

## **Brussels is slowing down – Berlin is speeding up**

**(Essen, January 5<sup>th</sup>, 2017)** This is due to the fact that since December 28, 2016, motorcycles that should be throttled to a maximum power output of 35kW to be operated with a driving license A2, are no longer freely selectable but restricted to an original maximum output of 70kW. This fast implementation in December was record-breaking indeed: it became effective only 12 days after the resolution was passed by the Federal Council. Grandfather clauses, however, will only be possible in Germany.

The European Commission in Brussels sued the Federal Republic of Germany before the European Court of Justice. In anticipation of a successful outcome of the promising lawsuit the Federal Ministry of Transport and Digital Infrastructure submitted the 11<sup>th</sup> amendment of driving license regulations before the Federal Council on December 16. The Federal Council confirmed Bonn's suggestion and the resolutions became effective by publication in the Federal Law Gazette on December 28, 2016.

In the course of implementing the 3<sup>rd</sup> driving license regulations Germany had not included these restriction to 70kW into national regulations. Consequently any motorcycle with high-performance motors could be throttled to the fixed maximum output of 35kW and operated with an A2 license. Brussels, however, disagreed with this liberal and pragmatic interpretation.

### **Grandfathering only effective on German territory**

Permit holders of a license A2 that was obtained between January 19<sup>th</sup> 2013 and the day before the publication of the 11<sup>th</sup> implementation in the Federal Law Gazette – being December 27<sup>th</sup>, 2016 – enjoy local grandfathering. This means that they are allowed to ride motorcycles regularly exceeding 70kW but now being throttled to 35kW, this, however, is only possible inside Germany. Riding these bikes outside of Germany certainly is unadvisable due to the fact that the legal situation had always been unregulated in spite of requirements for rework.