

**Question for written answer E-003288/2022/rev.1
to the Commission**

Rule 138

Laura Ferrara (NI)

Subject: Directive 2006/126/EC and the failure to protect the right to mobility of persons with disabilities

Directive 2006/126/EC lays down the rules on driving licences.

These rules are key components of EU transport policy, as they help to improve road safety and facilitate the free movement of people taking up residence in a country other than that which issued the licence.

The EU Directive provides for the mutual recognition of driving licences among Member States yet, despite the progress made in harmonising the licence rules, there are still large gaps when it comes to standardised practices for the issue, renewal and conversion of licences for persons with disabilities.

These gaps are due to the fact that the Directive predates the UN Convention on the Rights of Persons with Disabilities, which, despite being ratified by the EU in 2011, has not yet been fully implemented in the Member States.

In light of the above:

1. Does the Commission intend to support the Member States in implementing Directive 2006/126/EC in order to ensure the full protection of persons with disabilities and, if so, how?
2. How does it plan to fill the gaps in the Directive with regard to driving licences and protection of the right to mobility of persons with disabilities?
3. Does it intend to check how much progress the Member States have made in actually implementing the UN Convention on the Rights of Persons with Disabilities, particularly Articles 4, 19 and 20?

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E-003288/2022

Answer given by Ms Vălean
on behalf of the European Commission
(31.1.2023)

1. Directive 2006/126/EC¹ (the Directive) contains a number of provisions aimed at ensuring the full right to drive and free movement for disabled citizens. In this sense, the Directive does not contradict but rather supports the United Nations Convention on the Rights of Persons with Disabilities² (the Convention). For example, Article 5 and Annex III (point 8) of the Directive allows for driving tests to be carried out in adapted vehicles. Furthermore, the Directive's rules on the issuing, renewal and exchange of driving licences are fully applicable to people with disabilities, and the Commission is not aware of any complaints in relation to situations involving persons with disabilities.

2. In the context of the revision process of the Directive, the Commission intends to take advantage of assistive technology to overcome physical limitations of drivers including those with disabilities. This measure would be in line with Article 20 (b) of the Convention laying down the objective: 'to facilitate access by persons with disabilities to quality mobility aids, devices, assistive technologies'.

3. The Commission is not aware of any situation of violation of the Convention by the Member States. In the event of non-compliance with the Convention by the contracting parties there is a specific body for appeal - the Committee on the Rights of Persons with Disabilities. The Committee accepts complaints by citizens of those countries which have ratified the Optional Protocol to the Convention, after they have exhausted all available domestic remedies³.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32006L0126>

² <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

³ <https://www.ohchr.org/en/treaty-bodies/crpd/individual-communications>. Under Article 2 of the Optional Protocol, the Committee shall consider a communication inadmissible when: 'All available domestic remedies have not been exhausted. This shall not be the rule where the application of the remedies is unreasonably prolonged or unlikely to bring effective relief.'