



P9_TA(2024)0057

Union-wide effect of certain driving disqualifications

European Parliament legislative resolution of 6 February 2024 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)0128 – C9-0036/2023 – 2023/0055(COD))

(Ordinary legislative procedure: first reading)

(C/2024/6348)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0128),
 - having regard to Article 294(2) and Article 91(1), point (c), of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0036/2023),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 14 June 2023, ⁽¹⁾
 - after consulting the Committee of the Regions,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A9-0410/2023),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 293, 18.08.2023, p. 133.

P9_TC1-COD(2023)0055**Position of the European Parliament adopted at first reading on 6 February 2024 with a view to the adoption of Directive (EU) 2024/... of the European Parliament and of the Council on the Union-wide effect of certain driving disqualifications**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1), point (c), thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Improving road safety is a primary objective of the Union's transport policy. In its EU Road Safety Policy Framework 2021-2030 ⁽²⁾, the Commission recommitted to the ambitious goal to get close to zero deaths and zero serious injuries on Union roads by 2050 ('Vision Zero'), as well as to the medium-term aim to reduce deaths and serious injuries by 50 % by 2030.
- (2) In order to achieve the goal of improving road safety, the Transport Ministers of the Member States, in the 2017 Valetta Declaration on Road Safety of 29 March 2017, called for the strengthening of the Union's road safety legal framework, with a particular focus on the need for Member States to cooperate in the matter of driving disqualifications of non-resident drivers.
- (3) As a result of the free movement of persons and increasing international road traffic, driving disqualifications are frequently imposed by Member States other than the one where the driver normally resides, and which issued the driving licence.
- (4) So far, a Member State other than the one where the driver normally resides can take measures, in accordance with its national legislation, and as a result of unlawful conduct in its territory by the holder of a driving licence obtained in another Member State, which result in refusing to recognise the validity of driving licences issued by other Member States and, therefore, in a restriction of the right to drive of the person concerned. However, the scope of those measures is limited to the territory of the Member State where the unlawful conduct took place and their effect limited to the refusal to recognise the validity of that licence within that territory. Accordingly, in the absence of any action by the Member State that issued the driving licence, that driving licence continues to be recognised in all other Member States. Such a scenario however prevents achieving a higher level of road safety in the Union. Drivers disqualified from driving in a Member State other than the one which issued the driving licence should not escape the effects of such measure when present in a Member State other than that of the offence.
- (5) In order to ensure a high level of protection for all road users in the Union, it is necessary to lay down specific rules for the Union-wide application of driving disqualifications imposed by a Member State other than the one that issued the driving licence of the offender, which result from major road-safety related traffic offences.

⁽¹⁾ OJ C 293, 18.08.2023, p. 133.

⁽²⁾ SWD(2019)283 final.

- (6) However, the implementation of this Directive should **respect the principle of subsidiarity and** not require the harmonisation of national rules concerning the definition of road traffic offences, their legal nature and the applicable sanctions for such offences. In particular, the Union-wide effect of driving disqualifications should be pursued regardless of the qualification of the national measures in the Member State of offence as administrative or criminal. **When applying a Union-wide driving disqualification, within the existing legal limits of the national rules in that regard, the Member States should aim to align their decisions, as much as possible.** [Am. 1]
- (7) This Directive should be without prejudice to the rules on police and judicial cooperation in criminal matters, and on mutual recognition of related judicial decisions. Also, it should not affect the possibility of the judicial authorities of the Member States to execute decisions they have issued, in particular decisions of criminal nature.
- (8) The precise aim of this Directive is to enable the Union to pursue the goal of improving road safety across the Union. As the Court of Justice has held, measures seeking to improve road safety form part of transport policy and may be adopted on the basis of Article 91(1), point (c), of the Treaty ⁽³⁾, in so far as they are ‘measures to improve transport safety’ within the meaning of that provision ⁽⁴⁾.
- (9) Driving disqualifications resulting from major road-safety-related traffic offences can consist in the withdrawal, restriction or suspension of the driving licence or the right to drive of the offender. Where the offence was committed in the Member State that issued the driving licence, it can also consist in their cancellation. Therefore it should be through the application of all these measures by the Member State which issued the driving licence, that the Union-wide effects of driving disqualifications should be achieved.
- (10) As drink-driving (namely driving with a blood alcohol level that surpasses the maximum value allowed by the law), speeding (that is to say exceeding the speed limits in force for the road or type of vehicle concerned) and driving under the influence of drugs **and psychoactive substances** constitute the leading causes of road traffic crashes and fatalities within the Union, the highest possible diligence should be provided for cases relating to those offences, which should thus be considered as ‘major road-safety-related traffic offences’ for the purposes of this Directive. Furthermore, given their seriousness, road traffic offences which result in the death or serious bodily injury of the victim, **or driving without a valid driving licence** should also be considered as major offences. [Am. 2]
- (11) Driving disqualifications imposed by a Member State with respect to a person who is not a normal resident within the meaning of Article 17 of [NEW DIRECTIVE ON DRIVING LICENCES], and who holds a driving licence issued by another Member State, should have effects across the entire territory of the Union, in similar terms as driving disqualifications imposed with respect to persons who hold driving licences issued by that Member State already have. Also in view of the principle of procedural autonomy, Member States should be free to decide how to best achieve that result in accordance with their national law. Account should be taken, however, of the fact that where a Member State imposes a driving disqualification on a person having normal residence in that Member State, but holding a driving licence issued by another Member State, the former is entitled to exchange the licence for the purpose of applying that driving disqualification in accordance with Article 11(2) of [NEW DIRECTIVE ON DRIVING LICENCES].
- (12) The Member State which imposed the driving disqualification (‘Member State of the offence’) should notify the Member State that issued the driving licence of the person concerned (‘Member State of issuance’) of any driving disqualification imposed for a duration of one month or more on such person, in order to trigger the procedures necessary to ensure the Union-wide effect of the driving disqualification. Such notification should be transmitted by means of a standard certificate **no later than ten working days after the decision imposing the driving disqualification**, in order to ensure a seamless, reliable and effective exchange of information between the Member States. **The transmission of the certificate and the exchange of other required information between the national contact points of the Member States in respect of the application of this Directive should be carried out through the EU driving licence network (‘RESPER’).** [Am. 3]

⁽³⁾ OJ C 202, 7.6.2016.

⁽⁴⁾ Judgment of the Court (Grand Chamber) of 6 May 2014 in Commission v Parliament and Council, C-43/12, EU:C:2014:298, paragraph 43.

- (13) The standard certificate should contain a minimum set of data allowing for the proper implementation of this Directive, namely the authority of the Member State of the offence imposing the driving disqualification, **a description of** the major road-safety-related traffic offence committed, the resulting driving disqualification, **details identifying** the person concerned, and the procedures followed for the imposition of the disqualification. Such certificate should also be translated into an official language of the Member State of issuance or to any other language that the Member State of issuance has accepted, in order to ensure quick processing by the addressee. Through providing only for this information the standard certificate can guarantee effectiveness without obliging Member States to share not proportionate or excessive amounts of information. [Am. 4]
- (14) The imposition of driving disqualifications as a consequence of unlawful conducts contributes to guaranteeing a high level of road safety within the Union. Based on the principle of mutual recognition of driving licences issued in the Member States, measures concerning the withdrawal, cancellation, suspension or restriction of a driving licence issued by the Member State of issuance are automatically recognized by all other Member States. Accordingly, the Member State of issuance should be required to ensure that driving disqualifications adopted by other Member States are recognised by all Member States. Therefore, upon notification of the imposed driving disqualification, and unless a ground for exemption applies or is invoked, the Member State of issuance should take the appropriate measures to extend the effect of the driving disqualification to the Union.
- (15) The measure taken by the Member State of the issuance should vary depending on the specific nature of the driving disqualification. Given that a withdrawal, suspension or restriction of a driving licence or right to drive necessarily have different consequences, they require different procedures to be given effect in compliance with the competences of the Member States involved. In particular, specifically as regards withdrawal, the person concerned should be able to recover the driving licence or the right to drive in accordance with the rules applicable to alike circumstances in the Member State of issuance. As regards suspension or restriction, it should be ensured that only the duration of such measures is given a Union-wide effect, even where the driving disqualification provides for additional conditions, because the primary goal of those measures is to temporarily or partially prevent the person concerned from driving and not to determine how that person should recover her or his right to drive in the Member State of issuance.
- (16) In principle, the possibility for Member States to apply driving disqualifications within their territory should not be limited by this Directive. Accordingly, the Member State of the offence should be able to continue to apply, in accordance with its national rules and with effects limited to its territory, driving disqualifications and any additional conditions set thereunder until the person concerned complies with them.
- (17) However, it is also important to take into account that the evaluation of the compliance with the requirements set under Union law for obtaining a driving licence is a competence of the Member State of issuance. The application of additional conditions in the Member State of issuance should also not result in duplicating the requirements that a concerned person must fulfil to prove that regaining a driving licence or the right to drive will not pose a danger to road safety in the Union. In light of that, where the Member State of issuance has adopted measures to ensure the Union-wide effect of the driving disqualification and, following that, has reassessed whether the person concerned is suitable to recover a driving licence or the right to drive, that assessment should be recognised across the entire Union and therefore also in the Member State of offence.
- (18) The application of measures by the Member State of issuance should serve the purpose of ensuring that a driving disqualification has Union-wide effect and should not require a new assessment of the facts that lead to the disqualification. However, in order to guarantee that the Union-wide effect is not contrary to the principle of proportionality, fundamental rights or exceptions provided for in the law of the Member State of issuance it is appropriate to lay down certain grounds that exempt the Member State of issuance from the obligation of adopting measures.

- (19) In the interest of road safety and in order to provide legal certainty for the person concerned and for the Member State of the offence, the Member State of issuance should ensure the Union-wide effect of the driving disqualification or apply a ground for exemption within the shortest possible time, and in any case no later than 15 days after it has been notified of the disqualification. This should be without prejudice to situations where exceptional circumstances prevent compliance with that time limit. Even in such exceptional cases, however, the Member State of issuance should act without undue delay, and inform the Member State of offence about the period and reason for delay.
- (20) The proper implementation of this Directive presupposes close, swift and effective communication between the competent national authorities involved. The competent national authorities of the Member States should therefore consult each other whenever necessary, ~~via appropriate means~~. Moreover, in specific well-defined cases, both the Member State of issuance and Member State of offence should provide each other with important information in relation to the application of this Directive ~~without delay. This should be the case for~~ **no later than ten working days following a decision on** the adoption of measures granting a Union-wide effect to driving disqualifications; ~~decisions or a decision~~ taken on grounds of exemption, the completion of the driving disqualifications and for any circumstances affecting the originally imposed driving disqualifications. [Am. 5]
- (21) After being notified of a driving disqualification and granting it Union-wide effects, the Member State of issuance should inform the person concerned ~~without delay~~ **no later than seven working days following that notification**, in order to allow the exercise of fundamental rights such as the right to be heard and to challenge the decisions before the competent national courts and tribunals. [Am. 6]
- (22) Member States should ensure that adequate legal remedies against measures taken pursuant to this Directive are in place, equivalent to those available in similar domestic cases, and that information about such remedies is provided when those remedies become applicable, and in due time to ensure that they can be exercised effectively. However, it should be clarified that the driving disqualification notified in accordance with Article 4(1) can only be challenged in an action brought in the Member State of the offence.
- (23) The protection of natural persons in relation to the processing of their personal data is a fundamental right. In accordance with Article 8(1) of the Charter of Fundamental Rights of the European Union ⁽⁵⁾ and Article 16(1) of the Treaty, everyone has the right to the protection of personal data concerning them. The relevant Union legislation, namely Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽⁶⁾ and Directive (EU) 2016/680 of the European Parliament and of the Council ⁽⁷⁾, should apply to the processing of personal data in the context of this Directive in accordance with their respective scope of application.
- (24) This Directive establishes the legal basis for the exchange of personal data for the purpose of giving effect to driving disqualifications imposed by a Member State, other than the Member State of issuance. This legal basis is in line with Article 6(1)(c) and, where applicable, Article 10 of Regulation 2016/679, and Article 8 of Directive 2016/680. The personal data to be exchanged with the Member State of issuance should be limited to what is necessary to comply with the obligations laid down in this Directive.
- (25) In order to ensure the seamless, reliable and effective exchange of information **via RESPER**, each Member State should designate a national contact point for the purposes of this Directive. They should further ensure that their respective national contact points cooperate with the relevant authorities involved in the enforcement of the driving disqualifications covered by this Directive, in particular to ensure that all necessary information is shared in due time. [Am. 7]

⁽⁵⁾ OJ C 202, 7.6.2016, p. 391.

⁽⁶⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁽⁷⁾ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

- (26) Member States should regularly collect comprehensive statistics on the application of this Directive, and send them to the Commission each year. On the basis of this and other information, the Commission should evaluate the impact of the implementation of this Directive on road safety and submit a report on the results of that evaluation to the European Parliament and to the Council every five years, together, where appropriate, with legislative proposals for its amendment.
- (26a) *During the preparations for the review of this Directive, the Commission should take into consideration to the fullest extent that Member States face different geographical and societal challenges when aiming to improve road safety. Indeed, while some Member States are successfully aiming to enforce road traffic rules through the so-called demerit point systems, others are choosing different methods, such as imposing stricter sanctions immediately or putting more effort into targeted enforcement and prevention campaigns. Moreover, account should also be taken of the fact that demerit point systems themselves can be significantly different between the Member States that choose to apply them. As such, resources and attention should be directed to other measures, which can increase road safety, while also letting Member States address the diverse challenges that they face in such ways as they believe to be the most efficient. [Am. 51]*
- (27) This Directive should not affect the rights and obligations stemming from other applicable Union legislation, in particular Council Framework Decision 2008/947/JHA ⁽⁸⁾ and Council Framework Decision 2005/214/JHA ⁽⁹⁾, or the rights of suspects and accused persons as provided for in Directive 2010/64/EU ⁽¹⁰⁾, Directive 2012/13/EU ⁽¹¹⁾, Directive 2013/48/EU ⁽¹²⁾, Directive (EU) 2016/343 ⁽¹³⁾, Directive (EU) 2016/800 ⁽¹⁴⁾ and Directive (EU) 2016/1919 of the European Parliament and of the Council ⁽¹⁵⁾.
- (28) Member States should be able to conclude bilateral or multilateral agreements or arrangements with other Member States, in order to supplement and facilitate the system established by this Directive. They should only do so, however, in so far as such agreements or arrangements allow the provisions of this Directive to be extended or enlarged and help simplify or facilitate further the procedures for granting Union-wide effect to driving disqualifications, and therefore insofar as they allow for a higher level of road safety.
- (29) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission to establish the format and content of the standard certificate for notifying a driving disqualification. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽¹⁶⁾.

⁽⁸⁾ Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions (OJ L 337, 16.12.2008, p. 102).

⁽⁹⁾ Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties (OJ L 76, 22.3.2005, p. 16).

⁽¹⁰⁾ Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1).

⁽¹¹⁾ Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1).

⁽¹²⁾ Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ L 294, 6.11.2013, p. 1).

⁽¹³⁾ Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ L 65, 11.3.2016, p. 1).

⁽¹⁴⁾ Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1).

⁽¹⁵⁾ Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L 297, 4.11.2016, p. 1).

⁽¹⁶⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (30) Since the objectives of this Directive, namely to ensure the Union-wide effect of decisions imposing driving disqualifications which result from major road-safety-related traffic offences, with the goal to improve the levels of road safety across the Union, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of this Directive, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union ⁽¹⁷⁾. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (31) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽¹⁸⁾ and delivered an opinion on [DD/MM/YYYY],

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Objective and subject-matter

This Directive aims to ensure a high level of protection for all road users in the Union. For this purpose, it lays down rules providing for a Union-wide effect of driving disqualifications for major road-safety-related traffic offences committed in a Member State other than the one that issued the driving licence of the person concerned.

Article 2

Definitions

For the purposes of this Directive, the following definitions apply:

- (1) 'driving disqualification' means any decision related to the commission of a major road-safety-related traffic offence, which results in the withdrawal, restriction or suspension of the driving licence or the right to drive of a driver of a power-driven vehicle, which is no longer subject to a right of appeal, irrespective of whether it constitutes a primary, secondary or supplementary penalty or a safety measure and irrespective of whether it is qualified as an administrative or criminal measure;
- (2) 'withdrawal' means the revocation of the driving licence or the right to drive or of their recognition;
- (3) 'suspension' means the temporary limitation of the validity of the driving ~~licence~~**licence** or of the right to drive or of their recognition, for a fixed ~~amount of time~~**period**, or for both a combination of a fixed ~~amount of time~~**period** and the fulfilment of additional conditions; **[Am. 9]**
- (4) 'restriction' means the partial limitation of the validity of the driving license or of the right to drive or of their recognition, either for a fixed period of time, or subject to the fulfillment of additional conditions, or pursuant to a combination of both;
- (5) 'additional conditions' means conditions other than the lapse of a fixed period of time that a person concerned by a driving disqualification must comply with in order to recover his or her right to drive or driving licence;
- (6) 'Member State of the offence' means the Member State ~~in~~**within the territory of** which ~~the road traffic offence that has given rise to~~ a driving disqualification **was committed and in which that driving disqualification** was delivered; **[Am. 10]**
- (7) 'Member State of issuance' means the Member State that issued the driving licence of the person concerned, and to which a driving disqualification is transmitted in accordance with the provisions of this Directive;

⁽¹⁷⁾ OJ C 202, 7.6.2016, p. 13.

⁽¹⁸⁾ 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).

- (8) 'power-driven vehicle' means a power-driven vehicle as defined in Article 2, point (4) of [NEW DIRECTIVE ON DRIVING LICENCES];
- (9) 'driving licence' means a driving licence as defined in Article 2, point (1) of [NEW DIRECTIVE ON DRIVING LICENCES];
- (10) '**liable** person ~~concerned~~' means the natural person against whom a driving disqualification is issued; [Am. 11]
- (11) 'major road-safety-related traffic offence' means:
 - (a) drink-driving as defined in Article 3, point (g), of Directive (EU) 2015/413 of the European Parliament and of the Council ⁽¹⁹⁾;
 - (b) speeding as defined in Article 3, point (d), of Directive (EU) 2015/413;
 - (c) driving under the influence of drugs as defined in Article 3, point (h), of Directive (EU) 2015/413;
 - (d) a conduct which infringes road traffic regulations, and which caused death or serious bodily injury;
 - (da) **driving without a valid driving licence as outlined in Directive 2006/126/EC**; [Am. 12]
- (12) 'normal residence' means normal residence in accordance with Article 17 of [NEW DIRECTIVE ON DRIVING LICENCES].

Article 3

Union-wide effect of driving disqualifications

Member States shall ensure that a driving disqualification issued by a Member State with respect to a person who does **or does not normally reside** ~~not have its normal residence~~ in that Member State **or another Member State** and who **either** holds a driving licence issued by another Member State **or does not hold a driving licence** shall have effect across the entire territory of the Union in accordance with this Directive. [Am. 13]

Article 4

Duty to notify a driving disqualification

1. The Member State of the offence shall notify the Member State of issuance ~~of any~~ **no later than ten working days following any decision imposing a** driving disqualification ~~imposed~~ for a duration of one month or more on a person who does not have its normal residence in the Member State of the offence and who holds a driving licence issued by the Member State of issuance. **The Member State of the offence shall also notify the person concerned if he or she is not normally resident in the Member State of issuance.** [Am. 14]
2. The notification referred to in paragraph 1 shall be made by means of a standard certificate as provided for in Article 5 and in accordance with the procedure set out in paragraph 3.
3. The national contact point of the Member State of the offence shall complete, sign and transmit the certificate directly to the national contact point of the Member State of issuance, which shall forward it to the authority competent for ensuring the Union-wide effect of the driving disqualification. The driving licence of the person concerned, ~~when in the event that~~ it has been seized, and the original decision imposing the driving disqualification or a certified copy thereof shall also be forwarded to the national contact point of the Member State of issuance by the national contact point of the Member State of the offence. There shall be no obligation for the Member State of the offence to translate the original decision or its certified copy. [Am. 15]

⁽¹⁹⁾ Directive (EU) 2015/413 of the European Parliament and of the Council of 11 March 2015 facilitating cross-border exchange of information on road-safety-related traffic offences Text with EEA relevance (OJ L 68, 13.3.2015, p. 9).

Article 5

Standard certificate and means of transmission

1. Before ... [the date of transposition set out in Article 19], the Commission shall, by way of an implementing act, establish the format and content of the standard certificate for the notification of a driving disqualification. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 17(2).
2. The certificate shall contain the following information:
 - (a) information about the authority that imposed the driving disqualification in the Member State of the offence;
 - (b) the description of the major road-safety-related traffic offence, ~~of and~~ the facts **and of the causes** leading to the imposition of the driving disqualification; [Am. 16]
 - (c) the name and address of the person concerned; and the number of ~~the~~ **his or her** driving licence, ~~and if necessary, of the~~ **and** national identification documents, ~~whilst other personal information linked to of the person concerned, where available's national identity document is to remain confidential;~~ [Am. 17]
 - (d) the applicable legal provisions of the Member State of the offence;
 - (e) the procedures followed and the precise scope and content of the driving disqualification, including, if applicable, the date on which the suspension or the restriction ceases to have effect, and any additional conditions set by the Member States of the offence;
 - (f) the period (in days) of the driving disqualification imposed by the Member State of the offence, which has already been served in that Member State, where applicable.
 - (fa) **the right to appeal the decision before the judiciary in accordance with the national legislation of the Member State of the offence.** [Am. 18]
3. The Member State of the offence shall provide the Member State of issuance with a translation of the certificate in an official language of the Member State of issuance or in any other language that the Member State of issuance has accepted in accordance with paragraph 4.
4. Any Member State may, at any time, state in a declaration notified to the Commission that it will accept translations of certificates in one or more official languages of the Union other than the official language or languages of that Member State. Such declaration can be withdrawn at any time. The Commission shall make the declarations and any withdrawals thereof available to all Member States.
5. The national contact point of the Member State of the offence shall transmit the certificate to the national contact point of the Member State of issuance through the EU driving licence network referred to in Article 19(1) of [NEW DIRECTIVE ON DRIVING LICENCES] ('RESPER').
- 5a. The national contact points of the Member State of the offence and the Member State of issuance shall also use RESPER for the exchange of the information to be provided in accordance with Articles 8, 9, 10, 11, 12, 14 and 15. The Commission shall ensure that RESPER is equipped with the necessary resources to fulfil this task.** [Am. 19]

Article 6

Ensuring the Union-wide effect of driving disqualifications

1. Upon the notification of a driving disqualification in accordance with Article 4(1) and unless a ground for exemption laid down in Article 8 applies, the Member State of issuance shall take the appropriate measures to ensure that the driving disqualification has Union-wide effect.
2. Where the driving disqualification ~~consists~~ **results** in a withdrawal, the measures taken by the Member State of issuance shall ~~comply with~~ **be** the following conditions: [Am. 20]
 - (a) the Member State of issuance shall withdraw the driving licence or the right to drive of the person concerned;
 - (b) ~~the person concerned may recover the driving licence or the right to drive in accordance with the national rules of the Member State of issuance;~~ [Am. 21]

- (c) the Member State of issuance shall take into account as far as possible any part of the additional conditions with which the person concerned shall comply in order to recover the right to drive that have been already fulfilled in the Member State of the offence.
- (ca) ***in the event that the 'country of normal residence', as defined in Article 12 of Directive 2006/126/EC differs from the country of issuance, the exchange of the driver's driving licence shall be facilitated.*** [Am. 22]

The person concerned may recover the driving licence or the right to drive in accordance with the national rules of the Member State of issuance. [Am. 23]

3. Where the driving disqualification ~~consists~~**results** in a suspension or a restriction, the measures taken by the Member State of issuance shall ~~comply with~~**be** the following ~~conditions~~: [Am. 24]

- (a) the Member State of issuance shall suspend or restrict the validity of the driving licence or the right to drive of the person concerned until the date on which the suspension or the restriction imposed and notified by the Member State of the offence ceases to have effects;
- (b) where the suspension or the restriction imposed and notified by the Member State of the offence is subject both to the lapse of a fixed ~~amount of time and~~ **period and** the fulfilment of additional conditions, the Member State of issuance shall take into account only the fixed period ~~of time~~; [Am. 25]
- (c) where a restriction is imposed and notified by the Member State of the offence, it shall be taken into account insofar as compatible with the law of the Member State of issuance in terms of its nature or duration.

3a. The Member State of issuance shall aim to ensure that, within the existing legal limits of national rules, the measures taken pursuant to paragraphs 2 and 3 with regard to driving disqualifications are aligned to the greatest extent possible with the corresponding measures imposed by the Member State of the offence. [Am. 26]

4. Without prejudice to the ground for exemption laid down in Article 8(1), point (a), when adopting measures under this Article, the Member State of issuance shall be bound by and rely on the information and facts provided by the Member State of the offence in accordance with Article 5.

Article 7

Effects of driving disqualifications in the Member State of the offence

1. This Directive shall not prevent the Member State of the offence from executing the driving disqualification within its territory and in accordance with its national rules.
2. Where a driving disqualification containing additional conditions has been notified to the Member State of issuance in accordance with Article 4(1), the Member State of the offence may continue to apply such driving disqualification within its territory until the person concerned complies with those conditions.
3. However, additional conditions attached to a driving disqualification notified in accordance with Article 4(1) shall be deemed to be fulfilled by the Member State of the offence where the Member State of issuance has positively assessed that the person concerned ~~fulfills~~**has fulfilled** the conditions applicable in the Member State of issuance for recovering the right to drive or the driving licence or to be able to apply for a new one. ***In such case, the Member State of the offence shall be bound by the positive assessment of the Member State of issuance and its effects. The Member State of the offence shall therefore no longer apply the additional conditions. However, the Member State of the offence may continue to apply the driving disqualification on its territory until the end of its duration.*** [Am. 27]

Article 8

Grounds for exemption

1. The Member State of issuance shall not take the measures referred to in Article 6(1) where:
 - (a) the certificate referred to in Article 5 is incomplete or manifestly incorrect and the missing or the correct information has not been provided in accordance with paragraph 3, of this Article;

- (b) the driving disqualification has already been fully executed in the Member State of the offence;
- (c) the driving disqualification is statute-barred in accordance with the law of the Member State of issuance;
- (d) ~~there is a privilege or immunity under the law of the Member State of issuance that prevents the execution of the driving disqualification;~~ [Am. 28]
- (e) at the moment of adopting the measures, referred to in Article 6(3), the remaining period of the suspension or of the restriction to be served pursuant to the driving disqualification is less than one month;
- (f) judicial proceedings took place and according to the certificate the person concerned did not appear in person at the trial that resulted in the adoption of the driving disqualification, unless the certificate states that, in accordance with further procedural requirements defined in the law of the Member State of the offence, either of the following circumstances have occurred:
 - (i) the person concerned was summoned in person in due time and was thereby informed of the scheduled date and place of the trial that resulted in the driving disqualification, or actually received, by other means, official information of the scheduled date and place of that trial in such a manner that it was established unequivocally that that person was aware of the scheduled trial, and was informed in due time that such a driving disqualification could be handed down if that person did not appear at the trial;
 - (ii) being aware of the scheduled trial, the person concerned had given a mandate to a lawyer, who was either appointed by the person concerned or by the State, to defend that person at the trial and was actually defended by that lawyer at the trial; or
 - (iii) after having been served with the driving disqualification and having been expressly informed of the right to a retrial or an appeal, in which the person concerned would have the right to participate and which would allow a re-examination of the merits of the case including an examination of fresh evidence, and which could lead to the original driving disqualification being reversed, that person expressly stated that he or she did not contest the driving disqualification, or did not request a retrial or appeal within the applicable time limits;
- (g) in exceptional situations, there are substantial grounds to believe, on the basis of specific and objective evidence, that the execution of the driving disqualification would, in the particular circumstances of the case, entail a breach of a fundamental right as set out in the Charter.

2. The Member State of issuance may decide to apply also the following grounds of exemption:

- (a) the driving disqualification relates to a major road-safety-related traffic offence that, on the basis of the information notified under Article 4(1), would not be sanctioned with a driving disqualification under the law of the Member State of issuance;
- (b) the driving disqualification was imposed only on grounds of speeding and the speed limit in force in the Member State of the offence, **provided that the speed limit on the road where the speeding took place was clearly demarcated**, were exceeded **in the case of residential area roads, by less than 30km/h and in the case of non-residential area roads, by less than 50 km/h;** [Am. 29]
- (c) under the law of the Member State of issuance, the person concerned cannot, due to his or her age, be held liable for the major road-safety-related traffic offence in respect of which the driving disqualification was issued.

3. Whenever the Member State of issuance intends to apply in a specific case a ground for exemption pursuant to paragraph 1 or 2, it shall inform ~~without delay~~ **no later than ten working days following a decision to apply an exemption**, the Member State of the offence and, where applicable, request any necessary information for the purpose of examining whether a ground for exemption referred to therein applies. The Member State of the offence shall provide the requested information ~~without delay~~ **no later than ten working days following the request** and may provide any additional information or comment it deems relevant. [Am. 30]

Information provided under this paragraph shall not include personal data other than those strictly necessary for the application of paragraphs 1 and 2 and shall be used for the sole purpose of applying those paragraphs.

Article 9

Time-limits

1. The Member State of issuance shall take the measures referred to in Article ~~6(1)~~**6(1)** or adopt the decision that a ground of exemption pursuant to Article 8 applies without delay and, without prejudice to paragraph 3, no later than 15 **working** days after it received the certificate in accordance with Article 5(1). [**Am. 31**]
2. The national contact point of the Member State of issuance shall communicate ~~without delay~~**no later than ten working days following the adoption of** the measures taken under Article 6(1) or the decision that a ground of exemption applies pursuant to Article 8 to the national contact point of the Member State of the offence through RESPER. [**Am. 32**]
3. Where it is not possible, in a specific case, to meet the time-limit set out in paragraph 1, the national contact point of the Member State of issuance shall inform **via RESPER** the national contact point of the Member State of the offence ~~without delay by any means~~**no later than ten working days following the expiry of that time-limit**, giving the reasons for which it was not possible to meet that time-limit.

The expiry of the time-limit set in paragraph 1 shall not relieve the Member State of issuance of its obligation to take the measures referred to in Article 6(1) without delay. [**Am. 33**]

Article 10

Consultations between the Member States

Where necessary, Member States shall consult each other **in a timely manner, in order**, ~~via appropriate means and without delay~~, to ensure the effective application of this Directive. [**Am. 34**]

Article 11

Information to be given by the Member State of issuance

The national contact point of the Member State of issuance shall ~~without delay~~ inform the national contact point of the Member State **of** the offence **no later than ten working days following the adoption**: [**Am. 35**]

- (a) of the reception of the notification of the driving disqualification, in accordance with Article 4(1);
- (b) of the measures taken under Article 6, once they have become legally binding;
- (c) of any decision that a ground of exemption pursuant to Article 8 applies together with the reasons for the decision;
- (d) of any measure suspending or terminating the Union-wide effect of the driving disqualification and the underlying reasons, including on account of the successful challenge by the person concerned.

Article 12

Information to be given by the Member State of the offence

The national contact point of the Member State of the offence shall ~~without delay~~ inform the national contact point of the Member State **of** issuance, **no later than ten working days following the adoption**: [**Am. 36**]

- (a) any circumstance that affects the decision that imposed the driving disqualification, **including any relevant information with regard to any fulfilment that has already taken place in the Member State of the offence of any additional conditions imposed in relation to a driving disqualification**; [**Am. 37**]
- (b) of the execution of the driving disqualification in the Member State of the offence.

Article 13

Obligation to inform the person concerned

1. Following both the reception of the notification under Article 4(1) and the adoption of measures under Article 6(1), respectively, the Member State of issuance shall inform the person concerned ~~without delay~~ **no later than seven working days following the reception of the notification under Article 4(1) or the adoption of measures under Article 6(1)**, in accordance with procedures under its national law. [Am. 38]
2. The information to be provided in accordance with paragraph 1 shall at least specify:
 - (a) when the information is given following the reception of the notification under Article 4(1):
 - (i) the name, **postal address, phone number, internet presence and e-mail contact** of the authorities competent for the enforcement of the driving disqualification of both the Member State of issuance and the Member State of the offence; and [Am. 39]
 - (ii) legal remedies available under the law of the Member State of issuance, including the right to be heard;
 - (b) when the information is given following the adoption of measures taken under Article 6(1):
 - (i) the details of the measures taken by the Member State of issuance;
 - (ii) legal remedies available under the law of the Member State of issuance to challenge the measures taken.

Article 14

Legal remedies

1. Member States shall ensure adequate legal remedies against decisions or measures taken pursuant to this Directive, equivalent to those available in similar domestic cases. They shall take the appropriate measures to ensure that information about such remedies is provided in due time to ensure that they can be exercised effectively.
2. A driving disqualification notified under Article 4(1) may be challenged only in an action brought in the Member State of the offence.
3. The Member State of the offence and the Member State of issuance shall inform each other about the legal remedies sought against decisions or measures taken pursuant to this Directive.

Article 15

National contact points

1. By ... [date of transposition of this Directive], each Member State shall designate a national contact point for the purposes of this Directive.
2. Member States shall ensure that their respective national contact points cooperate with the authorities competent for the enforcement of the driving disqualifications imposed for the commission of major road-safety-related traffic offences, in particular in order to ensure that all necessary information is shared in due time, and that the time-limits laid down in ~~Article 9~~ **this Directive** are complied with. [Am. 40]
3. Member States shall inform the Commission of the national contact points designated for the purposes of this Directive. The Commission shall make the information received under this Article available to all Member States **via RESPER, and on the CBE Portal once it becomes operational. Until then, the Commission shall make the information available** on its website. [Am. 41]

Article 16

Statistics

Member States shall regularly collect comprehensive statistics on the application of this Directive and shall send them to the Commission each year. Those statistics shall include:

- (a) the number of notifications made under Article 4(1), separated by Member State addressed;
- (aa) **the number of notifications sent to the persons concerned; [Am. 42]**
- (b) the number of times a ground for exemption was invoked, including the grounds for exemption applied, separated by notifying Member State;
- (c) the time needed to transmit information ~~on the~~ **for each** decision **taken** on a ground of exemption; **[Am. 43]**
- (ca) **the number of times a delay had to be justified; [Am. 44]**
- (d) the number of legal remedies that have been lodged against measures taken under Article 6(1).

By ... [one year after the date of entry into force of this Directive] Member States shall communicate up-to-date information to the Commission on the rules in force concerning the penalties applicable in their legal system for major road-safety-related traffic offences. Member States shall inform the Commission within three months of any major change to those penalties by providing an update to the information that they previously transmitted. By ... [18 months after the date of entry into force of this Directive], the Commission shall publish an overview of the information received under this paragraph on the Portal for cross-border exchange of information on road-safety-related traffic offences ('CBE Portal') established in accordance with Article 8 of Directive (EU) 2015/413 in all of the official languages of the European Union. In the event of a major change of the system in place in a Member State, the Commission shall update the overview within three months of receiving the information. [Am. 45]

Article 17

Committee procedure

1. The Commission shall be assisted by the committee on driving licences established by Article 22 of [NEW DIRECTIVE ON DRIVING LICENCES]. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request.

Where the committee delivers no opinion, the Commission shall not adopt the implementing act and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.

Article 18

Relationship with other legal acts

1. This Directive shall not affect the rights and obligations stemming from the following legal acts:

- (a) Council Framework Decision 2008/947/JHA;
- (b) Council Framework Decision 2005/214/JHA;
- (c) the rights of suspects and accused persons as provided for in Directive 2010/64/EU, Directive 2012/13/EU, Directive 2013/48/EU, Directive (EU) 2016/343, Directive (EU) 2016/800 and Directive (EU) 2016/1919 of the European Parliament and of the Council.

2. Member States may conclude bilateral or multilateral agreements or arrangements with other Member States after [DD/MM/YYYY], in so far as such agreements or arrangements allow the provisions of this Directive to be extended and help to simplify or facilitate further the procedures for the enforcement of driving disqualifications imposed for the commission of offences in a Member State other than the one that issued the driving licence of the person concerned.

Article 19

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ... ~~[DD/MM/YYYY]~~ **one year after the date of entry into force of this Directive**. They shall forthwith communicate to the Commission the text of those provisions. **[Am. 46]**

When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. By ... ~~[DD/MM/YYYY]~~ **15 months after the date of entry into force of this Directive**, Member States shall communicate to the Commission the text of the main provisions of their national law which they adopt in the field covered by this Directive. **[Am. 47]**

Article 20

~~Report on the application~~ Review **[Am. 48]**

By ... **[five years after the date of entry into force + 5 years of this Directive]**, and every five years thereafter, the Commission shall present a report to the European Parliament and **to** the Council on the implementation of this Directive, including its impact on road safety. The report shall **include statistics from the Member States on the use of the mechanism laid down by this Directive, as well as bottlenecks and areas for potential improvement. The report shall** be accompanied, if necessary, by ~~proposals for amendments to a legislative proposal to amend~~ this Directive. **[Am. 49]**

Article 21

Entry into force and application **[Am. 50]**

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 22

Addressees

This Directive is addressed to the Member States.

Done at ...,

For the European Parliament
The President

For the Council
The President