



**COUNCIL OF
THE EUROPEAN UNION**

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Delegations will find attached document D031424/03.

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Brussels, **XXX**
[...](2014) **XXX** draft

COMMISSION DIRECTIVE ../.../EU

of **XXX**

amending Directive 2006/126/EC on driving licences

(Text with EEA relevance)

COMMISSION DIRECTIVE/EU

of **XXX**

amending Directive 2006/126/EC on driving licences

(Text with EEA relevance)

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 licences¹, and in particular Article 8 thereof,

Whereas:

- (1) Significant improvements have been brought to tunnel safety within the Union, including by virtue of Directive 2004/54/EC of the European Parliament and of the Council². In order to fully ensure the effectiveness of these improvements, it is necessary to ensure that drivers know and understand the principles of safe driving in tunnels and can apply them in their behaviour in traffic. The theoretical and practical test requirements in Council Directive 91/439/EEC³ were therefore amended accordingly by Commission Directive 2008/65/EC⁴ and so should those in the recast Directive 2006/126/EC.
- (2) Since the adoption of Directive 2006/126/EC, scientific knowledge on medical conditions which affect fitness to drive has progressed, particularly as regards the estimation of both the associated risks for road safety and the effectiveness of treatment in averting the said risks. Numerous studies and researches have recently become available which confirm that the obstructive sleep apnoea syndrome is one of the highest risk factors for motor vehicle accidents. Therefore this condition should no longer be ignored in the context of the Union driving licence legislation.
- (3) Directive 2006/126/EC should therefore be amended in order to adapt Annex III to scientific and technical progress.
- (4) Editorial errors have been detected in Annex II to Directive 2006/126/EC following its amendment by Commission Directive 2012/36/EU⁵. Those should be corrected.

¹ OJ L 403, 30.12.2006, p. 18.

² Directive 2004/54/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the trans-European road network (OJ L 167, 30.4.2004, p. 39).

³ Council Directive 91/439/EEC of 29 July 1991 on driving licences (OJ L 237, 24.8.1991, p. 1).

⁴ Commission Directive 2008/65/EC of 27 June 2008 amending Directive 91/439/EEC on driving licences (OJ L 168, 28.6.2008, p. 36).

⁵ Commission Directive 2012/36/EU of 19 November 2012 amending Directive 2006/126/EC of the European Parliament and of the Council on driving licences (OJ L 321, 20.11.2012, p. 54).

- (5) In accordance with the Joint Political Declaration of Member States and the Commission of 28 September 2011 on explanatory documents⁶, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments.
- (6) The measures provided for in this Directive are in accordance with the opinion of the Committee on driving licences,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes II and III to Directive 2006/126/EC are amended in accordance with the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by 31 December 2015 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.

They shall apply those provisions from 31 December 2015.

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.

⁶ OJ C 369, 17.12.2011, p. 14.

Done at Brussels,

*For the Commission
On behalf of the President
Siim Kallas
The Vice-President*