



ECOO amendments to the proposed revision of the Directive on Driving Licences

April 2023

Introduction

ECOO supports the two primary objectives behind the revision of the Driving Licence Directive: to improve road safety and to facilitate free movement by removing or avoiding unnecessary or inadequate barriers.

The Directive, supported by Annex III on medical fitness to drive, provides important and proportionate safeguards, which help protect all European citizens, including pedestrians and cyclists as well as drivers.

In reviewing the draft Directive and Annex III we have identified a few areas in the proposed revisions that are not clear enough. As a result, there is a risk that these revisions will not meet the stated objectives because they will result in confusion and inconsistency in their application.

We therefore suggest the following changes, which clarify the proposed revisions but do not increase or extend the requirements of the Directive or Annex III.

1) Suggested amendment to Article 10 point 2

Member States shall reduce the periods of administrative validity set out in the first subparagraph, points (a) and (b), to five years or less for driving licences of holders residing on their territory having reached the age of 70, in order to apply an increased frequency of medical checks or other specific measures, including refresher courses. This reduced period of administrative validity shall ~~only~~ be applied **as of the age of 70, regardless of when the driving licence was issued or renewed.** ~~upon renewal of the driving licence.~~

Rationale

There is clear recognition of the benefits of increased frequency of medical checks and other measures once a driver reaches the age of 70. However as currently drafted this objective would not be met because a person renewing their driving licence at the age of 69 would not need to renew again, and therefore undertake medical and other checks with increased frequency, until they reached the age of 84. At the same time another driver, who would be



no more than a year older and quite possibly only a few days older but who had reached 70 years of age would have an administrative validity on their renewed licence of only 5 years. This not only means that the regulation would fail to achieve its objective but it would be inequitable in its application. Our proposed amendment would address this by tapering in the application of the reduced period of administrative validity.

2) Suggested amendment to Annex III, point 3

3. Group 1:

Applicants shall perform a self-assessment of their **general** physical and mental fitness for driving a power-driven vehicle, **along with an appropriate examination for eyesight as described in point 6.**

The applicants shall be required to undergo a medical examination if it becomes apparent, from the self-assessment of their physical and mental fitness, when the necessary formalities are being completed or during the tests which they have to undergo prior to obtaining a driving licence that they likely have one or more of the medical incapacities mentioned in **points 7-16 of this Annex.**

Rationale

It is not clear how this requirement, for a self-assessment for medical fitness to drive which may result in the requirement to undergo a medical examination, fits with Annex III point 6 on eyesight, which states that **all** applicants shall undergo an appropriate examination. We cannot comment on the appropriateness of self-assessment for other aspects of physical and mental fitness to drive, but it is unquestionably the case that an applicant could not determine by a self-assessment that they met the visual requirement specified in the annex, which is why point 6 makes clear that all applicants must undergo an appropriate examination and sets out clearly what this should include and what follow up action may be required. The proposed amendments seek to avoid any confusion between the general requirement for self-assessment and the specific requirement for all drivers to have an appropriate investigation of the fitness of their eyesight.

2) Suggested amendment to Annex III, point 6

6. All applicants for a driving licence **and upon renewal** shall undergo an appropriate investigation **by a qualified eye care professionals authorised by national law** to ensure that they have adequate visual acuity **measured by means of a validated visual acuity chart** and field of vision for driving power driven vehicles. Where there is reason to doubt that the applicant's vision is adequate, he/she should be examined by a competent medical



authority including any appropriately trained and qualified eye care professional authorised by national law. At this examination attention shall be paid, in particular, to the following: visual acuity, field of vision, twilight vision, glare and contrast sensitivity, diplopia and other visual functions that can compromise safe driving.

For group 1 drivers, licensing may be considered in 'exceptional individual cases' where the visual field standard or visual acuity standard cannot be met but there are reasons to believe that the issuance of a driving licence for the applicant would not impair road safety; in such cases the driver shall undergo examination by a competent medical authority including any appropriately trained and qualified eye care professional authorised by national law to demonstrate that there is no other impairment of visual function, including glare, contrast sensitivity and twilight vision. The driver or applicant shall also be subject to a positive practical test conducted by a competent authority.

Rationale

Point 3 of Annex III makes clear that applicants must demonstrate that they meet with medical requirements for fitness to drive on both application for and renewal of a their driving licence. It is therefore inconsistent and/or confusing not to make clear that the eyesight requirements also apply both on application and at renewal.

The scope of practice of a profession is defined by national law and not by an EU Directive. The proposed addition "by a qualified eye care professionals authorised by national law" ensures that professionals who by national law are authorised to carry out visual assessment for fitness to drive are actually allowed to do so and do not encounter difficulties due to confusions caused by the wording in the EU Directive.

It ensures that national law prevails on a matter that is in fact a national competence i.e. the regulation of professions. This change does not create or suggest any extension or reduction in the scope of practice of any professional group.

It is also important that there is consistency across EU legislation. The suggested wording is already used in a number of EU regulations and other official documents, for example the EU Medical Devices Regulation (MDR) and related guidance documents. So, for consistency across EU legislation, we strongly recommend that the suggested amendment is included.

Examples of such wording in the Medical Devices Regulation and related documents:

- **Medical Devices Regulation:** <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R0745>
 - Article 2 (3): "*custom-made device*' means any device specifically made in accordance with a written prescription of any **person authorised by national law**"



- Annex XIII: “the name of the person who made out the prescription and who is **authorised by national law by virtue of their professional qualifications to do so**”
- **MDCG 2021-3**: Questions and Answers on Custom-Made Devices & considerations on Adaptable medical devices and Patient-matched medical devices (March 2021): https://ec.europa.eu/health/sites/default/files/md_sector/docs/mdcg_2021-3_en.pdf
 - Shall the authorised person referred to in the definition of a CMD be a healthcare professional? No. **The Regulation explicitly states that it should be any person authorised by national law. Therefore, it is up to Member States to establish who qualifies as an authorised person.**
- Annexes laying down common specifications for the groups of products without an intended medical purpose listed in Annex XVI of in Regulation (EU) 2017/745 of the European Parliament and of the Council on medical devices: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R2346&from=EN>
 - Annex II, 6.1, (bb): If any of these symptoms continue after removal of the lens, contact a qualified healthcare professional, such as an ophthalmologist, or an optometrist, **authorised by national law** to treat such symptoms.

The addition “[measured by means of a validated visual acuity chart](#)” is an important clarification point because the measurement of visual acuity is a core established measure of visual function. The only accurate way to measure visual acuity is by means of a validated visual acuity chart. This should be clarified to avoid the use of other methods, such as the Licence Number Plate Test which does not measure visual acuity and is not carried out in standardised conditions and do not meet the requirements nor the objectives of the Directive.

2) Suggested amendment to Annex III, point 6, Group 1 and Group 2 sub-heading

Group 1:

(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 ([decimal notation](#)) when using both eyes together.

(the wording “decimal notation” needs to be included following every visual acuity requirement in the section Group 1 and Group 2)

Rationale

The visual requirements laid out in the sections headed Group 1 and Group 2 are expressed without indicating the method of measurement.

There are in fact two different methods of measuring visual acuity that can be expressed as a decimal i.e. decimal notation and the LogMAR equivalent. This has also created



discrepancies and confusions across Europe. Ideally visual acuity measurements should be expressed as both the decimal notation and the LogMAR equivalent. The most complete way would be: “0,5 decimal (0.3 LogMAR, 6/12 Snellen equivalent)” but at a minimum the method used needs to be clear, in this case “decimal notation” as suggested with this amendment.