

Council Directive of 29 July 1991 on driving licences (91/439/EEC) (repealed)

Article 1

1 Member States shall introduce a national driving licence based on the Community model described in Annex I^[F1] or a], in accordance with the provisions of this Directive.^[F2] However, the Republic of Finland and the Kingdom of Sweden may continue to issue driving licences based on their present model until 31 December 1997.]

2 Driving licences issued by Member States shall be mutually recognized.

3 Where the holder of a valid national driving licence takes up normal residence in a Member State other than that which issued the licence, the host Member State may apply to the holder of the licences its national rules on the period of validity of the licences, medical checks and tax arrangements and may enter on the licence any information indispensable for administration.

Textual Amendments

- F1** Inserted by [Council Directive 96/47/EC of 23 July 1996 amending Directive 91/439/EEC on driving licences.](#)
- F2** Inserted by [Council Directive 94/72/EC of 19 December 1994 amending Directive 91/439/EEC on driving licences.](#)

Article 2

1 The emblem on page 1 of the Community model driving licences shall contain the distinguishing sign of the Member State issuing the licence.

2 Member States shall take all necessary steps to avoid any risk of forgery of driving licences.

3 With the agreement of the Commission, Member States may make to the model given in Annex I^[F1] or a] such adjustments as are necessary for computer processing of the driving licence.

^[F14] Without prejudice to provisions to be adopted by the Council in this regard, the model driving licences specified in Annexes I and Ia may not contain any computerized electronic devices.]

Textual Amendments

- F1** Inserted by [Council Directive 96/47/EC of 23 July 1996 amending Directive 91/439/EEC on driving licences.](#)

Article 3

1 The driving licence provided for in Article 1 shall authorize the driving of vehicles in the following categories:

Category A

— motorcycles with or without side-car;

Category B

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- motor vehicles with a maximum authorized mass not exceeding 3 500 kilograms and having not more than eight seats in addition to the driver's seat; motor vehicles in this category may be combined with a trailer having a maximum authorized mass which does not exceed 750 kilograms;
- combinations of a tractor vehicle in category B and a trailer, where the maximum authorized mass of the combination does not exceed 3 500 kilograms and the maximum authorized mass of the trailer does not exceed the unladen mass of the tractor vehicles;

Category B + E

- combination of vehicles consisting of a tractor vehicle in category B and a trailer, where the combination does not come within category B;

Category C

- motor vehicles other than those in category D and whose maximum authorized mass is over 3 500 kilograms; motor vehicles in this category may be combined with a trailer having a maximum authorized mass which does not exceed 750 kilograms;

Category C + E

- combinations of vehicles where the tractor vehicle is in category C and its trailer has a maximum authorized mass of over 750 kilograms;

Category D

- motor vehicles used for the carriage of persons and having more than eight seats in addition to the driver's seat; motor vehicles in this category may be combined with a trailer having a maximum authorized mass which does not exceed 750 kilograms;

Category D + E

- combinations of vehicles where the tractor vehicle is in category D and its trailer has a maximum authorized mass of over 750 kilograms.

2 Within categories A, B, B + E, C, C + E, D and D + E, a specific driving licence may be issued for the driving of vehicles in the following subcategories:

Subcategory A1

- light motorcycles with a cubic capacity not exceeding 125 cm³ and of a power not exceeding 11 kW;

Subcategory B1

- motor-powered tricycles and quadricycles;

Subcategory C1

- motor vehicles other than in category D and whose maximum authorized mass is over 3 500 kilograms but not more than 7 500 kilograms; motor vehicles in this subcategory may be combined with a trailer having a maximum authorized mass which does not exceed 750 kilograms;

Subcategory C1 + E

- combination of vehicles where the tractor vehicle is in subcategory C1 and its trailer has a maximum authorized mass of over 750 kilograms, provided that the maximum authorized mass of the combination thus formed does not exceed 12 000 kilograms, and that the maximum authorized mass of the trailer does not exceed the unladen mass of the tractor vehicle;

Subcategory D1

- motor vehicles used for the carriage of passengers and having more than eight seats in addition to the driver's seat but not more than 16 seats in

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addition to the driver's seat; motor vehicles in this subcategory may be combined with a trailer having a maximum authorized mass which does not exceed 750 kilograms;

Subcategory D1 + E

- combinations of vehicles where the tractor vehicle is in subcategory D1 and its trailer has a maximum authorized mass of over than 750 kilograms, provided that:
 - firstly, the maximum authorized mass of the combination thus formed does not exceed 12 000 kilograms and the maximum authorized mass of the trailer does not exceed the unladen mass of the tractor vehicle;
 - secondly, the trailer is not used for the transport of persons.

3 For the purpose of this Article:

- ‘Power-driven vehicle’ means any self-propelled vehicle running on a road under its own power, other than a rail-borne vehicle;
- ‘Tricycle’ and ‘quadricycle’ mean respectively any three and four-wheeled vehicle in category B with a maximum design speed of over [^{F3}45 km/h] or powered by a spark-ignition internal combustion engine with a cubic capacity of more than 50 cm³ or any other engine of equivalent power. The unladen mass shall not exceed 550 kilograms. The unladen mass of electrically propelled vehicles shall not take account of the battery mass.

Member States may set lesser standards regarding the unladen mass and add others, such as the maximum cubic category or power;

- [^{F3}Motorcycle’ means any two-wheel vehicle with or without sidecar, fitted with an engine having a cylinder capacity of more than 50 cm³ if of the internal combustion type and/or having a maximum design speed of more than 45 km/h;]
- ‘Motor vehicle’ means any power-driven vehicle, other than a motorcycle, 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, pus, 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.

4 Member States may, after consulting the Commission, derogate, provided that this is mentioned in the driving licence, from the speeds indicated in the second and third indents of paragraph 3, provided that they stipulate lower speeds.

5 For subcategory A1, Member States may impose additional restrictive rules.

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

Textual Amendments

- F3** Substituted by [Council Directive 97/26/EC of 2 June 1997 amending Directive 91/439/EEC on driving licences](#).

Article 4

- 1 Driving licences shall state the conditions on which the driver is authorized to drive.
- 2 If, because of a physical disability, driving is authorized 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 5

- 1 This issue of driving licences shall be subject to the following conditions:
- a licences for categories C and D shall be issued only to drivers already entitled to drive vehicles in category B;
 - b licences for categories B + E, C + E, D + E shall be issued only to drivers already entitled to drive vehicles in categories B, C and D respectively.
- 2 The validity of driving licences shall be determined as follows:
- a licences granted for category C + E or D + E shall be valid for combinations of vehicles in category B + E;
 - b licences granted for category C + E shall be valid for category D + E as long as their holders are entitled to drive vehicles in category D.
- 3 For driving on their territory, Member States may grant the following equivalences:
- a power-driven tricycles and quadricycles under a licence for category A or A1;
 - b light motorcycles under a licence for category B.
- 4 Member States may, after consulting the Commission, authorize the driving on their territory of:
- a vehicles of Category D1 (maximum 16 seats in addition to the driver's seat and maximum authorized mass of 3 500 kilograms, excluding any specialized equipment intended for the carriage of disabled passengers) [^{X1}by holders over 21 years old of a driving licence for category B which was obtained at least two years before,] 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 authorized mass exceeding 3 500 kilograms 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.

Editorial Information

- X1** Substituted by [Corrigendum to Council Directive 91/439/EEC of 29 July 1991 on driving licences \(Official Journal of the European Communities No L 237 of 24 August 1991\)](#).

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Article 6

- 1 The minimum age conditions for the issue of driving licences shall be as follows:
 - a 16 years:
 - for subcategory A1;
 - for subcategory B1;
 - b 18 years:
 - for category A; however, access to the driving of motorcycles with a power exceeding 25 kW or a power/weight ratio exceeding 0,16 kW/kg (or motorcycles with sidecars with a power/weight ratio exceeding 0,16 kW/kg) shall be subject to a minimum of two years' experience on motorcycles with lower specifications under an A licence; this requirement as to previous experience may be waived if the candidate is at least 21 years old, subject to the candidate's passing a specific test of skills and behaviour;
 - for categories B, B + E;
 - for categories C, C + E and subcategories C1, C1 + E, without prejudice to the provisions for the driving of such vehicles in Council Regulation (EEC) No 3820/85 of 20 December 1985 on the harmonization of certain social legislation relating to road transport⁽¹⁾;
 - c 21 years:
 - for the categories D and D + E and subcategories D1, D1 + E, without prejudice to the provisions for the driving of such vehicles in Regulation (EEC) No 3820/85.
- 2 Member States may derogate from the minimum age requirements laid down for categories A, B and B + E and issue such driving licences from the age of 17 years, except in the case of the provisions for category A laid down in the last sentence of the first indent of paragraph 1 (b).
- 3 Member States may refuse to recognize the validity in their territory of driving licences issued to drivers under 18 years of age.

Article 7

- 1 Driving licences shall, moreover, 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 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 Without prejudice to provisions to be adopted by the Council in this regard, each Member State shall retain the right to determine, on the basis of national criteria, the period of validity of the driving licences which it issues.
- 3 Member States may, with the agreement of the Commission, derogate from the provisions of Annex III where such derogations are compatible with the development of medical science and with the principles laid down in that Annex.
- 4 Without prejudice to national criminal and police laws, Member States may, after consulting the Commission, apply to the issue of driving licences the provisions of their national rules relating to conditions other than those referred to in this Directive.
- 5 No person may hold a driving licence from more than one Member State.

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[^{F4}Article 7a

1 A subdivision of the harmonized Community codes set out in Annexes I and Ia shall be defined in accordance with the procedure laid down in Article 7b, with particular reference to codes 04, 05, 44 and 55.

This procedure shall also be followed for deciding whether the use of certain subdivisions of harmonized Community codes should, if necessary, be made compulsory.

2 The amendments necessary to adapt the parts of Annexes I and Ia which concern the harmonized codes and Annexes II and III to scientific and technical progress shall be adopted in accordance with the procedures laid down in Article 7b.

Textual Amendments

F4 Inserted by [Council Directive 97/26/EC of 2 June 1997 amending Directive 91/439/EEC on driving licences](#).

[^{F5}Article 7b

1 The Commission shall be assisted by a committee on driving licences, hereinafter referred to as ‘the Committee’.

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

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3 The Committee shall adopt its rules of procedure.]]

Textual Amendments

F4 Inserted by [Council Directive 97/26/EC of 2 June 1997 amending Directive 91/439/EEC on driving licences](#).

F5 Substituted by [Regulation \(EC\) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty](#).

Article 8

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, if necessary, whether the licence submitted is in fact still valid.

2 Subject to observance of the principle of territoriality of criminal and police laws, the Member States 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 so doing.

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4 A Member State may refuse to recognize the validity of any driving licence issued by another Member State to a person who is, in the former State's territory, the subject of one of the measures referred to in paragraph 2.

A Member State may likewise refuse to issue a driving licence to an applicant who is the subject of such a measure in another Member State.

5 A replacement for a driving licence which has, for example, been lost or stolen may be obtained from the competent authorities of the 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 States 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 in the latter 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 Article 1 (2).

Article 9

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

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

Article 10

With the agreement of the Commission, Member States shall establish equivalences between the categories of licence issued before implementation of this Directive and those defined in Article 3.

With the agreement of the Commission, Member States may make to their national legislation such adjustments as are necessary for the purpose of implementing the provisions of Article 8 (4), (5) and (6).

Article 11

Five years after this Directive has been put into effect, the Council, acting on a proposal from the Commission, shall review the national provisions concerning any optional subcategories which may have been established in accordance with Article 3, with a view to their possible harmonization or elimination.

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Article 12

1 After consulting the Commission, Member States shall, before 1 July 1994, adopt the laws, regulations or administrative provisions necessary to comply with this Directive as of 1 July 1996.

2 When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

3 The Member States shall assist one another in the implementation of this Directive and shall, if need be, exchange information on the licences they have registered.

Article 13

Directive 80/1263/EEC is hereby repealed as of 1 July 1996.

Article 14

This Directive is addressed to the Member States.

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- (1) [OJ No L 370, 31.12.1985, p. 1](#)
- (2) [^{F4}[^{F5}[Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission \(OJ L 184, 17.7.1999, p. 23\).](#)]]

Textual Amendments

- F4** Inserted by [Council Directive 97/26/EC of 2 June 1997 amending Directive 91/439/EEC on driving licences.](#)
- F5** Substituted by [Regulation \(EC\) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty.](#)