



## Questions and Answers: proposals on driving licences and cross-border enforcement of traffic offences

Brussels, 1 March 2023

### How will the new rules address the specific profile of young and novice drivers?

Young drivers represent 8% of all car drivers, but 16% of all driver fatalities, while 2 out of 5 fatal collisions involve a young driver or rider (aged under 30). In the period 2017-2020, for every 100,000 novice drivers<sup>1</sup>, there were on average 10 fatalities per year, while for every 100,000 experienced drivers, there were just 3 fatalities, based on the most recent CARE data available from 18 EU countries.

Multiple studies have shown that a lack of driving experience translates into a greater probability of being involved in road crashes, as well as of serious breaches of road traffic laws. The higher level of crashes and fatalities involving novice drivers indicates a need to adapt the requirements for issuing driving licences. This is why today's proposals make several changes:

Accompanied driving: young people will be able to take their driving test at 17 years of age. However, they will not be authorised to drive alone before 18 years of age. Such a system already exists for category B licences in some Member States (e.g. Germany, Austria) and has had a very positive impact on road safety; it has enabled young drivers to **acquire valuable driving experience under the supervision of an adult in his or her first year of driving**.

It **will also apply to category C licences** (lorries) to facilitate access to the driving profession for young people. Lowering the age threshold for training may also make a career in the transport sector more attractive for young people, thus helping, over time, to ease the shortage of professional drivers, without compromising on road safety.

Greater focus on risk awareness: in addition to the general requirements that were already contained in previous EU legislation on driving licences, young and novice drivers will now be **tested on the interaction between a motorised vehicle and more vulnerable road users such as pedestrians, cyclists and users of e-scooters, e-bikes** or other relatively new transport devices.

Zero tolerance for drink-driving: a mandatory **probation period of a minimum of two years** will be established for novice drivers. This will make novice drivers subject to **strict rules on driving under the influence of alcohol** (zero tolerance). Member States may define additional rules and/or restrictions for the two-year period after the new drivers have passed their driving test and obtained their driving licence.

Easing the language burden of taking a driving test: if a driving **test candidate does not master the language of the country** in which they are taking the test, and if it is not possible to use an interpreter to assist them, the new rules will make it easier for them to take the test in an EU country in which they do master the language. This will make life easier for mobile citizens within the EU, especially young people, by ensuring they are tested on their driving skills rather than their language knowledge.

### What changes with regard to medical fitness to drive?

Currently, medical fitness to drive is assessed on age-based screening. An [evaluation](#) of the rules currently in place found that, although age is a factor, specific medical conditions such as substance abuse, psychiatric disorders, epilepsy, diabetes, heart conditions and sleep apnoea, which are not necessarily connected with age, are more important when it comes to medical fitness to drive.

Therefore, rules concerning physical and mental fitness to drive will be modernised so that they align with the latest technological and medical developments, for instance with regard to advances in the treatment of diabetes, where fewer medical checks will be required.

The latest research and evidence on risks related to driver age also show that people are increasingly

fit to drive beyond the current age thresholds. The age from which Member States may increase the frequency of medical checks will therefore be raised from the current age of 50, to 70.

In addition, medical screening processes across the EU will be better aligned through a **new online training programme for general practitioners and a platform for exchanging best practices on medical assessments**. This aims to reduce the number of drivers who are unfit to drive, and will increase road safety.

### **Won't the introduction of a self-assessment actually increase the risks for road safety, due to the potential for abuse?**

Currently, only candidate drivers for certain driving licence categories, such as professional drivers, have to undergo a medical examination before their first driving licence is issued. This continues to be the case in the new proposal. Making medical examinations mandatory for everyone would represent a significant cost, often borne by citizens. With the new Directive, all other candidates (for the other licence types: A, A1, A2, AM, B, B1 and BE) will have to complete a self-assessment and declare if they have one of the listed medical conditions. This assessment is often sufficient and has a didactic purpose, making drivers aware that certain medical conditions (like apnoea) can affect their capacity to drive, and require medical follow up.

### **What is the benefit of an EU digital driving licence?**

The Directive introduces for the first time a digital driving licence, **accessible through a mobile phone or other digital device**, which would be recognised throughout the EU. This would make it easier to carry out administrative processes and to **replace, renew or exchange a driving licence**, as it will be possible to perform the complete procedure **online**.

The Directive sets out the minimum requirements to enable interoperability between such digital driving licences throughout the EU, but these will be further defined later. After an adjustment period, the digital driving licence will be issued by default, but drivers will also be able to hold a physical driving licence, or both.

### **When will the digital driving licence come into effect?**

As a first step, agreement is needed on technical specifications concerning the interoperability, security and testing of mobile driving licences, including verification features and the interface with national systems. The Commission proposes to adopt detailed rules on these features within 18 months of the adoption of this Directive.

Once Member States have had the chance to integrate these requirements into their national IT systems, the Commission proposes that digital driving licences should be issued as default, from four years after the date of adoption of the directive.

### **What about holders of foreign driving licences?**

Currently, holders of driving licences issued in countries outside of the EU who come to live in the EU often need to re-take driver training and testing in order to be granted an EU driving licence, regardless of their past driving experience. Moreover, the rules they need to comply with differ between Member States.

With this proposal, drivers from countries identified as having high enough road safety standards will be able to exchange their licences for EU licences either without having to repeat training or testing, or by carrying this out based on uniform conditions throughout the EU. The countries qualifying for this regime will be published at a later stage.

The Commission will also set up a Knowledge Network to allow for an exchange of best practices on the integration of foreign professional drivers into the EU market. The network will include national authorities, centres of excellence, universities, researchers and other road safety actors.

### **What is the contribution of these proposals to sustainable mobility?**

The upgraded testing rules will take into account the technical changes linked to alternatively fuelled vehicles. They will assess the knowledge and skills linked to advanced driving assistance systems

and other automated technologies within the vehicle. The training of novice drivers will also be adapted so that they **learn how to reduce their emissions** (GHG emissions, air and noise pollution, micro-plastics from tyre and road wear), and are prepared to **drive zero-emission vehicles**. In addition, the permitted mass of a 'B' category vehicles will be increased for alternatively fuelled vehicles, since they are heavier.

### **How serious are the problems caused by non-resident drivers?**

In 2019, the last year for which detailed figures are available, some 14.5 million traffic offences committed with a vehicle registered abroad and by a driver not identified on the spot were detected. Around 8.2 million payments were made for the offences (8 million voluntarily, some 200,000 following successful enforcement). Around 6.3 million offences resulted in the offender not being held accountable. **Some 40% of cross-border offences were hence committed with impunity.** This is relatively high, in particular compared to the general level of impunity for comparable offences in Member States (mostly speeding detected by speed cameras), which ranges from 5% in the most successful countries (the Netherlands, Sweden, Poland) to 10-20% on average (Luxembourg, Latvia, Ireland, Spain, Estonia, Hungary)<sup>2</sup>.

### **How does the Directive help authorities to track down offenders from abroad?**

The proposal on cross-border enforcement (CBE) introduces measures to streamline mutual assistance procedures between Member States for the cross-border investigation of road-safety-related traffic offences. It does so through:

- **Extending the responsibilities and competences** of established **national contact points** to ensure that they seamlessly cooperate with the enforcement authorities involved in the investigation of offences.
- Specifying the data that must be exchanged for a successful investigation of road-safety-related traffic offences; for better information exchange, **Member States will have to make certain data available and keep it up to date.**
- Allowing **access to information in multiple data registers through a single system**; this system will enable expeditious, cost-efficient, secure and reliable exchange of specific data between Member States, and therefore increase the efficiency of investigations.
- Creating a **tailored digital investigation tool** to better identify the driver/liable person; if this person cannot be identified with certainty from a vehicle register, alternative evidence may be used, or a targeted enquiry undertaken.
- **Allowing Member States to apply national rules**, such as the duty of the vehicle owner/holder to cooperate with authorities on the identification of the liable person.

### **How will the Directive protect the rights of non-residents accused of road traffic offences?**

Non-residents' fundamental rights will be better protected through **specific measures concerning the content and delivery of penalty notices**, such as: the possibility to verify authenticity; harmonised time limits for sending and establishing minimum mandatory content of the notices; a consistent communication language regime for drivers (believed to have committed a road-safety-related traffic offence abroad) and authorities, until the stage of court appeal; and providing more information to these drivers, e.g. on applicable appeal procedures and methods of fine payment. The CBE Directive will also be aligned with the new rules on personal data protection ([GDPR](#) and [LED](#)).

Presumed liable persons will not be required to pay legal and administrative expenses related to the administration of the penalties when these tasks are outsourced to private or public entities empowered by Member States, such as debt collectors.

### **Where can drivers find information about traffic rules and applicable procedures in other Member States?**

The European Commission website '[Going Abroad](#)' provides structured information on traffic rules concerning the eight offences covered by the current laws. The website has been translated into all EU official languages and is also accessible via a smartphone app. A dedicated IT portal for communication between governmental authorities/organisations, businesses and citizens, will also be established. Integrating content from the 'Going Abroad' website, it will also share additional

information with road users on the rules in force in each Member State in the areas covered by this Directive, and in particular on appeal procedures, sanctions, schemes and means for the payment of financial penalties.

### **Why is there a need for a separate directive on driving disqualifications?**

Consistent enforcement of sanctions for road traffic offences committed in the EU is a vital component of road safety.

Drivers should be held accountable for dangerous driving behaviour in all Member States, in order to create an environment conducive to improving road safety.

However, under the current legal framework, even when a driver's conduct is extremely serious and should result in a driving disqualification, this can only happen if the driving infraction was committed in the Member State which issued the driving licence. Under current rules, driving disqualification cannot be enforced Union-wide, which leads to relative impunity among road traffic offenders. To prevent this, the Directive aims to establish a system for applying certain driving disqualifications EU-wide when a Member State has imposed one.

Although the share of detected offences with foreign-registered vehicles differs significantly between Member States, on average around 18% of all speeding offences are committed by non-resident drivers.

In addition, **about 15% of automatically detected offences in the EU are committed by non-resident offenders, some 96% of which are speeding offences.**

### **What mechanisms does the Directive include to protect drivers who commit offences abroad?**

The Directive includes several mechanisms to defend the fundamental rights of drivers who are accused of committing very serious traffic offences. First, it requires correct identification of the driver and a clear attribution of the facts, then the offender's right of defence in the Member State of the offence must have been correctly guaranteed. The provisions of the Directive allow the disqualification to be annulled when there is a violation of a fundamental right listed in the European Union Charter of Fundamental Rights, or if the alleged facts are not considered illegal in the country of the Union that issued the driving licence. Finally, disqualification is subject to two judicial reviews, one in the country of the offence (a substantive assessment of the materiality of the offence), and a second, more procedural assessment in the country which issued the driving licence.

### **How does the Directive ensure compatibility between the different legal systems of the Member states?**

The Union-wide effect of driving disqualifications is not automatic. The Directive foresees that a competent judicial authority of the Member State that issued the driving licence at risk of removal must check the legality and enforceability of the decision on its territory. This authority will verify conformity and may refuse enforcement if the conduct in question is not punishable in its legal system.

### **Which offences trigger a driver disqualification in the EU?**

While significant differences remain on the thresholds that lead to driving disqualifications within each Member State, there are certain road-safety related offences that trigger driving disqualifications in all or several Member States.

This proposal for a new directive covers those road traffic offences that contribute frequently to road crashes and fatalities, namely excessive speeding and driving under the influence of alcohol or drugs. They also cover causing death or serious bodily injury as a result of any traffic offence.

### **For More Information**

[Proposal for a Revision of the Directive on Driving Licences](#)

[Proposal for a Directive amending Directive \(EU\) 2015/413, facilitating cross-border exchange of](#)

[information on road-safety-related traffic offences](#)

[Proposal for a Directive on the Union-wide effect of certain driving disqualifications](#)

[Press release: Road safety: Commission proposes updated requirements for safer and digital EU-wide driving licences and better cross-border enforcement of road traffic rules](#)

[Factsheet: New EU driving licence on its way – what to expect](#)

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[1] Less than 4 years after obtaining their driving licence

[2] ETCS (2022): How Traffic Law Enforcement Can Contribute To Safer Roads, PIN Flash Report 42, March 2022

[https://etsc.eu/wp-content/uploads/ETSC\\_PINFLASH42\\_v2TH\\_JC\\_FINAL\\_corrected-060522.pdf](https://etsc.eu/wp-content/uploads/ETSC_PINFLASH42_v2TH_JC_FINAL_corrected-060522.pdf)

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Press contacts:

[Adalbert JAHNZ](#) (+ 32 2 295 31 56)

[Anna WARTBERGER](#) (+32 2 298 20 54)

General public inquiries: [Europe Direct](#) by phone [00 800 67 89 10 11](#) or by [email](#)