



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate C - Innovative & sustainable mobility
The Director

Brussels, 17 DEC. 2012

FOR THE ATTENTION OF THE MEMBERS OF THE DRIVING LICENCE COMMITTEE

SUBJECT: WRITTEN PROCEDURE ON THE COMMITTEE OPINION ON A DRAFT COMMISSION DIRECTIVE AMENDING DIRECTIVE 2006/126/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON DRIVING LICENCES

Dear Sir/Madam,

During the debate in the Driving Licence Committee meeting of 10 December 2012, several Member States raised questions as regards the proposed draft Commission Directive amending Directive 2006/126/EC presented under item 4 of the agenda. The purpose of the draft measure is to amend Annex II, I, B, point 5.2. of Directive 2006/126/EC with a view to grant Member States a longer transitional period until 31 December 2018 for the use of testing vehicles not complying with the requirements laid down in Directive 2012/36/EU.

In particular following concerns expressed on the use of the words "*and below 50 kW*", the Commission would like to clarify the following.

In accordance with Directive 2012/36/EU, the general principle is that as from 31 December 2013 at the latest, category A motorcycles used for testing shall have a power rating of at least 50 kW. However, during the consultative procedure preceding the adoption of Directive 2012/36/EC several Member States raised concerns about the consequences on the drivers' training industry of the obligation to apply such specifications as early as by the end of 2013.

The Commission agreed to take into account these concerns with a new legislative proposal introducing an additional paragraph in Annex II giving the possibility to Member States, by derogation to the above principle, to authorise the use of motorcycles whose specifications correspond to those laid down in the driving licence Directive, as existing prior to the amendments introduced by Directive 2012/36/EU. Thus, driving schools which had already been equipped with vehicles with an engine power between 40 kW and 50 kW, in anticipation to the entry into force of Directive 2006/126/EC on 19 January 2013, would not need to replace them with vehicles of more than 50 kW before the end of 2013. Besides, the longer implementation date of 31 December 2018 would allow sufficient time for the amortization of such vehicles already purchased and in use.

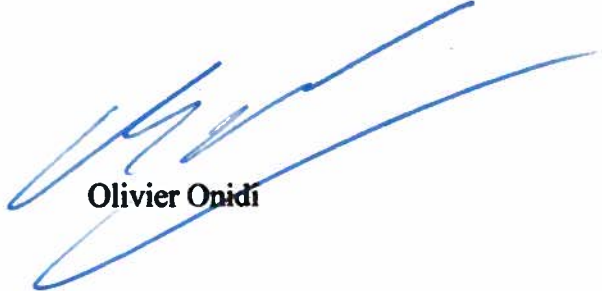
This additional flexibility is optional. It does not, of course, prevent training schools from purchasing and bringing into use category A testing motorcycles above 50 kW during the period between 19 January 2013 and 31 December 2018, if they deem it appropriate. In addition, after 31 December 2018, all category A vehicles used for the test of skills and behaviour shall comply with the 50 kW condition as well as with the other relevant requirements laid down in Directive 2012/36/EU.

Please find attached the draft implementing measure proposed by the Commission.

The rules of the Committee on the written procedure in Article 8 establish that *"Any committee member who does not oppose the draft measure or who does not explicitly abstain from voting thereon before the expiry of that time limit shall be regarded as having tacitly agreed to the draft measure"*.

Should you disagree with the measure or wish to abstain from voting, you need to communicate this by electronic mail: MOVE-C4-SECRETARIAT@ec.europa.eu. The time limit for expressing your opinion is **10 January 2013 at 17:00.**

Yours sincerely,



Olivier Onidi

Annex: Draft Commission Directive amending Directive 2006/126/EC of the European parliament and of the Council on driving licences

Cc: Transport attachés of the Permanent Representations



**EUROPEAN
COMMISSION**

**Brussels, XXX
[...] (2012) XXX draft**

COMMISSION DIRECTIVE/EU

of XXX

**amending Directive 2006/126/EC of the European Parliament and of the Council on
driving licences**

(Text with EEA relevance)

COMMISSION DIRECTIVE .../.../EU

of XXX

amending Directive 2006/126/EC of the European Parliament and of the Council on driving licences

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences¹, and in particular Article 8 thereof,

Whereas:

- (1) Commission Directive 2012/36/EU amending Directive 2006/126/EC of the European Parliament and of the Council on driving licences² provides for technical adaptation of its Annex II in relation to the specifications for test vehicles taking into account the technical evolution of the different vehicle classes.
- (2) Annex II, I, B point 5.2 of Directive 2006/126/EC, as amended by Commission Directive 2012/36/EU, establishes that the vehicles of category A used in tests of skills and behaviour shall comply with certain minimum criteria. In particular, motorcycles used for the test shall have an unladen mass of more than 180 kg, with a power rating of at least 50 kW. If the motorcycle is powered by an internal combustion engine, the cubic capacity of the engine shall be at least 600 cm³. If the motorcycle is powered by an electric motor, the power to weight ratio of the vehicle shall be at least 0, 25 kW/kg.
- (3) With a view to allowing the training sector to adapt their equipment including motorcycles to technological evolution of the vehicles available on the market, a transitional period should be introduced to allow Member States to authorise the use of category A motorcycles complying with the specifications as existing prior to the amendments introduced by Directive 2012/36/EU until 31 December 2018.
- (4) Directive 2006/126/EC should therefore be amended accordingly,
- (5) The measures provided for in this Directive are in accordance with the opinion of the Committee on driving licences,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In Annex II, I, B, point 5.2 of Directive 2006/126/EC concerning vehicles for category A, the following paragraph is added:

¹ OJ L 403, 30.12.2006, p.18.

² OJ L321, 20.11.2012, p.54.

'Member States may authorize the use of motorcycles of category A whose unladen mass is below 180 kg and with a power rating of at least 40 kW and below 50 kW, until 31 December 2018.'

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2013 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels,

*For the Commission
On behalf of the President*

[Position]