Commission Regulation (EU) No 383/2012 of 4 May 2012 laying down technical requirements with regard to driving licences which include a storage medium (microchip) (Text with EEA relevance)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences[(1)], and in particular Article 1(2) thereof,

Whereas:

(1) Directive 2006/126/EC provides for a common model for driving licences to be issued by Member States, including an optional storage medium (microchip).

(2) The introduction of such a microchip in the driving licence should enable the Member States to further improve the level of anti-fraud protection. Such processing of personal data needs to be carried out in accordance with the rules of the Union, as set out, inter alia, in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data[(2)].

(3) To ensure interoperability and adequate resistance against fraud the technical implementation of the microchip should fulfil certain requirements and standards, if Member States choose to introduce it in the driving licence.

(4) Driving licences which include a microchip should be subject to an appropriate EU type-approval procedure to verify that they comply with those requirements. The EU type-approval procedure should not apply to driving licences which do not include a microchip.

(5) The technical requirements applicable to driving licences which include a microchip should be based on internationally agreed technical standards, in particular the International Standardisation Organisation/International Electrotechnical Commission (ISO/IEC) 18013 standard, which establishes a framework for the design format and data content of an ISO-compliant driving licence.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Committee on driving licences,

HAS ADOPTED THIS REGULATION:

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 383/2012. (See end of Document for details)*

Article 1

Scope

This Regulation applies to driving licences which include a microchip issued in conformity with Directive 2006/126/EC.

Article 2

General requirements

1 The microchip and the data contained in the microchip, including any optional or additional information, shall comply with the provisions of Annex I to this Regulation.

2 The microchip shall store the harmonised driving licence data referred to in Annex I, Paragraph I.2.1.

3 Member States shall consult the Commission before storing on the microchip of a driving licence any of the additional data referred to in Annex I, Paragraph I.2.2.

Article 3

Applicable standards

The list of applicable standards for driving licences which include a microchip is set out in Annex II to this Regulation.

Article 4

Procedure for EU type-approval

Driving licences which include a microchip shall be subject to an EU type-approval procedure in accordance with the provisions laid down in Annex III to this Regulation.

Article 5

EU type-approval certificate

1 When all relevant provisions of the EU type-approval have been met with respect to a driving licence which includes a microchip in accordance with Articles 2, 3 and 4 of this Regulation, Member States shall issue an EU type-approval certificate to the manufacturer or its representative.

2 Where necessary, in particular to ensure that the provisions of this Regulation are complied with, a Member State may withdraw an EU type-approval that it has issued.

3 EU type-approval certificates and their notification of their withdrawal shall comply with the model set out in Annex IV to this Regulation.

4 The Commission shall be informed of all issued or withdrawn EU type-approval certificates. In case of a withdrawal a detailed reason shall be provided.

The Commission shall inform the Member States of any withdrawal of an EU-type approval.

5 EU type-approval certificates issued by Member States shall be mutually recognised.

Article 6

Single contact points

1 Each Member State shall designate an authority or body acting as a single contact point for information relating to driving licences which include a microchip. The single contact point shall take adequate measures regarding data protection.

2 Member States shall indicate to the Commission within three months of the entry into force of this Regulation, the name and the contact details of the single contact point designated pursuant to paragraph 1. Member States shall inform the Commission without delay of any changes thereto.

3 The Commission shall make available to Member States a list of designated single points of contacts and maintain the list.

Article 7

Safeguard clause

1 Where a Member State ascertains that a significant number of driving licences which include a microchip are repeatedly found not to be in conformity with this Regulation, it shall communicate this to all single contact points, to the Supervisory Authority as referred to in Directive 95/46/EC and to the Commission. The relevant EU type-approval certificate number connected to those driving licences as well as a description of the non-compliance shall be indicated.

2 The Member State which issued these driving licences shall investigate the problem without delay and take appropriate corrective action, including withdrawal of the EU type-approval certificate where necessary.

Article 8

Entry into force

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 383/2012. (See end of Document for details)*

ANNEX I

General requirements for driving licences which include a microchip

The general requirements for driving licences including a microchip described in this Annex are based on international standards, in particular the ISO/IEC 18013-series standards. They cover:

— the specifications for the microchip and the logical data structure on the microchip,

— the specifications for harmonised and additional data to be stored, and

— the specifications relating to data protection mechanisms for the digitally stored data on the microchip.

I.1 ABBREVIATIONS

Abbreviation	Meaning
AID	Application Identifier
BAP	Basic Access Protection
DG	Data Group
EAL 4+	Evaluation Assurance Level 4 Augmented
EF	Elementary File
EFID	Elementary File Identifier
eMRTD	Machine Readable Travel Documents
ICC	Integrated Circuit Card
ISO	International Standard Organisation
LDS	Logical Data Structure
PICC	Proximity Integrated Circuit Card
PIX	Proprietary Application Identifier Extension
RID	Registered Application Identifier
SOd	Document Security Object

I.2 DATA STORED ON THE MICROCHIP

I.2.1 **Harmonised mandatory and optional driving licence data**

The microchip shall store the harmonised driving licence data specified in Annex I, Paragraph 3, to Directive 2006/126/EC. If a Member State decides to include in the driving licence data items marked as optional in Annex I, Paragraph 3, of Directive 2006/126/EC, these items shall be stored in the microchip.

I.2.2 **Additional data**

After consulting the Commission, Member States may store additional data, provided that it does not interfere in anyway with the implementation of Directive 2006/126/EC.

Member States intending to introduce additional data shall provide the Commission with detailed information on the type of additional data and the reasons for storing such data on the microchip. The Commission shall examine this information and, where appropriate, deliver an

opinion in the light of the requirements laid down in this Annex and after consultation of the Working Party established under Article 29 of Directive 95/46/EC. The Commission shall also indicate in its opinion, where appropriate, whether the additional data is to be stored in the EU driving licence application or in another application.

I.3 MICROCHIP

I.3.1 **Storage medium type**

The storage medium for driving licence data shall be a microchip with a contact, contactless, or combined contact and contactless (dual) interface, as specified in Annex II, item 1 of this Regulation.

I.3.2 **Applications**

All data on a microchip shall be stored in applications. All applications on the microchip shall be identified by a unique code called Application Identifier (AID) as specified in Annex II, item 2.

I.3.2.1 *EU Driving Licence Application*

Mandatory and optional driving licence data shall be stored in the dedicated EU Driving Licence application. The AID for the EU Driving Licence application shall be:

'**A0 00 00 04 56 45 44 4C 2D 30 31**',

consisting of:

— the Registered Application Identifier (RID) for the European Commission: '**A0 00 00 04 56**',

— the Proprietary Application Identifier Extension (PIX) for the EU Driving Licence application: '**45 44 4C 2D 30 31**' (EDL-01).

Data shall be grouped in Data Groups (DGs) as part of a Logical Data Structure (LDS).

DGs shall be stored as Elementary Files (EFs) in the EU Driving Licence application, and shall be protected in accordance with Annex II, item 3.

I.3.2.2 *Other Applications*

Other additional data shall be stored in one or more dedicated applications apart from the EU Driving Licence Application. Each such application shall be identified by a unique AID.

I.4 LOGICAL DATA STRUCTURE OF THE EU DRIVING LICENCE APPLICATION

I.4.1 **Logical Data Structure**

Driving Licence Data shall be stored on the microchip in a Logical Data Structure (LDS) specified in Annex II, item 4. This paragraph specifies additional requirements for the mandatory, optional and additional DGs.

Each DG shall be stored in one EF. The EFs to be used for the EU Driving Licence Application shall be identified with the Elementary File Identifiers (EFIDs) and Short EF identifiers as specified in Annex II, item 5.

I.4.2 **Mandatory Data Groups**

The mandatory and optional data elements shall be stored in the following DGs:

— DG 1: all mandatory and optional data elements as printed on the document, except face image and signature image,