

Withdrawal of recognition of EU driving licence issued with domestic address on grounds of lack of suitability

The applicant had his German driving licence revoked in November 2001 after being convicted of driving while under the influence of alcohol (blood-alcohol level 2.29 promille). His application for the re-issue of the licence was rejected after a medical-psychological assessment came to the conclusion that he could be expected to drive vehicles while under the influence of alcohol again in the future. In December 2003, the claimant was convicted of driving without a valid driving licence and failing to stop at the scene of an accident. In May 2005, the applicant obtained a new driving licence in the Czech Republic: the licence shows a place in Germany as the applicant's residence. The applicant did not comply with a demand by the German driver licensing authority to provide a medical-psychological assessment of the likelihood of him operating a vehicle under the influence of alcohol. In consequence, the authority stripped him of the right to make use of his foreign driving licence in Germany. There is nothing in Community law to prevent the authority (the respondent) from taking this step. The Driving Licence Directive 91/439/EEC requires driving licences issued in other EU Member States to be recognised by Member States, and European Court case law is clear that it is the responsibility of the issuing Member State to ensure that all the minimum requirements set out by Community law, in particular a normal residence in the issuing Member State and the holder's driving skills, are fulfilled. However, in its rulings of 26 June 2008 (C 329/06 and C 343/06, also C 334/06 to 336/06), the European Court also ruled that there is nothing preventing a Member State from refusing to recognise a driving licence issued by another Member State if, on the basis of information on the driving licence or indisputable evidence provided by the issuing Member State, it is clear that the holder of the driving licence did not have his or her normal residence in the issuing Member State at the time the driving licence was issued; this was true in the case at hand.