of the mobile driving licence are used for this purpose. Finally, the EDPS recommends making the use of the European Digital Identity Wallet for the purpose of implementing the app that would hold the digital licence optional.

1. INTRODUCTION

1. On 1 March 2023 the European Commission issued a Proposal for a Directive of the European Parliament and of the Council on driving licenses, 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 ([2]) ('the Proposal').

([1]) COM(2023) 127 final.
([2]) COM(2023) 127 final.

2. The Proposal is part of a larger legislative package, referred to as the 'Road Safety Package' which also includes:

   a. a Proposal for a Directive amending Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences ([3]);

   b. a Proposal for a Directive on the Union wide effect of certain driving disqualifications disqualification ([4]).

3. This Proposal has been announced in the Commission Work Programme 2022, Annex II (REFIT initiatives), under the heading 'A New Push for European Democracy' ([5]).

4. The general objectives of the Proposal, as stated by the Commission, are to improve road safety, facilitate free movement as well as respond to the need for an increased sustainability and digital transformation of road transport ([6]). In this regard, the Proposal lays down measures to improve driving skills, knowledge and experience as well as reduce and punish dangerous behavior; ensure adequate physical and mental fitness of drivers across the EU; remove inadequate or unnecessary barriers affecting applicants and holders of driving licenses.

5. The Proposal is linked to the policy goals of several strategic documents:

   a. The Strategic Action Plan on Road Safety ([7]);

   b. The EU Road Safety Policy Framework 2021-2030 - next steps towards 'Vision Zero' ([8]);

   c. Valletta Declaration on Improving Road Safety ([9]);

   d. Sustainable and Smart Mobility Strategy of 2020 ([10]);

   e. The UN Global Plan for the Decade of Action for Road Safety 2021-2030 ([11]).

6. The present Opinion of the EDPS is issued in response to a consultation by the European Commission of 1 March 2023, pursuant to Article 42(1) of EUDPR ([12]). The EDPS welcomes the reference to this consultation in Recital 42 of the Proposal.

6. **CONCLUSIONS**

27. In light of the above, the EDPS makes the following recommendations:

   (1) To clarify the relationship of the Proposal with the existing legal framework on data protection in the EU as well as the e-Privacy Directive;

   (2) To modify Article 19(2)(c) by limiting the use of RESPER to enabling access to driving licence data for the purpose of preventing, detecting and investigating criminal offences related to road traffic;

   (3) To include a provision to ensure that no personal data other than those necessary for the verification of the driving rights of the holder of the mobile driving licence are processed for this purpose in the context of the electronic application for the digital driving licences;

([3]) COM(2023) 126 final.
([4]) COM(2023) 128 final.
([5]) COM(2021) 645 final, Annex II, p. 11.
([6]) COM(2023) 127 final, p. 4.
([7]) COM(2018) 293 final, Annex I, Europe on the Move. Sustainable Mobility for Europe: safe, connected and clean.
([8]) SWD(2019) 283 final.
([9]) Council conclusions on road safety endorsing the Valletta Declaration (Valletta, 28–29 March 2017) 9994/17.
([10]) COM(2020) 789 final.
([11]) https://cdn.who.int/media/docs/default-source/documents/health-topics/road-traffic-injuries/global-plan-for-road-safety.pdf?sfvrsn=65cf34c8_35&download=true
([12]) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

(4) To make the use of the European Digital Identity Wallet for the purpose of implementing the app that would hold the digital licence optional.

Brussels, 25 April 2023.

Wojciech Rafał WIEWIÓROWSKI