

OPINION OF ADVOCATE GENERAL
JACOBS

delivered on 12 December 2002¹

1. In this case the Commission seeks a declaration, pursuant to Article 226 EC, that, by not adopting the laws, regulations and administrative provisions necessary to transpose point 12 of Annex II to Council Directive 91/439/EEC of 29 July 1991 on driving licences,² the French Republic has failed to fulfil its obligations under the directive.

driving on the road be less than 25 minutes’.

3. It is not disputed that under the French provisions governing driving tests, the average duration of the test is 22 minutes. France accepts in its defence that it has not yet implemented the requirements of point 12 of Annex II, and explains the difficulties which it has encountered in doing so. It also states that it is making every effort to implement the provisions as soon as possible.

2. Directive 91/439 lays down the conditions for the issue of a driving licence. Annex II lays down the minimum requirements for driving tests. Point 12 concerns the length of the driving test for different categories of vehicle, and provides that for certain categories (categories A, B and B+E) ‘in no circumstances should the time spent

4. It follows that the Commission’s application is well founded.

¹ — Original language: English.

² — OJ 1991 L 237, p. 1.

Conclusion

5. I am therefore of the opinion that the Court should

- (1) declare that, by not adopting the laws, regulations and administrative provisions necessary to transpose point 12 of Annex II to Council Directive 91/439/EEC of 29 July 1991 on driving licences, the French Republic has failed to fulfil its obligations under the directive;
- (2) order the French Republic to pay the costs.