



EUROPEAN UNION  
THE COUNCIL

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**SEMDOC**

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**NOTE**

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from : General Secretariat  
to : Working Party on judicial cooperation in criminal matters (questions relating to disqualification from driving)

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No. prev. doc.: 7140/99 JUSTPEN 19

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Subject : **Questionnaire on the duration of driving disqualifications for the purpose of the implementation of the Convention on driving disqualifications**

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The Working Party examined at its meeting on 4 and 5 May 1999 the draft questionnaire presented by the Netherlands delegation in document 7140/99 JUSTPEN 19. It was agreed that the General Secretariat would draw up a modified version of the questionnaire on the basis of the proceedings of the Working Party and invite delegations to reply to it. The questionnaire as modified is set out in the Annex.

As indicated in 7140/99 JUSTPEN 19, the Convention on Driving Disqualifications provides for the giving effect, by the State of residence of the offender, to a decision imposing disqualification from driving taken in the State where the offence was committed. For this purpose, Article 3, paragraph 1 of the Convention, provides that the State of the offence shall without delay notify the State of residence of any driving disqualification imposed for an offence arising from "conduct referred to in the Annex".

The Annex to the Convention describes the following conduct:

1. Reckless or dangerous driving (whether or not resulting in death, injury or serious risk).
2. Wilful failure to carry out the obligations placed on drivers after being involved in road accidents (hit-and-run driving).
3. Driving a vehicle while under the influence of alcohol or other substances affecting or diminishing the mental and physical abilities of a driver. Refusal to submit to alcohol and drug tests.
4. Driving a vehicle faster than the permitted speed.
5. Driving a vehicle whilst disqualified.
6. Other conduct constituting an offence for which driving disqualification has been imposed by the State of the offence
  - of a duration of six months or more;
  - of a duration of less than six months where that has been agreed bilaterally between the Member States concerned.

The questionnaire set out in the Annex seeks to get an overview of the driving disqualifications imposed by the authorities of the Member States of the European Union for the offences mentioned above. Such overview is important for the implementation of the Convention. Especially, with a view to the different modes of execution that a Member State can choose between for the purpose of giving effect to driving disqualifications imposed by other Member States (cf. Article 4 of the Convention), it is important to know whether or not there are significant differences with regard to the duration of sanctions that are imposed by the Member States for similar offences. The questionnaire does not seek to get information on the relevant procedures on disqualification from driving or the competent authorities.

Delegations are invited to reply to the questionnaire by fax to the General Secretariat of the Council, for the attention of [name and fax number of the contact person deleted], before 16 July 1999.

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**QUESTIONNAIRE ON THE DURATION OF DRIVING DISQUALIFICATIONS FOR THE  
PURPOSE OF THE IMPLEMENTATION BY THE MEMBER STATES OF THE  
CONVENTION ON DRIVING DISQUALIFICATIONS**

Delegations are invited to apply to the following questions:

1. By use of the attached table:

- What is the maximum duration of driving disqualification which could be imposed in your country regarding the different offences?
- Where applicable, what is the minimum duration of the driving disqualification which could be imposed in your country regarding the different offences?
- What is the average duration of driving disqualification in your country regarding the different offences? Please indicate whether the answers are given on the basis of statistical data available or whether they are based on mere estimates.

2. Additional question:

To the extent possible, please supply information (on the basis of statistics) on the number of driving disqualifications your country expects to notify to other Member States on a yearly basis under the Convention, if possible split up on Member States. Statistical data should be given with respect to the year 1997.

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conduct giving rise to an offence (if appropriate specify for different circumstances or categories)	maximum duration of driving disqualification (in months)	Where applicable, minimum duration of driving disqualification (in months)	Where possible, average duration of driving disqualification (in months)
1a. reckless or dangerous driving <i>not</i> resulting in death, injury or serious risk			
1b. reckless or dangerous driving resulting in <ul style="list-style-type: none"> <li>- death</li> <li>- injury</li> <li>- serious risk</li> </ul>			
2. hit-and-run driving <ul style="list-style-type: none"> <li>- in case of death</li> <li>- injury</li> <li>- other relevant circumstances</li> </ul>			
3a. driving under the influence of alcohol <sup>(1)</sup>			
3b. driving under the influence of drugs			
3c. refusal to submit to tests			
4. speeding			

<sup>(1)</sup> Specify for different blood/breath-alcohol levels.

5. driving whilst disqualified			
6a. other conduct where a driving disqualification is imposed of 6 months or more <sup>(1)</sup>			
6b. other relevant conduct			

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(1) Mention conduct which often occurs and which is normally punished by a driving disqualification of 6 months or more.