

Lähetäjä: Elisabeth.Werner@ec.europa.eu <Elisabeth.Werner@ec.europa.eu>

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Vastaanottaja: Rantala Olli-Pekka (LVM) <Olli-Pekka.Rantala@lvm.fi>

Kopio: Matthew.Baldwin@ec.europa.eu; Elzbieta.LUKANIUK@ec.europa.eu; Fotini.Ioannidou@ec.europa.eu; Wiebke.PANKAUKE@ec.europa.eu

Aihe: cars for 15 year old drivers

Dear Olli-Pekka,

As previously discussed, on the Finnish legislation on lightweight vehicles, the Commission services have been trying to find a potential solution that is compatible with Directive 2006/126/EC (the "Driving Licence Directive").

As underlined by the Commission on 26 September 2018 in its comments on the draft Finnish legislation, the lightweight vehicles in question do not comply with the definition of 'agricultural or forestry tractors' set out in the Directive and are therefore not excluded from the scope of the Directive on this basis.

Because we know how important the topic is in Finland, we have been through this in great detail in numerous exchanges with you from the Finnish administration and all the relevant Commission services.

Unfortunately no legally viable solution could be found.

First and foremost, according to the Commission Legal Service, granting such a derogation would amount to a contravention of essential harmonised rules on minimum ages and vehicles contained in the Directive, and would go beyond what is permitted by Article 4(5) of the directive.

Moreover, the derogation would also lead to the creation of some form of "national" category of driving licences for young drivers who are not yet eligible for a category B licence. In line with the position taken by the Commission in a significant number of infringement cases, we have stressed that the Driving Licence Directive as it stands does not allow Member States to create such additional, national categories.

In more detail, the legal arguments are as follows:

1. The Finnish legislation is not compatible with two essential harmonisation elements of the Driving Licence Directive, namely:
 - a. The vehicles covered by the scope of the Directive. 'Lightweight vehicles' as described in the Finnish legislation fall under the scope of the Directive and cannot be excluded from its application. The Finnish authorities propose to grant individual approval to these vehicles as 'category T-1 tractors', but they do not comply with the definition of 'agricultural or forestry tractor' in the Driving Licence Directive.
 - b. The age limit for driving category B vehicles is set at 18 years with a possibility for Member States to opt for 17 years. The Finnish authorities proposal to lower it to 15 is outside the margin provided by the directive.
2. The possibility allowed by Article 4(5) of the Directive for the Commission to grant, at the request of a Member State, an exemption of certain types of vehicles from the scope of that Article, cannot be used to derogate from essential elements of the Directive.
3. Granting a derogation would imply allowing the Finnish authorities to create a national driving licence scheme for lightweight vehicles. This is something the Commission has consistently ar-

gued against in infringement cases concerning the Driving Licence Directive (dating from a few years ago), where it claimed that Member States are no longer able to create additional purely national driving licence categories.

I am fully aware of how sensitive the issue is in Finland and therefore I regret that it has not been possible to find a solution that is satisfactory for you within the current legal framework, but we really have done our very best to help. This is why I would like to underline that the question of lowering the age limit, including the potential specificities of sparsely populated countries like Finland, will be analysed carefully in the context of the preparations for the forthcoming revision of the Driving License Directive for which the open public consultation will be launched shortly.

With my best regards,

Elisabeth Werner

European Commission

Directorate-General for Mobility and Transport

Director for Land Transport, MOVE C

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Tel 02 29 59 506

mob 0498 95 95 06