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Press and Information

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Judgment of the Court of Justice in Joined Cases C-329/06 and C-343/06 and Joined Cases C-334/06 to C-336/06

Arthur Wiedemann v Land Baden-Württemberg (C-329/06), Peter Funk v Stadt Chemnitz (C-343/06), Matthias Zerche and Manfred Seuke v Landkreis Mittweida (C-334/06 and C-336/06) and Steffen Schubert v Landkreis Mittlerer Erzgebirgskreis (C-335/06)

GERMANY MUST IN PRINCIPLE RECOGNISE CZECH DRIVING LICENCES ISSUED TO ITS NATIONALS AFTER THEIR GERMAN LICENCES HAVE BEEN WITHDRAWN

Germany may, however, refuse to recognise those licences if it is apparent from the Czech licences or from information supplied by the Czech Republic that those nationals were not normally resident in the Czech Republic when those licences were issued

By virtue of a Community directive¹, driving licences issued by the Member State are to be given mutual recognition. According to that directive, the holder of a driving licence must, when it is issued, have his normal residence in the territory of the Member State issuing the licence. What is more, the holder must pass a test of skills and behaviour and a theory test and must meet certain medical standards.

When a driving licence has been withdrawn in Germany, the right to use a licence in Germany, which has been issued by another Member State, is granted on the application of the licence-holder where the reason for the withdrawal of his previous licence is no longer valid.

Several German nationals, whose driving licences had been withdrawn by the German authorities for driving under the influence of alcohol or narcotic drugs, went to the Czech Republic in 2004 and 2005 in order to obtain a Czech driving licence. Some of them were resident in Germany when their Czech licences were issued, as is shown by entries in those licences. While those persons were not subject to a ban on their applying for a new licence in Germany, they had, however, failed to satisfy a further condition imposed by German law if a driving licence is to be reissued: anyone whose licence has been withdrawn for driving under the influence of alcohol or drugs must provide the competent authorities with a medical-psychological report establishing that the grounds which had justified the withdrawal are no longer valid.

¹ Council Directive 91/439/EEC of 29 July 1991 on driving licences (OJ 1991 L 237, p. 1), as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 (OJ 2003 L 284, p. 1)

The drivers in question not having presented such reports, the German authorities withdrew their right to use their Czech driving licences in Germany. Those administrative decisions were challenged before the German courts with jurisdiction to examine their legality. Those courts have referred questions to the Court of Justice about the extent of the Member States' right to refuse to recognise in their territory driving licences issued by other Member States.

In today's judgment the Court states that, as a general rule, every Member State must recognise **without any prior formality** driving licences issued by another Member State, even if the latter does not impose the same requirements so far as concerns the medical examination that makes it possible to obtain a licence.

The Court observes that it is for the issuing Member State to investigate whether the minimum conditions imposed by the directive for obtaining a driving licence have been satisfied. In consequence, the possession of a driving licence issued by one Member State has, as a rule, to be regarded as constituting proof that its holder fulfilled those conditions when that licence was issued.

The Court points out, however, that a Member State may, when a person has been the object of a measure within its territory withdrawing his driving licence **and prohibiting any application for a new licence for a given period**, refuse to recognise a new licence issued by another Member State during the period of that prohibition. On the other hand, a Member State may not refuse to recognise a new licence issued by another Member State **following the expiry of any period in which the person concerned is forbidden to apply for a new licence**, on the ground that the licence-holder has not satisfied the necessary conditions in that first Member State for the issue of a new licence following the withdrawal of a previous licence, including the examination of fitness to drive certifying that the grounds justifying the withdrawal are no longer in existence.

Furthermore, the Court states that, for reasons of road traffic safety, the Member States, may apply their national provisions on the restriction, suspension, withdrawal or cancellation of driving licences to any licence-holder having normal residence in their territory. That right may, however, be exercised only by reason of some conduct of the person concerned **after** he has obtained a driving licence issued by another Member State.

Nonetheless, the Court notes, lastly, that **the sole residence condition** ensures road safety, for it is indispensable if observance of the condition of fitness to drive is to be monitored. In so far as it is possible to determine, not in the light of information supplied by the German authorities but on the basis of entries appearing in the Czech licences themselves or of other incontestable information supplied by the Czech Republic, **that the condition of residence was not satisfied, Germany may refuse to recognise the right to drive stemming from the Czech driving licences in question.**

Unofficial document for media use, not binding on the Court of Justice.

Languages available: ES CS DE EN EL FR HU IT PL PT RO SK

The full text of the judgment may be found on the Court's internet site

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=rechercher&numaff=C-329/06>

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=rechercher&numaff=C-334/06>

It can usually be consulted after midday (CET) on the day judgment is delivered.

For further information, please contact Christopher Fretwell

Tel: (00352) 4303 3355 Fax: (00352) 4303 2731