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THE EUROPEAN UNION**

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NOTE

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| from: | General Secretariat |
| to: | Delegations |
| No Cion doc.: | 16842/11 TRANS 314 CODEC 2012 |
| Subject: | Proposal for a directive of the European Parliament and of the Council amending Directive 2006/126/EC of the European Parliament and of the Council as regards driving licences which include the functionalities of a driver card |

Delegations will find in the Annex to this note a draft of the above-mentioned proposal which includes the necessary changes to make it consistent with the text of the partial general approach reached on the proposal on tachographs in road transport (document 18148/11).

Changes are signalled in **bold** and ~~striketrough~~.

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Directive 2006/126/EC of the European Parliament and of the Council as regards
driving licences which include the functionalities of a driver card

(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 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 Committee¹,
Having regard to the opinion of the Committee of the Regions²,
Acting in accordance with the ordinary legislative procedure,
Whereas:

- (1) Experience has shown that fraud and misuse of driving licences occurs less frequently than with the driver cards used in the recording equipment installed in vehicles used for the carriage of passengers or goods by road in accordance with ~~Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport xxxx/xx on~~ **tachographs in road transport and repealing Council Regulation (EEC) No 3821/85 and amending Regulation (EC) No 561/2006.**³ This recording equipment would therefore be more reliable if driver cards and driving licences were merged. Further, such a merger would reduce the administrative burden for drivers who would no longer need to apply for and hold two different documents.

¹ OJ C , , p. .

² OJ C , , p. .

³ OJ C , , p. . ~~OJ L 370, 31.12.1985, p. 8.~~

- (2) Driving licences and driver cards share an almost identical design and set of data fields. The only notable difference is that the driver cards must contain a microchip, whereas for driving licences the inclusion of such a microchip is optional. It follows that the merger of the two documents is easily achievable from a technical point of view.
- (2a) Until implementing acts under Regulation No xxxx/xx have been adopted, the relevant provisions in Regulation (EEC) No 3821/85, including the Annexes, continue to apply. As regards card identification data, those are included in Section IV, point 5.2 of Annex IB of Regulation (EEC) No 3821/85. As regards type approval, those provisions are included in [Chapter III] of Annex IB of Regulation (EEC) No 3821/85.**
- (3) The rights and obligations deriving from the administrative authorisations to hold a driving licence and a driver card should not be affected by their merger.
- (4) Driver cards are currently subject to type approval procedures complementary to those applicable to driving licences. From 19 January 2018 the type approval of the microchip introduced in the driving licences delivered to professional drivers and including the functionalities of a driver card should comply not only with the requirements of Commission Regulation XXXX/XXXX implementing Directive 2006/126/EC with regard to driving licences including a storage medium, but also all relevant requirements laid down in **Regulation (EEC) No 3821/85 implementing acts adopted under Article 3a of Regulation No xxxx/xx.**
- (5) Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences⁴ should therefore be amended accordingly,

⁴ OJ L 403, 30.12.2006, p. 18.

HAVE ADOPTED THIS DIRECTIVE:⁵

Article 1

Directive 2006/126/EC is amended as follows:

(1) In Article 1, the following paragraph 5 is added:

'5. As from 19 January 2018, a microchip shall be introduced in all driving licences issued in accordance with Article 7a.

This microchip shall comply with the requirements of paragraphs 2 and 3 of this Article, including in particular any measures adopted under paragraph 2. It shall also contain all the card identification data referred to in ~~Section IV, point 5.2 of Annex IB of Regulation (EEC) No 3821/85~~

implementing acts adopted under Article 3a of Regulation No xxxx/xx.

A driving licence issued in accordance with Article 7a shall, as regards type approval, comply with the requirements of ~~[Chapter III] of Annex IB of Regulation (EEC) No 3821/85~~ **implementing acts adopted under Article 3a of Regulation No xxxx/xx.** The type approval information shall be stored on the microchip in the application for driver card purposes.'

(2) The following Articles 7a , 7b and 7c are inserted:

'Article 7a

Driving licence incorporating a driver card

1. As from 19 January 2018, when issuing, replacing, renewing or exchanging a driving licence for a driver engaged in the carriage of goods and passengers by road within the meaning of Regulation (EC) No 561/2006 of the European Parliament and of the Council⁶, Member States shall deliver a driving licence which incorporates the necessary functionalities so that the driving licence can also be used as a driver card within the meaning of Regulation (EEC) No ~~3821/85~~ **xxxx/xx.**

⁵ Consideration should be given to the articulation of the articles in this proposal and articles in Directive 2006/126/EC, for e.g. Article 7, paragraph 4.

⁶ OJ L 102, 11.4.2006, p.1.

2. A driving licence which includes the functionalities of a driver card shall be issued within one month of the request **and all the necessary documentation** being received by the competent authority.
3. When delivering a driving licence which includes the functionalities of a driver card Member States shall enter on the driving licence the harmonised EU code indicated in Annex I.
4. A driver shall not **be allowed to** simultaneously hold a driver card issued in accordance with Regulation (EEC) No ~~3821/85~~ **xxxx/xx** and a driving licence which includes the functionalities of a driver card. When a driving licence which includes the functionalities of a driver card is delivered to a driver, the driver shall surrender both his former driving licence and his former driver card to the issuing authority.
5. If a Member State other than the issuing Member State withdraws or suspends a valid driving licence which includes the functionalities of a driver card, it shall return it to the authorities of the issuing Member State, **as soon as possible**, indicating the reasons for that ~~return~~ **withdrawal or suspension**.

If the return of the card is expected to take longer than two weeks, the suspending or withdrawing Member State shall inform the issuing Member State within those two weeks of the reasons for suspension or withdrawal.

'Article 7b

Renewal of driving licences incorporating a driver card

1. ~~Where a driver wishes to~~ **Renewal of** a driving licence which includes the functionalities of a driver card, ~~he shall~~ **be granted upon application by the driver** ~~apply~~ to the competent authorities of the Member State of normal residence not later than 15 working days before its expiry date.
- 1a. **Where the authorities of the Member State of normal residence are different from those which issued the card and where the former are requested to renew the driver card, they shall inform the authorities which issued the old card of the reasons for its renewal.**
2. In the event of a request for the renewal of a driving licence which includes the functionalities of a driver card whose expiry date is approaching, the competent authority shall supply a new licence before the expiry date provided that the request **and all the necessary documentation** was sent within the time limits laid down in paragraph 1.'

'Article 7c

Stolen, lost or defective driving licences incorporating a driver card

1. Member States shall keep records of issued, stolen, lost or defective driving licences which include the functionalities of a driver card for a period at least equivalent to their period of ~~administrative~~ validity.
2. **If a driving licence which includes the functionalities of a driver card is damaged or if it malfunctions, the driver shall be made to return it to the competent authority of the Member State of normal residence.** Theft of a driving licence which includes the functionalities of a driver card shall be formally declared to the competent authorities of the Member State where the theft occurred.

3. Loss of a driving licence which includes the functionalities of a driver card shall be formally declared to the competent authorities of the issuing Member State and to the competent authorities of the Member State of normal residence if this is different.
4. If a driving licence which includes the functionalities of a driver card is damaged, malfunctions or is lost or stolen, the driver shall **be made to**, within seven calendar days, apply for its replacement to the competent authorities of the Member State in which the holder has his normal residence. Those authorities shall provide a replacement within ~~five~~ **eight** working days after receiving a detailed request **and all the necessary documentation** to that effect.'

(3) In point 3 of Annex I the following EU code is inserted after code 96:

'97. Driving licence including the functionalities of a driver card until ... [e.g. 97(01.01.18)]'.

Article 2

1. Member States shall adopt and publish, by [2 years after entering into force] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 19 January 2018.

When Member States adopt those provisions, they shall contain a reference to this Directive or 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. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament

The President

For the Council

The President
