

FINAL REPORT

Topic Group VII on 3rd Directive on Driving Licences



Contents

Summary	3
1. EReg.....	4
2. Framework and goals of the Topic Group VII.....	5
2.1. Framework.....	5
2.2. Goals.....	5
3. Participants.....	6
4. Meetings and working methods	7
4.1. Meetings	7
4.2. Working methods	7
5. Common problems and recommendations.....	8
5.1. Article 7.1 (b)	8
5.2. Articles 7.1 (c) and 7.1 (d).....	9
5.3. Article 7.2 (a)	9
5.4. Article 7.2 (b)	10
5.5. Article 7.2 (c)	11
5.6. Articles 7.3 (a) and 7.3 (1).....	11
5.7. Articles 7.3 (2) and 7.3 (3)	12
5.8. Article 7.3 (4)	13
5.9. Article 7.3 (5)	13
5.10. Article 7.4.....	14
5.11. Article 7.5 (a).....	14
5.12. Article 7.5 (c).....	15
5.13. Article 7.5 (d)	15
5.14. Article 11.1	16
5.15. Article 11.4.....	17
5.16. Article 11.6.....	17
5.17. Article 11.6 (1)	19
5.18. Article 12.....	19
5.19. General	20
6. Summary of recommendations	22
Annex 1. Answers to questionnaire on Article 7 (given in April–May 2009; a few updates in spring 2010).	23
Annex 2. Answers to questionnaire on Articles 11 and 12 (given in April–May 2009; a few updates in spring 2010).	44

Summary

Topic Group VII of EReg covered the 3rd Directive on Driving Licences. Eleven EReg members participated in the work of the Topic Group.

The focus of the work was on the intended implementation of the 3rd Directive. The Topic Group defined the most important articles of the Directive, identified interpretations, difficulties and possible common problems and finally developed recommendations in order to facilitate implementation of the Directive in various Member States. Based on the discussions Articles 7, 11 and 12 were considered to be the most interesting and difficult ones, therefore they were chosen to be covered in details.

The Topic Group also completed two questionnaires during spring 2009 to all EReg members on their implementation plans of the chosen Articles. Altogether 15 members of EReg answered the questionnaires. The recommendations are based on the findings of the questioning.

The Topic Group gives eleven separate recommendations. One recommendation is repeated several times: The European Commission should finalize and distribute to all Member States a common driving licence network for information exchange as soon as possible. The European Commission is also asked to clarify and define what *reasonable grounds* (used in Article 7.5 c) and *normal residence* (used in Article 12) mean exactly. Other recommendations relate e.g. to special codes used in driving licences, validity dates, medical issues and exchange of non-Community licences.

Furthermore, it is suggested that the Topic Group, since its work is to be finished, should be changed into a *Driving Licence Tourism* Topic Group. It is also stated that the original Topic Group participants should meet up once again within a year from the last meeting to update the Final Report and change current information between Member States. It would be possible for other interested countries to participate in this meeting as well.

1. EReg

EReg is the Association of European Vehicle and Driver Registration Authorities. It is a European cooperation dealing with subjects concerning registration and documentation of vehicles and drivers. At the moment the Association has 25 members in Europe.

The main objective of EReg is to bring together the European Registration Authorities to be able to:

1. Share knowledge, experience and good practices
2. Identify, follow and influence European developments and regulations
3. Take initiatives aimed at improving the performance of tasks by the members as European partners
4. Establish exchange and cooperation arrangements with relevant other parties
5. Promote effective and efficient data exchange

EReg carries out different activities to achieve the objectives of the Association. The Chairman and the Secretariat of EReg mainly perform the activities concerning the Association. These activities include communication, finances and public relations.

The members of EReg work together on several important subjects in the EReg Topic Groups. At the moment, since autumn 2008, there are eight Topic Groups, namely:

- I. International data exchange
- II. Re-registration of vehicle within the EU
- III. Vehicle end of life directive (2000/53/EC)
- IV. Harmonisation of commercial plates
- V. Smart (card) vehicle documents
- VI. Vehicle registration procedures - vehicle registration to the internet
- VII. 3rd directive on driving licences
- VIII. Smart card driving license - technical chip standards

2. Framework and goals of the Topic Group VII

2.1. Framework

European Union has issued driving licence directives, the aim being a common transport policy in order to improve road safety and to facilitate the movement of persons moving from one Member State to another by introducing a Community model driving licence that is mutually recognised by all Member States without any obligation to exchange.

The first step in that direction was taken with the 1st Council Directive 80/1263/EEC of December 1980. The 2nd Directive 91/439/EEC of July 1991 was amended several times. Finally Directive 2006/126/CE was agreed on the 20th of December 2006, known as the 3rd Directive.

The 3rd Directive will reduce possibilities of fraud, guarantee a true freedom of movement for EU drivers and reinforce safety on European roads. The main aspects are anti-fraud measures, limited administrative validity, further harmonization of categories, reinforce progressive access to categories (age, dimensions) and harmonised periodicity medical checks for group 2 drivers.

Member States shall adopt and publish by 19th January 2011 the laws, regulations and administrative provisions necessary to comply with the 3rd Directive. Those provisions shall be applied as from 19th January 2013.

The Topic Group VII covered the 3rd Directive on Driving Licences. The focus was on the intended implementation of the Directive.

2.2. Goals

The goals of the Topic Group were

1. To pre-define the most important topics (Articles) and identify problems in each subsection of the 3rd Directive;
2. To exchange best practices between Member States (MS) in order to find out
 - a) How MS interpret the 3rd Directive,
 - b) How MS intend to implement the requirements of the 3rd Directive,
 - c) Where exactly MS foresee difficulties;
3. To develop possible guidelines and recommendations that would facilitate the implementation of the 3rd Directive.

3. Participants

Eleven members of EReg participated in the work of Topic Group VII:

1. Belgium SPF Mobilité & Transports
2. Estonia, ARK (Estonian Motor Vehicle Registration Centre)
3. Finland, AKE (Vehicle Administration in Finland); since 1st January 2010 Finnish Transport Safety Agency (Trafi)
4. Germany, KBA (Kraftfahrt-Bundesamt)
5. Gibraltar, MVTC (Department of Transport Motor Vehicle Test Centre)
6. Latvia, CSDD (Road Traffic Safety Department)
7. Lithuania, REGITRA (State Enterprise)
8. Poland, Ministry of Infrastructure
9. Sweden, STA (Swedish Transport Agency)
10. UK, DVLA (Driver and Vehicle Licensing Agency)
11. The Netherlands, RDW (Centre for Vehicle Technology and Information)

In addition there were three reading members: Hungary, Luxembourg and Switzerland.

The Topic Group was originally chaired by Estonia (Ms. Eveliis Nagel). Unfortunately she had to give up the chairman duties in March 2009 because of other work commitments. In the Annual Conference & Plenary Board Meeting of EReg in April 2009 it was decided that the Topic Group will be chaired further by Sweden (Mrs. Birgit Sääv).

Ms. Fleur Pullen from the EReg secretariat wrote the minutes of the first two meetings (in Tallinn and in Helsinki). Ms. Marita Koivukoski from Finland (AKE, Vehicle Administration) was the secretary of the Topic Group since the 3rd meeting in Stockholm.

4. Meetings and working methods

4.1. Meetings

The Topic Group participants got together four times.

1. The first meeting was held in Tallinn, Estonia (ARK) on the 27th and 28th of November 2008.
2. AKE hosted the second meeting in Helsinki, Finland on the 10th and 11th of March 2009.
3. The third meeting was held in Stockholm on the 2nd and 3rd of June 2009. It was hosted by STA (Swedish Transport Agency).
4. Gibraltar hosted an additional meeting on the 18th and 19th of May 2010. This meeting was also the first meeting of Topic Group X on Driving Licence Tourism.

4.2. Working methods

The Topic Group discussed the Articles of the 3rd Directive in details. Based on the discussion the Articles 7 (Issue, validity and renewal), 11 (Various provisions concerning the exchange, the withdrawal, the replacement and the recognition of driving licences) and 12 (Normal residence) were chosen to be covered in details. Originally also Article 13 (Equivalences between non-Community model licences) was chosen, but later it was dropped out because it appeared to be clear enough for all Member States and there were not enough questions about it to be included in the questionnaires.

Those three Articles were considered to be the most problematic ones what comes to the implementation of the Directive. Member States had a lot of similar questions and problems with these Articles, and they appeared somewhat unclear and difficult to interpret.

Based on this choice the Topic Group decided to prepare two questionnaires to the EReg members in order to find out the implementation plans of those three Articles. The questionnaires were distributed in April 2009 and answers received during April and May 2009. (The EReg members were able to update their national answers in spring 2010 when the final report was updated.)

Answers to the first questionnaire (on Article 7) were received from 14 members and to the second questionnaire (on Articles 11 and 12) from 15 members. The questions and answers by countries are presented in the annexes 1 and 2.

5. Common problems and recommendations

The answers to the questionnaires were talked through in order to find out common problems and difficulties in implementation plans. Interpretations, practices and variations were discussed. Last but not least, recommendations on how and by whom to solve the common problems were produced. In addition a few points of discussion and a few examples of relevant problems are presented.

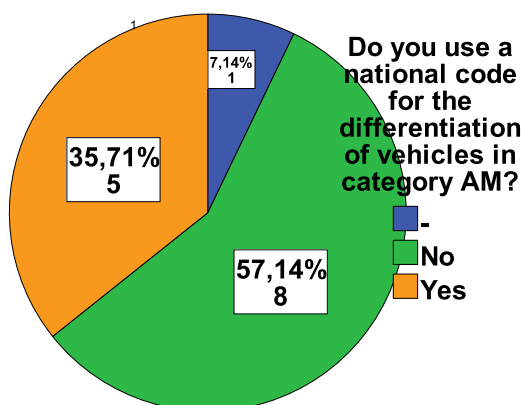
The text from the 3rd Directive on Driving Licences is *italicized*. After each Article are presented the relevant questions in the questionnaire. Finally a summary of the results and possible common problems and recommendations are presented. Some of the recommendations are given several times in the context of various articles.

MS stands for Member State. In reporting the answers to the questionnaire, *country* stands for an EReg member. For detailed answers by countries see annexes 1 and 2.

5.1. Article 7.1 (b)

“ Driving licences shall be issued only to those applicants who have passed a theory test only as regards category AM; Member States may require applicants to pass a test of skills and behaviour and a medical examination for this category. For tricycles and quadricycles within this category, Member States may impose a distinctive test of skills and behaviour. For the differentiation of vehicles in category AM, a national code may be inserted on the driving licence. “

- Question 1. Do you intend to deliver a practical driving test or do you have it in place already?
- Question 2. If YES, do you intend to impose a distinctive test of skills and behaviour for tricycles and quadricycles within this category?
- Question 3. Do you use a national code for the differentiation of vehicles in category AM?
- Question 4. Do you intend to require medical examination or do you have it in place already?



Eleven countries out of fourteen intend to deliver a practical test (or they have it in place already) for category AM. At least five countries of them intend to impose a distinctive practical test for tricycles and quadricycles. About half of the fourteen countries intend to require medical examination for category AM (or they have it in place already).

Over half (57 %) of the countries do not intend to differentiate the vehicles in category AM with a national code. The Topic Group found it a common problem that the practices in the use of national code vary a lot. As the practices might be difficult to equalize, at least all the national codes being available to all MS would facilitate mutual recognition and exchange of driving licences.

Recommendations:

- **All the national codes used in driving licences should be listed on the EReg website. The EReg secretariat should send all the EReg members a reminder once a year in order to get the lists updated.**
- **However, as all MS are not members of EReg, in the long run the European Commission is recommended to harmonize the most common and important national codes (e.g. differentiation of vehicles in category AM and the use of an alcohol interlock).**
- **In the meantime the European Commission is also recommended to add all the national codes to its website and to the publication *Driving Licences – EU and EEC*. The list on the website should be maintained by the Driving Licence Committee.**

5.2. Articles 7.1 (c) and 7.1 (d)

“ Driving licences shall be issued only to those applicants who have, as regards category A2 or category A, on the condition of having acquired a minimum of 2 years' experience on a motorcycle in category A1 or in category A2 respectively, passed a test of skills and behaviour only, or completed a training pursuant to Annex VI. ”

- Question 5. Do MS intend to implement training, testing or both to upgrade between motorcycle categories?

“ Driving licences shall be issued only to those applicants who have completed a training or passed a test of skills and behaviour, or completed a training and passed a test of skills and behaviour pursuant to Annex V as regards category B for driving a vehicle combination as defined in the second subparagraph of Article 4(4)(b). “

- Question 6. Do MS intend to implement training, testing or both to upgrade to category B (code 96)?

Nine countries out of fourteen intend to implement only testing to upgrade between motorcycle categories. Three of the countries intend to allow both training and testing. Only Finland intends to allow only training to upgrade.

For upgrading category B nine countries out of fourteen intend to implement testing and four countries both testing and training. In both questions one country was not able to report the implementation plans yet.

No common problems were identified, therefore no recommendations.

5.3. Article 7.2 (a)

“ As from 19 January 2013, licences issued by Member States for categories AM, A1, A2, A, B, B1 and BE shall have an administrative validity of 10 years. A Member State may choose to issue such licences with an administrative validity of up to 15 years. “

- Question 7. What will be the period of administrative validity in your country?
- Question 8. If OTHER, please explain

- Question 9. Do you intend to issue duplicate driving licences with the same administrative validity as the original driving licence it replaces?
- Question 10. What rules do you apply to the photograph validity?
- Question 11. If OTHER, please indicate the number of years.

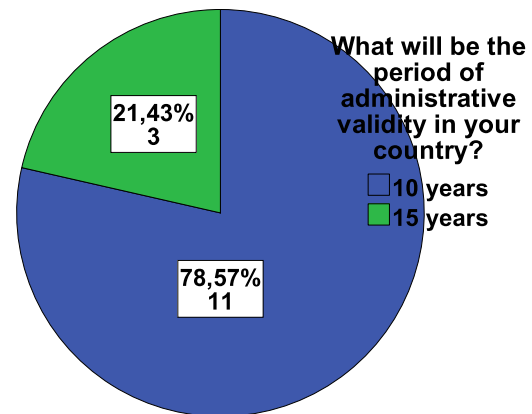
Most of the countries (79 %) will have administrative validity of 10 years for group 1 driving licence categories. Only three countries are going to choose administrative validity of 15 years (Germany, Poland and Finland).

Eleven countries out of fourteen intend to issue duplicate driving licences with the same administrative validity as the original driving licence it replaces.

Ten countries are going to apply to the photograph validity the same validity as they have chosen to the administrative validity.

When the Topic Group discussed this Article and the various answers to the questions, it identified two common problems. The first one relates to validity dates and concerns especially traffic enforcement. There are several options how to record the dates on the actual driving licence (administrative validity vs. entitlement to drive). How do the persons performing enforcement (e.g. policemen) know which side of the driving licence to look at for the dates of validity? This issue is considered to need further analysis in order to ensure uniform practices and thereby to facilitate enforcement.

Another problem, or rather a point of interest, is to know what are the consequences for the driver in various MS if he/she is caught driving after the administrative validity of the driving licence has expired. How is this going to be considered in the national legislation of each MS? The consequences might vary a lot from one MS to another.



Recommendations:

- **Various practices of recording the validity dates (administrative validity and entitlement to drive) on the actual driving licence should be analysed further.**

Follow-up questions:

- Who would need to analyze the various practices of recording dates? The European Commission? What should be done after the analysis? Should the police in various MS be informed of the various practices? Should the practices be harmonized?

5.4. Article 7.2 (b)

“ As from 19 January 2013, licences issued by Member States for categories C, CE, C1, C1E, D, DE, D1, D1E shall have an administrative validity of 5 years. “

- Question 12. What rules do you apply to the photograph validity?
- Question 13. If OTHER, please indicate the number of years.
- Question 14. What will be the administrative validity of a driving licence which shows categories B and C?
- Question 15. If OTHER, please explain.

Nine countries out of fourteen intend to apply to the photograph validity the same validity as to the administrative validity.

When the driving licence shows categories B and C, intended administrative validity varies a lot between MS. Some countries intend to have validity of 5 years, some 10 years and some even 15 years. For detailed answers by countries see annex 1.

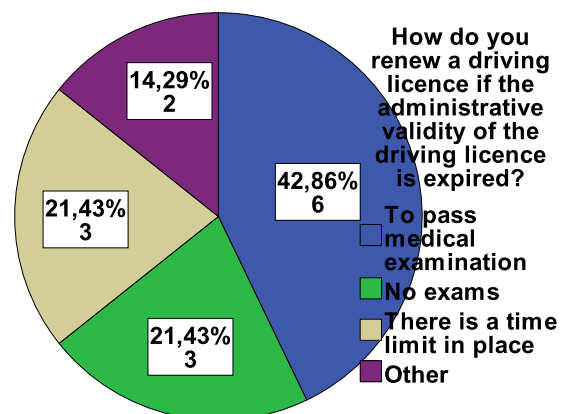
No common problems were identified, therefore no recommendations.

5.5. Article 7.2 (c)

“ The renewal of a driving licence may trigger a new administrative validity period for another category or categories the licence holder is entitled to drive, insofar as this is in conformity with the conditions laid down in this Directive. “

- Question 16. How do you renew a driving licence if the administrative validity of the driving licence is expired?
- Question 17. If there is a time limit in place or OTHER, please explain.

There is a lot of variation between MS in the intended renewal practice of a driving licence when the administrative validity of the licence has expired. 43 % of the countries intend to require a medical examination for renewal. 21 % of the countries are going to introduce a time limit. Of those countries Finland intends to require a new driver exam after one year and Estonia after five years of expiry of the administrative validity.



No common problems were identified, therefore no recommendations.

5.6. Articles 7.3 (a) and 7.3 (1)

“ The renewal of driving licences when their administrative validity expires shall be subject to: continuing compliance with the minimum standards of physical and mental fitness for driving set out in Annex III for driving licences in categories C, CE, C1, C1E, D, DE, D1, D1E. “

- Question 18. How will applicants (Group 2 drivers) evidence that they comply with the medical standards?
- Question 19. If OTHER, please explain.

“ Member States may, when renewing driving licences in categories AM, A, A1, A2, B, B1 and BE, require an examination applying the minimum standards of physical and mental fitness for driving set out in Annex III. “

- Question 20. Do you intend to require medical examinations?
- Question 21. If YES, then is there an age limit?

For Group 2 drivers nine countries out of fourteen intend to require a medical examination for evidencing that they meet the medical standards. Also self declarations and doctor's obligation to inform driving licence authorities are used.

Only four countries out of fourteen intend to require medical examination for proving to meet the minimum standards for physical and mental fitness at the renewal of Group 1 driving licences. Two of those countries require medical examination only at the age of 70 and after that at every renewal of the driving licence.

In the context of these articles the Topic Group discussed different standards, rules, tests and examinations required at the renewal of driving licence and at ensuring the health issues in various MS. Each MS is responsible for the medical requirements being fulfilled, but the means to ensure them might vary a lot (e.g. medical examination, health declaration or doctors' obligation to inform licence authorities). It was concluded that there indeed is considerable variation in the practices.

Recommendations:

- **There should be a list of national authorities to be contacted for necessary details of medical issues in each MS.**

Follow-up questions:

- Who should maintain the list and where should it be saved? The website of European Commission? Maintained by the Driving Licence Committee?

5.7. Articles 7.3 (2) and 7.3 (3)

“ Member States may limit the period of administrative validity set out in paragraph 2 of driving licences issued to novice drivers for any category in order to apply specific measures to such drivers, aiming at improving road safety. “

- Question 22. Do you intend to implement limited administrative validity for the first licence issued to a novice driver?
- Question 23. If YES, then how long is the validity (in years)?
- Question 24. Are there any restrictions that will apply to the licence that has a limited administrative validity?
- Question 25. If YES then please list those restrictions (e.g. national code).

“ Member States may limit the period of administrative validity of the first licence issued to novice drivers for categories C and D to 3 years in order to be able to apply specific measures to such drivers, so as to improve their road safety. “

- Question 26. Do you intend to implement limited administrative validity for the first full licence issued to a novice driver for categories C and D?
- Question 27. Are there any restrictions that will apply to the licence that has a limited administrative validity?
- Question 28. If YES then please list those restrictions.

Only four countries out of fourteen intend to limit the administrative validity of the first full driving licence issued to a novice driver. In those countries (Lithuania, Estonia, Poland and Finland) the validity of the first driving licence will vary between one and two years. There is also an intention to apply some restrictions to the driving licence, e.g. more effective surveillance of traffic offences, stricter punishments and obligatory 2nd phase of driver training.

Only one country, Switzerland, intends to limit the administrative validity of first full driving licence issued for categories C and D.

An example of a relevant problem: If the first driving licence issued to a novice driver has a limited validity, what does it implicate at the exchange of the driving licence? E.g. in Lithuania, Estonia, Finland, Austria and Switzerland there is an obligatory 2nd phase of driver training – is the novice driver able to exchange the driving licence in other MS before taking the obligatory 2nd phase training in the original country?

No common problems were identified, therefore no recommendations.

5.8. Article 7.3 (4)

“ Member States may limit the period of administrative validity set out in paragraph 2 of individual driving licences for any category in case it is found necessary to apply an increased frequency of medical checks or other specific measures such as restrictions for traffic offenders. “

- Question 29. Do you intend to implement limited administrative validity for any category in case it is found necessary to apply an increased frequency of medical checks or other specific measures such as restrictions for traffic offenders?
- Question 30. If YES or OTHER, please describe.

About half of the countries intend to implement limited administrative validity in case it is found necessary to require more frequent medical checks or to apply other specific measures, e.g. restrictions for traffic offenders. For detailed answers by countries see annex 1.

The Topic Group identified one common problem. If the relevant additional information (e.g. medical) is not recorded on the actual driving licence, it can be missed when the driving licence is exchanged in another MS. As there is no common driving licence network for MS to check the additional information related to the driving licence in question, it means that at the exchange the MS has no other choice but to trust that the previous MS has tested the person properly and given him/her the driving licence only if the prerequisites were fulfilled.

Recommendation:

- **The European Commission should finalize and distribute a common network for driving licence information exchange as soon as possible.**

5.9. Article 7.3 (5)

“ Member States may reduce the period of administrative validity set out in paragraph 2 of driving licences of holders residing on their territory having reached the age of 50 years in order to apply an increased frequency of medical checks or other specific measures such as refresher courses. This reduced period of administrative validity can only be applied upon renewing the driving licence. “

- Question 31. Do you intend to reduce the period of administrative validity for Group 1 drivers who have reached the age of 50 to apply increased medical checks or other specific measures?
- Question 32. If YES, at what age?

- Question 33. Do you intend to reduce the period of administrative validity for Group 2 drivers who have reached the age of 50 to apply increased medical checks or other specific measures?
- Question 34. If YES, at what age?

Only two countries (The Netherlands and Finland) intend to reduce the period of administrative validity for those Group 1 drivers who have reached the age of 50 in order to apply increased medical checks. However, the checks will be performed only from the age of 70 or for the Netherlands also when a person aged 65 has a driving licence which is valid after he/she reaches the age of 70.

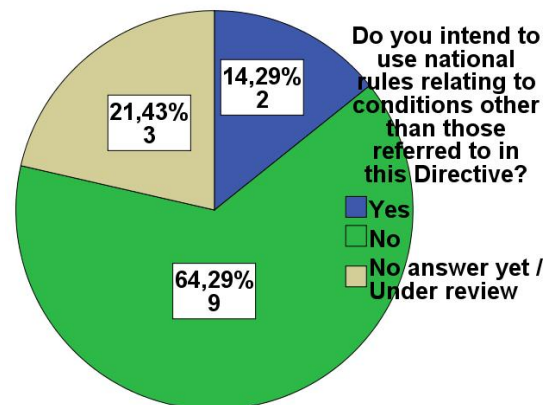
The same two countries intend to apply the same requirements also for Group 2 drivers. In addition Switzerland intends to reduce the period of administrative validity from the age of 50. They might also introduce a limitation for Group 1 drivers.

No common problems were identified, therefore no recommendations.

5.10. Article 7.4

“ Without prejudice to national criminal and police laws, Member States may, after consulting the Commission, apply to the issuing of driving licences the provisions of their national rules relating to conditions other than those referred to in this Directive. “

- Question 35. Do you intend to use national rules relating to conditions other than those referred to in this Directive?



Nine countries out of fourteen do not intend to apply any national rules relating to conditions other than those referred to in the Directive. In three countries the matter is still under review.

No common problems were identified, therefore no recommendations.

5.11. Article 7.5 (a)

“ No person may hold more than one driving licence. “

- Question 36. When a driver renews his driving licence does he have to hand over his previous driving licence?

In all countries the driver has to hand over his/her previous driving licence when renewing the licence.

No common problems were identified, therefore no recommendations.

5.12. Article 7.5 (c)

“ Member States shall take the necessary measures pursuant to point (b). The necessary measures as regards the issue, replacement, renewal or exchange of a driving licence shall be to verify with other Member States where there are reasonable grounds to suspect that the applicant is already the holder of another driving licence. “

- Question 37. How do you make inquiries to other Member State (MS)?
- Question 38. If OTHER, please explain.
- Question 39. When do you normally make inquiries to other Member State (MS)?
- Question 40. If OTHER, please explain.
- Question 41. Do you have any suggestions how to improve the exchange of information between Member States (MS)?

Countries are using various means in making inquiries to other MS: e-mail, mail, fax, telephone and EUCARIS. Only a few countries are using only one mean.

Seven countries out of fourteen are making inquiries to other MS only if they suspect that the application is not valid or is falsified. A few countries are making an inquiry if there is a suspicion, but also in some other cases (see annex 1 for details). Some countries make inquiries even in every case of an application for an exchange.

When asked any suggestions how to improve information exchange between MS, nine countries out of fourteen wish for the introduction of an EU driving licence network.

The Topic Group identified one common problem. MS have difficulties in defining what are the *reasonable grounds* mentioned in the Article in question. Lawyers in various MS have been using a lot of time in trying to define *reasonable grounds* to be introduced in the national legislation. Furthermore, *reasonable grounds* need to be looked at and defined in relation to the means which are available and in use (phone, e-mail etc. versus an automated network). Based on the discussion the Topic Group states three recommendations.

Recommendations:

- **The European Commission should clarify and define what *reasonable grounds* means exactly.**
- **The European Commission should distribute to all MS the report of the Best Practice Group following the RESPER-project.**
- **The European Commission should get the driving licence information exchange network finished and distributed to all MS as soon as possible.**

5.13. Article 7.5 (d)

“ In order to facilitate the checks pursuant to point (b), Member States shall use the EU driving licence network once it is operational. “

- Question 42. Do you intend to take part in the already existing EUCARIS-treaty as a provisional solution?
- Question 43. Please explain.
- Question 44. Will you check every transaction through the electronic Driving Licence Network?
- Question 45. What will be the estimated total number of checks you will make per year?

Ten countries out of fourteen intend to take part in the already existing EUCARIS-treaty as a provisional solution. Sweden, Belgium and Finland are waiting for the European Commission's decision on the matter.

In the discussion it was pointed out that the big numbers of transactions might become a problem for the future driving licence network (e.g. Germany expects to perform about 3 000 000 checks per year after the introduction of the common driving licence network in all MS). Also search factors used in the network were discussed in brief. It is much easier to search e.g. for vehicles as each of them has its own identification number, but when you are searching for persons, you need to use the name and the date of birth.

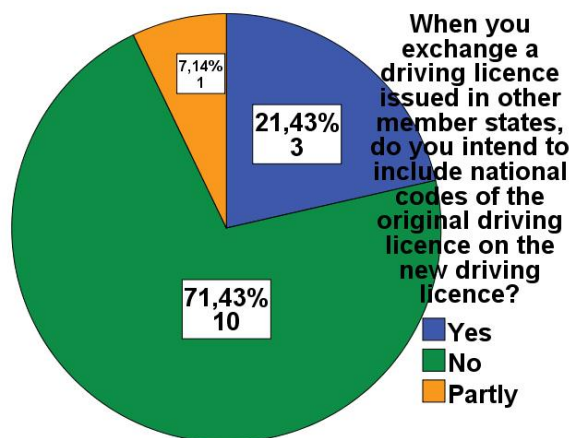
Point of discussion: The number of transactions in the future driving licence information exchange network will be huge.

No common problems were identified, therefore no recommendations.

5.14. Article 11.1

“ Where the holder of a valid national driving licence issued by a Member State has taken up normal residence in another Member State, he may request that his driving licence be exchanged for an equivalent licence. It shall be for the Member State effecting the exchange to check for which category the licence submitted is in fact still valid. “

- Question 1. When you exchange a driving licence issued in other member states, do you intend to include national codes of the original driving licence on the new driving licence?
- Question 2. If PARTLY, please explain.



Most of the countries (71 %) do not intend to include national codes of the original driving licence on the exchanged driving licence.

The Topic Group identified two common problems. An exchange of a driving licence might be performed even if the licence should not be exchanged (according to the national legislation of the MS in question), because there is no common information about the various national codes. Another problem appears in traffic enforcement – the persons performing it (e.g. policemen) do not have inclusive information about the national codes used in other MS.

For example in Sweden and in Finland there is in use an alcohol interlock procedure. If a driver is convicted or is supposed to be convicted of driving under the influence of alcohol, he/she is able to ask for a supervised entitlement to drive. That requires installation of an alcohol interlock to his/her vehicle. The right to drive is then restricted only to that individualized vehicle for a certain period of time and this restriction attached to his/her entitlement to drive is evidenced with a national code in the driving licence. In cases of a driving licence exchange it is important for another MS to know the national code.

Recommendations (the same as in 5.1.):

- **All the national codes used in driving licences should be listed on the EReg website. The EReg secretariat should send all the EReg members a reminder once a year in order to get the lists updated.**
- **However, as all MS are not members of EReg, in the long run the European Commission is recommended to harmonize the most common and important national codes (e.g. differentiation of vehicles in category AM and the use of an alcohol interlock).**
- **In the meantime the European Commission is also recommended to add all the national codes to its website and to the publication *Driving Licences – EU and EEC*. The list on the website should be maintained by the Driving Licence Committee.**

5.15. Article 11.4

“A Member State shall refuse to issue a driving licence to an applicant whose driving licence is restricted, suspended or withdrawn in another Member State. “

- Question 3. How do you fulfil the provisions of this article in the time before having the EU driving licence network in place? Please describe the procedures.

The practices on how the various MS fulfil the provisions of the Article in question vary a lot. Detailed descriptions of the practices by countries are presented in annex 2.

Since the MS do not have any proper driving licence network for exchanging the information needed, fulfilling the provisions of the Article is not very reliable neither efficient. In these cases MS have no other choice but to trust on the person's self declaration. Therefore, again, the recommendation is for the European Commission to finalize and distribute a common driving licence information exchange network as soon as possible.

Recommendation:

- **The European Commission should finalize and distribute a driving licence information exchange network as soon as possible.**

5.16. Article 11.6

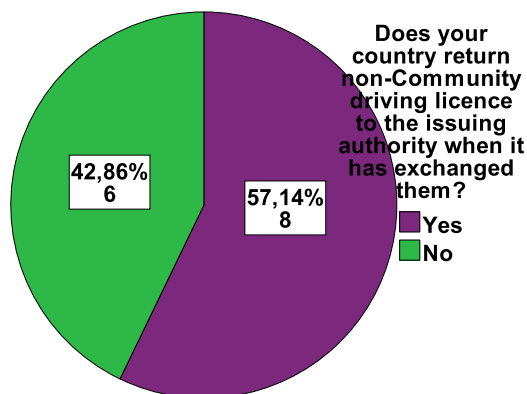
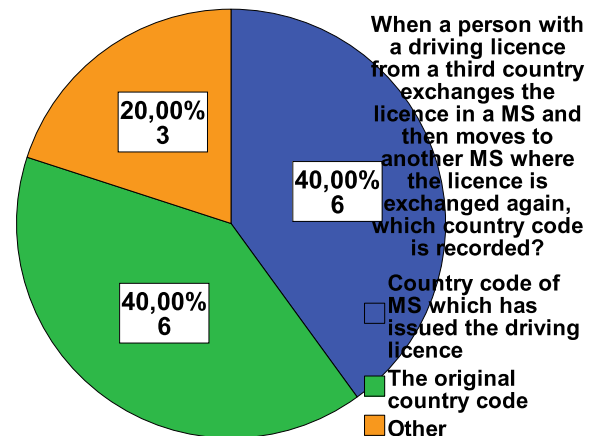
“Where a Member State exchanges a driving licence issued by a third country for a Community model driving licence, such exchange shall be recorded on the Community model driving licence as shall any subsequent renewal or replacement. “

- Question 4. When a person with a driving licence from a third country (e.g: New Zealand) exchanges the licence in a MS (first MS/ e.g: Germany) and then moves to another MS (second MS/ e.g: Finland) where the licence is exchanged again, which country code is recorded.
- Question 5. If OTHER, please describe.
- Question 6. Does your country return non-Community driving licence (e.g: Australian driving licence) to the issuing authority when it has exchanged them?
- Question 7. If YES, please explain how do you return non-Community driving licences to the issuing authority (by post, other, etc)?

- Question 8. If NO, then why and for how long do you store non-Community driving licences in your authority?

The practice in recording the country code in a case of an exchange of a MS driving licence which was originally issued in a third country varies a lot (for a detailed description see question 4). About 40 % of the countries are recording the original country code and 40 % of the countries the country code of the MS which has issued the Community driving licence. The rest of the countries are having yet another kind of practice (for details see annex 2).

The Topic Group discussed which country code to record on the driving licence in these cases. On the other hand, if the licence is once recognized in an EU-country, it should be recognized in other MS as well, but on the other hand it is also important to try to prevent driving licence tourism. However, it would be a problem for certain MS if all MS are not recording the original country code on the driving licence. For example, the Netherlands does not accept Australian driving licences for exchange, but as they are accepted for exchange e.g. in the UK, the same person is then later able to exchange the UK driving licence to a Dutch driving licence. And yet another example, Gibraltar does not accept any third country driving licences for exchange.



Also the practice on returning a non-Community driving licence to the issuing authority when the licence has been exchanged varies a lot in MS (question 6). These inconsistent circumstances might provide grounds for driving licence tourism.

An example of a relevant problem: A Russian driver exchanges his category B licence to a Finnish licence. In Finland he takes driver training and exam to get category C added to his Finnish licence. E.g. Gibraltar does not recognise any 3rd country licences. Would the Russian driver obtain a driving licence in Gibraltar, because the category C was received in a MS through exam and the category B was originally received in Russia, which is a 3rd country?

Recommendations:

- All MS should record the third country code on the driving licence and in the central register for unlimited information exchange.
- However, as all the MS are not members of EReg, in the long run the European Commission is recommended to harmonize the practice: The third country code needs to be recorded.
- A re-analysis of the practise on returning a non-Community driving licence to the issuing country is needed.

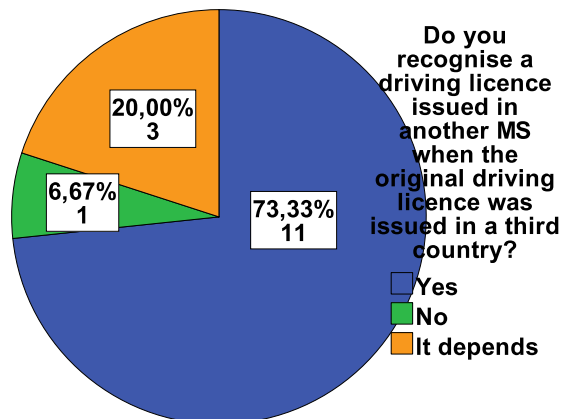
Follow-up questions:

- Who should do the re-analysis? The European Commission? What should be done after the re-analysis? In the long run a harmonized practice: The licence needs to be returned to the issuing country?

5.17. Article 11.6 (1)

“ Such an exchange may occur only if the licence issued by the third country has been surrendered to the competent authorities of the Member State making the exchange. If the holder of this licence transfers his normal residence to another Member State, the latter need not apply the principle of mutual recognition set out in Article 2. “

- Question 9. Do you recognise a driving licence issued in another MS when the original driving licence was issued in a third country?
- Question 10. If IT DEPENDS, please describe.



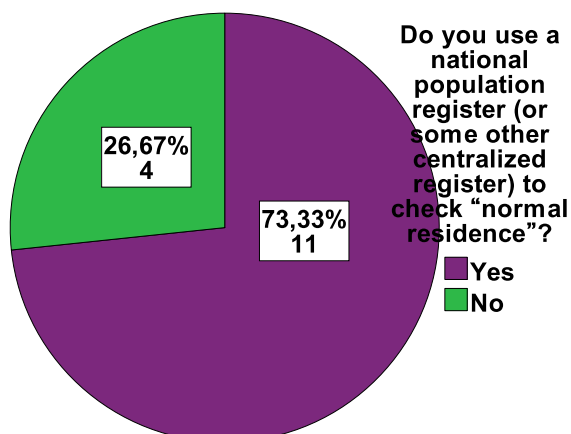
Eleven countries out of fifteen (73 %) are recognising a driving licence issued in another MS when the original driving licence was issued in a third country.

No common problems were identified, therefore no recommendations.

5.18. Article 12

“ For the purpose of this Directive, ‘normal residence’ means the place where a person usually lives, that is for at least 185 days in each calendar year, because of personal and occupational ties, or, in the case of a person with no occupational ties, because of personal ties which show close links between that person and the place where he is living.

However, the normal residence of a person whose occupational ties are in a different place from his personal ties and who consequently lives in turn in different places situated in two or more Member States shall be regarded as being the place of his personal ties, provided that such person returns there regularly. This last condition need not be met where the person is living in a Member State in order to carry out a task of a definite duration. Attendance at a university or school shall not imply transfer of normal residence. “



- Question 11. Do you use a national population register (or some other centralized register) to check “normal residence”?
- Question 12. If NO, then please explain how do you check “normal residence”?
- Question 13. Do you have problems checking “normal residence” in practice?
- Question 14. If YES, please describe.

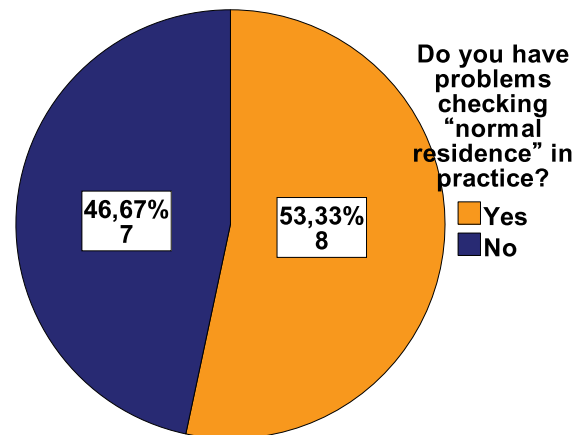
73 % of the countries are using a national population register or some other centralized register to check “normal residence” of a driving licence applicant.

About half (53 %) of the countries report having problems in checking “normal residence” in practice.

The lack of common European population register means that there is a leak in the system – a MS citizen is able to apply for a driving licence in several MS. An EU-citizen is even able to have several permanent residences. It is not illegal.

The Topic Group identified two problems. The term *normal residence* (“185-day-rule”) does not work well at all, because it is difficult for MS to define it. And furthermore, it is difficult for MS to check the actual residence of an EU-citizen.

It was also found out that some MS are very strict with the “185-day-rule”, whereas some of the MS interpret it much more loosely.



There is already one statement from the European Commission on the definition of *normal residence* (given on 28th October 2008): “This provision does not require that the time of 185 days must have elapsed when the driving licence is issued or replaced, but that this time must be the time of the intended residence. It is of course impossible to know in advance whether an applicant will stay for that period. However, a reasonable and citizen-friendly reading of the provision implies that the person should provide some evidence that he or she will stay for that period. Indicators are for example a work contract, the inscription in the social security system, or a proof that the person has left his former country of residence.”

However, the clarification has not been distributed to all MS. Therefore, common procedures for how to define *normal residence* need to be clarified by the European Commission. And because MS have problems defining *normal residence*, it is again recommended that there is an acute need for a common driving licence network to find out possible restrictions (for a person in question) in another MS, and also to make sure that the citizen will not have more than one driving licence.

Recommendations:

- **The European Commission should clarify common procedures for how to define *normal residence*.**
- **The European Commission should introduce a common driving licence network for information exchange.**

5.19. General

The subject of *Driving licence tourism*¹ came up several times in the discussions of the Topic Group. It was recognized that in preventing driving licence fraud, driving licence tourism is a key issue for European cooperation. Member States will have to strengthen their co-operation in order to prevent temporarily banned drivers from obtaining a new driving licence in another Member State.

¹ The term describes the phenomenon that citizens, who had to hand in their driving license to the authorities of their home state e.g. after a serious offence, obtain a new driving license in another Member State, which has then to be recognised also in their home state.

An EU-wide network for data-exchange of driving licences needs to be established to prevent driving licence tourism. However – in addition – better communication and cooperation between the Member States will be necessary to achieve the goals related to combating driving licence tourism.

The issues of driving licence tourism and the procedures concerning the exchange of driving licences link closely to the activities of EReg Topic Group VII on the 3rd Directive on Driving Licences. The suggestion of the Topic Group members therefore is to do additional work on the subject of driving licence tourism in the future.

Recommendations *(these were fulfilled in an additional meeting in May 2010):*

- **The Topic Group, as its work is about to be finished, should be changed into a Driving Licence Tourism Topic Group in order to further analyze the problem. This Topic Group starts with the same participants as the current Topic Group and could be extended with new interested countries.**
- **The original Topic Group participants should meet up once again within a year from the last meeting (held in June 2009) to update the Final Report on the 3rd Directive on driving licences and change current information between MS. It would be possible for other interested countries to participate in this meeting as well.**

6. Summary of recommendations

A few recommendations are presented several times in the context of various articles. However, they will be presented only once in this summary.

1. All the national codes used in driving licences should be listed on the EReg website. The EReg secretariat should send all the EReg members a reminder once a year in order to get the lists updated.
2. However, as all MS are not members of EReg, in the long run the European Commission is recommended to harmonize the most common and important national codes (e.g. differentiation of vehicles in category AM and the use of an alcohol interlock).
3. In the meantime the European Commission is also recommended to add all the national codes to its website and to the publication *Driving Licences – EU and EEC*. The list on the website should be maintained by the Driving Licence Committee.
4. Various practices of recording the validity dates (administrative validity and entitlement to drive) on the actual driving licence should be analysed further.
5. There should be a list of national authorities to be contacted for necessary details of medical issues in each MS.
6. The European Commission should finalize and distribute a common network for driving licence information exchange as soon as possible.
7. The European Commission should clarify and define what *reasonable grounds* means exactly.
8. The European Commission should distribute to all MS the report of the Best Practice Group following the RESPER-project.
9. All MS should record the third country code on the driving licence and in the central register for unlimited information exchange.
10. However, as all the MS are not members of EReg, in the long run the European Commission is recommended to harmonize the practice: The third country code needs to be recorded.
11. A re-analysis of the practise on returning a non-Community driving licence to the issuing country is needed.
12. The European Commission should clarify common procedures for how to define *normal residence*.

These original recommendations were already fulfilled in an additional meeting in May 2010:

13. The Topic Group, as its work is about to be finished, should be changed into a Driving Licence Tourism Topic Group in order to further analyze the problem. This Topic Group starts with the same participants as the current Topic Group and could be extended with new interested countries.
14. The original Topic Group participants should meet up once again within a year from the last meeting (held in June 2009) to update the Final Report on the 3rd Directive on driving licences and change current information between MS. It would be possible for other interested countries to participate in this meeting as well.

Annex 1. Answers to questionnaire on Article 7 (given in April–May 2009; a few updates in spring 2010).

Article 7.1 (b)

Driving licences shall be issued only to those applicants who have passed a theory test only as regards category AM; Member States may require applicants to pass a test of skills and behaviour and a medical examination for this category.

For tricycles and quadricycles within this category, Member States may impose a distinctive test of skills and behaviour. For the differentiation of vehicles in category AM, a national code may be inserted on the driving licence.

Q 1. Do you intend to deliver a practical driving test or do you have it in place already?

Q 2. If YES, do you intend to impose a distinctive test of skills and behaviour for tricycles and quadricycles within this category?

Q 3. Do you use a national code for the differentiation of vehicles in category AM?

Q 4. Do you intend to require medical examination or do you have it in place already?

Country	1	2	3	4
1. Romania	No	-	Yes	Yes
2. Germany	Yes	Yes	Yes	No
3. Estonia	Yes	No	No	Yes
4. Finland	Yes	Yes	Yes	Yes
5. Sweden	No	-	No	No
6. Lithuania	No	-	No	Yes
7. Switzerland	Yes	-	-	Yes
8. UK	Yes	No	No	No
9. Poland	Yes	No	No	Yes
10. Hungary	Yes	Yes	No	No
11. Isle of Man	Yes	No	Yes	No
12. The Netherlands	Yes	Yes	Yes	No
13. Belgium	Yes	Yes	No	No
14. Gibraltar	Yes	No	No	No

Article 7.1 (c)

Driving licences shall be issued only to those applicants who have, as regards category A2 or category A, on the condition of having acquired a minimum of 2 years' experience on a motorcycle in category A1 or in category A2 respectively, passed a test of skills and behaviour only, or completed a training pursuant to Annex VI.

Q 5. Do MS intend to implement training, testing or both to upgrade between motorcycle categories?

Article 7.1 (d)

Driving licences shall be issued only to those applicants who have completed a training or passed a test of skills and behaviour, or completed a training and passed a test of skills and behaviour pursuant to Annex V as regards category B for driving a vehicle combination as defined in the second subparagraph of Article 4(4)(b).

Q 6. Do MS intend to implement training, testing or both to upgrade to category B (code 96)?

Country	5	6
1. Romania	Testing	Testing
2. Germany	Testing	Testing
3. Estonia	Testing	Testing
4. Finland	Training	Testing
5. Sweden	Testing	Testing
6. Lithuania	Testing	Testing
7. Switzerland	Both	-
8. UK	Both	Both
9. Poland	Testing	Both
10. Hungary	Testing	Both
11. Isle of Man	Both	Both
12. The Netherlands	Testing	Testing
13. Belgium	-	Testing
14. Gibraltar	Testing	Testing

Article 7.2 (a)

As from 19 January 2013, licences issued by Member States for categories AM, A1, A2, A, B, B1 and BE shall have an administrative validity of 10 years. A Member State may choose to issue such licences with an administrative validity of up to 15 years.

Q 7. What will be the period of administrative validity in your country?

Q 8. If OTHER, please explain

Q 9. Do you intend to issue duplicate driving licences with the same administrative validity as the original driving licence it replaces?

Q 10. What rules do you apply to the photograph validity?

Q 11. If OTHER, please indicate the number of years

Country	7	8	9	10	11
1. Romania	10 yrs	-	Yes	Same as admin. validity	-
2. Germany	15 yrs	-	Yes	Same as admin. validity	-
3. Estonia	10 yrs	-	Yes	Same as admin. validity	-
4. Finland	15 yrs	-	Yes	Other	The photo must be renewed every 15 yrs (both groups 1 & 2).
5. Sweden	10 yrs	-	Yes	Same as admin. validity	-
6. Lithuania	10 yrs	-	Maybe	-	When driving licence has been issued the photo must be deleted from the data base.
7. Switzerland	10 yrs	In the process of national interrogation (e.g. before the process in the parliament, interested parties like Cantons, big cities etc. can utter their opinion).	No	Other	Not yet decided.
8. UK	10 yrs	-	Yes	Same as admin. validity	-

9. Poland	15 yrs	-	Yes	Other	6 months
10. Hungary	10 yrs	-	Yes	Same as admin. validity	-
11. Isle of Man	10 yrs	-	Yes	Same as admin. validity	-
12. The Netherlands	10 yrs	-	Yes	Same as admin. validity	-
13. Belgium	10 yrs	-	No	Same as admin. validity	-
14. Gibraltar	10 yrs	-	Yes	Same as admin. validity	-

Article 7.2 (b)

As from 19 January 2013, licences issued by Member States for categories C, CE, C1, C1E, D, DE, D1, D1E shall have an administrative validity of 5 years.

Q 12. What rules do you apply to the photograph validity?

Q 13. If OTHER, please indicate the number of years.

Q 14. What will be the administrative validity of a driving licence which shows categories B and C?

Q 15. If OTHER, please explain.

Country	12	13	14	15
1. Romania	Same as admin. validity	-	10 yrs	-
2. Germany	Same as admin. validity	-	Other	15 yrs
3. Estonia	Same as admin. validity	-	5 yrs	-
4. Finland	Other	The photograph must be renewed every 15 yrs (both groups 1 & 2).	5 yrs	-
5. Sweden	Same as admin. validity	-	5 yrs	-
6. Lithuania	-	When licence has been issued the photograph must be deleted from the data base.	Other	Licence: 10 yrs; category B: 10 yrs; category C: 5 yrs.
7. Switzerland	Longer than administrative validity.	Not yet decided, yet at least as long as the longest lasting category.	10 yrs	-
8. UK	Other	10 yrs	5 yrs	-
9. Poland	Other	6 months	Other	15 years but validity of category C will be 5 years.
10. Hungary	Same as admin. validity	-	-	No decision yet.

11. Isle of Man	Same as admin. validity	-	10 yrs	Vocational C licences may be reduced to 5 years in line with D licences.
12. The Netherlands	Same as admin. validity	-	10 yrs	-
13. Belgium	Same as admin. validity	-	10 yrs	-
14. Gibraltar	Same as admin. validity	-	10 yrs; cat. D 5 yrs	-

Article 7.2 (c)

The renewal of a driving licence may trigger a new administrative validity period for another category or categories the licence holder is entitled to drive, insofar as this is in conformity with the conditions laid down in this Directive.

Q 16. How do you renew a driving licence if the administrative validity of the driving licence is expired?

Q 17. If there is a time limit in place or OTHER, please explain.

Country	16	17
1. Romania	To pass medical examination.	-
2. Germany	No exams.	-
3. Estonia	There is a time limit in place.	To pass theoretical and practical test when the administrative validity is expired more than 5 years.
4. Finland	There is a time limit in place.	The licence may be renewed without theoretical and practical test within one year after expiring.
5. Sweden	To pass medical examination.	-
6. Lithuania	To pass medical examination.	-
7. Switzerland	To pass medical examination.	-
8. UK	Other	Driver must complete an application form requesting a new licence.
9. Poland	No exams.	-
10. Hungary	To pass medical examination.	-
11. Isle of Man	There is a time limit in place.	Current rules allow an expired Isle of Man licence to be renewed within 10 years, a UK licence expired no more than 2 years may be renewed and any other driving licence must be current. These rules will be reviewed before 2013.
12. The Netherlands	No exams.	-
13. Belgium	To pass medical examination.	Only for categories C and D.
14. Gibraltar	Other	Driver must complete an application form requesting a new licence. If holder of Cat 2, then medical examination.

Article 7.3 (a)

The renewal of driving licences when their administrative validity expires shall be subject to: continuing compliance with the minimum standards of physical and mental fitness for driving set out in Annex III for driving licences in categories C, CE, C1, C1E, D, DE, D1, D1E.

Q 18. How will applicants (Group 2 drivers) evidence that they comply with the medical standards?

Q 19. If OTHER, please explain.

Country	18	19
1. Romania	To undergo medical examination.	-
2. Germany	To undergo medical examination.	-
3. Estonia	To undergo medical examination.	-
4. Finland	Other	For drivers under 45 their doctor is obliged to inform the licence authorities if the driver does not comply with the requirements. When renewing the licence after 45, a medical examination is required every time and still the doctor has the same obligation.
5. Sweden	Other	At first issue a medical examination, then until 45 self-declaration, then after 45 a medical examination.
6. Lithuania	Other	To undergo medical examination and self declaration
7. Switzerland	To undergo medical examination.	-
8. UK	Other	At first application for a Group 2 driving licence a medical examination, then self-declaration until age 45, then after 45 years a medical examination.
9. Poland	To undergo medical examination.	-
10. Hungary	To undergo medical examination.	-
11. Isle of Man	Self declaration.	Currently self declaration but any change to this is still to be determined. We would prefer a medical examination at each renewal of a vocational C or D licence.
12. The Netherlands	To undergo medical examination.	-

13. Belgium	To undergo medical examination.	-
14. Gibraltar	To undergo medical examination.	-

Article 7.3 (1)

Member States may, when renewing driving licences in categories AM, A, A1, A2, B, B1 and BE, require an examination applying the minimum standards of physical and mental fitness for driving set out in Annex III.

Q 20. Do you intend to require medical examinations?

Q 21. If YES, then is there an age limit?

Country	20	21
1. Romania	No	-
2. Germany	No	-
3. Estonia	Yes	No
4. Finland	Yes	The medical examination must be passed at the age of 70 and after that at every renewal. And their doctor has the same obligation as presented in answer 19.
5. Sweden	No	-
6. Lithuania	Yes	Until 55 every 10 years; from 56 to 69 every 5 years; from 70 to 79 every 2 years; 80 and over every year.
7. Switzerland	No	-
8. UK	No	-
9. Poland	No	-
10. Hungary	Yes	There has already been a compliance in this issue.
11. Isle of Man	No	-
12. The Netherlands	No	-
13. Belgium	No	-
14. Gibraltar	No	A medical examination will be passed when reaching the age of 70, after in every renewal.

Article 7.3 (2)

Member States may limit the period of administrative validity set out in paragraph 2 of driving licences issued to novice drivers for any category in order to apply specific measures to such drivers, aiming at improving road safety.

Q 22. Do you intend to implement limited administrative validity for the first licence issued to a novice driver?

Q 23. If YES, then how long is the validity (in years)?

Q 24. Are there any restrictions that will apply to the licence that has a limited administrative validity?

Q 25. If YES then please list those restrictions (e.g. national code).

Country	22	23	24	25
1. Romania	No	-	No	-
2. Germany	No	-	-	-
3. Estonia	Yes	2 yrs	Yes	National code 101
4. Finland	Yes	1 year in category B	Yes	A new driver is subject to more effective surveillance concerning his/her traffic offences. He/she might be condemned to a driving ban more easily, after a smaller amount of traffic offences than more experienced drivers. After licensing there is also 2 nd phase in driver training.
5. Sweden	No	-	-	-
6. Lithuania	Yes	2 yrs	Yes	Before renewal 2 nd phase training must be finished.
7. Switzerland	No	-	No	-
8. UK	No	-	No	-
9. Poland	Yes	2 yrs	Yes	We are planning a stronger punishment for novice drivers than normal drivers.
10. Hungary	-	There has already been a compliance in this issue.	-	We haven't a document like this yet.

11. Isle of Man	No	-	Yes	Isle of Man driving licences are issued for 10 years. New drivers are restricted to 50mph speed limit for 1 year and vehicles must display an "R" plate during this time. Consideration has been given to extending this period to 2 years.
12. The Netherlands	No	-	No	-
13. Belgium	No	-	-	-
14. Gibraltar	No	-	No	-

Article 7.3 (3)

Member States may limit the period of administrative validity of the first licence issued to novice drivers for categories C and D to 3 years in order to be able to apply specific measures to such drivers, so as to improve their road safety.

Q 26. Do you intend to implement limited administrative validity for the first full licence issued to a novice driver for categories C and D?

Q 27. Are there any restrictions that will apply to the licence that has a limited administrative validity?

Q 28. If YES then please list those restrictions.

Article 7.3 (4)

Member States may limit the period of administrative validity set out in paragraph 2 of individual driving licences for any category in case it is found necessary to apply an increased frequency of medical checks or other specific measures such as restrictions for traffic offenders.

Q 29. Do you intend to implement limited administrative validity for any category in case it is found necessary to apply an increased frequency of medical checks or other specific measures such as restrictions for traffic offenders?

Q 30. If YES or OTHER, please describe.

Country	26	27	28	29	30
1. Romania	No	No	-	No	-
2. Germany	No	-	-	No	-
3. Estonia	No	No	-	No	-
4. Finland	No	No	-	No	-
5. Sweden	No	-	-	No	-
6. Lithuania	No	No	-	No	-
7. Switzerland	Yes	No	-	Yes	A national code can be entered for a restriction – in the database there will be defined measurement and frequency.
8. UK	No	No	-	Yes	If a driver declares certain medical conditions the application is investigated further and if necessary the driver is issued with a licence which is valid for either 1, 2 or 3 years.
9. Poland	No	No	-	Yes	-

10. Hungary	No	No	-	Other	There has already been a compliance in this issue.
11. Isle of Man	No	No	-	Yes	5 year licence for C or D category vocational licence.
12. The Netherlands	No	No	-	Yes	If after a medical examination the person has to be checked again after 1, 3, 5 or 10 years, he will receive a licence with the validity date the CBR has registered.
13. Belgium	No	-	-	Yes	When specific medical examinations are required.
14. Gibraltar	No	No	-	Yes	The specific validity required by the medical examiner.

Article 7.3 (5)

Member States may reduce the period of administrative validity set out in paragraph 2 of driving licences of holders residing on their territory having reached the age of 50 years in order to apply an increased frequency of medical checks or other specific measures such as refresher courses. This reduced period of administrative validity can only be applied upon renewing the driving licence.

Q 31. Do you intend to reduce the period of administrative validity for Group 1 drivers who have reached the age of 50 to apply increased medical checks or other specific measures?

Q 32. If YES, at what age?

Q 33. Do you intend to reduce the period of administrative validity for Group 2 drivers who have reached the age of 50 to apply increased medical checks or other specific measures?

Q 34. If YES, at what age?

Country	31	32	33	34
1. Romania	No	-	No	-
2. Germany	No	-	No	-
3. Estonia	No	-	No	-
4. Finland	Yes	The last driving licence before the age of 70 shall be given only for until the driver reaches 70, i.e. all drivers must renew their licenses at the age of 70. After that, the renewal and medical checks are every 5 years.	Yes	The last driving licence before the age of 70 shall be given only for until the driver reaches 70, i.e. all drivers must renew their licenses at the age of 70. After that, the renewal and medical checks are every 2 years.
5. Sweden	No	-	No	-
6. Lithuania	No	-	No	-
7. Switzerland	-	Not yet defined.	Yes	50
8. UK	No	-	No	-
9. Poland	No	-	No	-
10. Hungary	-	There has already been a compliance in this issue.	-	There has already been a compliance in this issue.
11. Isle of Man	No	-	No	-

12. The Netherlands	Yes	From the age of 70 or when the person is 65 years old and he has a licence which is valid after he reaches the age of 70, he has to do a medical test and the driving licence is valid for 5 years.	Yes	It is the same as for Group 1 drivers.
13. Belgium	No	-	No	-
14. Gibraltar	No	-	No	-

Article 7.4

Without prejudice to national criminal and police laws, Member States may, after consulting the Commission, apply to the issuing of driving licences the provisions of their national rules relating to conditions other than those referred to in this Directive.

Q 35. Do you intend to use national rules relating to conditions other than those referred to in this Directive?

Article 7.5 (a)

No person may hold more than one driving licence.

Q 36. When a driver renews his driving licence does he have to hand over his previous driving licence?

Country	35	36
1. Romania	No	Yes
2. Germany	No	Yes
3. Estonia	No	Yes
4. Finland	No	Yes
5. Sweden	-	Yes
6. Lithuania	No	Yes
7. Switzerland	-	Yes
8. UK	Yes	Yes
9. Poland	No	Yes
10. Hungary	No	Yes
11. Isle of Man	Yes	Yes
12. The Netherlands	No	Yes
13. Belgium	No	Yes
14. Gibraltar	Under review	Yes

Article 7.5 (c)

Member States shall take the necessary measures pursuant to point (b). The necessary measures as regards the issue, replacement, renewal or exchange of a driving licence shall be to verify with other Member States where there are reasonable grounds to suspect that the applicant is already the holder of another driving licence

Q 37. How do you make inquiries to other Member State (MS)?

Q 38. If OTHER, please explain.

Q 39. When do you normally make inquiries to other Member State (MS)?

Q 40. If OTHER, please explain.

Q 41. Do you have any suggestions how to improve the exchange of information between Member States (MS)?

Country	37	38	39	40	41
1. Romania	By post	-	Only if you suspect that the application is not valid or is falsified.	-	A secure e-mail between state authorities
2. Germany	Other	Inquiries are made by EUCARIS if MS is connected. Otherwise made by post.	Only if you suspect that the application is not valid or is falsified.	-	Introduction of EU driving licence network on the basis of EUCARIS.
3. Estonia	Other	By post, e-mail, fax.	Only if you suspect that the application is not valid or is falsified.	-	By network (EUCARIS or RESPER).
4. Finland	Other	By e-mail or fax.	Only if you suspect that the application is not valid or is falsified.	-	RESPER should be implemented.
5. Sweden	Other	By post and phone.	Other	Always in the case of an application for an exchange.	We intend to implement the coming EU driving licence network.

6. Lithuania	By post	-	Other	If we suspect that the application is not valid or is falsified; and if applicant lost his driving licence issued in other MS.	To implement the EU driving licence network.
7. Switzerland	By e-mail	-	Only if you suspect that the application is not valid or is falsified.	-	-
8. UK	Other	By post, e-mail, telephone.	Other	We make enquiries when we suspect a licence presented for exchange is not valid or is falsified, but we also check all applications where a driver is exchanging a licence from one of the countries currently using the EUCARIS driving licence checking system.	Electronic links.
9. Poland	By post	-	Other	Always.	-
10. Hungary	Other	By post, e-mail.	Other	We make inquiries to other MS in case we have questions concerning the validity, originality or data of the driving licence issued by the MS.	Checking the document by informatic way would be more efficient.

11. Isle of Man	By phone	-	Only if you suspect that the application is not valid or is falsified.	-	-
12. The Netherlands	Other	By post, e-mail, phone and EUCARIS.	Other	For the countries we can check in EUCARIS we check when a person exchange his licence and otherwise only when we suspect that the licence is not valid or falsified.	EUCARIS or one e-mail address where we can verify from each country.
13. Belgium	By e-mail	-	Only if you suspect that the application is not valid or is falsified.	-	EU driving licence database or network.
14. Gibraltar	Other	By post and e-mail	Always	If the MS is not a EUCARIS user.	Electronic link.

Article 7.5 (d)

In order to facilitate the checks pursuant to point (b), Member States shall use the EU driving licence network once it is operational.

Q 42. Do you intend to take part in the already existing EUCARIS-treaty as a provisional solution?

Q 43. Please explain.

Q 44. Will you check every transaction through the electronic Driving Licence Network?

Q 45. What will be the estimated total number of checks you will make per year?

Country	42	43	44	45
1. Romania	Yes	-	Yes	2000 – 3000
2. Germany	Yes	Germany is already participating in EUCARIS.	No	3 000 000
3. Estonia	Yes	We use it.	Yes	~ 1000 – 1300
4. Finland	No	Finland will wait for the RESPER.	No	80 000 – 100 000 (= ~ 10 % of the licences issued)
5. Sweden	No	We do not intend to implement two different systems for exchanging driving licence information. We will wait until the European Commission decides which system shall be used.	No	50 000
6. Lithuania	Yes	State Enterprise REGITRA participate in EUCARIS already.	Yes	~ 150 000
7. Switzerland	Yes	-	No	-
8. UK	Yes	-	No	520 000
9. Poland	Yes	Probably.	Yes	-
10. Hungary	-	There has already been a compliance in this issue - but we are planning it.	Yes	-
11. Isle of Man	Yes	We would like to use EUCARIS 2 by linking to the UK system.	Yes	2000
12. The Netherlands	Yes	We already use EUCARIS for the exchange of licences.	No	40 000
13. Belgium	No	Awaiting European Commission's viewpoint.	Yes	-
14. Gibraltar	Yes	Already participating.	Yes	Under review.

Annex 2. Answers to questionnaire on Articles 11 and 12 (given in April–May 2009; a few updates in spring 2010).

Article 11.1

Where the holder of a valid national driving licence issued by a Member State has taken up normal residence in another Member State, he may request that his driving licence be exchanged for an equivalent licence. It shall be for the Member State effecting the exchange to check for which category the licence submitted is in fact still valid.

Q 1. When you exchange a driving licence issued in other member states, do you intend to include national codes of the original driving licence on the new driving licence?

Q 2. If PARTLY, please explain.

Country	1	2
1. Romania	Yes	-
2. Germany	No	-
3. Estonia	No	-
4. Finland	No	-
5. Sweden	No	-
6. Lithuania	No	-
7. Northern Ireland	No	-
8. Switzerland	No	-
9. UK	Partly	If the national code on the original driving licence is one that is already in use in GB.
10. Poland	No	-
11. Hungary	No	-
12. Isle of Man	No	-
13. The Netherlands	Yes	-
14. Belgium	No	-
15. Gibraltar	No	-

Article 11.4

A Member State shall refuse to issue a driving licence to an applicant whose driving licence is restricted, suspended or withdrawn in another Member State.

Q 3. How do you fulfil the provisions of this article in the time before having the EU driving licence network in place? Please describe the procedures.

Country	3
1. Romania	Require a clarification from the MS than take action.
2. Germany	Applicants from other MS, who apply for a German licence, have to present a document from their home-MS, that the former licence was not withdrawn or that the reasons for withdrawal do not exist anymore. This procedure is necessary until a EU driving licence network is in function.
3. Estonia	Before an exchange of the EU driving license is decided and when there is a suspicion that the driving license is not valid, we send an inquiry about validity of the driving license to the Authority of the Member State, which has been issued the driving license. An inquiry is sent by post, e-mail or fax. When the driving license is exchanged, we return it to issuing Authority. If the issuing Authority will detect that the license was not valid for exchange, Estonian license must be withdrawn.
4. Finland	Applicants must fill in a form asking whether they already have a driving licence issued by another EU or EEA country, or whether they have been banned from driving in any EU or EEA country. The police can also send an inquiry to applicant's native country.
5. Sweden	Before an exchange is decided, the issuing Member State is contacted by ordinary post, except for Norway, which is contacted by phone.
6. Lithuania	We use EUCARIS. In some cases (if we have suspicions) we send the requests by post.
7. Northern Ireland	The exchanged Driving Licence is returned to issuing authority. If the issuing authority indicates that the licence was not valid for exchange (due to suspension or revocation), the licence issued will be revoked.
8. Switzerland	The responsible offices of the single Cantons are obliged to check validity and for what categories a national driving licence shall be issued. The procedure therefore may differ from Canton to Canton.
9. UK	Our application forms ask the driver to declare if their licence has been withdrawn, suspended or cancelled in another member state. The application form states that it is an offence to make a false declaration. If a licence is exchanged and we are later notified by the issuing member state that it was not valid, we take steps to withdraw and retrieve the licence.

10. Poland	-
11. Hungary	At the time of exchanging a foreign driving licence we haven't information such like this. After the exchange we inform the issuing authority about the exchange (Art. 8.3 of Directive 91/439/EEC), and if this authority informs us about a restriction or suspension, we will withdraw the Hungarian driving licence.
12. Isle of Man	A valid driving licence would be restricted on a like for like basis for example, automatic or specially adapted vehicle.
13. The Netherlands	EUCARIS for those countries we can check and otherwise only when we suspect something we check.
14. Belgium	By sending an e-mail to the authorities of the other MS.
15. Gibraltar	Contact the Member State via fax.

Article 11.6

Where a Member State exchanges a driving licence issued by a third country for a Community model driving licence, such exchange shall be recorded on the Community model driving licence as shall any subsequent renewal or replacement.

Q 4. When a person with a driving licence from a third country (e.g: New Zealand) exchanges the licence in a MS (first MS/ e.g: Germany) and then moves to another MS (second MS/ e.g: Finland) where the licence is exchanged again, which country code is recorded.

Q 5. If OTHER, please describe.

Q 6. Does your country return non-Community driving licence (e.g: Australian driving licence) to the issuing authority when it has exchanged them?

Q 7. If YES, please explain how do you return non-Community driving licences to the issuing authority (by post, other, etc)?

Q 8. If NO, then why and for how long do you store non-Community driving licences in your authority?

Country	4	5	6	7	8
1. Romania	Other	The original country code and the code(s) of the countries that exchanged the driving licence.	Yes	By post	-
2. Germany	Country code of MS which has issued the driving licence.	-	Yes	By post to countries when there is a mutual agreement.	-
3. Estonia	The original country code.	-	No	-	5 yrs
4. Finland	Country code of MS which has issued the driving licence.	-	No	-	The police can return the original driving licence to driver when he leaves the country. At the same time the Finnish licence must be handed over to the police.

5. Sweden	Other	At present the country code of the MS which has issued the licence. We intend to change the procedure to record the original country code.	No	-	We don't store any 3rd country driving licences. We only exchange licences from Japan or Switzerland.
6. Lithuania	The original country code.	-	No	-	According to article 7.5 (a) no person may hold more than one driving licence. We store them for 5 yrs and then licences will be shredded.
7. Northern Ireland	Country code of MS which has issued the driving licence.	-	Yes	By post	N/A
8. Switzerland	The original country code.	-	Yes	By post	-
9. UK	Country code of MS which has issued the driving licence.	-	Yes	According to the wishes of the issuing country, we either return licence by post or notify them of exchange by fax or e-mail.	-
10. Poland	The original country code.	-	Yes	By post	-

11. Hungary	Country code of MS which has issued the driving licence.	-	No, except those countries with whom Hungary has a bilateral agreement on this subject.	By embassies.	We store the documents according to a period determined by Hungarian regulations. In case the holder leaves Hungary and claims his foreign licence back – which was the base of issuing the Hungarian licence – we give it back to him.
12. Isle of Man	Country code of MS which has issued the driving licence.	At present this information is recorded on database only.	Yes	By post	If this is not possible, the exchange licence will be held at least 10 years.
13. The Netherlands	The original country code	-	Yes	We have addresses of all third countries or their embassy.	-
14. Belgium	The original country code.	-	No	-	We intend to return them by post in the future. Currently they are stored until the previous holder leaves the Belgian territory.
15. Gibraltar	Other.	At present, do not exchange 3rd country driving licences.	-	-	-

Article 11.6 (1)

Such an exchange may occur only if the licence issued by the third country has been surrendered to the competent authorities of the Member State making the exchange. If the holder of this licence transfers his normal residence to another Member State, the latter need not apply the principle of mutual recognition set out in Article 2.

Q 9. Do you recognise a driving licence issued in another MS when the original driving licence was issued in a third country?

Q 10. If IT DEPENDS, please describe.

Country	9	10
1. Romania	Yes	-
2. Germany	Yes	-
3. Estonia	Yes	-
4. Finland	Yes	-
5. Sweden	Yes	-
6. Lithuania	Yes	-
7. Northern Ireland	It depends.	UK will exchange licences from certain third (non-EEA) countries, which have been designated for this purpose. If the third country is not one of the designated countries, the licence issued by a Member State in exchange for that licence is not recognised as being a Community licence.
8. Switzerland	It depends.	Basically yes, however it may differ again cause of Canton's practice and the original country and the MS.
9. UK	It depends.	UK exchanges driving licences from certain third countries which have been designated for this purpose. If the driving licence issued by the Member State is in exchange for one from a designated country we will exchange it. If it is from a non-designated country we do not exchange.
10. Poland	Yes	-
11. Hungary	Yes	-
12. Isle of Man	Yes	-
13. The Netherlands	Yes	-
14. Belgium	Yes	-
15. Gibraltar	No	-

Article 12

For the purpose of this Directive, 'normal residence' means the place where a person usually lives, that is for at least 185 days in each calendar year, because of personal and occupational ties, or, in the case of a person with no occupational ties, because of personal ties which show close links between that person and the place where he is living.

However, the normal residence of a person whose occupational ties are in a different place from his personal ties and who consequently lives in turn in different places situated in two or more Member States shall be regarded as being the place of his personal ties, provided that such person returns there regularly. This last condition need not be met where the person is living in a Member State in order to carry out a task of a definite duration. Attendance at a university or school shall not imply transfer of normal residence.

Q 11. Do you use a national population register (or some other centralized register) to check "normal residence"?

Q 12. If NO, then please explain how do you check "normal residence"?

Q 13. Do you have problems checking "normal residence" in practice?

Q 14. If YES, please describe.

Country	11	12	13	14
1. Romania	Yes	-	No	-
2. Germany	No	In Germany we make requests to about 3.000 local population registers because we not yet have a national population register.	Yes	We have no problems to make inquiries. The problem is that a person may have "normal residence" in several MS. We do not have a common European population register. The regulations concerning this matter are not harmonised. That's why it is very difficult to prove that a person has offended against this regulation in the 3rd directive.
3. Estonia	Yes	-	No	-
4. Finland	Yes	-	No	-
5. Sweden	Yes	-	Yes	If the applicant is not nationally registered, he/she must show some kind of certificate.
6. Lithuania	Yes	-	Yes	How to know that applicant is not in population register of other MS? Or all his personal and/or occupational ties are in other MS, but he is in our population register. Also, we have problems with definition "normal residence". What does "at least 185 days in each calendar year" mean? If person comes to Lithuania e.g. in August, does (s)he have to wait till July of next year? If not, then what does "calendar year" mean? Are there differences if applicant is a citizen or not?

7. Northern Ireland	No	The applicant for the licence must provide evidence of residency.	No	N/A
8. Switzerland	Yes	-	No	-
9. UK	No	Self Declaration by the applicant.	Yes	It is open to abuse i.e. the applicant could declare they are resident when they are not.
10. Poland	Yes	-	Yes	-
11. Hungary	Yes	-	Yes	It's a problem that irrespectively of the Hungarian residence the applicant maybe has another residence in another MS and there is no possibility to check it.
12. Isle of Man	No	Passports are checked for immigration approval and work permits are required for residency.	Yes	People travel freely between the UK, Northern Ireland and Eire to the Isle of Man. A complete check could only be made if air or sea ports of entry checks are made and this is not currently required.
13. The Netherlands	Yes	-	Yes	There are persons who exchange a MS licence and according to our population register they live for in the Netherlands.
14. Belgium	Yes	-	No	-
15. Gibraltar	Yes	-	No	-