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## I

(Acts whose publication is obligatory)

**REGULATION (EC) No 1921/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 18 December 2006**  
**on the submission of statistical data on landings of fishery products in Member States and repealing**  
**Council Regulation (EEC) No 1382/91**  
**(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 285(1) thereof,

Having regard to the proposal from the Commission,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(1)</sup>,

Whereas:

- (1) Council Regulation (EEC) No 1382/91 of 21 May 1991 on the submission of data on the landings of fishery products in Member States <sup>(2)</sup> requires Member States to submit data on the quantities and average prices of fishery products landed on their territory.
- (2) Experience has shown that analyses of the market for fishery products and other economic analyses would not be adversely affected if data were submitted under Community legislation at yearly rather than monthly intervals.
- (3) Analyses would be enhanced if data were broken down by the flag state of fishing vessels carrying out landings.
- (4) Regulation (EEC) No 1382/91 imposes a limit on the extent to which sampling techniques are permitted when the collection and compilation of data place an excessive burden on certain national authorities. In order to improve and simplify the system for the submission of data, it is appropriate to replace that Regulation with a new instrument. Consequently, Regulation (EEC) No 1382/91 should be repealed.

(5) Since the objective of this Regulation, namely the establishment of a common legal framework for the systematic production of Community statistical data on landings of fishery products in Member States, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

(6) Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics <sup>(3)</sup> provides a reference framework for statistics in the field of fisheries. In particular, it requires conformity with principles of impartiality, reliability, relevance, cost-effectiveness, statistical confidentiality and transparency.

(7) It is important to ensure the uniform application of this Regulation and, in order to do so, to make provision for a Community procedure to help determine the implementing arrangements within an appropriate timescale and to make the necessary technical adaptations.

(8) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(4)</sup>.

(9) Since the statistical data on landings of fishery products are an essential tool for the management of the Common Fisheries Policy, it is appropriate to lay down the possibility of using the management procedure provided for by Decision 1999/468/EC for granting Member States transitional periods for the implementation of this Regulation and derogations permitting them to exclude statistical data covering a particular sector of the fisheries industry from the national statistical data submitted.

<sup>(1)</sup> Opinion of the European Parliament of 15 June 2006 (not yet published in the Official Journal), Council Common Position of 14 November 2006 (not yet published in the Official Journal) and Position of the European Parliament of 12 December 2006 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 133, 28.5.1991, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

<sup>(3)</sup> OJ L 52, 22.2.1997, p. 1. Regulation as amended by Regulation (EC) No 1882/2003.

<sup>(4)</sup> OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

- (10) On the other hand, power should be conferred on the Commission to establish the conditions under which the Annexes should be technically adapted. Since those measures are of general scope and are designed to amend non-essential elements of this Regulation, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC,

HAVE ADOPTED THIS REGULATION:

#### Article 1

##### Definitions

For the purposes of this Regulation, the following definitions shall apply:

- 1) 'Community fishing vessels' means fishing vessels flying the flag of a Member State and registered in the Community;
- 2) 'EFTA fishing vessels' means fishing vessels flying the flag of, or registered in, an EFTA country;
- 3) 'Unit value' means:
  - (a) the value at first sale of the fishery products landed (in national currency) divided by the quantity landed (in tonnes), or
  - (b) for fishery products not immediately sold, the average price per tonne in national currency, estimated using an appropriate method.

#### Article 2

##### Obligations of the Member States

1. Each year each Member State shall submit to the Commission statistical data in respect of the fishery products landed on its territory by Community and EFTA fishing vessels (hereinafter referred to as 'statistical data').
2. For the purposes of this Regulation, the following fishery products shall be deemed to be landed on the territory of the reporting Member State:
  - (a) products landed by fishing vessels or other parts of the fishing fleet in national ports within the Community;
  - (b) products landed by fishing vessels of the reporting Member State in non-Community ports and covered by the T2M form contained in Annex 43 to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(1)</sup>.

<sup>(1)</sup> OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 402/2006 (OJ L 70, 9.3.2006, p. 35).

#### Article 3

##### Compilation of statistical data

1. The statistical data shall cover total landings on national territory within the Community.
2. Sampling techniques may be employed where, owing to the structural characteristics of a particular sector of the fisheries of a Member State, comprehensive data collection would result in difficulties for the national authorities which would be disproportionate to the importance of that sector.

#### Article 4

##### Statistical data

The statistical data shall relate to the total quantities and unit values of the fishery products landed in the reference calendar year.

The variables for which statistical data need to be submitted, their definitions and the relevant nomenclatures are given in Annexes II, III and IV.

#### Article 5

##### Submission of statistical data

Member States shall submit the statistical data to the Commission on an annual basis in accordance with the format specified in Annex I and using the codes set out in Annexes II, III and IV.

The statistical data shall be submitted within six months of the end of the reference calendar year.

#### Article 6

##### Methodology

1. By 19 January 2008 each Member State shall submit a detailed methodological report to the Commission describing how the data have been collected and the statistics compiled. That report shall include details of any sampling techniques and an evaluation of the quality of the resulting estimates.
2. The Commission shall examine the reports and present its conclusions to the relevant working group of the Standing Committee for Agricultural Statistics (hereinafter referred to as 'the Committee') established by Article 1 of Council Decision 72/279/EEC <sup>(2)</sup>.
3. The Member States shall inform the Commission of any change in the information provided for under paragraph 1 within three months of the introduction of such change. They shall also forward to the Commission details of any substantial changes in the collection methods used.

<sup>(2)</sup> OJ L 179, 7.8.1972, p. 1.

*Article 7***Transitional periods**

Transitional periods for the implementation of this Regulation lasting not more than three years from the date of its entry into force may be granted to Member States in accordance with the procedure referred to in Article 11(2).

*Article 8***Derogations**

1. Where the inclusion in the statistics of a particular sector of the fisheries industry of a Member State would cause difficulties to the national authorities disproportionate to the importance of that sector, a derogation may be granted in accordance with the procedure referred to in Article 11(2), permitting that Member State to exclude statistical data covering that sector from the national statistical data submitted.

2. Where a Member State requests a derogation under paragraph 1, it shall provide the Commission, in support of its request, with a report on problems encountered in applying this Regulation to total landings on its territory.

*Article 9***Updating of the Annexes**

The measures relating to technical adaptation of the Annexes shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(3).

*Article 10***Assessment**

The Commission shall, by 19 January 2010 and every three years thereafter, submit an assessment report to the European

Parliament and the Council on the statistical data compiled pursuant to this Regulation and in particular on their relevance and quality. The report shall also analyse the cost-effectiveness of the system used for the collection and processing of statistical data and shall put forward best practices for reducing the workload for Member States and enhancing the usefulness and quality of the statistical data.

*Article 11***Committee procedure**

1. The Commission shall be assisted by the Committee.
2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

*Article 12***Repeal**

Regulation (EEC) No 1382/91 is hereby repealed.

*Article 13***Entry into force**

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 December 2006

*For the European Parliament*

*The President*

J. BORREL FONTELLES

*For the Council*

*The President*

J.-E. ENESTAM

## ANNEX I

## FORMAT OF STATISTICAL DATA SUBMITTED

## Statistical data file format

The statistical data are to be submitted in a file in which each record includes the fields indicated below. These fields are to be separated by a comma (',').

| Field                    | Note                                         | Annex     |
|--------------------------|----------------------------------------------|-----------|
| Reference year           | 4 digits (e.g. 2003)                         |           |
| Reporting country        | Alpha-3 code                                 | Annex II  |
| Species or species group | International alpha-3 code (*)               | —         |
| Flag State               | Alpha-3 code                                 | Annex II  |
| Presentation             |                                              | Annex III |
| Intended use             |                                              | Annex IV  |
| Quantity                 | Tonnes landed (rounded to one decimal place) |           |
| Unit value               | National currency per tonne                  |           |

(\*) The full list of international alpha-3 species codes is to be found in the FAO's ASFIS file (<http://www.fao.org/fi/statist/fisoft/asfis/asfis.asp>)

Quantities of less than 50 kg landed weight are to be recorded as '0,0'.

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## ANNEX II

## LIST OF COUNTRY CODES

| Country        | Code |
|----------------|------|
| Belgium        | BEL  |
| Czech Republic | CZE  |
| Denmark        | DNK  |
| Germany        | DEU  |
| Estonia        | EST  |
| Greece         | GRC  |
| Spain          | ESP  |
| France         | FRA  |
| Ireland        | IRL  |
| Italy          | ITA  |
| Cyprus         | CYP  |
| Latvia         | LVA  |
| Lithuania      | LTU  |
| Luxembourg     | LUX  |
| Hungary        | HUN  |
| Malta          | MLT  |
| Netherlands    | NLD  |
| Austria        | AUT  |
| Poland         | POL  |
| Portugal       | PRT  |
| Slovenia       | SVN  |
| Slovakia       | SVK  |
| Finland        | FIN  |
| Sweden         | SWE  |
| United Kingdom | GBR  |
| Iceland        | ISL  |
| Norway         | NOR  |
| Other          | OTH  |

## ANNEX III

## LIST OF PRESENTATION CODES

## Part A

## List

| Presentation                 | Code |
|------------------------------|------|
| Fresh (not specified)        | 10   |
| Fresh (whole)                | 11   |
| Fresh (gutted)               | 12   |
| Fresh (tails)                | 13   |
| Fresh (fillets)              | 14   |
| Fresh (gutted and headed)    | 16   |
| Fresh (live)                 | 18   |
| Fresh (other)                | 19   |
| Frozen (not specified)       | 20   |
| Frozen (whole)               | 21   |
| Frozen (gutted)              | 22   |
| Frozen (tails)               | 23   |
| Frozen (fillets)             | 24   |
| Frozen (not filleted)        | 25   |
| Frozen (gutted and headed)   | 26   |
| Frozen (cleaned)             | 27   |
| Frozen (not cleaned)         | 28   |
| Frozen (other)               | 29   |
| Salted (not specified)       | 30   |
| Salted (whole)               | 31   |
| Salted (gutted)              | 32   |
| Salted (fillets)             | 34   |
| Salted (gutted and headed)   | 36   |
| Salted (other)               | 39   |
| Smoked                       | 40   |
| Cooked                       | 50   |
| Cooked (frozen and packaged) | 60   |
| Dried (not specified)        | 70   |
| Dried (whole)                | 71   |

| Presentation              | Code |
|---------------------------|------|
| Dried (gutted)            | 72   |
| Dried (fillets)           | 74   |
| Dried (gutted and headed) | 76   |
| Dried (skinned)           | 77   |
| Dried (other)             | 79   |
| Whole (not specified)     | 91   |
| Claws                     | 80   |
| Eggs                      | 85   |
| Presentation unknown      | 99   |

**Part B***Notes*

1. Fillets: strips of flesh cut parallel to the backbone of the fish and consisting of the right or left side of the fish, provided that the head, viscera, fins (dorsal, anal, caudal, ventral, pectoral) and bones (vertebrae or large backbone, ventral or costal, bronchial or stirrup bones, etc.) have been removed and the two sides are not connected, for example by the back or stomach.
2. Whole fish: ungutted fish.
3. Cleaned: squid where the arms, head and internal organs have been removed from the body.
4. Frozen fish: fish that have been subjected to freezing in a manner to preserve the inherent quality of the fish by reducing the average temperature to -18 °C or lower and which are then kept at a temperature of -18 °C or lower.
5. Fresh fish: fish that have not been preserved, cured, frozen or otherwise treated other than chilled. They are generally presented whole or gutted.
6. Salted fish: fish often in gutted and headed form, preserved in salt or brine.

## ANNEX IV

## LIST OF CODES FOR INTENDED USE OF FISHERY PRODUCTS

## Part A

## List

| Destination               | Code | Nature of submissions |
|---------------------------|------|-----------------------|
| Human consumption         | 1    | Mandatory             |
| Industrial uses           | 2    | Mandatory             |
| Withdrawn from the market | 3    | Voluntary             |
| Bait                      | 4    | Voluntary             |
| Animal feed               | 5    | Voluntary             |
| Waste                     | 6    | Voluntary             |
| Intended use unknown      | 9    | Voluntary             |

## Part B

## Notes

1. Human consumption: all fishery products which are sold at first sale for human consumption or which are landed under contract or other agreement for human consumption. Excluded are quantities intended for human consumption but which, at the time of first sale, are withdrawn from the market for human consumption owing to market conditions or hygiene regulations or for similar reasons.
2. Industrial uses: all fishery products specifically landed for reduction to meal and oil for consumption by animals, and quantities which, although originally intended for human consumption, are not sold for that purpose at first sale.
3. Withdrawn from the market: the quantities which originally were intended for human consumption but which, at the time of first sale, are withdrawn from the market owing to market conditions or hygiene regulations or for similar reasons.
4. Bait: quantities of fresh fish which are intended to be used as bait in other fishing activities. An example is the bait used in tuna pole and line fisheries.
5. Animal feed: the quantities of fresh fish intended to be fed direct to animals. Excluded are quantities intended for processing to fish meal and oil.
6. Waste: fish or parts thereof which due to their state are to be destroyed prior to landing.
7. Intended use unknown: quantities of fish which cannot be assigned to any of the above categories.

**REGULATION (EC) No 1922/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 20 December 2006**  
**on establishing a European Institute for Gender Equality**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 13(2) and 141(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Economic and Social Committee <sup>(1)</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(2)</sup>,

Whereas:

- (1) Equality between men and women is a fundamental principle of the European Union. Articles 21 and 23 of the Charter of Fundamental Rights of the European Union set out a prohibition on any discrimination on grounds of sex and provide that equality between men and women must be ensured in all areas.
- (2) Article 2 of the Treaty provides that equality between men and women is one of the Community's essential tasks. Similarly, Article 3(2) of the Treaty requires the Community to aim to eliminate inequalities and to promote equality between men and women in all its activities and thus ensure the integration of the dimension of equality between men and women in all Community policies.
- (3) Article 13 of the Treaty empowers the Council to take appropriate action to combat discrimination *inter alia* on grounds of sex in all areas of Community competence.
- (4) The principle of equal opportunities and equal treatment of men and women in matters of employment and occupation is enshrined in Article 141 of the Treaty and a comprehensive body of legislation on equal treatment of men and women in relation to access to employment and working conditions including equal pay is already in place.
- (5) The Commission's first annual report on equality between men and women to the Spring European Council in 2004 concluded that significant gender gaps exist in most policy fields, that inequality between men and women is a multi-dimensional phenomenon that has

to be tackled by a comprehensive mix of policy measures and that enhanced efforts are needed to meet the Lisbon strategy targets.

- (6) The Nice European Council of 7-9 December 2000 called for 'Increased awareness, the pooling of resources and the exchange of experience, in particular through the establishment of a European Institute for gender issues'.
- (7) The feasibility study <sup>(3)</sup> carried out for the Commission concluded that there is a clear role for a European Institute for Gender Equality to carry out some of the tasks with which the existing institutions do not currently deal, specifically in the areas of coordination, centralisation and dissemination of research data and information, network building, the raising of visibility of equality between men and women, highlighting the gender perspective and the development of tools for improved integration of gender equality in all Community policies.
- (8) The European Parliament in its Resolution of 10 March 2004 on the European Union's policies on gender equality <sup>(4)</sup> called on the Commission to speed up the efforts leading to the setting-up of an Institute.
- (9) The Council of Employment, Social Affairs, Health and Consumers Affairs of 1-2 June 2004 and the European Council of 17-18 June 2004 supported the establishment of a European Institute for Gender Equality. The European Council asked the Commission to bring forward a specific proposal.
- (10) The collection, analysis and dissemination of objective, reliable and comparable information and data on equality between men and women, the development of appropriate tools for the elimination of all forms of discrimination on grounds of sex and the integration of the gender dimension in all policy areas, the promotion of dialogue among stakeholders and the raising of awareness among EU citizens are necessary so as to enable the Community to effectively promote and implement gender equality policy, in particular in an enlarged Union. It is therefore appropriate to establish a European Institute for Gender Equality, which would assist the Community institutions and the Member States by carrying out those tasks.

<sup>(1)</sup> OJ C 24, 31.1.2006, p. 29.

<sup>(2)</sup> Opinion of the European Parliament of 14 March 2006 (not yet published in the Official Journal), Council Common Position of 18 September 2006 (OJ C 295 E, 5.12.2006, p. 57) and Position of the European Parliament of 14 December 2006 (not yet published in the Official Journal). Council Decision of 19 December 2006.

<sup>(3)</sup> European Commission Feasibility Study for a European Gender Institute (conducted by PLS Ramboll Management, DK, 2002).

<sup>(4)</sup> OJ C 102 E, 28.4.2004, p. 638.

- (11) Gender equality cannot be achieved by an anti-discrimination policy alone but requires measures to promote harmonious co-existence and balanced participation by men and women within society; the Institute should contribute to the attainment of that objective.
- (12) Given the importance of eliminating gender stereotypes in European society in all walks of life and of providing positive examples for women and men to follow, action to achieve those aims should also be included among the Institute's tasks.
- (13) Cooperation with the relevant authorities of the Member States and relevant statistical bodies, in particular Eurostat, is essential to promote the collection of comparable and reliable data at European level. Given that information on equality between men and women is relevant to all levels within the Community — local, regional, national and Community — it would be useful for such information to be available to Member States' authorities in order to help them formulate policies and measures at local, regional and national level in their spheres of competence.
- (14) The Institute should work as closely as possible with all Community programmes and bodies in order to avoid duplication and ensure the best possible use of resources, in particular as regards the European Foundation for the Improvement of Living and Working Conditions <sup>(1)</sup>, the European Agency for Safety and Health at Work <sup>(2)</sup>, the Centre for the Development of Vocational Training <sup>(3)</sup> and the European Union Agency for Fundamental Rights <sup>(4)</sup>.
- (15) The Institute should develop cooperation and dialogue with non-governmental and equal opportunities organisations, research centres, social partners, and other related bodies actively seeking to achieve equality at national and European level and in third countries. In the interest of efficiency, it is appropriate for the Institute to set up and coordinate an electronic European Network on Gender Equality with such entities and experts in the Member States.
- (16) With a view to ensuring the necessary balance among the Member States and the continuity of the members of the Management Board, the representatives of the Council will be appointed for each term of office in accordance with the order of rotation of the Presidencies of the Council, commencing in 2007.
- (17) In accordance with Article 3(2) of the Treaty it is appropriate to promote a balanced participation of men and women in the composition of the Management Board.
- (18) The Institute should enjoy maximum independence in the performance of its tasks.
- (19) The Institute should apply the relevant Community legislation concerning public access to documents as set out in Regulation (EC) No 1049/2001 <sup>(5)</sup> and the protection of individuals with regard to the processing of personal data as set out in Regulation (EC) No 45/2001 <sup>(6)</sup>.
- (20) Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(7)</sup>, applies to the Institute.
- (21) For the contractual liability of the Institute, which is governed by the law applicable to the contracts concluded by the Institute, the Court of Justice should have jurisdiction to give judgment, pursuant to any arbitration clause, contained in the contract. The Court of Justice should also have jurisdiction in disputes relating to compensation for any damage arising from the non-contractual liability of the Institute.
- <sup>(1)</sup> Council Regulation (EEC) No 1365/75 of 26 May 1975 on the creation of a European Foundation for the Improvement of Living and Working Conditions (OJ L 139, 30.5.1975, p. 1). Regulation as last amended by Regulation (EC) No 1111/2005 (OJ L 184, 15.7.2005, p. 1).
- <sup>(2)</sup> Council Regulation (EEC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work (OJ L 216, 20.8.1994, p. 1). Regulation as last amended by Regulation (EC) No 1112/2005 (OJ L 184, 15.7.2005, p. 5).
- <sup>(3)</sup> Council Regulation (EEC) No 337/75 of 10 February 1975 establishing a European Centre for the Development of Vocational Training (OJ L 39, 13.2.1975, p. 1). Regulation as last amended by Regulation (EC) No 2051/2004 (OJ L 355, 1.12.2004, p. 1).
- <sup>(4)</sup> Member States meeting in the framework of the European Council in December 2003 requested the Commission to prepare a proposal for a human rights agency by extending the mandate of the European Monitoring Centre on Racism and Xenophobia.
- <sup>(5)</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).
- <sup>(6)</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and of the free movement of such data (OJ L 8, 12.1.2001, p. 1).
- <sup>(7)</sup> OJ L 357, 31.12.2002, p. 72.

- (22) An independent external evaluation should be undertaken to assess the impact of the Institute, the possible need to modify or extend its tasks and the timing of further such reviews.
- (23) Since the objectives of this Regulation, namely to contribute to and strengthen the promotion of gender equality, including gender mainstreaming in all Community policies and the resulting national policies, and the fight against discrimination based on sex, and to raise EU citizens' awareness of gender equality by providing technical assistance to the Community institutions and the authorities of the Member States, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives.
- (24) Article 13(2) of the Treaty permits the adoption of Community measures in order to support and promote the objective of combating discrimination on grounds of sex beyond the field of employment. Article 141(3) of the Treaty is the specific legal basis for measures aimed to ensure the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation. Therefore, Article 13(2) and Article 141(3) combined constitute the appropriate legal basis for adoption of this Regulation,

HAVE ADOPTED THIS REGULATION:

#### *Article 1*

### **Establishment of the Institute**

A European Institute for Gender Equality (hereinafter referred to as 'the Institute') is hereby established.

#### *Article 2*

### **Objectives**

The overall objectives of the Institute shall be to contribute to and strengthen the promotion of gender equality, including gender mainstreaming in all Community policies and the

resulting national policies, and the fight against discrimination based on sex, and to raise EU citizens' awareness of gender equality by providing technical assistance to the Community institutions, in particular the Commission, and the authorities of the Member States, as set out in Article 3.

#### *Article 3*

### **Tasks**

1. To meet the objectives set in Article 2, the Institute shall:
  - (a) collect, analyse and disseminate relevant objective, comparable and reliable information as regards gender equality, including results from research and best practice communicated to it by Member States, Community institutions, research centres, national equality bodies, non-governmental organisations, social partners, relevant third countries and international organisations, and suggest areas for further research;
  - (b) develop methods to improve the objectivity, comparability and reliability of data at European level by establishing criteria that will improve the consistency of information and take into account gender issues when collecting data;
  - (c) develop, analyse, evaluate and disseminate methodological tools in order to support the integration of gender equality into all Community policies and the resulting national policies and to support gender mainstreaming in all Community institutions and bodies;
  - (d) carry out surveys on the situation in Europe as regards gender equality;
  - (e) set up and coordinate a European Network on Gender Equality, involving the centres, bodies, organisations and experts dealing with gender equality and gender mainstreaming in order to support and encourage research, optimise the use of available resources and foster the exchange and dissemination of information;
  - (f) organise ad hoc meetings of experts to support the institute's research work, encourage the exchange of information among researchers and promote the inclusion of a gender perspective in their research;
  - (g) in order to raise EU citizens' awareness of gender equality, organise, with relevant stakeholders, conferences, campaigns and meetings at European level, and present the findings and conclusions to the Commission;

- (h) disseminate information regarding positive examples of non-stereotypical roles for women and men in every walk of life, present its findings and initiatives designed to publicise and build on such success stories;
- (i) develop dialogue and cooperation with non-governmental and equal opportunities organisations, universities and experts, research centres, social partners and related bodies actively seeking to achieve equality at national and European level;
- (j) set up documentation resources accessible to the public;
- (k) make information on gender mainstreaming available to public and private organisations; and
- (l) provide information to the Community Institutions on gender equality and gender mainstreaming in the accession and candidate countries.

2. The Institute shall publish an annual report on its activities.

#### *Article 4*

### **Areas of activity and working methods**

1. The Institute shall carry out its tasks within the competences of the Community and in the light of the objectives adopted and priority areas identified in its annual programme, and with due regard to the available budgetary resources.
2. The work programme of the Institute shall be in line with the Community priorities in the field of gender equality and the work programme of the Commission, including its statistical and research work.
3. In pursuing its activities, the Institute shall, in order to avoid duplication and to ensure the best possible use of resources, take account of existing information from whatever source and in particular of activities already carried out by the Community institutions and by other institutions, bodies and competent national and international organisations and work closely with the competent Commission services, including Eurostat. The Institute shall ensure appropriate coordination with all relevant Community agencies and Union bodies to be determined in a memorandum of understanding where appropriate.
4. The Institute shall ensure that the information disseminated is comprehensible to the final users.

5. The Institute may enter into contractual relations, in particular subcontracting arrangements, with other organisations, in order to accomplish any tasks which it may entrust to them.

#### *Article 5*

### **Legal personality and capacity**

The Institute shall have legal personality. It shall enjoy, in each of the Member States, the most extensive legal capacity accorded to legal persons under their laws. In particular, it may acquire or dispose of movable or immovable property and may be a party to legal proceedings.

#### *Article 6*

### **Independence of the Institute**

The Institute shall carry out its activities independently in the public interest.

#### *Article 7*

### **Access to documents**

1. Regulation (EC) No 1049/2001 shall apply to documents held by the Institute.
2. The Management Board shall adopt arrangements for implementing Regulation (EC) No 1049/2001 within six months of the establishment of the Institute.
3. Decisions taken by the Institute pursuant to Article 8 of Regulation (EC) No 1049/2001 may give rise to the lodging of a complaint to the Ombudsman or form the subject of an action before the Court of Justice, under the conditions laid down in Articles 195 and 230 of the Treaty respectively.
4. Regulation (EC) No 45/2001 shall apply to the processing of data by the Institute.

#### *Article 8*

### **Cooperation with organisations at national and European level, international organisations and third countries**

1. To help it carry out its tasks, the Institute shall cooperate with organisations and experts in the Member States, such as equality bodies, research centres, universities, non-governmental organisations, social partners as well as with relevant organisations at European or international level and third countries.

2. Should agreements with international organisations or with third countries prove necessary for the Institute to carry out its tasks efficiently, the Community shall, in accordance with the procedure provided for in Article 300 of the Treaty, enter into such agreements with the international organisations or with third countries in the interests of the Institute. This provision shall not preclude ad hoc cooperation with such organisations or third countries.

#### Article 9

### Composition of the Institute

The Institute shall comprise:

- (a) a Management Board;
- (b) an Experts' Forum;
- (c) a Director and his or her staff.

#### Article 10

### Management Board

1. The Management Board shall consist of:

- (a) eighteen representatives appointed by the Council, on the basis of a proposal from each Member State concerned;
- (b) one member representing the Commission, appointed by the Commission;

2. The members of the Management Board shall be appointed in such a way as to secure the highest standards of competence and a broad range of relevant and transdisciplinary expertise in the area of gender equality.

The Council and the Commission shall aim to achieve a balanced representation between men and women on the Management Board.

Alternates who represent the member in his or her absence shall be appointed by the same procedure.

The list of the members and alternates of the Management Board shall be published by the Council in the *Official Journal of the European Union*, on the website of the Institute and on other relevant websites.

3. The term of office shall be three years. For each term of office, the members appointed by the Council shall represent eighteen Member States in the order of the rotating Presidencies, one member being nominated by each Member State concerned.

4. The Management Board shall elect its Chairperson and Vice-Chairperson to serve for a period of three years.

5. Each member of the Management Board referred to under paragraph 1(a) or (b), or in his or her absence, his or her alternate, shall have one vote.

6. The Management Board shall take the decisions necessary for the operation of the Institute. In particular, it shall:

(a) adopt, on the basis of a draft drawn up by the Director, as referred to in Article 12, after consultation with the Commission, the annual work programme and the medium term work programme, covering a three-year period, in accordance with the budget and the available resources; the programmes may be reviewed whenever necessary; the first annual work programme shall be adopted not later than nine months after the appointment of the Director;

(b) adopt the annual report referred to in Article 3(2), comparing, in particular, the results achieved with the objectives of the annual work programme; this report shall be forwarded by 15 June at the latest to the European Parliament, the Council, the Commission, the Court of Auditors, the European Economic and Social Committee and the Committee of the Regions and shall be published on the website of the Institute;

(c) exercise disciplinary authority over the Director and appoint or dismiss him or her pursuant to Article 12; and

(d) adopt the Institute's annual draft and final budgets.

7. The Management Board shall adopt the Institute's internal rules on the basis of a proposal drawn up by the Director after consultation with the Commission.

8. Decisions by the Management Board shall be taken by a majority of its members. The Chairperson shall have the casting vote. In the cases referred to in paragraph 6 and in Article 12 (1), decisions shall be taken by a two-thirds majority of its members.

9. The Management Board shall adopt its rules of procedure on the basis of a proposal drawn up by the Director after consultation with the Commission.

10. The Chairperson shall convene the Management Board at least once a year. The Chairperson shall convene additional meetings on his or her own initiative or at the request of one-third of the members of the Management Board.

11. The Institute shall forward annually to the European Parliament and the Council (hereinafter referred to as the 'budgetary authority') any information relevant to the outcome of the evaluation procedures.

12. The Directors of the European Foundation for the Improvement of Living and Working Conditions, the European Agency for Safety and Health at Work, the Centre for the Development of Vocational Training and of the European Union Agency for Fundamental Rights may as appropriate be invited to attend meetings of the Management Board as observers in order to coordinate the respective working programmes as regards gender mainstreaming.

#### Article 11

##### Experts' Forum

1. The Experts' Forum shall be composed of members from competent bodies specialised in gender equality issues, on the basis of one representative designated by each Member State, two members representing other relevant organisations specialised in gender equality issues designated by the European Parliament, as well as three members designated by the Commission and representing interested parties at European level, with one representative each from:

- (a) an appropriate non-governmental organisation at Community level which has a legitimate interest in contributing to the fight against discrimination on grounds of sex and the promotion of gender equality;
- (b) employers' organisations at Community level; and
- (c) workers' organisations at Community level.

The Member States and the Commission shall aim to achieve a balanced representation between men and women in the Experts' Forum.

Members may be replaced by alternates, appointed at the same time.

2. Members of the Experts' Forum shall not be members of the Management Board.

3. The Experts' Forum shall support the Director in ensuring the excellence and independence of activities of the Institute.

4. The Experts' Forum shall constitute a mechanism for an exchange of information in relation to gender equality issues and the pooling of knowledge. It shall ensure close cooperation between the Institute and competent bodies in the Member States.

5. The Experts' Forum shall be chaired by the Director or, in his/her absence, by a deputy from within the Institute. It shall meet regularly at the invitation of the Director, or at the request of at least a third of its members, and at least once per year. Its operational procedures shall be specified in the Institute's internal rules and shall be made public.

6. Representatives of the Commission's departments shall participate in the work of the Experts' Forum.

7. The Institute shall provide the technical and logistic support necessary for the Experts' Forum and provide a secretariat for its meetings.

8. The Director may invite experts or representatives of relevant economic sectors, employers, trade unions, professional or research bodies, or non-governmental organisations with recognised experience in disciplines related to the work of the Institute to cooperate in specific tasks and to take part in the relevant activities of the Experts' Forum.

#### Article 12

##### Director

1. The Institute shall be headed by a Director appointed by the Management Board on the basis of a list of candidates proposed by the Commission after an open competition, following publication in the *Official Journal of the European Union* and elsewhere of a call for expressions of interest. Before being appointed, the candidate selected by the Management Board shall be asked to make a declaration before the competent committee(s) of the European Parliament and answer questions from its/their members.

2. The Director's term of office shall be 5 years. On a proposal from the Commission and after evaluation, that term of office may be extended once for a period of not more than 5 years. In the evaluation, the Commission shall assess in particular:

- (a) the results achieved in the first term of office and the way they were achieved,
- (b) the Institute's duties and requirements in the coming years.

3. The Director shall be responsible, under the supervision of the Management Board, for:

- (a) performance of the tasks referred to in Article 3;
- (b) preparing and implementing the Institute's annual and medium-term programmes of activities;

- (c) preparing the meetings of the Management Board and the Experts' Forum;
  - (d) preparing and publishing the annual report referred to in Article 3(2);
  - (e) all staff-related matters, and in particular exercising the powers provided for in Article 13(3);
  - (f) matters of day-to-day administration; and
  - (g) the implementation of effective monitoring and evaluation procedures relating to the performance of the Institute against its objectives according to professionally recognised standards. The Director shall report annually to the Management Board on the results of the monitoring system.
4. The Director shall be accountable for the management of his/her activities to the Management Board and shall take part in its meetings without voting rights. He/she may also be invited by the European Parliament to report during a hearing on significant issues linked to the Institute's activities.
5. The Director shall be the Institute's legal representative.

#### Article 13

##### Staff

1. The Staff Regulations of officials of the European Communities and the Conditions of Employment of other servants of the European Communities laid down in Regulation (EEC, ECSC, Euratom) No 259/68 <sup>(1)</sup> and the rules adopted jointly by the European Community institutions for the purpose of applying these Staff Regulations and Conditions of Employment shall apply to the staff of the Institute.
2. The Management Board, in agreement with the Commission, shall adopt the necessary implementing measures, in accordance with the arrangements provided for in Article 110 of the Staff Regulations. The Management Board may adopt provisions to allow national experts from Member States to be employed on secondment at the Institute.
3. The Institute shall exercise in respect of its staff the powers devolved to the appointing authority.

#### Article 14

##### Drawing up of the budget

1. Estimates of all the revenue and expenditure of the Institute shall be prepared for each financial year, corresponding to

<sup>(1)</sup> OJ L 56, 4.3.1968, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 723/2004 (OJ L 124, 27.4.2004, p. 1).

the calendar year, and shall be shown in the budget of the Institute.

2. The revenue and expenditure shown in the budget of the Institute shall be in balance.
3. The revenue of the Institute shall, without prejudice to other resources, comprise:
- (a) a subsidy from the Community, entered in the general budget of the European Union (Commission section);
  - (b) payments received for services rendered;
  - (c) any financial contributions from the organisations or third countries referred to in Article 8; and
  - (d) any voluntary contribution from the Member States.

4. The expenditure of the Institute shall include staff remuneration, administrative and infrastructure costs and operating expenses.

5. Each year the Management Board, on the basis of a draft drawn up by the Director, shall produce an estimate of revenue and expenditure for the Institute for the following financial year. This estimate, which shall include a draft establishment plan, shall be forwarded by the Management Board to the Commission by 31 March at the latest.

6. The estimate shall be forwarded by the Commission to the budgetary authority together with the preliminary draft general budget of the European Union.

7. On the basis of the estimate, the Commission shall enter in the preliminary draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty.

8. The budgetary authority shall authorise the appropriations for the subsidy to the Institute and shall adopt the establishment plan for the Institute.

9. The budget of the Institute shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.

10. The Management Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of its budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof.

Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Management Board within a period of six weeks from the date of notification of the project.

#### *Article 15*

### **Implementation of the budget**

1. The Director shall implement the budget of the Institute.

2. By 1 March at the latest following each financial year, the Institute's accounting officer shall communicate the provisional accounts to the Commission's accounting officer together with a report on the budgetary and financial management for that financial year. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 128 of Regulation (EC, Euratom) No 1605/2002.

3. By 31 March at the latest following each financial year, the Commission's accounting officer shall forward the Institute's provisional accounts to the Court of Auditors, together with the report mentioned in paragraph 2. The report shall also be forwarded to the European Parliament and the Council.

4. On receipt of the Court of Auditors' observations on the Institute's provisional accounts, pursuant to Article 129 of the Regulation (EC, Euratom) No 1605/2002, the Director shall draw up the Institute's final accounts under his or her own responsibility and forward them to the Management Board for an opinion.

5. The Management Board shall deliver an opinion on the Institute's final accounts.

6. By 1 July at the latest following each financial year, the Director shall forward the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Management Board's opinion.

7. The final accounts shall be published.

8. The Director shall send the Court of Auditors a reply to its observations by 30 September at the latest. He or she shall also send that reply to the Management Board.

9. The Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 146(3) of the Regulation (EC, Euratom) No 1605/2002.

10. By 30 April of year N + 2, the European Parliament, on a recommendation from the Council acting by a qualified majority, shall give a discharge to the Director in respect of the implementation of the budget for year N.

11. The financial rules applicable to the Institute shall be adopted by the Management Board after the Commission has been consulted. They may not depart from Regulation (EC, Euratom) No 2343/2002 unless specifically required for the Institute's operation and with the Commission's prior consent.

#### *Article 16*

### **Languages**

1. The provisions laid down in Regulation No 1 of 15 April 1958 determining the languages to be used in the European Economic Community <sup>(1)</sup> shall apply to the Institute.

2. The translation services required for the functioning of the Institute shall, in principle, be provided by the Translation Centre for the Bodies of the European Union set up by Council Regulation (EC) No 2965/94 <sup>(2)</sup>.

#### *Article 17*

### **Privileges and immunities**

The Protocol on the Privileges and Immunities of the European Communities shall apply to the Institute.

#### *Article 18*

### **Liability**

1. The contractual liability of the Institute shall be governed by the law applicable to the contract in question.

The Court of Justice shall have jurisdiction pursuant to an arbitration clause contained in any contracts concluded by the Institute.

<sup>(1)</sup> OJ 17, 6.10.1958, p. 385. Regulation as last amended by Regulation (EC) No 920/2005 (OJ L 156, 18.6.2005, p. 3).

<sup>(2)</sup> Council Regulation (EC) No 2965/94 of 28 November 1994 setting up a Translation Centre for bodies of the European Union (OJ L 314, 7.12.1994, p. 1). Regulation as last amended by Regulation (EC) No 920/2005.

2. In the case of non-contractual liability, the Institute shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by the Institute or its servants in the performance of their duties.

The Court of Justice shall have jurisdiction in disputes relating to compensation for any such damage.

#### Article 19

##### Participation of third countries

1. The Institute shall be open to the participation of countries which have concluded agreements with the European Community by virtue of which they have adopted and apply Community legislation in the field covered by this Regulation.

2. Arrangements shall be made under the relevant provisions of those agreements, specifying in particular the nature, extent and manner in which those countries are to participate in the Institute's work, including provisions relating to participation in the initiatives undertaken by the Institute, financial contributions and staff. As regards staff matters, those agreements shall, at all events, be in accordance with the Staff Regulations of officials of the European Communities and the Conditions of employment of other servants of the European Communities.

#### Article 20

##### Evaluation

1. By 18 January 2010, the Institute shall commission an independent external evaluation of its achievements on the basis of terms of reference issued by the Management Board in agreement with the Commission. The evaluation shall assess the impact of the Institute on the promotion of gender equality and shall include an analysis of the synergy effects. It shall, in particular, address the possible need to modify or extend the tasks of the Institute, including the financial implications of any such modification or extension of the tasks. Such evaluation shall also examine the appropriateness of the management structure in carrying out the Institute's tasks. The evaluation shall take into account the views of the stakeholders, at both Community and national level.

2. The Management Board, in agreement with the Commission, shall decide the timing of future evaluations, taking into account the results of the evaluation report mentioned in paragraph 1.

#### Article 21

##### Review clause

The Management Board shall examine the conclusions of the evaluation mentioned in Article 20 and issue to the Commission such recommendations as may be necessary regarding changes in the Institute, its working practices and remit. The Commission shall forward the evaluation report and the recommendations to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions and make them public. After examination of the evaluation report and the recommendations, the Commission may submit any proposals which it deems necessary concerning this Regulation.

#### Article 22

##### Administrative control

The operations of the Institute shall be subject to the supervision of the Ombudsman in accordance with the provisions of Article 195 of the Treaty.

#### Article 23

##### Start of the Institute's activities

The Institute shall be operational as soon as possible and in any event not later than 19 January 2008.

#### Article 24

##### Entry into force

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 20 December 2006.

*For the European Parliament*

*The President*

J. BORRELL FONTELLES

*For the Council*

*The President*

J. KORKEAOJA

**DIRECTIVE 2006/126/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 20 December 2006**  
**on driving licences (Recast)**  
**(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

needed to be harmonised more fully, in order to contribute to the implementation of Community policies.

Having regard to the Treaty establishing the European Community, and in particular Article 71 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(2)</sup>,

Whereas:

(1) Council Directive 91/439/EEC of 29 July 1991 on driving licences <sup>(3)</sup> has been significantly amended on several occasions. Now that new amendments are being made to the said Directive, it is desirable, in order to clarify matters, that the provisions in question should be recast.

(2) The rules on driving licences are essential elements of the common transport policy, contribute to improving road safety, and facilitate the free movement of persons taking up residence in a Member State other than the one issuing the licence. Given the importance of individual means of transport, possession of a driving licence duly recognised by a host Member State promotes free movement and freedom of establishment of persons. Despite the progress achieved with harmonising the rules on driving licences, significant differences have persisted between Member States in the rules on periodicity of licences renewal and on subcategories of vehicles, which

(3) The possibility of laying down national provisions with regard to the period of validity provided for in Directive 91/439/EEC leads to the co-existence of different rules in different Member States and over 110 different models of driving licences valid in the Member States. This creates problems of transparency for citizens, police forces and the administrations responsible for the administration of driving licences and leads to the falsification of documents which sometimes date back several decades.

(4) In order to prevent the single European driving licence model from becoming an additional model to the 110 already in circulation, Member States should take all necessary measures to issue this single model to all licence holders.

(5) This Directive should not prejudice existing entitlements to drive granted or acquired before its date of application.

(6) Driving licences are mutually recognised. Member States should be able to apply the period of validity prescribed by this Directive to a licence without a limited administrative validity issued by another Member State and whose holder has resided on their territory for more than two years.

(7) The introduction of a period of administrative validity for new driving licences should make it possible to apply at the time of periodic renewal the most recent counter-falsification measures and the medical examinations or other measures provided for by the Member States.

<sup>(1)</sup> OJ C 112, 30.4.2004, p. 34.

<sup>(2)</sup> Opinion of the European Parliament of 23 February 2005 (OJ C 304 E, 1.12.2005, p. 202), Council Common Position of 18 September 2006 (OJ C 295 E, 5.12.2006, p. 1) and Position of the European Parliament of 14 December 2006 (not yet published in the Official Journal). Council Decision of 19 December 2006.

<sup>(3)</sup> OJ L 237, 24.8.1991, p. 1. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

- (8) On road safety grounds, the minimum requirements for the issue of a driving licence should be laid down. Standards for driving tests and licensing need to be harmonised. To this end the knowledge, skills and behaviour connected with driving motor vehicles should be defined, the driving test should be based on these concepts and the minimum standards of physical and mental fitness for driving such vehicles should be redefined.
- (9) Proof of fulfilment of compliance with minimum standards of physical and mental fitness for driving by drivers of vehicles used for the transport of persons or goods should be provided when the driving licence is issued and periodically thereafter. Such regular control in accordance with national rules of compliance with minimum standards will contribute to the free movement of persons, avoid distortions of competition and better take into account the specific responsibility of drivers of such vehicles. Member States should be allowed to impose medical examinations as a guarantee of compliance with the minimum standards of physical and mental fitness for driving other motor vehicles. For reasons of transparency, such examinations should coincide with a renewal of driving licences and therefore be determined by the period of validity of the licence.
- (10) It is necessary to strengthen further the principle of progressive access to the categories of two-wheeled vehicles and to the categories of vehicles used for the transport of passengers and goods.
- (11) Nevertheless, Member States should be allowed to set a higher age limit for the driving of certain categories of vehicles in order to further promote road safety; Member States should in exceptional circumstances be allowed to set lower age limits in order to take account of national circumstances.
- (12) The definitions of the categories should reflect to a greater extent the technical characteristics of the vehicles concerned and the skills needed to drive a vehicle.
- (13) Introducing a category of driving licences for mopeds will, in particular, increase road safety as regards the youngest drivers who, according to the statistics, are the hardest hit by road accidents.
- (14) Specific provisions should be adopted to make it easier for physically disabled persons to drive vehicles.
- (15) For reasons connected with road safety, Member States should be able to apply their national provisions on the withdrawal, suspension, renewal and cancellation of driving licences to all licence holders having acquired normal residence in their territory.
- (16) The model driving licence as set out in Directive 91/439/EEC should be replaced by a single model in the form of a plastic card. At the same time, this model driving licence needs to be adapted on account of the introduction of a new category of driving licences for mopeds and of a new category of driving licences for motorcycles.
- (17) The introduction of an optional microchip in the new plastic card model driving licence should enable the Member States to further improve the level of anti-fraud protection. Member States should have flexibility to include national data on the chip provided that it does not interfere with commonly accessible data. The technical requirements for the microchip should be determined by the Commission, assisted by the committee on driving licences.
- (18) Minimum standards concerning access to the profession of examiner and examiner training requirements should be established in order to improve the knowledge and skills of examiners thereby ensuring a more objective evaluation of driving licence applicants and achieving greater harmonisation of driving tests.
- (19) The Commission should be allowed to undertake the adaptation of Annexes I to VI to scientific and technical progress.
- (20) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(1)</sup>.
- (21) In particular, the Commission should be empowered to establish the criteria necessary for the application of this Directive. Since those measures are of general scope and are designed to amend non-essential elements of this Directive, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

(22) Since the objectives of this Directive cannot be sufficiently achieved by the Member States and can therefore, by reason of their scale and their effects, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

(23) This Directive should not prejudice the obligations of the Member States relating to the deadlines for transposition into national law and application of the Directives listed in Annex VII, Part B,

HAVE ADOPTED THIS DIRECTIVE:

#### *Article 1*

#### **Model licence**

1. Member States shall introduce a national driving licence based on the Community model set out in Annex I, in accordance with the provisions of this Directive. The emblem on page 1 of the Community model driving licences shall contain the distinguishing sign of the Member State issuing the licence.

2. Without prejudice to data protection rules, Member States may introduce a storage medium (microchip) as part of the driving licence, as soon as the requirements concerning the microchip referred to in Annex I, which are designed to amend non-essential elements of this Directive, by supplementing it, are laid down by the Commission in accordance with the procedure referred to in Article 9(2). These requirements shall provide for EC type-approval, which shall only be granted when the ability to resist attempts to tamper with or alter data is demonstrated.

3. The microchip shall incorporate the harmonised driving licence data specified in Annex I.

After consulting the Commission, Member States may store additional data, provided that it does not in any way interfere with the implementation of this Directive.

In accordance with the procedure referred to in Article 9(2), the Commission may amend Annex I in order to guarantee future interoperability.

4. With the agreement of the Commission, Member States may make to the model set out in Annex I such adjustments as are necessary for computer processing of the driving licence.

#### *Article 2*

#### **Mutual recognition**

1. Driving licences issued by Member States shall be mutually recognised.

2. When the holder of a valid national driving licence without the administrative validity period set out in Article 7(2) takes up normal residence in a Member State other than that which issued the driving licence, the host Member State may apply to the licence the administrative validity periods set out in that Article by renewing the driving licence, as from 2 years after the date on which the holder has taken up normal residence on its territory.

#### *Article 3*

#### **Anti-forgery measures**

1. Member States shall take all necessary steps to avoid any risk of forgery of driving licences, including that of model driving licences issued before the entry into force of this Directive. They shall inform the Commission thereof.

2. The material used for the driving licence, as set out in Annex I, shall be made secure against forgery in application of specifications designed to amend non-essential elements of this Directive, by supplementing it, which are to be laid down by the Commission in accordance with the procedure referred to in Article 9(2). Member States are free to introduce additional security features.

3. Member States shall ensure that, by 19 January 2033, all driving licences issued or in circulation fulfil all the requirements of this Directive.

#### *Article 4*

#### **Categories, definitions and minimum ages**

1. The driving licence provided for in Article 1 shall authorise the driving of power-driven vehicles in the categories defined hereafter. It may be issued from the minimum age indicated for each category. A 'power-driven vehicle' means any self-propelled vehicle running on a road under its own power, other than a rail-borne vehicle.

## 2. mopeds:

## Category AM:

— Two-wheel vehicles or three-wheel vehicles with a maximum design speed of not more than 45 km/h, as defined in Article 1(2)(a) of Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two or three-wheel motor vehicles <sup>(1)</sup> (excluding those with a maximum design speed under or equal to 25 km/h), and light quadricycles as defined in Article 1(3)(a) of Directive 2002/24/EC,

— the minimum age for category AM is fixed at 16 years;

## 3. motorcycles with or without a sidecar and motor tricycles:

— ‘motorcycle’ means two-wheel vehicles with or without a sidecar, as defined in Article 1(2)(b) of Directive 2002/24/EC,

— ‘motor tricycle’ means vehicles with three symmetrically arranged wheels, as defined in Article 1(2)(c) of Directive 2002/24/EC;

## (a) Category A1:

— motorcycles with a cylinder capacity not exceeding 125 cubic centimetres, of a power not exceeding 11 kW and with a power/weight ratio not exceeding 0,1 kW/kg,

— motor tricycles with a power not exceeding 15 kW,

— the minimum age for category A1 is fixed at 16 years;

## (b) Category A2:

— motorcycles of a power not exceeding 35 kW and with a power/weight ratio not exceeding 0,2 kW/kg and not derived from a vehicle of more than double its power,

— the minimum age for category A2 is fixed at 18 years;

## (c) Category A:

## (i) motorcycles

— The minimum age for category A is fixed at 20 years. However, access to the driving of motorcycles of this category shall be subject to a minimum of two years’ experience on motorcycles under an A2 licence. This requirement as to previous experience may be waived if the candidate is at least 24 years old.

## (ii) motor tricycles with a power exceeding 15 kW

— The minimum age for motor tricycles exceeding 15 kW is fixed at 21 years.

## 4. motor vehicles:

— ‘motor vehicle’ means any power-driven vehicle, which is normally used for carrying persons or goods by road or for drawing, on the road, vehicles used for the carriage of persons or goods. This term shall include trolleybuses, i.e. vehicles connected to an electric conductor and not rail-borne. It shall not include agricultural or forestry tractors,

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

## (a) Category B1:

— quadricycles, as defined in Article 1(3)(b) of Directive 2002/24/EC,

— the minimum age for category B1 is fixed at 16 years,

— category B1 is optional; in Member States which do not introduce this category of driving licence, a driving licence for category B shall be required to drive such vehicles;

## (b) Category B:

motor vehicles with a maximum authorised mass not exceeding 3 500 kg and designed and constructed for the carriage of no more than eight passengers in addition to the driver; motor vehicles in this category may be combined with a trailer having a maximum authorised mass which does not exceed 750 kg.

Without prejudice to the provisions of type-approval rules for the vehicles concerned, motor vehicles in this category may be combined with a trailer with a maximum authorised mass exceeding 750 kg, provided that the maximum authorised mass of this combination does not exceed 4 250 kg. In case such a combination exceeds 3 500 kg, Member States shall, in accordance with the provisions of Annex V, require that this combination shall only be driven after:

— a training has been completed, or

— a test of skills and behaviour has been passed.

<sup>(1)</sup> OJ L 124, 9.5.2002, p. 1. Directive as last amended by Commission Directive 2005/30/EC (OJ L 106, 27.4.2005, p. 17).

Member States may also require both such a training and the passing of a test of skills and behaviour.

Member States shall indicate the entitlement to drive such a combination on the driving licence by means of the relevant Community code.

The minimum age for category B is fixed at 18 years;

(c) Category BE:

- without prejudice to the provisions of type-approval rules for the vehicles concerned, combination of vehicles consisting of a tractor vehicle in category B and a trailer or semi-trailer where the maximum authorised mass of the trailer or semi-trailer does not exceed 3 500 kg,
- the minimum age for category BE is fixed at 18 years;

(d) Category C1:

motor vehicles other than those in categories D1 or D, the maximum authorised mass of which exceeds 3 500 kg, but does not exceed 7 500 kg, and which are designed and constructed for the carriage of no more than eight passengers in addition to the driver; motor vehicles in this category may be combined with a trailer having a maximum authorised mass not exceeding 750 kg;

(e) Category C1E:

- without prejudice to the provisions of type-approval rules for the vehicles concerned, combinations of vehicles where the tractor vehicle is in category C1 and its trailer or semi-trailer has a maximum authorised mass of over 750 kg provided that the authorised mass of the combination does not exceed 12 000 kg,
- without prejudice to the provisions of type-approval rules for the vehicles concerned, combinations of vehicles where the tractor vehicle is in category B and its trailer or semi-trailer has an authorised mass of over 3 500 kg, provided that the authorised mass of the combination does not exceed 12 000 kg,
- the minimum age for categories C1 and C1E is fixed at the age of 18 years, without prejudice to the provisions for the driving of such vehicles in Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers <sup>(1)</sup>;

(f) Category C:

<sup>(1)</sup> OJ L 226, 10.9.2003, p. 4. Directive as amended by Council Directive 2004/66/EC (OJ L 168, 1.5.2004, p. 35).

motor vehicles other than those in categories D1 or D, whose maximum authorised mass is over 3 500 kg and which are designed and constructed for the carriage of no more than eight passengers in addition to the driver; motor vehicles in this category may be combined with a trailer having a maximum authorised mass which does not exceed 750 kg;

(g) Category CE:

- without prejudice to the provisions of type-approval rules for the vehicles concerned, combinations of vehicles where the tractor vehicle is in category C and its trailer or semi-trailer has a maximum authorised mass of over 750 kg,
- the minimum age for categories C and CE is fixed at 21 years, without prejudice to the provisions for the driving of such vehicles in Directive 2003/59/EC;

(h) Category D1:

motor vehicles designed and constructed for the carriage of no more than 16 passengers in addition to the driver and with a maximum length not exceeding 8 m; motor vehicles in this category may be combined with a trailer having a maximum authorised mass not exceeding 750 kg;

(i) Category D1E:

- without prejudice to the provisions of type-approval rules for the vehicles concerned, combinations of vehicles where the tractor vehicle is in category D1 and its trailer has a maximum authorised mass of over 750 kg,
- the minimum age for categories D1 and D1E is fixed at 21 years, without prejudice to the provisions for the driving of such vehicles in Directive 2003/59/EC;

(j) Category D:

motor vehicles designed and constructed for the carriage of more than eight passengers in addition to the driver; motor vehicles which may be driven with a category D licence may be combined with a trailer having a maximum authorised mass which does not exceed 750 kg;

(k) Category DE:

- without prejudice to the provisions of type-approval rules for the vehicles concerned, combinations of vehicles where the tractor vehicle is in category D and its trailer has a maximum authorised mass of over 750 kg,

- the minimum age for categories D and DE is fixed at 24 years, without prejudice to the provisions for the driving of such vehicles in Directive 2003/59/EC;

#### Article 5

### Conditions and restrictions

5. With the agreement of the Commission, Member States may exclude from the application of this Article certain specific types of power-driven vehicle such as special vehicles for disabled persons.

Member States may exclude from the application of this Directive vehicles used by, or under the control of, the armed forces and civil defence.

6. Member States may raise or lower the minimum age for issuing a driving licence:

(a) for category AM down to 14 years or up to 18 years;

(b) for category B1 up to 18 years;

(c) for category A1 up to 17 or 18 years,

- if there is a two years difference between the minimum age for category A1 and the minimum age for category A2, and

- there is a requirement of a minimum of two years experience on motorcycles of category A2 before access to the driving of motorcycles for category A can be granted, as referred to in Article 4(3)(c)(i);

(d) for categories B and BE down to 17 years.

Member States may lower the minimum age for category C to 18 years and for category D to 21 years with regard to:

(a) vehicles used by the fire service and vehicles used for maintaining public order;

(b) vehicles undergoing road tests for repair or maintenance purposes.

Driving licences issued to persons at a lower age than set out in paragraphs 2 to 4 in accordance with this paragraph shall only be valid on the territory of the issuing Member State until the licence holder has reached the minimum age limit set out in paragraphs 2 to 4.

Member States may recognise the validity on their territory of driving licences issued to drivers under the minimum ages set out in paragraphs 2 to 4.

1. Driving licences shall state the conditions under which the driver is authorised to drive.

2. If, because of a physical disability, driving is authorised only for certain types of vehicle or for adapted vehicles, the test of skills and behaviour provided for in Article 7 shall be taken in such a vehicle.

#### Article 6

### Staging and equivalences between categories

1. The issue of driving licences shall be subject to the following conditions:

- (a) licences for categories C1, C, D1 and D shall be issued only to drivers already entitled to drive vehicles in category B;
- (b) licences for categories BE, C1E, CE, D1E and DE shall be issued only to drivers already entitled to drive vehicles in categories B, C1, C, D1 and D respectively.

2. The validity of driving licences shall be determined as follows:

- (a) licences granted for categories C1E, CE, D1E or DE shall be valid for combinations of vehicles in category BE;
- (b) licences granted for category CE shall be valid for category DE as long as their holders are entitled to drive vehicles in category D;
- (c) licences granted for category CE and DE shall be valid for combinations of vehicles in categories C1E and D1E respectively;
- (d) licences granted for any category shall be valid for vehicles in category AM. However, for driving licences issued on its territory, a Member State may limit the equivalences for category AM to categories A1, A2 and A, if that Member State imposes a practical test as a condition for obtaining category AM;
- (e) licences issued for category A2 shall also be valid for category A1;
- (f) licences granted for categories A, B, C or D shall be valid for categories A1, A2, B1, C1, or D1 respectively.

3. For driving on their territory, Member States may grant the following equivalences:

- (a) motor tricycles under a licence for category B, for motor tricycles with a power exceeding 15 kW provided that the holder of the licence for category B is at least 21 years old;
- (b) category A1 motorcycles under a licence for category B.

As this paragraph is only valid on their territories, Member States shall not indicate on the driving licence that a holder is entitled to drive these vehicles.

4. Member States may, after consulting the Commission, authorise the driving on their territory of:

- (a) vehicles of category D1 (with a maximum authorised mass of 3 500 kg, excluding any specialised equipment intended for the carriage of disabled passengers) by holders over 21 years old of a driving licence for category B which was obtained at least two years earlier provided that the vehicles are being used by non-commercial bodies for social purposes and that the driver provides his services on a voluntary basis;
- (b) vehicles of a maximum authorised mass exceeding 3 500 kg by holders over 21 years old of a driving licence for category B which was obtained at least two years before, provided that the main purpose of the vehicles is to be used only when stationary as an instructional or recreational area, and that they are being used by non-commercial bodies for social purposes and that vehicles have been modified so that they may not be used either for the transport of more than nine persons or for the transport of any goods other than those strictly necessary for their purposes.

#### Article 7

#### Issue, validity and renewal

1. Driving licences shall be issued only to those applicants:

- (a) who have passed a test of skills and behaviour and a theoretical test and who meet medical standards, in accordance with the provisions of Annexes II and III;
- (b) 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;

(c) 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;

(d) 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);

(e) who have their normal residence in the territory of the Member State issuing the licence, or can produce evidence that they have been studying there for at least six months.

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;

(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;

(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;

(d) The presence of a microchip pursuant to Article 1 shall not be a prerequisite for the validity of a driving licence. The loss or unreadability of the microchip, or any other damage thereto, shall not affect the validity of the document.

3. The renewal of driving licences when their administrative validity expires shall be subject to:

(a) 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; and

(b) normal residence in the territory of the Member State issuing the licence, or evidence that applicants have been studying there for at least six months.

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.

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.

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.

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.

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.

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.

5. (a) No person may hold more than one driving licence;

(b) A Member State shall refuse to issue a licence where it establishes that the applicant already holds a driving licence;

(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;

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

Without prejudice to Article 2, a Member State issuing a licence shall apply due diligence to ensure that a person fulfils the requirements set out in paragraph 1 of this Article and shall apply its national provisions on the cancellation or withdrawal of the right to drive if it is established that a licence has been issued without the requirements having been met.

## Article 8

### Adaptation to scientific and technical progress

The amendments necessary to adapt Annexes I to VI to scientific and technical progress shall be adopted in accordance with the procedure referred to in Article 9(2).

## Article 9

### Committee

1. The Commission shall be assisted by the committee on driving licences.

2. Where reference is made to this paragraph, Article 5a(1) to (4), and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

## Article 10

### Examiners

From the entry into force of this Directive, driving examiners shall meet the minimum standards set out in Annex IV.

Driving examiners already working in that capacity before 19 January 2013 shall be subject only to the requirements concerning quality assurance and regular periodic training measures.

## Article 11

### Various provisions concerning the exchange, the withdrawal, the replacement and the recognition of driving licences

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.

2. Subject to observance of the principle of territoriality of criminal and police laws, the Member State of normal residence may apply its national provisions on the restriction, suspension, withdrawal or cancellation of the right to drive to the holder of a driving licence issued by another Member State and, if necessary, exchange the licence for that purpose.

3. The Member State effecting the exchange shall return the old licence to the authorities of the Member State which issued it and give the reasons for doing so.

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.

A Member State shall refuse to recognise the validity of any driving licence issued by another Member State to a person whose driving licence is restricted, suspended or withdrawn in the former State's territory.

A Member State may also refuse to issue a driving licence to an applicant whose licence is cancelled in another Member State.

5. A replacement for a driving licence which has, for example, been lost or stolen may only be obtained from the competent authorities of the Member State in which the holder has his normal residence; those authorities shall provide the replacement on the basis of the information in their possession or, where appropriate, proof from the competent authorities of the Member State which issued the original licence.

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.

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.

#### Article 12

##### Normal residence

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 dura-

tion. Attendance at a university or school shall not imply transfer of normal residence.

#### Article 13

##### Equivalences between non-Community model licences

1. With the agreement of the Commission, Member States shall establish equivalences between entitlements obtained before the implementation of this Directive and the categories defined in Article 4.

After consulting the Commission, Member States may make to their national legislation such adjustments as are necessary for the purpose of implementing the provisions of Article 11(4), (5) and (6).

2. Any entitlement to drive granted before 19 January 2013 shall not be removed or in any way qualified by the provisions of this Directive.

#### Article 14

##### Review

The Commission shall report on the implementation of this Directive, including its impact on road safety, not earlier than 19 January 2018.

#### Article 15

##### Mutual Assistance

Member States shall assist one another in the implementation of this Directive and shall exchange information on the licences they have issued, exchanged, replaced, renewed or revoked. They shall use the EU driving licence network set up for these purposes, once this network is operational.

#### Article 16

##### Transposition

1. Member States shall adopt and publish, not later than 19 January 2011, the laws, regulations and administrative provisions necessary to comply with Article 1(1), Article 3, Article 4 (1), (2), (3) and (4)(b) to (k), Article 6(1), (2)(a), (c), (d) and (e), Article 7(1)(b), (c) and (d), (2), (3) and (5), Article 8, Article 10, Article 13, Article 14, Article 15, and Annexes I, point 2, II, point 5.2 concerning categories A1, A2 and A, IV, V and VI. They shall forthwith communicate to the Commission the text of those provisions.

2. They shall apply those provisions as from 19 January 2013.

3. When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. They shall also contain an indication that references made, in the laws, regulations or administrative provisions in force, to the repealed Directive shall be construed as being made to this Directive. The methods of making such reference, and its wording, shall be laid down by Member States.

4. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

#### Article 17

##### Repeal

Directive 91/439/EEC shall be repealed with effect from 19 January 2013, without prejudice to the obligations of the Member States with regard to the deadlines indicated in Annex VII, Part B for transposing that Directive into national law.

Article 2(4) of Directive 91/439/EEC shall be repealed on 19 January 2007.

References made to the repealed Directive shall be construed as being made to this Directive and should be read in accordance with the correlation table in Annex VIII.

#### Article 18

##### Entry into force

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

Article 2(1), Article 5, Article 6(2)(b), Article 7(1)(a), Article 9, Article 11(1), (3), (4), (5) and (6), Article 12, and Annexes I, II and III shall apply from 19 January 2009.

#### Article 19

##### Addressees

This Directive is addressed to the Member States.

Done at Brussels, 20 December 2006.

For the European Parliament

The President

J. BORRELL FONTELLES

For the Council

The President

J. KORKEAOJA

## ANNEX I

## PROVISIONS CONCERNING THE COMMUNITY MODEL DRIVING LICENCE

1. The physical characteristics of the card of the Community model driving licence shall be in accordance with ISO 7810 and ISO 7816-1.

The card shall be made of polycarbonate.

Methods for testing the characteristics of driving licences for the purpose of confirming their compliance with the international standards shall be in accordance with ISO 10373.

2. Physical security of driving licences

The threats to the physical security of driving licences are:

- production of false cards: creating a new object which bears great resemblance to the document, either by making it from scratch or by copying an original document,
- material alteration: changing a property of an original document, e.g. modifying some of the data printed on the document;

The overall security lies in the system in its entirety, consisting of the application process, the transmission of data, the card body material, the printing technique, a minimum set of different security features and the personalisation process.

- (a) The material used for driving licences shall be made secure against forgery by using the following techniques (mandatory security features):

- card bodies shall be UV dull,
- a security background pattern designed to be resistant to counterfeit by scanning, printing or copying, using rainbow printing with multicolour security inks and positive and negative guilloche printing. The pattern shall not be composed of the primary colours (CMYK), shall contain complex pattern designs in a minimum of two special colours and shall include micro lettering,
- optical variable elements providing adequate protection against copying and tampering of the photograph,
- laser engraving,
- in the area of the photograph the security design background and photograph should overlap on at least its border (weakening pattern).

- (b) In addition, the material used for driving licences shall be made secure against forgery by using at least three of the following techniques (additional security features):

- colour-shifting inks\*,
- termochromic ink\*,
- custom holograms\*,
- variable laser images\*,
- ultraviolet fluorescent ink, visible and transparent,
- iridescent printing,
- digital watermark in the background,
- infrared or phosphorescent pigments,
- tactile characters, symbols or patterns\*.

- (c) Member States are free to introduce additional security features. As a basis, the techniques indicated with an asterisk are to be preferred as they enable the law enforcement officers to check the validity of the card without any special means.

3. The licence shall have two sides.

Page 1 shall contain:

- (a) the words 'Driving Licence' printed in large type in the language or languages of the Member State issuing the licence;
- (b) the name of the Member State issuing the licence (optional);

- (c) the distinguishing sign of the Member State issuing the licence, printed in negative in a blue rectangle and encircled by twelve yellow stars; the distinguishing signs shall be as follows:

B: Belgium  
CZ: Czech Republic  
DK: Denmark  
D: Germany  
EST: Estonia  
GR: Greece  
E: Spain  
F: France  
IRL: Ireland  
I: Italy  
CY: Cyprus  
LV: Latvia  
LT: Lithuania  
L: Luxembourg  
H: Hungary  
M: Malta  
NL: The Netherlands  
A: Austria  
PL: Poland  
P: Portugal  
SLO: Slovenia  
SK: Slovakia  
FIN: Finland  
S: Sweden  
UK: The United Kingdom;

- (d) information specific to the licence issued, numbered as follows:

1. surname of the holder;
2. other name(s) of the holder;
3. date and place of birth;
4. (a) date of issue of the licence;  
(b) date of expiry of the licence or a dash if the licence is valid indefinitely under the provision of Article 7(2) (c);  
(c) the name of the issuing authority (may be printed on page 2);  
(d) a different number from the one under heading 5, for administrative purposes (optional);
5. number of the licence;
6. photograph of the holder;
7. signature of the holder;
8. permanent place of residence, or postal address (optional);
9. category of vehicle(s) the holder is entitled to drive (national categories shall be printed in a different type from harmonised categories);

- (e) the words 'European Communities model' in the language(s) of the Member State issuing the licence and the words 'Driving Licence' in the other languages of the Community, printed in pink to form the background of the licence:

Permiso de Conducción

Řidičský průkaz

Kørekort

Führerschein

Juhiluba

Άδεια Οδήγησης

Driving Licence

Permis de conduire

Ceadúas Tiomána

Patente di guida

Vadītāja apliecība

Vairuotojo pažymėjimas

Vezetői engedély

Ličenzja tas-Sewqan

Rijbewijs

Prawo Jazdy

Carta de Condução

Vodičský preukaz

Vozniško dovoljenje

Ajokortti

Körkort;

- (f) Colour references:

— blue: Pantone Reflex Blue,

— yellow: Pantone Yellow.

Page 2 shall contain:

- (a) 9. category of vehicle(s) the holder is entitled to drive (national categories shall be printed in a different type from harmonised categories);
10. date of first issue of each category (this date must be repeated on the new licence in the event of subsequent replacement or exchange);
11. date of expiry of each category;
12. additional information/restriction(s), in code form, facing the (sub)category affected.

The codes shall be as follows:

— codes 01 to 99: harmonised Community codes

DRIVER (Medical reasons)

01. Sight correction and/or protection

01.01 Glasses

01.02 Contact lense(s)

01.03 Protective glass

01.04 Opaque lense

01.05 Eye cover

01.06 Glasses or contact lenses

- 02. Hearing aid/communication aid
  - 02.01 Hearing aid for one ear
  - 02.02 Hearing aid for two ears
- 03. Prosthesis/orthosis for the limbs
  - 03.01 Upper limb prosthesis/orthosis
  - 03.02 Lower limb prosthesis/orthosis
- 05. Limited use (subcode use obligatory, driving subject to restrictions for medical reasons)
  - 05.01 Limited to day time journeys (for example: one hour after sunrise and one hour before sunset)
  - 05.02 Limited to journeys within a radius of ... km from holder's place of residence or only inside city/region
  - 05.03 Driving without passengers
  - 05.04 Limited to journeys with a speed not greater than ... km/h
  - 05.05 Driving authorised solely when accompanied by a holder of a driving licence
  - 05.06 Without trailer
  - 05.07 No driving on motorways
  - 05.08 No alcohol

#### VEHICLE ADAPTATIONS

- 10. Modified transmission
  - 10.01 Manual transmission
  - 10.02 Automatic transmission
  - 10.03 Electronically operated transmission
  - 10.04 Adjusted gear-shift lever
  - 10.05 Without secondary gearbox
- 15. Modified clutch
  - 15.01 Adjusted gear-shift lever
  - 15.02 Manual clutch
  - 15.03 Automatic clutch
  - 15.04 Partitioning in front of/fold away/detached clutch pedal
- 20. Modified braking systems
  - 20.01 Adjusted brake pedal
  - 20.02 Enlarged brake pedal
  - 20.03 Brake pedal suitable for use by left foot
  - 20.04 Brake pedal by sole
  - 20.05 Tilted brake pedal
  - 20.06 Manual (adapted) service brake
  - 20.07 Maximum use of reinforced service brake
  - 20.08 Maximum use of emergency brake integrated in the service brake
  - 20.09 Adjusted parking brake
  - 20.10 Electrically operated parking brake
  - 20.11 (Adjusted) foot operated parking brake
  - 20.12 Partitioning in front of/fold away/detached brake pedal
  - 20.13 Brake operated by knee
  - 20.14 Electrically operated service brake

- 25. Modified accelerator systems
  - 25.01 Adjusted accelerator pedal
  - 25.02 Accelerator pedal by sole
  - 25.03 Tilted accelerator pedal
  - 25.04 Manual accelerator
  - 25.05 Accelerator at knee
  - 25.06 Servo accelerator (electronic, pneumatic, etc.)
  - 25.07 Accelerator pedal on the left of brake pedal
  - 25.08 Accelerator pedal on the left
  - 25.09 Partitioning in front of/fold away/detached accelerator pedal
- 30. Modified combined braking and accelerator systems
  - 30.01 Parallel pedals
  - 30.02 Pedals at (or almost at) the same level
  - 30.03 Accelerator and brake with sliding
  - 30.04 Accelerator and brake with sliding and orthosis
  - 30.05 Fold away/detached accelerator and brake pedals
  - 30.06 Raised floor
  - 30.07 Partitioning on the side of the brake pedal
  - 30.08 Partitioning for prosthesis on the side of the brake pedal
  - 30.09 Partitioning in front of the accelerator and brake pedals
  - 30.10 Heel/leg support
  - 30.11 Electrically operated accelerator and brake
- 35. Modified control layouts

(Lights switches, windscreen wiper/washer, horn, direction indicators, etc.)

  - 35.01 Control devices operable without negative influence on the steering and handling
  - 35.02 Control devices operable without releasing the steering wheel and accessories (knob, fork, etc.)
  - 35.03 Control devices operable without releasing the steering wheel and accessories (knob, fork, etc.) with the left hand
  - 35.04 Control devices operable without releasing the steering wheel and accessories (knob, fork, etc.) with the right hand
  - 35.05 Control devices operable without releasing the steering wheel and accessories (knob, fork, etc.) and the combined accelerator and braking mechanisms
- 40. Modified steering
  - 40.01 Standard assisted steering
  - 40.02 Reinforced assisted steering
  - 40.03 Steering with backup system
  - 40.04 Lengthened steering column
  - 40.05 Adjusted steering wheel (Larger and/or thicker steering wheel section, reduced diameter steering wheel, etc.)
  - 40.06 Tilted steering wheel
  - 40.07 Vertical steering wheel
  - 40.08 Horizontal steering wheel
  - 40.09 Foot operated driving
  - 40.10 Alternative adjusted steering (joy-stick, etc.)
  - 40.11 Knob on the steering wheel
  - 40.12 Hand orthosis on the steering wheel
  - 40.13 With orthosis tenodesis

- 42. Modified rearview mirror(s)
  - 42.01 External (left or) right-side rear-view mirror
  - 42.02 External rear-view mirror set on the wing
  - 42.03 Additional inside rear-view mirror permitting view of traffic
  - 42.04 Panoramic inside rear-view mirror
  - 42.05 Blind spot rear-view mirror
  - 42.06 Electrically operated outside rear-view mirror(s)
- 43. Modified driver seat
  - 43.01 Driver seat at a good viewing height and in normal distance from the steering wheel and the pedal
  - 43.02 Driver seat adjusted to body shape
  - 43.03 Driver seat with lateral support for good sitting stability
  - 43.04 Driver seat with armrest
  - 43.05 Lengthening of sliding driver's seat
  - 43.06 Seat-belt adjustment
  - 43.07 Harness-type seat-belt
- 44. Modifications to motorcycles (subcode use obligatory)
  - 44.01 Single operated brake
  - 44.02 (Adjusted) hand operated brake (front wheel)
  - 44.03 (Adjusted) foot operated brake (back wheel)
  - 44.04 (Adjusted) accelerator handle
  - 44.05 (Adjusted) manual transmission and manual clutch
  - 44.06 (Adjusted) rear-view mirror(s)
  - 44.07 (Adjusted) commands (direction indicators, braking light, ...)
  - 44.08 Seat height allowing the driver, in sitting position, to have two feet on the road at the same time
- 45. Motorcycle with side-car only
- 50. Restricted to a specific vehicle/chassis number (vehicle identification number, VIN)
- 51. Restricted to a specific vehicle/registration plate (vehicle registration number, VRN)

#### ADMINISTRATIVE MATTERS

- 70. Exchange of licence No ... issued by ... (EU/UN distinguishing sign in the case of a third country; e.g: 70.0123456789.NL)
- 71. Duplicate of licence No ... (EU/UN distinguishing sign in the case of a third country; e.g: 71.987654321.HR)
- 72. Restricted to category A vehicles having a maximum cylinder capacity of 125 cc and maximum power of 11 KW (A1)
- 73. Restricted to category B vehicles of the motor tricycle or quadricycle type (B1)
- 74. Restricted to category C vehicles the maximum authorised mass of which does not exceed 7 500 kg (C1)
- 75. Restricted to category D vehicles with not more than 16 seats, excluding the driver's seat (D1)

76. Restricted to category C vehicles the maximum authorised mass of which does not exceed 7 500 kg (C1), attached to a trailer the maximum authorised mass of which exceeds 750 kg, provided that the maximum authorised mass of the vehicle train thus formed does not exceed 12 000 kg, and that the maximum authorised mass of the trailer does not exceed the unladen mass of the drawing vehicle (C1E)
77. Restricted to category D vehicles with not more than 16 passenger seats, excluding the driver's seat (D1), attached to a trailer the maximum authorised mass of which exceeds 750 kg provided that (a) the maximum authorised mass of the vehicle train thus formed does not exceed 12 000 kg and the maximum authorised mass of the trailer does not exceed the unladen mass of the drawing vehicle and (b) the trailer is not used to carry passengers (D1E)
78. Restricted to vehicles with automatic transmission
79. (...) Restricted to vehicles which comply with the specifications indicated in brackets, in the context of the application of Article 10(1) of Directive 91/439/EEC
- 90.01: to the left
- 90.02: to the right
- 90.03: left
- 90.04: right
- 90.05: hand
- 90.06: foot
- 90.07: usable
95. Driver holding CPC meeting the obligation of professional aptitude provided for by Directive 2003/59/EC until ... [e.g.: 95.01.01.2012]
96. Driver having completed training or having passed a test of skills and behaviour in accordance with the provisions of Annex V.
- codes 100 and above:: national codes valid only for driving in the territory of the Member State which issued the licence.

Where a code applies to all categories for which the licence is issued, it may be printed under headings 9, 10 and 11;

13. in implementation of section 4(a) of this Annex, a space reserved for the possible entry by the host Member State of information essential for administering the licence;
14. a space reserved for the possible entry by the Member State which issues the licence of information essential for administering the licence or related to road safety (optional). If the information relates to one of the headings defined in this Annex, it should be preceded by the number of the heading in question.

With the specific written agreement of the holder, information which is not related to the administration of the driving licence or road safety may also be added in this space; such addition shall not alter in any way the use of the model as a driving licence;

- (b) an explanation of the numbered items which appear on pages 1 and 2 of the licence (at least items 1, 2, 3, 4 (a), 4 (b), 4 (c), 5, 10, 11 and 12)

If a Member State wishes to make the entries in a national language other than one of the following languages: Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish or Swedish, it shall draw up a bilingual version of the licence using one of the aforementioned languages, without prejudice to the other provisions of this Annex;

- (c) a space shall be reserved on the Community model licence to allow for the possible introduction of a microchip or similar computer device.

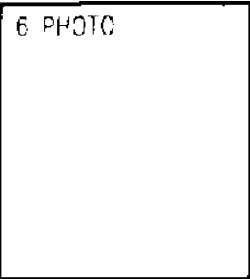
**4. Special provisions**

- (a) Where the holder of a driving licence issued by a Member State in accordance with this Annex has his normal place of residence in another Member State, that Member State may enter in the licence such information as is essential for administering it, provided that it also enters this type of information in the licences which it issues and provided that there remains enough space for the purpose.
- (b) After consulting the Commission, Member States may add colours or markings, such as bar codes and national symbols, without prejudice to the other provisions of this Annex.

In the context of mutual recognition of licences, the bar code may not contain information other than what can already be read on the driving licence or which is essential to the process of issuing the licence.

## COMMUNITY MODEL DRIVING LICENCE

Page 1 DRIVING LICENCE [MEMBER STATE]

|                                                                                              |                                                                                                                        |  |                    |
|----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|--|--------------------|
|             | <b>PERMIS DE CONDUIRE</b>                                                                                              |  | <b>ÉTAT MEMBRE</b> |
|                                                                                              | 1. _____<br>2. _____<br>3. _____<br>4a. _____ 4c. _____<br>4b. _____ (4d.) _____<br>5. _____<br>7. _____<br>(8.) _____ |  |                    |
| 6 PHOTO<br> | 9. _____                                                                                                               |  |                    |

Page 2 1. Name 2. First name 3. Date and place of birth 4a. Date of issue of driving licence 4b. Official date of expiry 4c. Issued by 5. Serial number of licence 8. Place of residence 9. Category <sup>(1)</sup> 10. Date of issue, by category 11. Date of expiry, by category 12. Restrictions

|                                                                                                                                                                                                                                                                                                                         |                                                                                         |     |     |     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|-----|-----|-----|
| 13. _____                                                                                                                                                                                                                                                                                                               | 9.                                                                                      | 10. | 11. | 12. |
| (14) _____<br><br>1. Nom 2. Prénom 3. Date et lieu de naissance 4a. Date de délivrance du permis de conduire<br>4b. Date d'expiration administrative 4c. Délivré par 5. Numéro de permis<br>8. Domicile 9. Catégorie<br>10. Date de délivrance par catégorie<br>11. Date d'expiration par catégorie<br>12. Restrictions | A1   |     |     |     |
|                                                                                                                                                                                                                                                                                                                         | A    |     |     |     |
|                                                                                                                                                                                                                                                                                                                         | B1   |     |     |     |
|                                                                                                                                                                                                                                                                                                                         | B    |     |     |     |
|                                                                                                                                                                                                                                                                                                                         | C1   |     |     |     |
|                                                                                                                                                                                                                                                                                                                         | C    |     |     |     |
|                                                                                                                                                                                                                                                                                                                         | D1   |     |     |     |
|                                                                                                                                                                                                                                                                                                                         | D    |     |     |     |
|                                                                                                                                                                                                                                                                                                                         | BE   |     |     |     |
|                                                                                                                                                                                                                                                                                                                         | C1E  |     |     |     |
|                                                                                                                                                                                                                                                                                                                         | CE   |     |     |     |
|                                                                                                                                                                                                                                                                                                                         | D1F  |     |     |     |
| DE                                                                                                                                                                                                                                   |                                                                                         |     |     |     |
|                                                                                                                                                                                                                                                                                                                         |                                                                                         |     |     |     |

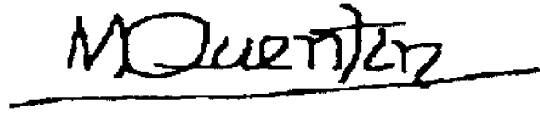
<sup>(1)</sup> Note: a pictogram and a line for category AM will be added.

Note: the term 'A2' will be added to the section on motorcycle categories.

## SPECIMEN MODEL LICENCE

BELGIAN LICENCE (for information)

|                                                                                   |                                                                                                                                                        |                          |
|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
|  | <b>RIJBEWIJS</b>                                                                                                                                       | <b>KONINKRIJK BELGIE</b> |
|                                                                                   | <p>1. Steven<br/>2. Anne-Marie M.E.<br/>3. 01.04.73 D-53170 Bonn<br/>4a. 01.07.96 4c. B-9000 Gent<br/>4b. <b>30.06.06</b><br/>5. DA 003 360<br/>7.</p> |                          |
| 6. FOTO                                                                           |                                                                      |                          |
|                                                                                   | 9. <b>A</b> <b>B</b>                                                                                                                                   |                          |

|                                                                                     |                                                                                                                                                    |
|-------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <b>PERMIS DE CONDUIRE ROYAUME DE BELGIQUE</b>                                                                                                      |
|                                                                                     | <p>1. Quentin<br/>2. Maria N.E.<br/>3. 01.04.73 B-7000 Mons<br/>4a. 01.07.96 4c. B-1180 Uccle<br/>4b. <b>30.06.06</b><br/>5. DA 003 361<br/>7.</p> |
| 6 PHOTO                                                                             |                                                                |
|                                                                                     | 9. <b>A</b> <b>B</b>                                                                                                                               |

## ANNEX II

## I. MINIMUM REQUIREMENTS FOR DRIVING TESTS

Member States shall take the necessary measures to ensure that applicants for driving licences possess the knowledge and skills and exhibit the behaviour required for driving a motor vehicle. The tests introduced to this effect must consist of:

- a theory test, and then
- a test of skills and behaviour.

The conditions under which these tests shall be conducted are set out below.

## A. THEORY TEST

## 1. Form

The form chosen shall be such as to make sure that the applicant has the required knowledge of the subjects listed on points 2, 3 and 4.

Any applicant for a licence in one category who has passed a theory test for a licence in a different category may be exempt from the common provisions of points 2, 3 and 4.

## 2. Content of the theory test concerning all vehicle categories

2.1. Questions must be asked on each of the points listed below, the content and form of the questions being left to the discretion of each Member State:

## 2.1.1. Road traffic regulations:

- in particular as regards road signs, markings and signals, rights of way and speed limits;

## 2.1.2. The driver:

- importance of alertness and of attitude to other road users,
- perception, judgement and decision-taking, especially reaction time, as well as changes in driving behaviour due to the influence of alcohol, drugs and medicinal products, state of mind and fatigue;

## 2.1.3. The road:

- the most important principles concerning the observance of a safe distance between vehicles, braking distances and road holding under various weather and road conditions,
- driving risk factors related to various road conditions, in particular as they change with the weather and the time of day or night,
- characteristics of various types of road and the related statutory requirements;

## 2.1.4. Other road users:

- specific risk factors related to the lack of experience of other road users and the most vulnerable categories of users such as children, pedestrians, cyclists and people whose mobility is reduced,
- risks involved in the movement and driving of various types of vehicles and of the different fields of view of their drivers;

## 2.1.5. General rules and regulations and other matters:

- rules concerning the administrative documents required for the use of vehicles,
- general rules specifying how the driver must behave in the event of an accident (setting warning devices and raising the alarm) and the measures which he can take to assist road accident victims where necessary,
- safety factors relating to the vehicle, the load and persons carried;

## 2.1.6. Precautions necessary when alighting from the vehicle;

2.1.7. Mechanical aspects with a bearing on road safety; applicants must be able to detect the most common faults, in particular in the steering, suspension and braking systems, tyres, lights and direction indicators, reflectors, rear-view mirrors, windscreen and wipers, the exhaust system, seat-belts and the audible warning device;

- 2.1.8. Vehicle safety equipment and, in particular, the use of seat-belts, head restraints and child safety equipment;
- 2.1.9. Rules regarding vehicle use in relation to the environment (appropriate use of audible warning devices, moderate fuel consumption, limitation of pollutant emissions, etc.).

### 3. **Specific provisions concerning categories A1, A2 and A**

- 3.1. Compulsory check of general knowledge on:
  - 3.1.1. Use of protective outfit such as gloves, boots, clothes and safety helmet;
  - 3.1.2. Visibility of motorcycle riders for other road users;
  - 3.1.3. Risk factors related to various road conditions as laid down above with additional attention to slippery parts such as drain covers, road markings such as lines and arrows, tram rails;
  - 3.1.4. Mechanical aspects with a bearing on road safety as laid down above with additional attention to the emergency stop switch, the oil levels and the chain.

### 4. **Specific provisions concerning categories C, CE, C1, C1E, D, DE, D1 and D1E**

- 4.1. Compulsory check of general knowledge on:
  - 4.1.1. Rules on driving hours and rest periods as defined by Council Regulation (EEC) No 3820/85 of 20 December 1985 on the harmonisation of certain social legislation relating to road transport <sup>(1)</sup>; use of the recording equipment as defined by Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport <sup>(2)</sup>;
  - 4.1.2. Rules concerning the type of transport concerned: goods or passengers;
  - 4.1.3. Vehicle and transport documents required for the national and international carriage of goods and passengers;
  - 4.1.4. How to behave in the event of an accident; knowledge of measures to be taken after an accident or similar occurrence, including emergency action such as evacuation of passengers and basic knowledge of first aid;
  - 4.1.5. The precautions to be taken during the removal and replacement of wheels;
  - 4.1.6. Rules on vehicle weights and dimensions; rules on speed limiters;
  - 4.1.7. Obstruction of the field of view caused by the characteristics of their vehicles;
  - 4.1.8. Reading a road map, route planning, including the use of electronic navigation systems (optional);
  - 4.1.9. Safety factors relating to vehicle loading: controlling the load (stowing and fastening), difficulties with different kinds of load (e.g. liquids, hanging loads, ...), loading and unloading goods and the use of loading equipment (categories C, CE, C1, C1E only);
  - 4.1.10. The driver's responsibility in respect to the carriage of passengers; comfort and safety of passengers; transport of children; necessary checks before driving away; all sorts of buses should be part of the theory test (public service buses and coaches, buses with special dimensions, ...) (categories D, DE, D1, D1E only).
- 4.2. Compulsory check of general knowledge on the following additional provisions concerning categories C, CE, D and DE:
  - 4.2.1. The principles of the construction and functioning of: internal combustion engines, fluids (e.g. engine oil, coolant, washer fluid), the fuel system, the electrical system, the ignition system, the transmission system (clutch, gearbox, etc.);

<sup>(1)</sup> OJ L 370, 31.12.1985, p. 1. Regulation as repealed by Regulation (EC) No 561/2006 of the European Parliament and of the Council (OJ L 102, 11.4.2006, p. 1).

<sup>(2)</sup> OJ L 370, 31.12.1985, p. 8. Regulation as last amended by Regulation (EC) No 561/2006.

- 4.2.2. Lubrication and antifreeze protection;
- 4.2.3. The principles of the construction, the fitting, correct use and care of tyres;
- 4.2.4. The principles of the types, operation, main parts, connection, use and day-to-day maintenance of brake fittings and speed governors, and use of anti-lock brakes;
- 4.2.5. The principles of the types, operation, main parts, connection, use and day-to-day maintenance of coupling systems (categories CE, DE only);
- 4.2.6. Methods of locating causes of breakdowns;
- 4.2.7. Preventive maintenance of vehicles and necessary running repairs;
- 4.2.8. The driver's responsibility in respect of the receipt, carriage and delivery of goods in accordance with the agreed conditions (categories C, CE only).

B. TEST OF SKILLS AND BEHAVIOUR

5. **The vehicle and its equipment**

- 5.1. The driving of a vehicle with manual transmission shall be subject to the passing of a skills and behaviour test taken on a vehicle with manual transmission.

If an applicant takes the test of skills and behaviour on a vehicle with automatic transmission this shall be recorded on any licence issued on the basis of such a test. Licences with this indication shall be used only for driving vehicles with automatic transmission.

'Vehicle with automatic transmission' means a vehicle in which the gear ratio between the engine and the wheels can be varied by use only of the accelerator or the brakes

- 5.2. The vehicles used in tests of skills and behaviour shall comply with the minimum criteria given below. Member States may make provisions for more stringent criteria or add others.

Category A1:

Category A1 motorcycle without sidecar, with a cubic capacity of at least 120 cm<sup>3</sup>, and capable of a speed of at least 90 km/h

Category A2:

Motorcycle without sidecar, with a cylinder capacity of at least 400 cm<sup>3</sup>, and an engine power of at least 25 kW

Category A

Motorcycle without sidecar, with a cylinder capacity of at least 600 cm<sup>3</sup>, and an engine power of at least 40 kW

Category B:

A four-wheeled category B vehicle capable of a speed of at least 100 km/h;

Category BE:

A combination, made up of a category B test vehicle and a trailer with a maximum authorised mass of at least 1 000 kg, capable of a speed of at least 100 km/h, which does not fall within category B; the cargo compartment of the trailer shall consist of a closed box body which is at least as wide and as high as the motor vehicle; the closed box body may also be slightly less wide than the motor vehicle provided that the view to the rear is only possible by use of the external rear-view mirrors of the motor vehicle; the trailer shall be presented with a minimum of 800 kg real total mass;

Category B1:

A motor-powered quadricycle capable of a speed of at least 60 km/h;

**Category C:**

A category C vehicle with a maximum authorised mass of at least 12 000 kg, a length of at least 8 m, a width of at least 2,40 m and capable of a speed of at least 80 km/h; fitted with anti-lock brakes, equipped with a gearbox having at least eight forward ratios and recording equipment as defined by Regulation (EEC) No 3821/85; the cargo compartment shall consist of a closed box body which is at least as wide and as high as the cab; the vehicle shall be presented with a minimum of 10 000 kg real total mass;

**Category CE:**

either an articulated vehicle or a combination of a category C test vehicle and a trailer of at least 7,5 m in length; both the articulated vehicle and the combination shall have a maximum authorised mass of at least 20 000 kg, a length of at least 14 m and a width of at least 2,40 m, shall be capable of a speed of at least 80 km/h, fitted with anti-lock brakes, equipped with a gearbox having at least eight forward ratios and with recording equipment as defined by Regulation (EEC) No 3821/85; the cargo compartment shall consist of a closed box body which is at least as wide and as high as the cab; both the articulated vehicle and the combination shall be presented with a minimum of 15 000 kg real total mass;

**Category C1:**

A subcategory C1 vehicle with a maximum authorised mass of at least 4 000 kg, with a length of at least 5 m and capable of a speed of at least 80 km/h; fitted with anti-lock brakes and equipped with recording equipment as defined by Regulation (EEC) No 3821/85; the cargo compartment shall consist of a closed box body which is at least as wide and as high as the cab;

**Category C1E:**

A combination made up of a subcategory C1 test vehicle and a trailer with a maximum authorised mass of at least 1 250 kg; this combination shall be at least 8 m in length and capable of a speed of at least 80 km/h; the cargo compartment of the trailer shall consist of a closed box body which is at least as wide and as high as the cab; the closed box body may also be slightly less wide than the cab provided that the view to the rear is only possible by use of the external rear-view mirrors of the motor vehicle; the trailer shall be presented with a minimum of 800 kg real total mass;

**Category D:**

A category D vehicle with a length of at least 10 m, a width of at least 2,40 m and capable of a speed of at least 80 km/h; fitted with anti-lock brakes and equipped with recording equipment as defined by Regulation (EEC) No 3821/85;

**Category DE:**

A combination made up of a category D test vehicle and a trailer with a maximum authorised mass of at least 1 250 kg, a width of at least 2,40 m and capable of a speed of at least 80 km/h; the cargo compartment of the trailer shall consist of a closed box body which is at least 2 m wide and 2 m high; the trailer shall be presented with a minimum of 800 kg real total mass;

**Category D1:**

A subcategory D1 vehicle with a maximum authorised mass of at least 4 000 kg, with a length of at least 5 m and capable of a speed of at least 80 km/h; fitted with anti-lock brakes and equipped with recording equipment as defined by Regulation (EEC) No 3821/85;

**Category D1E:**

A combination made up of a subcategory D1 test vehicle and a trailer with a maximum authorised mass of at least 1 250 kg and capable of a speed of at least 80 km/h; the cargo compartment of the trailer shall consist of a closed box body which is at least 2 m wide and 2 m high; the trailer shall be presented with a minimum of 800 kg real total mass;

Testing vehicles for categories BE, C, CE, C1, C1E, D, DE, D1 and D1E which are not in conformity with the minimum criteria given above but which were in use on or before the moment of entry into force of this Directive, may still be used for a period not exceeding ten years after that date. The requirements related to the load to be carried by these vehicles, may be implemented by Member States up to ten years from the moment of entry into force of Commission Directive 2000/56/EC <sup>(1)</sup>.

6. **Skills and behaviour to be tested concerning categories A1, A2 and A**

6.1. *Preparation and technical check of the vehicle with a bearing on road safety*

Applicants must demonstrate that they are capable of preparing to ride safely by satisfying the following requirements:

- 6.1.1. Adjust the protective outfit, such as gloves, boots, clothes and safety helmet;
  - 6.1.2. Perform a random check on the condition of the tyres, brakes, steering, emergency stop switch (if applicable), chain, oil levels, lights, reflectors, direction indicators and audible warning device.
- 6.2. *Special manoeuvres to be tested with a bearing on road safety*
- 6.2.1. Putting the motorcycle on and off its stand and moving it, without the aid of the engine, by walking alongside the vehicle;
  - 6.2.2. Parking the motorcycle on its stand;
  - 6.2.3. At least two manoeuvres to be executed at slow speed, including a slalom; this should allow competence to be assessed in handling of the clutch in combination with the brake, balance, vision direction and position on the motorcycle and the position of the feet on the foot rests;
  - 6.2.4. At least two manoeuvres to be executed at higher speed, of which one manoeuvre in second or third gear, at least 30 km/h and one manoeuvre avoiding an obstacle at a minimum speed of 50 km/h; this should allow competence to be assessed in the position on the motorcycle, vision direction, balance, steering technique and technique of changing gears;
  - 6.2.5. Braking: at least two braking exercises shall be executed, including an emergency brake at a minimum speed of 50 km/h; this should allow competence to be assessed in handling of the front and rear brake, vision direction and the position on the motorcycle.

The special manoeuvres mentioned under points 6.2.3 to 6.2.5 have to be implemented at the latest five years after entry into force of Directive 2000/56/EC.

6.3. *Behaviour in traffic*

Applicants must perform all the following actions in normal traffic situations, in complete safety and taking all necessary precautions:

- 6.3.1. Riding away: after parking, after a stop in traffic; exiting a driveway;
- 6.3.2. Riding on straight roads; passing oncoming vehicles, including in confined spaces;
- 6.3.3. Riding round bends;
- 6.3.4. Crossroads: approaching and crossing of intersections and junctions;
- 6.3.5. Changing direction: left and right turns; changing lanes;
- 6.3.6. Approach/exit of motorways or similar (if available): joining from the acceleration lane; leaving on the deceleration lane;
- 6.3.7. Overtaking/passing: overtaking other traffic (if possible); riding alongside obstacles, e.g. parked cars; being overtaken by other traffic (if appropriate);
- 6.3.8. Special road features (if available): roundabouts; railway level crossings; tram/bus stops; pedestrian crossings; riding up/downhill on long slopes;
- 6.3.9. Taking the necessary precautions when getting off the vehicle.

<sup>(1)</sup> Commission Directive 2000/56/EC of 14 September 2000 amending Council Directive 91/439/EEC on driving licences (OJ L 237, 21.9.2000, p. 45).

**7. Skills and behaviour to be tested concerning categories B, B1 and BE****7.1. Preparation and technical check of the vehicle with a bearing on road safety**

Applicants must demonstrate that they are capable of preparing to drive safely by satisfying the following requirements:

- 7.1.1. Adjusting the seat as necessary to obtain a correct seated position;
- 7.1.2. Adjusting rear-view mirrors, seat belts and head restraints if available;
- 7.1.3. Checking that the doors are closed;
- 7.1.4. Performing a random check on the condition of the tyres, steering, brakes, fluids (e.g. engine oil, coolant, washer fluid), lights, reflectors, direction indicators and audible warning device;
- 7.1.5. Checking the safety factors relating to vehicle loading: body, sheets, cargo doors, cabin locking, way of loading, securing load (category BE only);
- 7.1.6. Checking the coupling mechanism and the brake and electrical connections (category BE only).

**7.2. Categories B and B1: special manoeuvres to be tested with a bearing on road safety**

A selection of the following manoeuvres shall be tested (at least two manoeuvres for the four points, including one in reverse gear):

- 7.2.1. Reversing in a straight line or reversing right or left round a corner while keeping within the correct traffic lane;
- 7.2.2. Turning the vehicle to face the opposite way, using forward and reverse gears;
- 7.2.3. Parking the vehicle and leaving a parking space (parallel, oblique or right-angle, forwards or in reverse, on the flat, uphill or downhill);
- 7.2.4. Braking accurately to a stop; however, performing an emergency stop is optional.

**7.3. Category BE: special manoeuvres to be tested with a bearing on road safety**

- 7.3.1. Coupling and uncoupling, or uncoupling and re-coupling a trailer from its motor vehicle; the manoeuvre must involve the towing vehicle being parked alongside the trailer (i.e. not in one line);
- 7.3.2. Reversing along a curve, the line of which shall be left to the discretion of the Member States;
- 7.3.3. Parking safely for loading/unloading.

**7.4. Behaviour in traffic**

Applicants must perform all the following actions in normal traffic situations, in complete safety and taking all necessary precautions:

- 7.4.1. Driving away: after parking, after a stop in traffic; exiting a driveway;
- 7.4.2. Driving on straight roads; passing oncoming vehicles, including in confined spaces;
- 7.4.3. Driving round bends;
- 7.4.4. Crossroads: approaching and crossing of intersections and junctions;
- 7.4.5. Changing direction: left and right turns; changing lanes;
- 7.4.6. Approach/exit of motorways or similar (if available): joining from the acceleration lane; leaving on the deceleration lane;
- 7.4.7. Overtaking/passing: overtaking other traffic (if possible); driving alongside obstacles, e.g. parked cars; being overtaken by other traffic (if appropriate);
- 7.4.8. Special road features (if available): roundabouts; railway level crossings; tram/bus stops; pedestrian crossings; driving up-/downhill on long slopes;
- 7.4.9. Taking the necessary precautions when alighting from the vehicle.

**8. Skills and behaviour to be tested concerning categories C, CE, C1, C1E, D, DE, D1 and D1E****8.1. Preparation and technical check of the vehicle with a bearing on road safety**

Applicants must demonstrate that they are capable of preparing to drive safely by satisfying the following requirements:

- 8.1.1. Adjusting the seat as necessary to obtain a correct seated position;
- 8.1.2. Adjusting rear-view mirrors, seat belts and head restraints if available;
- 8.1.3. Random checks on the condition of the tyres, steering, brakes, lights, reflectors, direction indicators and audible warning device;
- 8.1.4. Checking the power-assisted braking and steering systems; checking the condition of the wheels, wheelnuts, mudguards, windscreen, windows and wipers, fluids (e.g. engine oil, coolant, washer fluid); checking and using the instrument panel including the recording equipment as defined in Regulation (EEC) No 3821/85;
- 8.1.5. Checking the air pressure, air tanks and the suspension;
- 8.1.6. Checking the safety factors relating to vehicle loading: body, sheets, cargo doors, loading mechanism (if available), cabin locking (if available), way of loading, securing load (categories C, CE, C1, C1E only);
- 8.1.7. Checking the coupling mechanism and the brake and electrical connections (categories CE, C1E, DE, D1E only);
- 8.1.8. Being capable of taking special vehicle safety measures; controlling the body, service doors, emergency exits, first aid equipment, fire extinguishers and other safety equipment (categories D, DE, D1, D1E only);
- 8.1.9. Reading a road map, route planning, including the use of electronic navigation systems (optional).

**8.2. Special manoeuvres to be tested with a bearing on road safety**

- 8.2.1. Coupling and uncoupling, or uncoupling and re-coupling a trailer from its motor vehicle; the manoeuvre must involve the towing vehicle being parked alongside the trailer (i.e. not in one line) (categories CE, C1E, DE, D1E only);
- 8.2.2. Reversing along a curve, the line of which shall be left to the discretion of the Member States;
- 8.2.3. Parking safely for loading/unloading at a loading ramp/platform or similar installation (categories C, CE, C1, C1E only);
- 8.2.4. Parking to let passengers on or off the bus safely (categories D, DE, D1, D1E only).

**8.3. Behaviour in traffic**

Applicants must perform all the following actions in normal traffic situations, in complete safety and taking all necessary precautions:

- 8.3.1. Driving away: after parking, after a stop in traffic; exiting a driveway;
- 8.3.2. Driving on straight roads; passing oncoming vehicles, including in confined spaces;
- 8.3.3. Driving round bends;
- 8.3.4. Crossroads: approaching and crossing of intersections and junctions;
- 8.3.5. Changing direction: left and right turns; changing lanes;
- 8.3.6. Approach/exit of motorways or similar (if available): joining from the acceleration lane; leaving on the deceleration lane;
- 8.3.7. Overtaking/passing: overtaking other traffic (if possible); driving alongside obstacles, e.g. parked cars; being overtaken by other traffic (if appropriate);

- 8.3.8. Special road features (if available): roundabouts; railway level crossings; tram/bus stops; pedestrian crossings; driving up-/downhill on long slopes;
- 8.3.9. Taking the necessary precautions when alighting from the vehicle.

## 9. **Marking of the test of skills and behaviour**

- 9.1. For each of the abovementioned driving situations, the assessment must reflect the degree of ease with which the applicant handles the vehicle controls and his demonstrated capacity to drive in traffic in complete safety. The examiner must feel safe throughout the test. Driving errors or dangerous conduct immediately endangering the safety of the test vehicle, its passengers or other road users shall be penalised by failing the test, whether or not the examiner or accompanying person has to intervene. Nonetheless, the examiner shall be free to decide whether or not the skills and behaviour test should be completed.

Driving examiners must be trained to assess correctly the applicants' ability to drive safely. The work of driving examiners must be monitored and supervised, by a body authorised by the Member State, to ensure correct and consistent application of fault assessment in accordance with the standards laid down in this Annex.

- 9.2. During their assessment, driving examiners shall pay special attention to whether an applicant is showing a defensive and social driving behaviour. This should reflect the overall style of driving and the driving examiner should take this into account in the overall picture of the applicant. It includes adapted and determined (safe) driving, taking into account road and weather conditions, taking into account other traffic, taking into account the interests of other road users (particularly the more vulnerable) and anticipation.
- 9.3. The driving examiner will furthermore assess whether the applicant is:
  - 9.3.1. Controlling the vehicle; taking into account: proper use of safety belts, rear-view mirrors, head restraints; seat; proper use of lights and other equipment; proper use of clutch, gearbox, accelerator, braking systems (including third braking system, if available), steering; controlling the vehicle under different circumstances, at different speeds; steadiness on the road; the weight and dimensions and characteristics of the vehicle; the weight and type of load (categories BE, C, CE, C1, C1E, DE, D1E only); the comfort of the passengers (categories D, DE, D1, D1E only) (no fast acceleration, smoothly driving and no hard braking);
  - 9.3.2. Driving economically and in an environmentally friendly way, taking into account the revolutions per minute, changing gears, braking and accelerating (categories BE, C, CE, C1, C1E, D, DE, D1, D1E only);
  - 9.3.3. Observation: all-round observation; proper use of mirrors; far, middle, near distance vision;
  - 9.3.4. Priority/giving way: priority at crossroads, intersections and junctions; giving way at other occasions (e.g. changing direction, changing lanes, special manoeuvres);
  - 9.3.5. Correct position on the road: proper position on the road, in lanes, on roundabouts, round bends, suitable for the type and the characteristics of the vehicle; pre-positioning;
  - 9.3.6. Keeping distance: keeping adequate distance to the front and the side; keeping adequate distance from other road users;
  - 9.3.7. Speed: not exceeding the maximum allowed speed; adapting speed to weather/traffic conditions and where appropriate up to national speed limits; driving at such a speed that stopping within distance of the visible and free road is possible; adapting speed to general speed of same kind of road users;
  - 9.3.8. Traffic lights, road signs and other indications: acting correctly at traffic lights; obeying instructions from traffic controllers; acting correctly at road signs (prohibitions or commands); take appropriate action at road markings;
  - 9.3.9. Signalling: give signals where necessary, correctly and properly timed; indicating directions correctly; taking appropriate action with regard to all signals made by other road users;
  - 9.3.10. Braking and stopping: decelerating in time, braking or stopping according to circumstances; anticipation; using the various braking systems (only for categories C, CE, D, DE); using speed reduction systems other than the brakes (only for categories C, CE, D, DE).

**10. Length of the test**

The length of the test and the distance travelled must be sufficient to assess the skills and behaviour laid down in paragraph B of this Annex. In no circumstances should the time spent driving on the road be less than 25 minutes for categories A, A1, A2, B, B1 and BE and 45 minutes for the other categories. This does not include the reception of the applicant, the preparation of the vehicle, the technical check of the vehicle with a bearing on road safety, the special manoeuvres and the announcement of the outcome of the practical test.

**11. Location of the test**

The part of the test to assess the special manoeuvres may be conducted on a special testing ground. Wherever practicable, the part of the test to assess behaviour in traffic should be conducted on roads outside built-up areas, expressways and motorways (or similar), as well as on all kinds of urban streets (residential areas, 30 and 50 km/h areas, urban expressways) which should represent the various types of difficulty likely to be encountered by drivers. It is also desirable for the test to take place in various traffic density conditions. The time spent driving on the road should be used in an optimal way to assess the applicant in all the various traffic areas that can be encountered, with a special emphasis on changing between these areas.

**II. KNOWLEDGE, SKILL AND BEHAVIOUR FOR DRIVING A POWER-DRIVEN VEHICLE**

Drivers of all power-driven vehicles must at any moment have the knowledge, skills and behaviour described under points 1 to 9, with a view to be able to:

- Recognise traffic dangers and assess their seriousness,
- Have sufficient command of their vehicle not to create dangerous situations and to react appropriately should such situations occur,
- Comply with road traffic regulations, and in particular those intended to prevent road accidents and to maintain the flow of traffic,
- Detect any major technical faults in their vehicles, in particular those posing a safety hazard, and have them remedied in an appropriate fashion,
- Take account of all the factors affecting driving behaviour (e.g. alcohol, fatigue, poor eyesight, etc.) so as to retain full use of the faculties needed to drive safely,
- Help ensure the safety of all road users, and in particular of the weakest and most exposed by showing due respect for others.

Member States may implement the appropriate measures to ensure that drivers who have lost the knowledge, skills and behaviour as described under points 1 to 9 can recover this knowledge and these skills and will continue to exhibit such behaviour required for driving a motor vehicle.

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## ANNEX III

**MINIMUM STANDARDS OF PHYSICAL AND MENTAL FITNESS FOR DRIVING A POWER-DRIVEN VEHICLE**

## DEFINITIONS

1. For the purpose of this Annex, drivers are classified in two groups:
  - 1.1. Group 1:

drivers of vehicles of categories A, A1, A2, AM, B, B1 and BE.
  - 1.2. Group 2:

drivers of vehicles of categories C, CE, C1, C1E, D, DE, D1 and D1E.
- 1.3. National legislation may provide for the provisions set out in this Annex for Group 2 drivers to apply to drivers of Category B vehicles using their driving licence for professional purposes (taxis, ambulances, etc.).
2. Similarly, applicants for a first driving licence or for the renewal of a driving licence are classified in the group to which they will belong once the licence has been issued or renewed.

## MEDICAL EXAMINATIONS

3. Group 1:

Applicants shall be required to undergo a medical examination if it becomes apparent, when the necessary formalities are being completed or during the tests which they have to undergo prior to obtaining a driving licence, that they have one or more of the medical disabilities mentioned in this Annex.
4. Group 2:

Applicants shall undergo medical examinations before a driving licence is first issued to them and thereafter drivers shall be checked in accordance with the national system in place in the Member State of normal residence whenever their driving licence is renewed
5. The standards set by Member States for the issue or any subsequent renewal of driving licences may be stricter than those set out in this Annex.

## SIGHT

6. All applicants for a driving licence shall undergo an appropriate investigation to ensure that they have adequate visual acuity for driving power-driven vehicles. Where there is reason to doubt that the applicant's vision is adequate, he shall be examined by a competent medical authority. At this examination attention shall be paid the following in particular: visual acuity, field of vision, twilight vision and progressive eye diseases.

For the purpose of this Annex, intra-ocular lenses shall not be considered corrective lenses.

## Group 1:

- 6.1. Applicants for a driving licence or for the renewal of such a licence shall have a binocular visual acuity, with corrective lenses if necessary, of at least 0,5 when using both eyes together. Driving licences shall not be issued or renewed if, during the medical examination, it is shown that the horizontal field of vision is less than 120°, apart from exceptional cases duly justified by a favourable medical opinion and a positive practical test, or that the person concerned suffers from any other eye condition that would compromise safe driving. When a progressive eye disease is detected or declared, driving licences may be issued or renewed subject to the applicant undergoing regular examination by a competent medical authority.
- 6.2. Applicants for a driving licence, or for the renewal of such a licence, who have total functional loss of vision in one eye or who use only one eye (e.g. in the case of diplopia) must have a visual acuity of at least 0,6, with corrective lenses if necessary. The competent medical authority must certify that this condition of monocular vision has existed sufficiently long to allow adaptation and that the field of vision in this eye is normal.

## Group 2:

- 6.3. Applicants for a driving licence or for the renewal of such a licence must have a visual acuity, with corrective lenses if necessary, of at least 0,8 in the better eye and at least 0,5 in the worse eye. If corrective lenses are used to attain the values of 0,8 and 0,5, the uncorrected acuity in each eye must reach 0,05, or else the minimum acuity (0,8 and 0,5) must be achieved either by correction by means of glasses with a power not exceeding plus or minus 8 dioptries or with the aid of contact lenses (uncorrected vision = 0,05). The correction must be well tolerated. Driving licences shall not be issued to or renewed for applications or drivers without a normal binocular field of vision or suffering from diplopia.

## HEARING

7. Driving licences may be issued to or renewed for applicants or drivers in Group 2 subject to the opinion of the competent medical authorities; particular account will be taken in medical examinations of the scope for compensation.

## PERSONS WITH A LOCOMOTOR DISABILITY

8. Driving licences shall not be issued to or renewed for applicants or drivers suffering from complaints or abnormalities of the locomotor system which make it dangerous to drive a power-driven vehicle.

## Group 1:

- 8.1. Driving licences subject to certain restrictions, if necessary, may be issued to physically disabled applicants or drivers following the issuing of an opinion by a competent medical authority. This opinion must be based on a medical assessment of the complaint or abnormality in question and, where necessary, on a practical test. It must also indicate what type of modification to the vehicle is required and whether the driver needs to be fitted with an orthopaedic device, insofar as the test of skills and behaviour demonstrates that with such a device driving would not be dangerous.
- 8.2. Driving licences may be issued to or renewed for any applicant suffering from a progressive complaint on condition that the disabled person is regularly examined to check that the person is still capable of driving the vehicle completely safely.

Where the disability is static, driving licences may be issued or renewed without the applicant being subject to regular medical examination.

## Group 2:

- 8.3. The competent medical authority shall give due consideration to the additional risks and dangers involved in the driving of vehicles covered by the definition of this group.

## CARDIOVASCULAR DISEASES

9. Any disease capable of exposing an applicant for a first licence or a driver applying for renewal to a sudden failure of the cardiovascular system such that there is a sudden impairment of the cerebral functions constitutes a danger to road safety.

## Group 1:

- 9.1. Driving licences will not be issued to, or renewed for, applicants or drivers with serious arrhythmia.
- 9.2. Driving licences may be issued to, or renewed for, applicants or drivers wearing a pacemaker subject to authorised medical opinion and regular medical check-ups.
- 9.3. The question of whether to issue or renew a licence for applicants or drivers suffering from abnormal arterial blood pressure shall be assessed with reference to the other results of the examination, any associated complications and the danger they might constitute for road safety.
- 9.4. Generally speaking, a driving licence shall not be issued to or renewed for applicants or drivers suffering from angina during rest or emotion. The issuing or renewal of a driving licence to any applicant or driver having suffered myocardial infarction shall be subject to authorised medical opinion and, if necessary, regular medical check-ups.

## Group 2:

- 9.5. The competent medical authority shall give due consideration to the additional risks and dangers involved in the driving of vehicles covered by the definition of this group.

## DIABETES MELLITUS

10. Driving licences may be issued to, or renewed for, applicants or drivers suffering from diabetes mellitus, subject to authorised medical opinion and regular medical check-ups appropriate to each case.

## Group 2:

- 10.1. Only in very exceptional cases may driving licences be issued to, or renewed for, applicants or drivers in this group suffering from diabetes mellitus and requiring insulin treatment, and then only where duly justified by authorised medical opinion and subject to regular medical check-ups.

## NEUROLOGICAL DISEASES

11. Driving licences shall not be issued to, or renewed for, applicants or drivers suffering from a serious neurological disease, unless the application is supported by authorised medical opinion.

Neurological disturbances associated with diseases or surgical intervention affecting the central or peripheral nervous system, which lead to sensory or motor deficiencies and affect balance and coordination, must accordingly be taken into account in relation to their functional effects and the risks of progression. In such cases, the issue or renewal of the licence may be subject to periodic assessment in the event of risk of deterioration.

12. Epileptic seizures or other sudden disturbances of the state of consciousness constitute a serious danger to road safety if they occur in a person driving a power-driven vehicle.

## Group 1:

- 12.1. A licence may be issued or renewed subject to an examination by a competent medical authority and to regular medical check-ups. The authority shall decide on the state of the epilepsy or other disturbances of consciousness, its clinical form and progress (no seizure in the last two years, for example), the treatment received and the results thereof.

## Group 2:

- 12.2. Driving licences shall not be issued to or renewed for applicants or drivers suffering or liable to suffer from epileptic seizures or other sudden disturbances of the state of consciousness.

## MENTAL DISORDERS

## Group 1:

- 13.1. Driving licences shall not be issued to, or renewed for, applicants or drivers who suffer from:

- severe mental disturbance, whether congenital or due to disease, trauma or neurosurgical operations,
- severe mental retardation,
- severe behavioural problems due to ageing; or personality defects leading to seriously impaired judgment, behaviour or adaptability,

unless their application is supported by authorised medical opinion and, if necessary, subject to regular medical check-ups.

## Group 2:

- 13.2. The competent medical authority shall give due consideration to the additional risks and dangers involved in the driving of vehicles covered by the definition of this group.

## ALCOHOL

14. Alcohol consumption constitutes a major danger to road safety. In view of the scale of the problem, the medical profession must be very vigilant.

## Group 1:

- 14.1. Driving licences shall not be issued to, or renewed for, applicants or drivers who are dependent on alcohol or unable to refrain from drinking and driving.

After a proven period of abstinence and subject to authorised medical opinion and regular medical check-ups, driving licences may be issued to, or renewed for, applicant or drivers who have in the past been dependent on alcohol.

## Group 2:

- 14.2. The competent medical authority shall give due consideration to the additional risks and dangers involved in the driving of vehicles covered by the definition of this group.

## DRUGS AND MEDICINAL PRODUCTS

## 15. Abuse:

Driving licences shall not be issued to or renewed for applicants or drivers who are dependent on psychotropic substances or who are not dependent on such substances but regularly abuse them, whatever category of licence is requested.

## Regular use:

## Group 1:

- 15.1. Driving licences shall not be issued to, or renewed for, applicants or drivers who regularly use psychotropic substances, in whatever form, which can hamper the ability to drive safely where the quantities absorbed are such as to have an adverse effect on driving. This shall apply to all other medicinal products or combinations of medicinal products which affect the ability to drive.

## Group 2:

- 15.2. The competent medical authority shall give due consideration to the additional risks and dangers involved in the driving of vehicles covered by the definitions of this group.

## RENAL DISORDERS

## Group 1:

- 16.1. Driving licences may be issued or renewed for applicants and drivers suffering from serious renal insufficiency subject to authorised medical opinion and regular medical check-ups.

## Group 2:

- 16.2. Save in exceptional cases duly justified by authorised medical opinion, and subject to regular medical check-ups, driving licences shall not be issued to or renewed for applicants or drivers suffering from serious and irreversible renal deficiency.

## MISCELLANEOUS PROVISIONS

## Group 1:

- 17.1. Subject to authorised medical opinion and, if necessary, regular medical check-ups, driving licences may be issued to or renewed for applications or drivers who have had an organ transplant or an artificial implant which affects the ability to drive.

## Group 2:

- 17.2. The competent medical authority shall give due consideration to the additional risks and dangers involved in the driving of vehicles covered by the definition of this group.

18. As a general rule, where applicants or drivers suffer from any disorder which is not mentioned in the preceding paragraph but is liable to be, or to result in, a functional incapacity affecting safety at the wheel, driving licences shall not be issued or renewed unless the application is supported by authorised medical opinion and, if necessary, subject to regular medical check-ups.
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## ANNEX IV

**MINIMUM STANDARDS FOR PERSONS WHO CONDUCT PRACTICAL DRIVING TESTS****1. Competences required by a driving examiner**

- 1.1. A person authorised to conduct practical assessments in a motor vehicle of the driving performance of a candidate must have knowledge, skills and understanding related to the topics listed in points 1.2 to 1.6.
- 1.2. The competences of an examiner must be relevant to assessing the performance of a candidate seeking the category of driving licence entitlement for which the driving test is being undertaken.
- 1.3. Knowledge and understanding of driving and assessment:
  - theory of driving behaviour,
  - hazard perception and accident avoidance,
  - the syllabus underpinning driving test standards,
  - the requirements of the driving test,
  - relevant road and traffic legislation, including relevant EU and national legislation and interpretative guidelines,
  - assessment theory and techniques,
  - defensive driving.
- 1.4. Assessment skills:
  - ability to observe accurately, monitor, and evaluate overall candidate performance, in particular:
    - correct and comprehensive recognition of dangerous situations,
    - accurate determination of cause and likely effect of such situations,
    - achievement of competence and recognition of errors,
    - uniformity and consistency in assessment,
  - assimilate information quickly and extract key points,
  - look ahead, identify potential problems, and develop strategies to deal with them,
  - provide timely and constructive feedback.
- 1.5. Personal driving skills:
  - A person authorised to conduct a practical test for a category of driving licence must be able to drive to a consistently high standard that type of motor vehicle.
- 1.6. Quality of service:
  - establish and communicate what the candidate can expect during the test,
  - communicate clearly, choosing content, style and language to suit the audience and context and deal with enquiries from candidates,
  - provide clear feedback about the test result,
  - treat candidates with respect and indiscriminately.
- 1.7. Knowledge about vehicle technique and physics:
  - knowledge about vehicle technique such as steering, tyres, brakes, lights, specially for motorcycles and heavy vehicles,
  - loading safety,
  - knowledge about vehicle physics such as speed, friction, dynamics, energy.
- 1.8. Driving in a fuel efficient and environmentally friendly way.

## 2. General conditions

### 2.1. A category B driving examiner:

- (a) must have held a category B licence for at least 3 years;
- (b) must be at least 23 years old;
- (c) must have successfully completed the initial qualification provided for in point 3 of this Annex and subsequently followed the quality assurance and the periodic training arrangements as provided for in point 4 of this Annex;
- (d) must have terminated a vocational education that leads at least to a completion of level 3 as defined by Council Decision 85/368/EEC of 16 July 1985 on the comparability of vocational training qualifications between the Member States of the European Community <sup>(1)</sup>;
- (e) may not be active as a commercial driving instructor in a driving school simultaneously.

### 2.2. A driving examiner for the other categories:

- (a) must hold a driving licence in the category concerned or possess equivalent knowledge through adequate professional qualification;
- (b) must have successfully completed the initial qualification provided for in point 3 of this Annex and subsequently followed the quality assurance and the periodic training arrangements as provided for in point 4 of this Annex;
- (c) must have been a qualified category B driving examiner for at least 3 years; this period may be waived provided that the examiner in question can provide evidence of:
  - at least 5 years of driving in the category concerned, or,
  - a theoretical and practical assessment of driving ability of a standard higher than that needed to obtain a driving licence thus making that requirement unnecessary,
- (d) must have completed a vocational education that leads at least to a termination of the level 3 as defined by Decision 85/368/EEC;
- (e) may not be active as a commercial driving instructor in a driving school simultaneously.

### 2.3. *Equivalences*

2.3.1. Member States may authorise an examiner to conduct driving tests for categories AM, A1, A2 and A upon passing the initial qualification prescribed in point 3 for one of these categories.

2.3.2. Member States may authorise an examiner to conduct driving tests for categories C1, C, D1 and D upon passing the initial qualification prescribed in point 3 for one of these categories.

2.3.3. Member States may authorise an examiner to conduct driving tests for categories BE, C1E, CE, D1E and DE upon passing the initial qualification prescribed in point 3 for one of these categories.

## 3. Initial qualification

### 3.1. *Initial training*

3.1.1. Before a person may be authorised to conduct driving tests, that person must satisfactorily complete such training programme as a Member State may specify in order to have the competences set out in point 1.

3.1.2. Member States must determine whether the content of any particular training programme will relate to authorisation to conduct driving tests for one driving licence category, or more than one.

<sup>(1)</sup> OJ L 199, 31.7.1985, p. 56.

### 3.2. *Examinations*

- 3.2.1. Before a person may be authorised to conduct driving tests, that person must demonstrate a satisfactory standard of knowledge, understanding, skills and aptitude in respect of the subjects listed in point 1.
- 3.2.2. Member States shall operate an examination process that assesses, in a pedagogically appropriate manner, the competences of the person as defined under point 1, in particular point 1.4. The examination process must include both a theoretical element and a practical element. Computer-based assessment may be used where appropriate. The details concerning the nature and duration of any tests and assessments within the examination shall be at the discretion of the individual Member States.
- 3.2.3. Member States must determine whether the content of any particular examination will relate to authorisation to conduct driving tests for one driving licence category, or more than one.

## 4. **Quality assurance and periodic training**

### 4.1. *Quality assurance*

- 4.1.1. Member States shall have in place quality assurance arrangements to provide for the maintenance of standards of driving examiners.
- 4.1.2. Quality assurance arrangements should involve the supervision of examiners at work, their further training and re-accreditation, their continuing professional development, and by periodic review of the outcomes of the driving tests that they have conducted.
- 4.1.3. Member States must provide that each examiner is subject to yearly supervision making use of quality assurance arrangements listed in point 4.1.2. Moreover, the Member States must provide that each examiner is observed conducting tests once every 5 years, for a minimum period cumulatively of at least half a day, allowing the observation of several tests. When issues are identified corrective action should be put in place. The person undertaking the supervision must be a person authorised by the Member State for that purpose.
- 4.1.4. Member States may provide that where an examiner is authorised to conduct driving tests in more than one category, satisfying the supervision requirement in relation to tests for one category satisfies the requirement for more than one category.
- 4.1.5. The work of driving examination must be monitored and supervised by a body authorised by the Member State, to ensure correct and consistent application of assessment.

### 4.2. *Periodic training*

- 4.2.1. Member States shall provide that, in order to remain authorised, driving examiners, irrespective of the number of categories for which they are accredited, undertake:
- a minimum regular periodic training of four days in total per period of two years in order to:
  - maintain and refresh the necessary knowledge and examining skills,
  - to develop new competences that have become essential for the exercise of their profession,
  - ensure that an examiner continues to conduct tests to a fair and uniform standard,
  - a minimum periodic training of at least five days in total per period of five years,
  - in order to develop and maintain the necessary practical driving skills.
- 4.2.2. Member States shall take the appropriate measures for ensuring that specific training is given promptly to those examiners that have found to be seriously malfunctioning by the quality assurance system in place.
- 4.2.3. The nature of periodic training may take the form of briefing, classroom training, conventional or electronic-based learning, and it may be undertaken on an individual or group basis. It may include such re-accreditation of standards as Member States consider appropriate.

- 4.2.4. Member States may provide that where an examiner is authorised to conduct driving tests in more than one category, satisfying the periodic training requirement in relation to tests for one category satisfies the requirement for more than one category, provided the condition set out in point 4.2.5 is satisfied.
- 4.2.5. Where an examiner has not conducted tests for a category within a 24-month period, the examiner shall undertake a suitable reassessment before being allowed to carry out driving tests relating to that category. That re-assessment may be undertaken as part of the requirement set out in point 4.2.1.

5. **Acquired rights**

- 5.1. Member States may allow persons authorised to conduct driving tests immediately before these provisions come into force to continue to conduct driving tests, notwithstanding that they were not authorised in accordance with the general conditions in point 2 or the initial qualification process set out in point 3.
- 5.2. Such examiners are nonetheless subject to the regular supervision and quality assurance arrangements set out in point 4.
-

## ANNEX V

**MINIMUM REQUIREMENTS FOR DRIVER TRAINING AND TESTING FOR COMBINATIONS AS DEFINED IN THE SECOND SUBPARAGRAPH OF ARTICLE 4(4)(B)**

1. Member States shall take the necessary measures to:

- approve and supervise the training provided for in Article 7(1)(d) or,
- organise the test of skills and behaviour provided for in Article 7(1)(d).

2.1. Duration of driver training

- at least 7 hours.

3. Content of driver training

The driver training shall cover the knowledge, skills and behaviour as described in points 2 and 7 of Annex II. Particular attention shall be paid to:

- vehicle movement dynamics, safety criteria, tractor vehicle and trailer (coupling mechanism), correct loading and safety fittings;

A practical component shall include the following exercises: acceleration, deceleration, reversing, braking, stopping distance, lane-changing, braking/evasive action, trailer swing, uncoupling from and re-coupling a trailer to its motor vehicle, parking;

- Each training participant has to perform the practical component and shall demonstrate its skills and behaviour on public roads,
- Vehicle combinations used for the training shall fall within the category of driving licence participants have applied for.

4. Duration and contents of the test of skills and behaviour

The length of the test and the distance travelled must be sufficient to assess the skills and behaviour laid down in point 3.

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## ANNEX VI

**MINIMUM REQUIREMENTS FOR DRIVER TRAINING AND TESTING FOR MOTORCYCLES WITHIN CATEGORY A (PROGRESSIVE ACCESS)**

1. Member States shall take the necessary measures to:
    - approve and supervise the training provided for in Article 7(1)(c) or,
    - organise the test of skills and behaviour provided for in Article 7(1)(c).
  2. Duration of driver training
    - at least 7 hours.
  3. Content of driver training
    - The driver training shall contain all aspects covered in point 6 of Annex II.
    - Each participant has to perform the practical components of the training and shall demonstrate its skills and behaviour on public roads.
    - Motorcycles used for the training shall fall within the category of driving licence participants have applied for.
  4. Duration and contents of the test of skills and behaviour
- The length of the test and the distance travelled must be sufficient to assess the skills and behaviour laid down in point 3 of this Annex.
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## ANNEX VII

## Part A

## REPEALED DIRECTIVE AS SUCCESSIVELY AMENDED

(referred to in Article 17)

|                                                                                                     |                               |
|-----------------------------------------------------------------------------------------------------|-------------------------------|
| Council Directive 91/439/EEC <sup>(1)</sup>                                                         | (OJ L 237, 24.8.1991, p. 1)   |
| Council Directive 94/72/EC                                                                          | (OJ L 337, 24.12.1994, p. 86) |
| Council Directive 96/47/EC                                                                          | (OJ L 235, 17.9.1996, p. 1)   |
| Council Directive 97/26/EC                                                                          | (OJ L 150, 7.6.1997, p. 41)   |
| Commission Directive 2000/56/EC                                                                     | (OJ L 237, 21.9.2000, p. 45)  |
| Directive 2003/59/EC of the European Parliament and of the Council, only Article 10, paragraph 2    | (OJ L 226, 10.9.2003, p. 4)   |
| Regulation (EC) No 1882/2003 of the European Parliament and of the Council, only Annex II, point 24 | (OJ L 284, 31.10.2003, p. 1)  |

<sup>(1)</sup> Directive 91/439/EEC was also amended by the following act which has not been repealed: 1994 Act of accession.

## Part B

## DEADLINES FOR TRANSPOSITION INTO NATIONAL LAW AND FOR APPLICATION

(referred to in Article 17)

| Directive            | Deadline for transposition | Date of application                                                                                     |
|----------------------|----------------------------|---------------------------------------------------------------------------------------------------------|
| Directive 91/439/EEC | 1st July 1994              | 1st July 1996                                                                                           |
| Directive 94/72/EC   | -                          | 1st January 1995                                                                                        |
| Decision 96/427/EC   | -                          | 16 July 1996                                                                                            |
| Directive 96/47/EC   | 1st July 1996              | 1st July 1996                                                                                           |
| Directive 97/26/EC   | 1st January 1998           | 1st January 1998                                                                                        |
| Directive 2000/56/EC | 30 September 2003          | 30 September 2003, 30 September 2008 (Annex II, point 6.2.5) and 30 September 2013 (Annex II point 5.2) |
| Directive 2003/59/EC | 10 September 2006          | 10 September 2008 (passenger transport) and 10 September 2009 (goods transport)                         |

## ANNEX VIII

## CORRELATION TABLE

| Directive 91/439/EEC                                               | This Directive                       |
|--------------------------------------------------------------------|--------------------------------------|
| Article 1(1), first sentence                                       | Article 1(1) first sentence          |
| Article 1(1), second sentence                                      | —                                    |
| -                                                                  | Article 1(2)                         |
| Article 1(2)                                                       | Article 2(1)                         |
| -                                                                  | Article 2(2)                         |
| Article 1(3)                                                       | -                                    |
| Article 2(1)                                                       | Article 1(1), second sentence        |
| Article 2(2)                                                       | Article 3(1)                         |
|                                                                    | Article 3(2)                         |
|                                                                    | Article 3(3)                         |
| Article 2(3)                                                       | -                                    |
| Article 2(4)                                                       | -                                    |
| Article 3(1), first subparagraph, introductory words               | Article 4(1), first sentence         |
| -                                                                  | Article 4(2), first indent           |
| -                                                                  | Article 4(2), second indent          |
| Article 3(1), first subparagraph, first indent                     | Article 4(3), first indent           |
| Article 3(1), first subparagraph, second indent                    | Article 4(4)(b), first subparagraph  |
| Article 3(1), first subparagraph, third indent                     | Article 4(4)(b), second subparagraph |
| Article 3(1), first subparagraph, fourth indent                    | Article 4(4)(c)                      |
| Article 3(1), first subparagraph, fifth indent                     | Article 4(4)(f)                      |
| Article 3(1), first subparagraph, sixth indent                     | Article 4(4)(g)                      |
| Article 3(1), first subparagraph, seventh indent                   | Article 4(4)(j)                      |
| Article 3(1), first subparagraph, eighth indent                    | Article 4(4)(k)                      |
| Article 3(2), first subparagraph, introductory words               | -                                    |
| Article 3(2), first subparagraph, first indent                     | Article 4(3)(a)                      |
| Article 3(2), first subparagraph, second indent                    | Article 4(4)(a)                      |
| Article 3(2), first subparagraph, third indent                     | Article 4(4)(d)                      |
| Article 3(2), first subparagraph, fourth indent                    | Article 4(4)(e)                      |
| Article 3(2), first subparagraph, fifth indent                     | Article 4(4)(h)                      |
| Article 3(2), first subparagraph, sixth indent, introductory words | Article 4(4)(i)                      |
| Article 3(2), first subparagraph, sixth indent, first sub-indent   | -                                    |
| Article 3(2), first subparagraph, sixth indent, second sub-indent  | -                                    |

| Directive 91/439/EEC                                       | This Directive                               |
|------------------------------------------------------------|----------------------------------------------|
| Article 3(3), introductory words                           | -                                            |
| Article 3(3), first indent                                 | Article 4(1), third sentence                 |
| Article 3(3), second indent, first subparagraph            | Article 4(3), second indent                  |
| Article 3(3), second indent, second subparagraph           | -                                            |
| Article 3(3), third indent                                 | Article 4(3), first indent                   |
| Article 3(3), fourth indent                                | Article 4(4), first indent                   |
| Article 3(3), fifth indent                                 | Article 4(4), second indent                  |
| -                                                          | Article 4(3)                                 |
| Article 3(4)                                               | -                                            |
| Article 3(5)                                               | -                                            |
| Article 3(6)                                               | Article 4(5), first sentence                 |
| -                                                          | Article 4(5), second sentence                |
| Article 4                                                  | Article 5                                    |
| Article 5(1)                                               | Article 6(1)                                 |
| Article 5(1)(a)                                            | Article 6(1)(a)                              |
| Article 5(1)(b)                                            | Article 6(1)(b)                              |
| Article 5(2), introductory words                           | Article 6(2), introductory words             |
| Article 5(2)(a)                                            | Article 6(2)(a)                              |
| Article 5(2)(b)                                            | Article 6(2)(b)                              |
| -                                                          | Article 6(2)(c)                              |
| -                                                          | Article 6(2)(d)                              |
| -                                                          | Article 6(2)(e)                              |
| -                                                          | Article 6(2)(f)                              |
| Article 5(3)                                               | -                                            |
| Article 5(4)                                               | Article 6(4)                                 |
| Article 6(1), introductory words                           | Article 4(1), second sentence                |
| Article 6(1)(a), first indent                              | Article 4(3)(a), third indent                |
| Article 6(1)(a), second indent                             | Article 4(4)(a), second indent               |
| Article 6(1)(b), first indent                              | Article 4(3)(b), second indent               |
|                                                            | Article 4(3)(c), second indent               |
| Article 6(1)(b), second indent first alternative           | Article 4(4)(b), fifth subparagraph          |
| Article 6(1)(b), second indent second alternative          | Article 4(4)(c), second indent               |
| Article 6(1)(b), third indent first and second alternative | Article 4(4)(g), second indent               |
| Article 6(1)(b), third indent third and fourth alternative | Article 4(4)(e), third indent                |
| Article 6(1)(c), first indent first and second alternative | Article 4(4)(k), second indent               |
| Article 6(1)(c), first indent third and fourth alternative | Article 4(4)(i), second indent               |
| Article 6(2)                                               | Article 4(6), first subparagraph             |
| -                                                          | Article 4(6), second subparagraph            |
| Article 6(3)                                               | Article 4(6), third and fourth subparagraphs |

| Directive 91/439/EEC             | This Directive                   |
|----------------------------------|----------------------------------|
| Article 7(1), introductory words | Article 7(1), introductory words |
| Article 7(1)(a)                  | Article 7(1)(a)                  |
| -                                | Article 7(1)(b)                  |
| -                                | Article 7(1)(c)                  |
| -                                | Article 7(1)(d)                  |
| Article 7(1)(b)                  | Article 7(1)(e)                  |
| Article 7(2)                     | -                                |
| Article 7(3)                     | -                                |
| -                                | Article 7(2)                     |
| -                                | Article 7(3)                     |
| Article 7(4)                     | Article 7(4)                     |
| Article 7(5)                     | Article 7(5)(a)                  |
| -                                | Article 7(5)(b)                  |
| -                                | Article 7(5)(c)                  |
| -                                | Article 7(5)(d)                  |
| Article 7 a(1)                   | -                                |
| Article 7 a(2)                   | Article 8                        |
| Article 7 b                      | Article 9                        |
| -                                | Article 10                       |
| Article 8                        | Article 11                       |
| Article 9                        | Article 12                       |
| Article 10                       | Article 13(1)                    |
| -                                | Article 13(2)                    |
| Article 11                       | Article 14                       |
| Article 12(1)                    | -                                |
| Article 12(2)                    | -                                |
| Article 12(3)                    | Article 15                       |
| -                                | Article 16                       |
| Article 13                       | Article 17, first subparagraph   |
| -                                | Article 17, second subparagraph  |
| -                                | Article 18                       |
| Article 14                       | Article 19                       |
| Annex I                          | -                                |
| Annex Ia                         | Annex I                          |
| Annex II                         | Annex II                         |
| Annex III                        | Annex III                        |
| -                                | Annex IV                         |
| -                                | Annex V                          |
| -                                | Annex VI                         |

## II

(Acts whose publication is not obligatory)

## THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

### DECISION TAKEN BY COMMON AGREEMENT BETWEEN THE REPRESENTATIVES OF THE GOVERNMENTS OF MEMBER STATES

of 11 December 2006

on the location of the seat of the European Institute for Gender Equality

(2006/996/EC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER  
STATES,

HAVE DECIDED AS FOLLOWS:

#### Article 1

Having regard to Article 289 of the Treaty establishing the Euro-  
pean Community,

The European Institute for Gender Equality shall have its seat in  
Vilnius.

#### Article 2

Whereas:

This Decision, which will be published in the *Official Journal of  
the European Union*, shall take effect on the date of the entry into  
force of the Regulation of the European Parliament and the  
Council establishing a European Institute for Gender Equality.

- (1) The establishment of a European Institute for Gender  
Equality is envisaged on the basis of the proposal  
submitted by the Commission on 10 March 2005 as  
amended by its proposal on 8 May 2006;

Done at Brussels, 11 December 2006

- (2) The location of the seat of this Institute should be deter-  
mined,

*The President*  
E. TUOMIOJA

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