

No. 22417

MULTILATERAL

European Convention on the international effects of deprivation of the right to drive a motor vehicle (with appendix). Concluded at Brussels on 3 June 1976

Authentic texts: English and French.

Registered by the Secretary-General of the Council of Europe, acting on behalf of the Parties, on 31 October 1983.

MULTILATÉRAL

Convention européenne sur les effets internationaux de la déchéance du droit de conduire un véhicule à moteur (avec annexe). Conclue à Bruxelles le 3 juin 1976

Textes authentiques : anglais et français.

Enregistrée par le Secrétaire général du Conseil de l'Europe, agissant au nom des Parties, le 31 octobre 1983.

EUROPEAN CONVENTION¹ ON THE INTERNATIONAL EFFECTS OF DEPRIVATION OF THE RIGHT TO DRIVE A MOTOR VEHICLE

PREAMBLE

The member States of the Council of Europe, signatory hereto,

Having regard to the considerable number of traffic accidents and their serious consequences;

Considering that it is of the utmost importance for traffic safety to control traffic offences by adequate means;

Considering that, besides other preventive and penal measures, deprivation of a person's right to drive a motor vehicle is an effective means to this end;

Considering that increasing international traffic justifies intensified efforts to arrive at harmonisation of national legislation and to ensure that the decisions ordering deprivation of the right to drive have effects outside the State in which they were made;

Considering that this co-operation has already been advocated in Resolution (71) 28 of the Committee of Ministers of the Council of Europe on the deprivation of the right to drive a motor vehicle;

Recalling that the aim of the Council of Europe is to achieve a greater unity between its Members,

Have agreed as follows:

CHAPTER I. DEFINITIONS

Article 1. In this Convention:

a. "Deprivation of the right to drive" (hereinafter referred to as "driving deprivation") means any final measure designed to restrict the right to drive of a driver who has committed a road traffic offence. Such measure may take the form of a main or an accessory penalty or of a security measure and may have been imposed by a judicial or an administrative authority;

b. "Road traffic offence" means any offence listed in the "Common Schedule of Road Traffic Offences" annexed to this Convention.

CHAPTER II. EFFECTS OF THE DRIVING DEPRIVATION

Article 2. The Contracting Party which has ordered a driving deprivation shall without delay notify the Contracting Party which delivered the driving licence and the Contracting Party in whose territory the offender is habitually resident.

¹ Came into force on 28 April 1983, i.e., three months after the date of the deposit with the Secretary-General of the Council of Europe of the third instrument of ratification, acceptance or approval, in accordance with article 11 (2):

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Greece	8 April 1981
Liechtenstein	27 January 1983
Switzerland	10 May 1978

Article 3. The Contracting Party which has been notified of a driving deprivation may, in accordance with its law, order the driving deprivation which it would have deemed useful had the facts and circumstances which prompted the other Contracting Party's action occurred on its own territory.

Article 4. If so requested, the Contracting Party to which a notification has been addressed shall supply information on any step taken as a result of the notification.

Article 5. This Convention does not limit the right of the Contracting Parties to impose the measures provided for in their legislation.

CHAPTER III. PROCEDURE

Article 6. 1. The Contracting Parties shall by declaration addressed to the Secretary General of the Council of Europe indicate the authorities which are competent to transmit and to receive the notifications provided for in article 2, and any other communications which may result from the application of this Convention.

2. Such notifications shall be accompanied by a certified copy of the decision ordering the driving deprivation together with a statement of facts.

3. If the Contracting Party to which a notification has been addressed considers that the information supplied is not adequate to enable it to apply this Convention it shall ask for the necessary additional information and, if required, for the transmission of a certified copy of the file.

Article 7. The Contracting Parties shall extend their rules on international mutual assistance in criminal matters to include the measures necessary for the application of this Convention.

Article 8. 1. Subject to the provisions of paragraph 2 of this article, no translation of notifications or of supporting documents shall be required.

2. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, reserve the right to require that notifications and any supporting documents be accompanied by a translation into its own language or into one of the official languages of the Council of Europe or into such one of those languages as it shall indicate. The other Contracting Parties may claim reciprocity.

Article 9. Documents transmitted in application of this Convention need not be authenticated.

Article 10. Contracting Parties shall not claim from each other the refund of any expenses resulting from the application of this Convention.

CHAPTER IV. FINAL PROVISIONS

Article 11. 1. This Convention shall be open to signature by the member States of the Council of Europe. It shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

2. The Convention shall enter into force three months after the date of the deposit of the third instrument of ratification, acceptance or approval.

3. In respect of a signatory State ratifying, accepting or approving subsequently, the Convention shall come into force three months after the date of the deposit of its instrument of ratification, acceptance or approval.

Article 12. 1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite any non-member State to accede thereto.

2. Such accession shall be effected by depositing with the Secretary General of the Council of Europe an instrument of accession which shall take effect three months after the date of its deposit.

Article 13. 1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.

2. Any State may, when depositing its instrument of ratification, acceptance, approval or accession or at any later date by declaration addressed to the Secretary General of the Council of Europe, extend this Convention to any other territory or territories specified in the declaration and for whose international relations it is responsible.

3. Any declaration made in pursuance of the preceding paragraph may, in respect of any territory mentioned in such declaration, be withdrawn by means of a notification addressed to the Secretary General of the Council of Europe. Such withdrawal shall take effect six months after the date of receipt by the Secretary General of the Council of Europe of the declaration of withdrawal.

Article 14. 1. Should two or more Contracting Parties have already established their relations in this matter on the basis of uniform legislation, or instituted a special system of reciprocity of their own providing for more extensive obligations, or should they in future do so, they shall be entitled to regulate those relations accordingly.

2. Contracting Parties ceasing in accordance with paragraph 1 of this article to apply the terms of this Convention to their mutual relations in this matter shall notify the Secretary General of the Council of Europe to that effect.

Article 15. 1. Any Contracting Party may, insofar as it is concerned, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2. Such denunciation shall take effect six months after the date of receipt by the Secretary General of such notification.

Article 16. The Secretary General of the Council of Europe shall notify the member States of the Council, and any State that has acceded to this Convention, of:

- a. Any signature;
- b. Any deposit of an instrument of ratification, acceptance, approval or accession;
- c. Any date of entry into force of this Convention in accordance with article 11 thereof;
- d. Any declaration received in pursuance of the provisions of article 6, paragraph 1;

- e.* Any declaration received in pursuance of the provisions of article 8, paragraph 2;
- f.* Any declaration or notification received in pursuance of the provisions of article 13;
- g.* Any notification received in pursuance of the provisions of article 14, paragraph 2;
- h.* Any notification received in pursuance of the provisions of article 15 and the date on which denunciation takes effect.

Article 17. This Convention and the declarations and notifications authorised thereby shall apply only to road traffic offences committed after the entry into force of the Convention between the Contracting Parties concerned.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto, have signed this Convention.

DONE at Brussels, this 3rd day of June 1976, in English and in French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each of the signatory and acceding Parties.

For the Government
of the Republic of Austria:

For the Government
of the Kingdom of Belgium:

For the Government
of the Republic of Cyprus:

Bruxelles, le 3 juin 1976¹

G. IOANNIDES

For the Government
of the Kingdom of Denmark:

Bruxelles, le 3 juin 1976¹

NIELS MADSEN

For the Government
of the French Republic:

Bruxelles, le 3 juin 1976¹

JEAN LECANUET

For the Government
of the Federal Republic of Germany:

EN FOI DE QUOI, les soussignés, dûment autorisés à cet effet, ont signé la présente Convention.

FAIT à Bruxelles, le 3 juin 1976, en français et en anglais, les deux textes faisant également foi, en un seul exemplaire qui sera déposé dans les archives du Conseil de l'Europe. Le Secrétaire général du Conseil de l'Europe en communiquera copie certifiée conforme à chacune des Parties signataires et adhérentes.

Pour le Gouvernement
de la République d'Autriche :

Pour le Gouvernement
du Royaume de Belgique :

Pour le Gouvernement
de la République de Chypre :

Pour le Gouvernement
du Royaume de Danemark :

Pour le Gouvernement
de la République française :

Pour le Gouvernement
de la République fédérale d'Allemagne :

¹ Brussels, 3 June 1976.

For the Government
of the Hellenic Republic:

Pour le Gouvernement
de la République hellénique :

Bruxelles, le 3 juin 1976¹

A. PAPASTEPHANOU

For the Government
of the Icelandic Republic:

Pour le Gouvernement
de la République islandaise :

For the Government
of Ireland:

Pour le Gouvernement
d'Irlande :

For the Government
of the Italian Republic:

Pour le Gouvernement
de la République italienne :

Strasbourg, le 8 novembre 1979²

MAREO PISA

For the Government
of the Grand Duchy of Luxembourg:

Pour le Gouvernement
du Grand-Duché de Luxembourg :

R. KRIEPS

For the Government
of Malta:

Pour le Gouvernement
de Malte :

For the Government
of the Kingdom of the Netherlands:

Pour le Gouvernement
du Royaume des Pays-Bas :

For the Government
of the Kingdom of Norway:

Pour le Gouvernement
du Royaume de Norvège :

Bruxelles, le 3 juin 1976¹

INGER LOUISE VALLE

For the Government
of the Kingdom of Sweden:

Pour le Gouvernement
du Royaume de Suède :

¹ Brussels, 3 June 1976.

² Strasbourg, 8 November 1979.

For the Government
of the Swiss Confederation:

Pour le Gouvernement
de la Confédération suisse :

Bruxelles, le 3 juin 1976¹

KURT FUGLER

For the Government
of the Turkish Republic:

Pour le Gouvernement
de la République turque :

For the Government of the United King-
dom of Great Britain and Northern
Ireland:

Pour le Gouvernement du Royaume-
Uni de Grande-Bretagne et d'Irlande
du Nord :

For the Government
of the Portuguese Republic:

Pour le Gouvernement
de la République portugaise :

Strasbourg, le 19 septembre 1978²

JOSÉ PIRES CUTILEIRO

For the Government
of the Principality of Liechtenstein:

Pour le Gouvernement
de la Principauté de Liechtenstein :

Strasbourg, le 22 octobre 1982³

NIKOLAUS VON LIECHTENSTEIN

¹ Brussels, 3 June 1976.

² Strasbourg, 19 September 1978.

³ Strasbourg, 22 October 1982.

APPENDIX

COMMON SCHEDULE OF ROAD TRAFFIC OFFENCES

1. Manslaughter or accidental injury on the roads.
 2. "Hit and run" driving, i.e., the wilful failure to carry out the obligations placed on drivers of vehicles after being involved in a road accident.
 3. Driving a vehicle while:
 - a. intoxicated or under the influence of alcohol;
 - b. under the influence of drugs or other products having similar effects;
 - c. unfit because of excessive fatigue.
 4. Driving a motor-vehicle not covered by third-party insurance against damage caused by the use of the vehicle.
 5. Failure to comply with a direction given by a policeman in relation to road traffic.
 6. Non-compliance with the rules relating to:
 - a. speed of vehicles;
 - b. position and direction of vehicles in motion, meeting of oncoming traffic, overtaking, changes of direction and proceeding over level crossings;
 - c. right of way;
 - d. traffic priority of certain vehicles such as fire-engines, ambulances and police vehicles;
 - e. signs, signals and road markings, in particular "stop" signs;
 - f. parking and halting of vehicles;
 - g. access of vehicles or classes of vehicles to certain roads, (for example, on account of their weight or dimensions);
 - h. safety devices for vehicles and loads;
 - i. marking descriptive (signalisation) of vehicles and loads;
 - j. lighting of vehicles and use of lamps;
 - k. load and capacity of vehicles;
 - l. registration of vehicles, registration plates and nationality plates.
 7. Driving without a valid licence.
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