COUNCIL DIRECTIVE 97/26/EC

of 2 June 1997

amending Directive 91/439/EEC on driving licences

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the Economic and Social committee (2),

Acting in accordance with the procedures laid down in Article 189c of the Treaty (3),

(1) Whereas Council Directive 91/439/EEC of 29 July 1991 on driving licences (4) provides that national driving licences shall be issued in accordance with the Community model described in Annex I or Ia thereto, and that they shall state the conditions on which the driver is authorized to drive;

(2) Whereas the said Annexes I and Ia provide that any additional information or restrictions shall be indicated in code form;

(3) Whereas the codes and sub-codes applying to the conditions of issue governed by Directive 91/439/EEC are valid throughout the Community;

(4) Whereas, in accordance with the principle of subsidiarity, Community action is needed in order to enable driving licences to be understood and reciprocally recognized, and in order to facilitate the free movement of persons by avoiding the practical problems that would face drivers, road hauliers, administrations and inspectors if Member States were to use differing codes;

(5) Whereas provision should be made for a simplified procedure for adapting the technical aspects of the harmonized Community codes listed in Annexes I and Ia and for adapting Annexes II and III to Directive 91/439/EEC;

(6) Whereas, in the interests of clarity and of conformity with Council Directive 92/61/EEC of 30 June 1992 relating to the type approval of two or three-wheel motor vehicles (5), the opportunity offered by this amendment should be taken in order to align the definition of the term 'motorcycle' in respect of design speed,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 91/439/EEC is amended as follows:

1. In Article 3 (3):

   (a) in the second indent, '50 km/h' shall be replaced by '45 km/h';

   (b) the third indent shall be replaced by the following:

   '— "motorcycle" means any two-wheel vehicle with or without sidecar, fitted with an engine having a cylinder capacity of more than 50 cm^3 if of the internal combustion type and/or having a maximum design speed of more than 45 km/h.'

2. The following Articles shall be inserted:

'Article 7a

1. A subdivision of the harmonized Community codes set out in Annexes I and Ia shall be defined in accordance with the procedure laid down in Article 7b, with particular reference to codes 04, 05, 44 and 55.

This procedure shall also be followed for deciding whether the use of certain subdivisions of harmonized Community codes should, if necessary, be made compulsory.

2. The amendments necessary to adapt the parts of Annexes I and Ia which concern the harmonized codes and Annexes II and III to scientific and technical progress shall be adopted in accordance with the procedures laid down in Article 7b.

Article 7b

1. The Commission shall be assisted by a committee on driving licences, hereinafter referred to as 'the committee', composed of the representatives of the Member States and chaired by the representative of the Commission.

(1) OJ No C 110, 16. 4. 1996, p. 7, and OJ No C 31, 31. 1. 1997, p. 3.
(2) OJ No C 204, 15. 7. 1996, p. 20.
(3) Opinion delivered on 5 September 1996 (OJ No C 277, 23. 9. 1996, p. 15), common position of the Council of 20 December 1996 (OJ No C 69, 5. 3. 1997, p. 7) and decision of the European Parliament of 9 April 1997 (OJ No C 132, 28. 4. 1997).
(4) JO No L 237, 24. 8. 1991, p. 1. Directive as last amended by Directive 96/47/EC (JO No L 235, 17. 9. 1996, p. 1).
(5) JO No L 225, 10. 8. 1992, p. 72. Directive as amended by the 1994 Act of Accession.