II

(Acts whose publication is not obligatory)

COUNCIL

FIRST COUNCIL DIRECTIVE
of 4 December 1980
on the introduction of a Community driving licence

(80/1263/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 (1) (c) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

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

Whereas, for the purposes of the common transport policy, as a contribution to improving road traffic safety, and to assist the movement of persons settling in a Member State other than that in which they have passed a driving test, or moving within the Community, it is desirable that a Community driving licence be introduced;

Whereas the introduction of a Community driving licence presupposes the harmonization of existing national driving test arrangements, which can only be achieved gradually; whereas the first stage of this harmonization could culminate in the establishment of a Community model national licence and the mutual recognition by Member States of national driving licences and the exchange of licences by holders transferring their place of residence or place of employment from one Member State to another;

Whereas the Community model national licence should be based on that defined by the Final Act of the Convention on Road Traffic drawn up in Vienna in November 1968 by the United Nations Road Traffic Conference;

Whereas the mutual recognition of driving licences issued by the different Member States and the exchange of a licence by a holder moving from one Community country to reside or work in another will only be possible further to an initial harmonization of the regulations governing the issue and validity of licences;

Whereas, without prejudice to the final provisions to be adopted by the Council on vehicle categories, it is necessary to establish common standards in respect of the validity of the licence for driving the different categories of vehicles, so that the Community model licence can be issued throughout the Community under comparable conditions;

Whereas, however, at this initial harmonization stage and pending the introduction of the final system, Member States should be allowed to lay down the conditions with regard to age and the period of validity of licences and also, under certain specific conditions, to derogate from the categories, speeds and conditions of validity laid down by this Direc-

(1) OJ No C 238, 11. 10. 1976, p. 43.
(2) OJ No C 197, 23. 8. 1976, p. 32.

tive; and, where appropriate, to check the additional conditions laid down for the exchange of driving licences of certain categories of vehicles;

Whereas it is desirable that the standards for testing drivers and issuing licences should be further harmonized as soon as possible,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Member States shall introduce a national driving licence based on the Community model provided for in Article 2. A Community model driving licence shall, subject to Article 8, entitle the holder to drive, both on national and international journeys, vehicles of the categories for which it has been granted.

Community model driving licences shall be issued by the Member States in accordance with this Directive.

Article 2

The driving licence provided for in Article 1 shall conform to the model in Annex I.

The oval on page 1 of the model shall contain the distinguishing sign of the State issuing the licence.

After consulting the Commission, Member States may adapt the model in the Annex in any way necessary to enable them to:

— process the driving licence by computer,

— enter in the licence any categories of vehicle which, pursuant to Article 9, differ from those provided for in Article 3.

Member States shall take all necessary steps to avoid any risk of forgery of driving licences.

Article 3

1. Without prejudice to the final provisions to be adopted by the Council concerning vehicle categories, the driving licence provided for in Article 1 shall authorize the driving on public roads of vehicles in the following categories:

category A: motorcycles with or without side-car;

category B: motor vehicles, other than those in category A, with a permissible maximum weight not exceeding 3 500 kg and not more than eight seats in addition to the driver's seat;

category C: motor vehicles used for the carriage of goods and whose permissible maximum weight exceeds 3 500 kg;

category D: motor vehicles used for the carriage of passengers, with more than eight seats in addition to the driver's seat;

category E: combinations of vehicles of which the tractor vehicle is in a category or categories for which the driver is licensed (B and/or C and/or D), but which are not themselves in that category or categories.

2. For the purposes of paragraph 1:

(a) a trailer with a permissible maximum weight not exceeding 750 kg may be coupled to a motor vehicle in category B above; a trailer with a permissible maximum weight exceeding 750 kg may likewise be coupled to such vehicle, provided that the following two conditions are fulfilled:

— the permissible maximum weight of the trailer does not exceed the unladen weight of the motor vehicle, and

— the total permissible maximum weight of the combination of vehicles does not exceed 3 500 kg;

(b) a motor vehicle in category C or D may be coupled to a trailer the permissible maximum weight of which does not exceed 750 kg.

3. For the purposes of this Article:

— 'motorcycle' means any two or three-wheeled vehicle with a maximum design speed exceeding 50 kph (33 mph) or, if it is powered by a heat propulsion engine, with a cylinder capacity exceeding 50 cc. In addition, in the case of a three-wheeled vehicle, the unladen weight shall not exceed 400 kg;

— 'power-driven vehicle' means any self-propelled vehicle running on a road, other than a rail-borne vehicle;

— 'motor vehicle' means any power-driven vehicle, other than a motorcycle, 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 trolley buses, i.e. vehicles connected to an electric conductor and not rail borne. It shall not include agricultural or forestry tractors;

— 'agricultural or forestry tractor' means any power-driven vehicle running on wheels or tracks, having at least two axles, the principal function of which lies in its tractive power, which is specially designed to pull, push, carry or operate certain tools, machines or trailers used in connection with agricultural or forestry operations, and the use of which for carrying persons or goods by road or for drawing, on the road, vehicles used for the carriage or persons or goods is only a secondary function.

Article 4

1. The validity of the driving licence provided for in Article 1 shall be determined as follows:

(a) licences granted for categories C and D shall also be valid for the driving of vehicles in category B;

(b) licences granted for category E shall, without prejudice to the provisions of (c), be valid for the driving of combinations of vehicles;

(c) licences for category E shall be granted only to drivers already entitled to drive vehicles in category B, C or D.

2. Licences issued to disabled drivers shall specifically mention the conditions under which such drivers are entitled to drive.

Article 5

1. Without prejudice to Article 5 of Council Regulation (EEC) No 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport [1], Member States shall fix the minimum age at which driving licences may be issued.

2. Member States may refuse to recognize the validity on their territory of driving licences issued to drivers under the age of 18 years.

Article 6

1. A driving licence shall, moreover, be issued only to those applicants:

(a) who have passed a practical and theoretical test and who meet medical standards, the minimum requirements of which may not be substantially less stringent than those set out in Annexes II and III;

(b) who have their normal residence in the territory of the Member State issuing the licence, if the legislation of the Member State concerned so requires.

2. Member States may apply to the issue of driving licences the provisions of their national legislation relating thereto which are concerned with conditions other than those referred to in paragraph 1.

Article 7

Without prejudice to the provisions which may be adopted by the Council in this regard, each Member State shall retain the right to fix, on the basis of national criteria, the period of validity of the driving licences (Community model) which it issues or exchanges pursuant to Article 8.

Article 8

1. The Member States shall provide that, if the holder of a valid national driving licence or valid Community model licence issued by a Member State takes up normal residence in another Member State his licence shall remain valid there for up to a maximum of a year following the taking up of residence. At the request of the holder within that period, and against surrender of his licence, the State in which he has taken up normal residence shall issue him with a driving licence (Community model) for the corresponding category or categories without subjecting him to the conditions laid down in Article 6. However, that Member State may refuse to exchange the licence if its national regulations, including medical standards, preclude the issue of the licence.

The exchange must be preceded by the submission of a statement by the applicant to the effect that his

(1) OJ No L 77, 29. 3. 1969, p. 49.

driving licence is currently valid. It shall be for the Member State effecting the exchange to check the veracity of his statement if necessary. The Member State effecting the exchange shall return the old licence to the authorities of the Member State which issued it.

2. Member States which, pursuant to Article 9, do not apply categories C, D and E as defined in Article 3 (1) may:

— exchange category C, D and E driving licences in accordance with paragraph 1 of this Article or,

— require the applicant to furnish proof of driving experience and in this case issue a licence entitling him to drive vehicles in the national category in respect of which he furnished proof of adequate experience, or vehicles in a lower category.

In any event, such States shall issue to the applicant at least a licence to drive vehicles in the lowest of the national categories corresponding to categories C, D and E as defined in Article 3 (1).

During the year following the taking up of residence by drivers who have not applied for a licence exchange, such States shall recognize such drivers' licences as being equivalent at least to licences for the lowest relevant national category.

3. Where a Member State exchanges a licence, issued by a third country, for a Community model driving licence, such exchange shall be recorded in the licence, as shall any subsequent renewal or replacement of that licence. In the event of subsequent exchange of the said licence, Member States shall not be obliged to apply paragraph 1. A Community model driving licence may in any event be issued only if the licence issued by the third country has been surrendered to the competent authorities of the Member State issuing the Community licence.

Article 9

After consulting the Commission, Member States may, pending introduction of the final system and provided that the fact is recorded on the licence, derogate from:

— the categories defined in Article 3 (1);

— the speeds indicated in the first indent of Article 3 (3), provided that the speeds which they prescribe are lower;

— the conditions of validity provided for in Article 4.

Furthermore, Member States shall, pursuant to the procedure laid down in Article 12, establish equivalent definitions in so far as their national categories differ.

Article 10

The Council, acting on a proposal from the Commission, shall carry out as soon as possible a more detailed harmonization of the standards for driving tests and licensing with a view to *inter alia* subsequent improvements in road safety throughout the Community.

Article 11

The Member States shall determine the arrangements for replacing currently valid national driving licences issued by them with Community model driving licences for the corresponding category or categories. This operation shall take place without the need for the tests provided for under Article 6, on submission of and in exchange for the old licences.

Article 12

1. After consulting the Commission, Member States shall, in good time and at the latest by 30 June 1982, adopt the laws, regulations or administrative provisions necessary for the implementation of this Directive from 1 January 1983.

2. However, a Member State may, without prejudice to the application of the other provisions in this Directive, decide not to issue Community model driving licences until a later date, which may not be later than 1 January 1986.

3. Member States shall assist one another in the implementation of this Directive.

Article 13

This Directive is addressed to the Member States.

Done at Brussels, 4 December 1980.

For the Council

The President

J. BARTHEL

ANNEX I

MODEL COMMUNITY DRIVING LICENCE (1)

106 mm

MEMBER STATE

DRIVING LICENCE

Kørekort
Führerschein
Άδεια οδηγήσεως
Permis de conduire
Ceadúnas Tiomána
Patente di guida
Rijbewijs

EUROPEAN COMMUNITIES
Model

106 mm

1. Surname	
2. Other names	
3. Date and place of birth	
4. Permanent place of residence	
5. Issued by	
6. At on	(Photo)
7. Valid until	
8. No	
(Signature, etc.)	Signature of holder

Categories of vehicles for which the permit is valid		Stamp
A	Two or three-wheeled motor cycles, > 50 k.p.h., with or without sidecar	
B	Motor vehicles other than those in Category A with a permissible maximum weight not exceeding 3·5 tonnes and not more than eight seats in addition to the drivers seat	
C	Motor vehicles used for the carriage of goods and whose permissible maximum weight exceeds 3·5 tonnes	
D	Motor vehicles used for the carriage of passengers with more than eight seats in addition to the driver's seat	
E	Combinations of vehicles of which the drawing vehicle is in categories B, C or D but which are not themselves in that category or categories	

Additional information

222 mm

(1) The comments on the model Community driving licence will be found on page 6 below. A specimen Community driving licence (Belgian) appears on page 7 below.