



THE LAWS RELATING TO DRIVING LICENCES IN SPAIN

NOTE TO READERS: this article was written in 2013 and although the content is still valid, we advise readers to read the [following article](#) (and click through the links to read the complete series of three) on the '2 year resident protocol' as announced by DGT/Trafico in December 2014, in force as of January 1st 2016.

Introduction – EU Directive

The EU has issued a number of Directives about Driving Licences, the first of which in 1980.

EU Directives lay down certain end results that must be achieved in every Member State. National authorities have to adapt their laws to meet these goals, but are free to decide how to do so.

Each Member State is responsible for the implementation of EU law. Under the Treaties the Commission of the European Communities is responsible for ensuring that EU law is correctly applied. Consequently, where a Member State fails to comply with EU law, the Commission has powers of its own (action for non-compliance) to try to bring the infringement to an end and, where necessary, may refer the case to the European Court of Justice. The Commission takes whatever it deems appropriate in response to either a complaint or indications of infringement which it detects itself. Non-compliance means failure by a Member State to fulfil its obligations under EU law. It may consist either of action or omission.

So, whilst EU Directives are important documents, and an indication of how the Commission intends them to be implemented, it is the way they are implemented

Ref: 00/0055

Date: 27/01/14

www.citizensadvice.org.es



into national law which affects us on a day to day basis, as if they are not implemented correctly, it takes time to change them. As an example, the previous Spanish law on driving licences 772/1997 was amended to say that EU citizens in Spain had to register their licences after 6 months of residence. This was in contravention of the EU Directive and they were considered by the EU court. The case was started in 2002, judgment against Spain was made in September 2004 and the law was amended in January 2006...

EU Directive on Driving Licences 2006/126/CE

My findings after reading both the European Directive 2006/126/CE of December 20, 2006 which came into effect on January 19, 2013 and the currently valid Real Decreto that should contain the changes brought forward in the European Directive.

The European Directive link below

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX%3A32006L0126%3AES%3AHTML>

This was issued to realise a more uniformed driver's licence in all member states.

In 2006 there were 110 different licences, an impossible situation. To get more uniformity in the exams, education of instructors, etc. It also indicates that a European Database, in which all driver's licences are filed, should be built, but no 'before' date is mentioned.

In article 2.1 of this Directive it is stated that **licences issued in one of the member states should be acknowledged in all of the other member states**, provided the driver is of the required legal age to drive with that specific licence in that state.

There is just **one exception: licences without expiration date**.

Ref: 00/0055

Date: 27/01/14

www.citizensadvice.org.es



Article 2.2 states that when you become a resident in another state you'll have to renew this licence after 2 years of residency and you'll be issued a new licence with expiration date.

All member states are permitted to include a medical exam in their application process, with existing licences this should coincide with renewal of the licence.

As of 19/01/2013 licences for categories A and B will be issued for 10 years, exceptionally 15 years. Categories C and D will be issued for 5 years. Individual states are free to put up limitations or restrictions for first licence's or people older than 50 (like shorter validation or more frequent medicals) and Spain has chosen to change from 10/5 year to 5/3 year at age 65.

Now the Spanish Real Decreto 818/2009...

http://www.dgt.es/Galerias/seguridad-vial/normativa-legislacion/reglamento-traffic/reglamento_traffic181.pdf

Once an EU citizen becomes 'normal resident' in another EU state, it is an offence to renew their licence in the country in which it was issued, as a licence can only be renewed in the country of residence (EU Art. 7.3).

If your licence has not expired, you can register it, continue to use it (see below), or exchange it. So If you decide to exchange it, and it has not expired, it should be renewed up to the existing date on your old licence and you should not have to undergo a medical (unless expiry is imminent), until the renewal date.

Note, there are reports of some offices requiring a medical.

Driving in Spain with an EU licence is not a problem. All EU licences are acknowledged and are valid; conditions from land of origin are respected, provided the driver has the minimum age required driving with that specific licence in Spain.

(EU Art. RD 2 & 6) Note;

Ref: 00/0055

Date: 27/01/14

www.citizensadvice.org.es



EU citizens from the UK frequently ask about the validity of a licence that has an old UK address. This is because in the UK, under the **Road Traffic Act 1988** it is a criminal offence to have a licence with the wrong address. In order to comply with the EU Directive on mutual recognition, the Road Traffic Act 1988 Article 99.5 was amended to read 'without reasonable cause'. This means that it is not necessary for British holders of a licence to advise a change to a foreign address, and whilst still resident in another country, may use their licence on short visits to the UK. The address must be changed if they return to the UK as a resident.

Once you become a resident....

RD Article 15.4 (EU Art. 11.2) states that;

Once you become a normal resident in Spain, all Spanish rules apply, with regards to period of expiration, medical check and point system. You can keep your EU licence, but will have to have a medical and have the licence registered in the Spanish Registro de Conductores (at Trafico) so that the Spanish point system can be applied and Spanish law can be applied as to the relation age/expiration date.

If the results of your medical are thus, that adaptations like restricted validation period etc. are necessary, your EU licence will cease to be valid and you'll have to exchange it for a Spanish one (canje) (RD Art. 15.5)

If you have an EU licence without an expiration date and you become a Spanish resident, you'll have to replace this by a licence that follows Spanish rules and thus states expiration dates for respective licences. After 2 years of residency (RD art. 15.4).

Now, this seems all quite straightforward, but it isn't.... if you go back to the introduction of this text, Spain was ordered by the European Court to amend the law where it stated that it's compulsory to register your licence once you become a normal resident, as it goes against the European Directive.

Moreover, the leading Malaga Centro Para Conductores, and several more throughout the province, where you can book your medical for driving licence, state that it is not necessary to do this for non-Spanish licences.

Ref: 00/0055

Date: 27/01/14

www.citizensadvice.org.es



As always, the law is the law, but in day to day life you depend on how it is executed...

That's why, based on Myra's ample experience, the Citizens Advice Bureau Spain advises to do the following:

Register your EU licence in the Spanish Registro (simple procedure, you make an appointment with the Trafico office in the capital of your Autonomous Community, bring your ID, licence (and copies of course!!) and sign a declaration that it hasn't been withdrawn for any reason). The benefits are that your licence is recorded and you will receive notice of expiry. Plus, if you lose it is much easier to obtain a Spanish one to replace it. At one point it was compulsory for licences to be registered, but this was ruled illegal in the judgment of September 2004.

Print out article 15.1 of the Trafico Reglamento (together with the first pages to demonstrate which Reglamento) and show it to the Guardia in case you are stopped. And act self-assured; you know your rights, at least that part of it that could work in your favour, lol!

Unless, of course, you have an EU licence without expiration date... then you will have to exchange it for a Spanish one after 2 years of becoming normal resident.

By Richelle de Wit, 22/10/13.

Updated 29/11/14

IMPORTANT UPDATE AS OF JANUARY 2015.

Please read the information in the FAQ's Forum, On the Road Section on the driving licence 'two year resident protocol' and also the article 'Driving Licence Fiasco'.

With thanks to Philip Carroll, especially for, but not limited to the informative introduction on European Directives and the info on the Judgment of September 2004.

Ref: 00/0055

Date: 27/01/14

www.citizensadvice.org.es



<https://www.facebook.com/groups/citizensinspain/>

CITIZENS ADVICE BUREAU SPAIN

Ref: 00/0055

Date: 27/01/14

www.citizensadvice.org.es



This work by [Citizens Advice Bureau Spain](http://www.citizensadvice.org.es) is licensed under a [Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License](http://creativecommons.org/licenses/by-nc-nd/4.0/). Based on a work at <http://www.citizensadvice.org.es>
Permissions beyond the scope of this license may be available at [Website Terms & Conditions](#)