

**Case C-227/22**

**Supplement to the request for a preliminary ruling**

**Date lodged:**

27 May 2022

**Referring court:**

Administrativen sad – Gabrovo (Bulgaria)

**Date of the decision to refer:**

22 March 2022

**Appellant on a point of law:**

IL

**Respondent on a point of law:**

Regionalna direksia ‘Avtomobilna administratsia’ Pleven

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**ORDER**

[...]

**Gabrovo, 27 May 2022**

[...]

The ADMINISTRATIVEN SAD GABROVO (Administrative Court, Gabrovo)  
[...]

[...] in making the present order, considered the following:

The present order is made in respect of the request for a preliminary ruling submitted before the Court of Justice of the European Union by the Administrative Court, Gabrovo.

By Order No 270 of 22 March 2022, the court, having reached the conclusion that the provisions of Directive 2006/126 are unclear and in some ways suffer from internal inconsistency, sought their formal interpretation from the Court of Justice of the European Union by way of a reference for a preliminary ruling. That order identified the parties to the main proceedings, the legal framework of the European Union and the Republic of Bulgaria, the dispute in the main proceedings, the need to refer a question for a preliminary ruling; accordingly, these need not be reproduced in the present order.

That request for a preliminary ruling is the subject matter of preliminary ruling proceedings C-227/22 at the Court of Justice.

Having made the request for a preliminary ruling, the present composition of the Administrative Court, Gabrovo considers that:

The main question before the Administrative Court, Gabrovo is whether the penalty provided for in [the Bulgarian] national legislation in respect of a driver whose driving licence for a motor vehicle of categories C, CE, Cl, C1E, D, DE, D1, D1E and Tkt is valid but who cannot produce a certificate of psychological fitness before the inspecting authorities, on account of that certificate having expired, is contrary to the synchronised period of administrative validity of driving licences for motor vehicles and medical examinations for physical and mental fitness under Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences ('Directive 2006/126/EC'; 'the directive'), and whether the application of the national rules by the authority imposing the penalty has led to a breach of EU law.

The court finds that, in order to resolve the dispute in the main proceedings correctly, it is necessary to refer the following supplementary questions to the Court of Justice of the European Union:

- Do Article 7(1) of Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences and recitals 8 and 9 thereof allow national legislation such as that at issue in the present proceedings, which provides for additional conditions – beyond the minimum requirements for driving tests (Annex II to Directive 2006/126) and the minimum standards of physical and mental fitness (Annex III to Directive 2006/126/EC) – aimed at certifying the psychological fitness of drivers of motor vehicles transporting persons and/or goods?

- If the answer to the first question is in the affirmative: must those requirements be subject to the regime laid down by the directive, in particular recital 9, fourth sentence, and Article 7(3) of Directive 2006/126, as regards the synchronisation of the administrative validity of driving licences and medical examinations relating to the application of the minimum standards of physical and mental fitness?

It is procedurally permissible to add a supplementary question to a reference for a preliminary ruling previously made.

On those grounds and pursuant to Article 628 et seq. [of] the Grazhdanski-protsesualen kodeks (Code of Civil Procedure), in conjunction with Article 144 of the Administrativnoprotsesualen kodeks (Code of Administrative Procedure), and pursuant to Article 267 of the Treaty on the Functioning of the European Union, the Administrative Court, Gabrovo

**HEREBY ORDERS:**

**THE FOLLOWING SUPPLEMENTARY QUESTION** shall be referred to the Court of Justice of the European Union in preliminary ruling proceedings C-227/22:

- Do Article 7(1) of Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences and recitals 8 and 9 thereof allow national legislation such as that at issue in the present proceedings, which provides for additional conditions – beyond the minimum requirements for driving tests (Annex II to Directive 2006/126) and the minimum standards of physical and mental fitness (Annex III to Directive 2006/126/EC) – aimed at certifying the psychological fitness of drivers of motor vehicles transporting persons and/or goods?

- If the answer to the first question is in the affirmative: must those requirements be subject to the regime laid down by the directive, in particular recital 9, fourth sentence, and Article 7(3) of Directive 2006/126, as regards the synchronisation of the administrative validity of driving licences and medical examinations relating to the application of the minimum standards of physical and mental fitness?

[...] [procedural matters]

[...]

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