Reports of Cases

JUDGMENT OF THE COURT (Eighth Chamber)

21 March 2024*

(Reference for a preliminary ruling – Transport – Road transport – Directive 2006/126/EC – Driving licences – Conditions for issue or renewal – Minimum standards for physical and mental fitness – Eyesight – Point 6.4 of Annex III – Principle of proportionality – Person not meeting the field of vision requirement – Favourable opinion on fitness to drive issued by medical experts – Discretion in an individual case failing an express exception)

In Case C-703/22,

REQUEST for a preliminary ruling under Article 267 TFEU from the Raad van State (Council of State, Netherlands), made by decision of 16 November 2022, received at the Court on 16 November 2022, in the proceedings

WU

v

Directie van het Centraal Bureau Rijvaardigheidsbewijzen (CBR),

THE COURT (Eighth Chamber),

composed of N. Piçarra, President of the Chamber, N. Jääskinen (Rapporteur) and M. Gavalec, Judges,

Advocate General: P. Pikamäe,

Registrar: A. Calot Escobar,

having regard to the written procedure,

after considering the observations submitted on behalf of:

– the Netherlands Government, by K. Bulterman and H.S. Gijzen, acting as Agents,

– the European Commission, by A. Nijenhuis, P. Messina and G. Wilms, acting as Agents,

having decided, after hearing the Advocate General, to proceed to judgment without an Opinion,

gives the following

* Language of the case: Dutch.

Judgment

1 This request for a preliminary ruling concerns the interpretation of point 6.4 of Annex III to Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (OJ 2006 L 403, p. 18 and corrigendum OJ 2009 L 19, p. 67), as amended by Commission Directive 2009/113/EC of 25 August 2009 (OJ 2009 L 223, p. 31) ('Directive 2006/126').

2 The request has been made in proceedings between WU and the directie van het Centraal Bureau Rijvaardigheidsbewijzen (CBR) (Central Office for Motor Vehicle Driver Testing, Netherlands) relating to that office's decisions rejecting an application for a declaration that WU was physically and mentally fit to drive a motor vehicle, particularly in respect of vehicles in categories C and CE, made in connection with the renewal of WU's driving licence, and refusing to issue WU with another driving licence restricted geographically to the Netherlands.

Legal context

European Union law

3 Recitals 8 and 9 of Directive 2006/126 state:

'(8) On road safety grounds, the minimum requirements for the issue of a driving licence should be laid down. Standards for driving tests and licensing need to be harmonised. To this end the knowledge, skills and behaviour connected with driving motor vehicles should be defined, the driving test should be based on these concepts and the minimum standards of physical and mental fitness for driving such vehicles should be redefined.

(9) Proof of fulfilment of compliance with minimum standards of physical and mental fitness for driving by drivers of vehicles used for the transport of persons or goods should be provided when the driving licence is issued and periodically thereafter. Such regular control in accordance with national rules of compliance with minimum standards will contribute to the free movement of persons, avoid distortions of competition and better take into account the specific responsibility of drivers of such vehicles. Member States should be allowed to impose medical examinations as a guarantee of compliance with the minimum standards of physical and mental fitness for driving other motor vehicles. For reasons of transparency, such examinations should coincide with a renewal of driving licences and therefore be determined by the period of validity of the licence.'

4 Article 1(1) of that directive provides:

'Member States shall introduce a national driving licence based on the Community model set out in Annex I, in accordance with the provisions of this Directive. The emblem on page 1 of the Community model driving licences shall contain the distinguishing sign of the Member State issuing the licence.'

5 Under Article 2(1) of that directive:

'Driving licences issued by Member States shall be mutually recognised.'

6 Article 4 of that directive is worded as follows:

‘1. The driving licence provided for in Article 1 shall authorise the driving of power-driven vehicles in the categories defined hereafter. It may be issued from the minimum age indicated for each category. …

…

4. motor vehicles:

– “motor vehicle” means any power-driven vehicle, which is normally used for carrying persons or goods by road or for drawing, on the road, vehicles used for the carriage of persons or goods. This term shall include trolleybuses, i.e. vehicles connected to an electric conductor and not rail-borne. It shall not include agricultural or forestry tractors,

…

(f) category C:

motor vehicles other than those in categories D1 or D, whose maximum authorised mass is over 3 500 kg and which are designed and constructed for the carriage of no more than eight passengers in addition to the driver; motor vehicles in this category may be combined with a trailer having a maximum authorised mass which does not exceed 750 kg;

(g) category CE:

– without prejudice to the provisions of type-approval rules for the vehicles concerned, combinations of vehicles where the tractor vehicle is in category C and its trailer or semi-trailer has a maximum authorised mass of over 750 kg,

…’

7 Article 7 of Directive 2006/126 provides:

‘1. Driving licences shall be issued only to those applicants:

(a) who have passed a test of skills and behaviour and a theoretical test and who meet medical standards, in accordance with the provisions of Annexes II and III;

…

3. The renewal of driving licences when their administrative validity expires shall be subject to:

(a) continuing compliance with the minimum standards of physical and mental fitness for driving set out in Annex III for driving licences in categories C, CE, C1, C1E, D, DE, D1, D1E; and

…’

8 Annex III to Directive 2006/126, entitled ‘Minimum standards of physical and mental fitness for driving a power-driven vehicle’, provides:

‘Definitions

1. For the purpose of this Annex, drivers are classified in two groups:

1.1 Group 1:

drivers of vehicles of categories A, A1, A2, AM, B, B1 and BE.

1.2 Group 2:

drivers of vehicles of categories C, CE, C1, C1E, D, DE, D1 and D1E.

…

Medical examinations

…

4. Group 2:

Applicants shall undergo medical examinations before a driving licence is first issued to them and thereafter drivers shall be checked in accordance with the national system in place in the Member State of normal residence whenever their driving licence is renewed[.]

5. The standards set by Member States for the issue or any subsequent renewal of driving licences may be stricter than those set out in this Annex.

Eyesight

6. All applicants for a driving licence shall undergo an appropriate investigation to ensure that they have adequate visual acuity for driving power-driven vehicles. Where there is reason to doubt that the applicant’s vision is adequate, he/she shall be examined by a competent medical authority. At this examination attention shall be paid, in particular, to the following: visual acuity, field of vision, twilight vision, glare and contrast sensitivity, diplopia and other visual functions that can compromise safe driving.

For group 1 drivers, licensing may be considered in “exceptional cases” where the visual field standard or visual acuity standard cannot be met; in such cases the driver should undergo examination by a competent medical authority to demonstrate that there is no other impairment of visual function, including glare, contrast sensitivity and twilight vision. The driver or applicant should also be subject to a positive practical test conducted by a competent authority.

…

Group 2:

6.4. Applicants for a driving licence or for the renewal of such a licence shall have a visual acuity, with corrective lenses if necessary, of at least [0.8] in the better eye and at least [0.1] in the worse eye. If corrective lenses are used to attain the values of [0.8 and 0.1], the minimum acuity ([0.8 and 0.1]) must be achieved either by correction by means of glasses with a power not exceeding plus eight dioptres, or with the aid of contact lenses. The correction must be well tolerated.

Moreover, the horizontal visual field with both eyes should be at least 160 degrees, the extension should be at least 70 degrees left and right and 30 degrees up and down. No defects should be present within a radius of the central 30 degrees.

Driving licences shall not be issued to or renewed for applicants or drivers suffering from impaired contrast sensitivity or from diplopia.

After a substantial loss of vision in one eye, there should be an appropriate adaptation period (for example six months) during which the subject is not allowed to drive. After this period, driving is only allowed after a favourable opinion from vision and driving experts.

…'

Netherlands law

9 Article 111(1) of the Wegenverkeerswet 1994 (Law of 1994 on road traffic) provides:

'A driving licence may be issued, on request and subject to payment of the fee set for that purpose, only to a person who:

(a) has reached the minimum age set by general administrative measure to drive a motor vehicle in the category concerned by the driving licence application and

(b) according to an examination organised by or in the name of the authorities in accordance with the rules set by general administrative measure, or according to a driving licence issued to him or her previously or a driving licence issued outside the Netherlands by the authority empowered to do so and which satisfies the conditions set by general administrative measure, is sufficiently able and sufficiently fit to drive or, if the application is for a valid permit to drive mopeds, is sufficiently able to drive.'

10 Article 97(1) of the Reglement rijbewijzen (Royal Decree on driving licences) provides that, on request and subject to payment of the fee set for that purpose, fitness declarations are to be entered by the CBR in the register of driving licences for every person meeting the requirements established by the ministerial regulation regarding physical and mental fitness for driving motor vehicles. The CBR is to give notice of that registration to the applicant.

11 Article 1(1) of the Regeling eisen geschiktheid 2000 (Ministerial regulation of 2000 on fitness requirements; 'the 2000 ministerial regulation') is worded as follows:

'For the purposes of this regulation:

(a) Group 1 means driving licences in categories A1, A2, A, B, B+E and T;

(b) Group 2 means driving licences in categories C, C1, CE, C1E, D, D1, DE and D1E.'

12 Article 2 of that regulation provides:

'Physical and mental fitness requirements relating to driving motor vehicles shall be determined in accordance with the annex to the present regulation.'

13 According to the annex to the 2000 ministerial regulation:

'…

Chapter 3. Visual impairments

…

3.3. Fields of vision

a. Group 1: the horizontal field of vision cannot be less than 120 degrees and the extension must be at least 50 degrees left and right. The vertical field of vision must be at least 20 degrees up and down. No defects of the field of vision should be present within a radius of the central 20 degrees.

In exceptional cases, persons not meeting standards of field of vision, as in the case of scotoma, quadranopsia or homonymous hemianopsia, may be declared fit for driving licences in Group 1. The conditions for that purpose are the absence of any other visual impairment, a favourable opinion from an ophthalmologist and a successful driving test (see point 3.5).

That exception is not applicable to persons with a horizontal field of vision of less than 90 degrees.

b. Group 2: the binocular horizontal field of vision cannot be less than 160 degrees and the extension must be at least 70 degrees left and right. The vertical field of vision must be at least 30 degrees up and down. No defects of the field of vision should be present within a radius of the central 30 degrees.

3.4. Loss of vision in one eye

a. Group 1: sudden loss of vision in one eye, and therefore also obstructive diplopia requiring one eye to be covered, means that the person is unfit to drive. Those persons may be declared fit for Group 1 driving licences again after an adaptation period of at least three months and on the basis of a favourable opinion from an ophthalmologist.

b. Group 2: in exceptional cases, after a period of adaptation of at least three months and on the basis of a favourable opinion from an ophthalmologist, a professional driver who already holds one or more Group 2 driving licences may be declared fit again for a driving licence in categories C/CE or D/DE that is restricted geographically and that may extend to no more than the territory of the Netherlands.

The conditions to be met for that purpose are a favourable report from an ophthalmologist, a declaration by the employer drafted according to the model drawn up by the CBR and a successful driving test (see point 3.5).'

The dispute in the main proceedings and the questions referred for a preliminary ruling

14 WU, born in 1988, had an accident when he was one year old causing a fracture at the base of his skull, which had the effect of limiting his horizontal field of vision. That condition is known as 'hemianopsia'.

15 On 11 July 2007, he obtained a driving licence for motor vehicles in categories C and CE referred to in Article 4(4)(f) and (g) of Directive 2006/126.

16 Following the adoption of Directive 2009/113, the minimum standard in point 6.4 of Annex III to Directive 2006/126 entered into force on 15 September 2009. That standard provides that, for drivers of vehicles in categories C and CE, the horizontal field of vision of both eyes must not be less than 160 degrees.

17 It is apparent from the order for reference that the referring court was unable to determine, due to the absence of documentary evidence, whether, at the date on which WU obtained his driving licence, the CBR was already aware of his visual impairment or what the CBR's position on that impairment was at the time.

18 WU then worked for over 10 years as a professional driver. During that period, he drove lorries without issue or accident in the Netherlands and abroad, driving over a million kilometres in total.

19 In the context of WU's application for renewal of his driving licence in 2016, the CBR rejected, by decision of 14 February 2017, a first application for a declaration of physical and mental fitness for driving a motor vehicle. Despite a favourable opinion issued by an ophthalmologist on 11 January 2017 and a medical report drawn up by another doctor on 25 August 2016, who had also considered WU fit to drive, the CBR considered that WU did not meet the minimum standard that the horizontal field of vision of both eyes must not be less than 160 degrees, as provided for in point 3.3(b) of the annex to the 2000 ministerial regulation.

20 WU brought an administrative appeal against that decision. The CBR dismissed the administrative appeal as unfounded by decision of 13 July 2017.

21 WU appealed against the judgment by which his action before the courts was also declared unfounded by the court of first instance. In the context of his appeal, he argued that neither point 6.4 of Annex III to Directive 2006/126 nor point 3.3(b) of the annex to the 2000 ministerial regulation constituted a strict minimum standard. According to WU, it was therefore possible to issue him a declaration of physical and mental fitness to drive a motor vehicle even though his field of vision is more limited than that required under those provisions.

22 By judgment of 27 February 2019, the Raad van State (Council of State, Netherlands) ruled that the appeal was unfounded and confirmed the judgment at first instance. It considered that point 6.4 of Annex III to Directive 2006/126 is a minimum standard, to which no exception can be made, concerning the required field of vision. Point 3.3(b) of the annex to the 2000 ministerial regulation is a correct implementation of that point 6.4. Given that it is established that WU's binocular horizontal field of vision is less than 160 degrees and that, for that reason, he does not meet the standard relating to the field of vision, the CBR was correct to refuse to issue the fitness declaration applied for, despite the fact that two doctors gave a favourable opinion on that application. It is therefore not open to the CBR to take into account WU's individual interests and to make an exception for him.

23 WU made a second application for a declaration of physical and mental fitness to drive a motor vehicle on 27 August 2018 with a view to obtaining a driving licence for motor vehicles in categories C and CE within the Netherlands. In the context of that second application, the CBR found it necessary for WU's visual acuity to be examined again, on condition that the examination be carried out by a different ophthalmologist from the ophthalmologist who had issued an opinion in the context of the first application. In his report of 11 October 2018, the second ophthalmologist stated, first, that WU's horizontal field of vision was less than 160 degrees, second, that, since his accident in 1989, the loss of his field of vision was stable and, third, that, with that field of vision, WU had since twice been issued a favourable opinion regarding the driving of motor vehicles. That ophthalmologist therefore concluded that he was fit to drive motor vehicles in categories C and CE.

24 By decision of 13 March 2019, the CBR, however, again refused to issue WU with the fitness declaration applied for, given that he did not meet the minimum standard for a binocular horizontal field of vision, which could not be less than 160 degrees.

25 WU brought an administrative appeal against that decision. The CBR dismissed the administrative appeal as unfounded by decision of 16 July 2019. According to the CBR, the report of the second ophthalmologist showed a loss on the left of the field of vision in both eyes. The horizontal field of vision was less than 160 degrees. WU therefore did not meet the requirement provided for in point 3.3(b) of the annex to the 2000 ministerial regulation or the requirements in point 3.4(b) of that annex, which provides for the possibility of declaring that a professional driver who already holds one or more Group 2 driving licences and who suddenly loses sight in one eye is nevertheless fit to drive a motor vehicle for the purposes of obtaining a Group 2 driving licence restricted geographically to the Netherlands, after an adaptation period of at least three months and on the basis of a favourable opinion from an ophthalmologist. According to the CBR, WU is not blind in one eye, but has hemianopsia, which means that he is partially blind on both the left side and the right side of his field of vision. The hemianopsia in question is homonymous, that is, the loss of field of vision is the same for both eyes (the left side).

26 By judgment of 21 May 2021, the court of first instance declared that the action brought by WU against that decision was unfounded. It found that the CBR had been correct to declare that point 3.4(b) of the annex to the 2000 ministerial regulation was not applicable to WU, since he was not blind in one eye, but rather had homonymous hemianopsia. That court did not discern any ground for regarding that decision as unlawful in the circumstances relied on by WU – according to which he had had visual limitations since he was one year old, he had compensated for the absence of a complete field of vision and his vision was keen – despite the favourable report

by the ophthalmologist of 11 October 2018. According to that court, the mandatory nature of point 3.4(b) of the annex to the 2000 ministerial regulation does not allow account to be taken of WU's individual interests.

27 WU lodged an appeal against that judgment before the referring court, the Raad van State (Council of State). He submits, inter alia, that three reports, drawn up by different doctors, considered him fit to drive a lorry. He does, admittedly, have a limited field of vision, but has had that limitation since he was very young and he has entirely compensated for that limitation by how he observes traffic and moves his head. WU supports that view by producing a declaration by a neuropsychologist, which sets out that how WU observes traffic is so well developed that his visual function is normal. According to WU, a person with a visual impairment but acceptable sight being authorised to drive a motor vehicle in categories C and CE does not run counter to the objective of the regime of a declaration of physical and mental fitness to drive motor vehicles. The situation of such a person warrants an exception being made to the requirement in point 3.3(b) of the annex to the 2000 ministerial regulation, just as there is an exception available for loss of vision in one eye provided for in point 3.4(b) of that annex.

28 The referring court observes that, from a medical point of view, WU does not, admittedly, meet the minimum standard that he must have the binocular horizontal field of vision of at least 160 degrees provided for in point 6.4 of Annex III to Directive 2006/126. However, this does not mean that he is unfit to drive motor vehicles in categories C and CE. The question is whether WU should be regarded as fit to drive such vehicles in interpreting point 6.4 of Annex III to Directive 2006/126 to the effect that the minimum standard it sets is met by a person who compensates for the limitation of the horizontal field of vision. The referring court is also uncertain whether it is possible to apply the principle of proportionality when adopting a decision on the renewal of a driving licence, even though the requirement laid down in point 6.4 of Annex III to Directive 2006/126 does not provide for any exception. Aside from the reports of the medical experts regarding the physical and mental fitness of an applicant to drive a motor vehicle, that court states that an assessment of the proportionality of the future decision could take account of the fact that it is established that that applicant was previously in a position to drive safely and that the driving licence applied for is used in pursuing an occupation. In that connection, regard should be had to Article 15 of the Charter of Fundamental Rights of the European Union ('the Charter'), which provides that everyone has the right to engage in work and to pursue a freely chosen or accepted occupation.

29 In those circumstances, the Raad van State (Council of State) decided to stay the proceedings and to refer the following questions to the Court of Justice for a preliminary ruling:

'(1) Should point 6.4 of Annex III to Directive [2006/126], more specifically the standard of a horizontal field of vision of both eyes of at least 160°, read in the light of the principle of proportionality, be interpreted as meaning that a person who does not meet this standard from a medical point of view, but who, according to different medical experts, is actually fit to drive a lorry, can nevertheless meet the standard?

(2) If the answer to that question is in the negative, can a proportionality assessment be carried out within the framework of [Directive 2006/126] in an individual case, even if the criterion laid down in point 6.4 of Annex III to [that directive] does not provide any scope for exemption in such cases?

(3) If so, what are the circumstances that may play a role in assessing whether there may be derogation from the standard for the field of vision in a specific case, provided for in point 6.4 of Annex III to Directive [2006/126]?'

Consideration of the questions referred

30 By its questions, which it is appropriate to examine together, the referring court asks, in essence, whether point 6.4 of Annex III to Directive 2006/126, read in the light of the principle of proportionality and Article 15 of the Charter, must be interpreted as precluding, in a specific case, a person who does not, from a medical point of view, meet the requirement provided for in that point that drivers in Group 2 – that is, drivers of vehicles in categories C, CE, C1, C1E, D, DE, D1 and D1E – must not have a horizontal field of vision in both eyes of less than 160 degrees, from being considered to meet that standard, in so far as, according to several medical experts, that person is actually able to drive a motor vehicle in one of those categories.

31 In that connection, it must be borne in mind that it is apparent from recital 8 of Directive 2006/126 that the directive harmonises to a minimum standard the conditions under which driving licences provided for in Article 1 thereof are to be issued. Those conditions are, in particular, set out in Articles 4 and 7 of that directive and concern, inter alia, the requisite minimum age, fitness to drive a motor vehicle, the tests which the applicant must pass and the residency of the applicant in the issuing Member State. In addition, under Article 2(1) of that directive, driving licences issued by Member States are to be mutually recognised.

32 Article 7(1)(a) of Directive 2006/126 provides that driving licences are to be issued only to those applicants who have passed a test of skills and behaviour and a theoretical test and who meet minimum standards for physical and mental fitness, in accordance with the provisions of Annexes II and III to that directive. In addition, Article 7(3)(a) of that directive requires the renewal of driving licences to be subject to compliance with those minimum standards for physical and mental fitness for holders of driving licences for vehicles in categories C, CE, C1, C1E, D, DE, D1 and D1E. Thus, those provisions are set out in mandatory terms.

33 The second subparagraph of point 6.4 of Annex III to Directive 2006/126, which provides, in its French-language version, that the horizontal visual field of both eyes must not be less than 160 degrees, is also drafted in mandatory terms. Admittedly, as observed by the European Commission, that provision contains, in certain language versions of the directive – such as the German version (sollte), the English version (should) and the Finnish version (olisi oltava) – a less binding verb than in the French version thereof; however, other language versions – such as the Spanish version (deberá), the Italian version (deve), the Dutch version (dient) and the Portuguese version ('deve') – also use a binding verb.

34 In accordance with settled case-law, the wording used in certain language versions of a provision of EU law cannot serve as the sole basis for the interpretation of that provision or be given priority over the other language versions in that regard. The need for uniform application and, therefore, for uniform interpretation of an EU act precludes one version of the text being considered in isolation, but requires that the provision at issue be interpreted by reference to the general scheme and purpose of the rules of which it forms part, in the light, in particular, of the versions in all languages (see, to that effect, judgments of 12 November 1969, *Stauder*, 29/69,

EU:C:1969:57, paragraphs 2 and 3; of 30 June 2022, *Allianz Elementar Versicherung*, C-652/20, EU:C:2022:514, paragraph 36, and of 18 January 2024, *Regionalna direktsia 'Avtomobilna administratsia' Pleven*, C-227/22, EU:C:2024:57, paragraph 43).

35 Regarding the general scheme of Directive 2006/126, point 6.4 of Annex III thereto does not refer to any exception to the requirement laid down for drivers in Group 2, defined in point 1.2 of that annex, for the horizontal field of vision in both eyes not to be less than 160 degrees, while an exception is set out in the second paragraph of point 6 of that annex for drivers in Group 1 who do not meet the requirements relating to visual acuity and field of vision.

36 Failing any similar exception for drivers in Group 2, those drivers must always meet the requirements relating to visual acuity and field of vision when they apply for a new driving licence or renewal of an existing driving licence.

37 The Court has held in that respect that the EU legislature took care to create two categories of drivers on the basis of the size of the vehicle, the number of passengers carried and the responsibilities which accordingly result from the driving of such vehicles. The characteristics of the vehicles concerned, such as their size, weight or manoeuvrability justify the existence of different conditions for the issue of a driving licence in light of the way they are driven (judgment of 22 May 2014, *Glatzel*, C-356/12, EU:C:2014:350, paragraph 83).

38 Moreover, the situation set out in the fourth subparagraph of point 6.4 of Annex III to Directive 2006/126, which, given that it is an exception, must be interpreted strictly, is different from a limitation of the horizontal field of vision of both eyes. According to that provision, after a significant loss of vision in one eye, it is possible, following a period of adaptation and on the basis of a favourable opinion from vision and driving specialists, to regard a person as being fit to drive again. Significant loss of vision in one eye does not, however, necessarily entail limitation of the horizontal field of vision of both eyes, and the situations of the drivers concerned are therefore not comparable.

39 The purpose of Directive 2006/126, as is clear from recital 8 thereof, is to establish a minimum degree of harmonisation of the conditions under which the driving licence provided for in Article 1 may be issued. That harmonisation aims, in particular, to lay down necessary preconditions for the mutual recognition of such licences and also pursues that directive's objective of contributing to improving road safety (see, to that effect, judgment of 18 January 2024, *Regionalna direktsia 'Avtomobilna administratsia' Pleven*, C-227/22, EU:C:2024:57, paragraph 27 and the case-law cited). Recital 8 states in that connection that, on road safety grounds, the minimum requirements for the issue of a driving licence should be laid down and that standards for driving tests and licensing need to be harmonised.

40 The minimum standards for physical and mental fitness for driving power-driven vehicles in Annex III to Directive 2006/126 were laid down on road safety grounds, in accordance with Article 91(1)(c) TFEU (judgment of 22 May 2014, *Glatzel*, C-356/12, EU:C:2014:350, paragraph 58).

41 By defining, in Annex III thereto, a minimum threshold of horizontal field of vision of both eyes for drivers in Group 2, for the purposes of that annex, Directive 2006/126 aims to improve road safety and thus to attain an objective of general interest of the European Union (see, to that effect, judgment of 22 May 2014, *Glatzel*, C-356/12, EU:C:2014:350, paragraph 51).

42 In that context, it must be borne in mind that it is essential, in order to ensure road safety, that the persons to whom a driving licence is issued possess sufficient physical capabilities, in particular with respect to their vision, in so far as physical defects may have significant consequences. It is well known that vision is essential for the purposes of driving power-driven vehicles and, accordingly, the more that function is reduced, the more it becomes necessary to take into consideration requirements relating to road safety (judgment of 22 May 2014, *Glatzel*, C-356/12, EU:C:2014:350, paragraph 54).

43 As pointed out by the Commission, were it acknowledged that there is a certain discretion to allow, in a specific case, a person who does not, from a medical point of view, meet the requirement provided for in point 6.4 of Annex III to Directive 2006/126 but who is, according to several medical experts, actually fit to drive a lorry to be regarded as fit to drive, this could give rise to different approaches from one Member State to another, which might undermine the objectives of that directive.

44 The Court adds that the existence of favourable opinions on fitness to drive issued by ophthalmologists cannot, similarly, justify the non-application in a specific case of the requirement provided for in point 6.4 of Annex III to Directive 2006/126, in so far as it is unequivocally apparent from recital 9 and Article 7(3)(a) of that directive that the person concerned is required to provide proof of compliance with the minimum standard in the second subparagraph of point 6.4, not proof of fitness, and that ophthalmological opinions or expert reports cannot compensate for the absence of such proof.

45 Accordingly, having regard to the general scheme and purpose of Directive 2006/126, the second subparagraph of point 6.4 of Annex III thereto cannot be interpreted as meaning that an exception may be granted to drivers in Group 2 who, from a medical point of view, do not meet the requirement laid down in that provision but are, according to several medical experts, actually fit to drive a vehicle in one of the categories in that group.

46 Regarding the assessment of the proportionality of the future decision on renewal of a driving licence in a specific case, the referring court emphasises that, in addition to the expert findings regarding the applicant's fitness to drive, it is possible to take account of the fact that, previously, that applicant was able to drive safely and that that driving licence was used in pursuing an occupation, having regard to Article 15 of the Charter, which provides that everyone has the right to engage in work and to pursue a freely chosen or accepted occupation.

47 In that regard, the weighing up of road safety, on the one hand, and, on the other, other rights and interests such as mobility for all and access to the occupation of professional driver, has already been carried out by the EU legislature, which has broad discretion regarding complex medical assessments such as those at issue in the main proceedings, while attempting to limit as much as possible any interference with the rights of persons with a visual impairment (see, to that effect, judgment of 22 May 2014, *Glatzel*, C-356/12, EU:C:2014:350, paragraphs 52 and 62). Accordingly, it adopted the standards laid down by Directive 2006/126, having regard, in particular, to the findings in the report 'New standards for the visual functions of drivers' cited by the referring court and published in May 2005 by the Eyesight Working Group set up by the committee on driving licences established under Article 9 of that directive.

48 It is clear that the second subparagraph of point 6.4 of Annex III to Directive 2006/126 establishes, as is apparent from paragraphs 33 to 45 of the present judgment, an unequivocal requirement that the horizontal field of vision of both eyes must not be less than 160 degrees.

49 In those circumstances, it does not appear possible to give that provision an interpretation which would make it possible to circumvent, in a specific case, the clear rule laying down that minimum value (see, to that effect, judgment of 22 May 2014, *Glatzel*, C-356/12, EU:C:2014:350, paragraph 71).

50 Having regard to all the foregoing considerations, the answer to the questions referred is that point 6.4 of Annex III to Directive 2006/126, read in the light of the principle of proportionality and Article 15 of the Charter, must be interpreted as precluding, in a specific case, a person who does not, from a medical point of view, meet the requirement provided for in that point that drivers in Group 2 – that is, drivers of vehicles in categories C, CE, C1, C1E, D, DE, D1 and D1E – must not have a horizontal field of vision in both eyes of less than 160 degrees, from being considered to meet that standard, in so far as, according to several medical experts, that person is actually able to drive a motor vehicle in one of those categories.

Costs

51 Since these proceedings are, for the parties to the main proceedings, a step in the action pending before the referring court, the decision on costs is a matter for that court. Costs incurred in submitting observations to the Court, other than the costs of those parties, are not recoverable.

On those grounds, the Court (Eighth Chamber) hereby rules:

Point 6.4 of Annex III to Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences, as amended by Commission Directive 2009/113/EC of 25 August 2009, read in the light of the principle of proportionality and of Article 15 of the Charter of Fundamental Rights of the European Union,

must be interpreted as precluding, in a specific case, a person who does not, from a medical point of view, meet the requirement provided for in that point that drivers in Group 2 – that is, drivers of vehicles in categories C, CE, C1, C1E, D, DE, D1 and D1E – must not have a horizontal field of vision in both eyes of less than 160 degrees, from being considered to meet that standard, in so far as, according to several medical experts, that person is actually able to drive a motor vehicle in one of those categories.

[Signatures]