



Project No. TREN-05-FP6TR-S07.61320-518404-DRUID

DRUID
Driving under the Influence of Drugs, Alcohol and Medicines

Integrated Project
1.6. Sustainable Development, Global Change and Ecosystem
1.6.2: Sustainable Surface Transport

6th Framework Programme
Deliverable 6.1

State-of-the-Art on Withdrawal of Driving Licence – Results of a Questionnaire Survey

Due date of Deliverable: 15.07.2009
Actual submission date: 29.01.2010

Start date of project: 15.10.2006
Duration: 48 months
Organisation name of lead contractor for this deliverable: DTU, Technical University of Denmark
Revision 1.0

Project co-funded by the European Commission within the Sixth Framework Programme (2002-2006)		
Dissemination Level		
PU	Public	X
PP	Restricted to other programme participants (including the Commission Services)	
RE	Restricted to a group specified by the consortium (including the Commission Services)	
CO	Confidential, only for members of the consortium (including the Commission Services)	

6th Framework Programme
Deliverable 6.1

State-of-the-Art on Withdrawal of Driving Licence – Results of Questionnaires

Status: Public

Authors: Simon Kærup (DTU), Lotte Larsen (DTU), Klavdija Godler (DRSC SPV) and Bojan Žlender (DRSC SPV),
In collaboration with Eva Schnabel (UWuerz), Simone Klipp (BAST), Eva Maria Erenli (KfV)

Work Package Leader: Bojan Žlender (DRSC SPV), SLO

Project Co-ordinator: Horst Schulze (BAST), DE

Project Funded by the European Commission under the Transport RTD Programme of the 6th Framework Program



Acknowledgments

The DRUID WP6 team thanks the following persons for their support in realising this task and this Deliverable.

Peter Suchanek, Administrative District Authority Korneuburg (AT)
Karl Weiss, Administrative District Authority Korneuburg (AT)
Manfred Kollroser, Institute for Forensic Medicine, University Graz (AT)
Walter Vycudilik, Forensic Expert(AT)
Peter Goldgruber, Federal Police of Vienna (AT)
Sabine Zentner, Traffic Service Reporting Office (AT)
Günther Breyer, Ministry for Transport, Innovation and Technology (AT)
Reinhard Fous, Federal Police Department Vienna (AT)
Myriam Adriaensen, Belgian Road Safety Institute (BE)
Mark Tant, Belgian Road Safety Institute (BE)
Peter Silverans, Belgian Road Safety Institute (BE)
Traffic Police Department, Chief Directorate of Public Order Police (BG)
Peter Toscan, Federal Roads Office of Switzerland (CH)
Christoph Jahn, Federal Department of the Environment, Transport, Energy and Communications (CH)
Sanja Veić, Ministry of Interior (CRO)
Charis Evripidou, Cyprus Police (CY)
Yannis Nicolaides, Road Transport Department, (CY)
Popi Kanari, State General Laboratory (CY)
Zuzana Ambrožová, Head of Road Safety Unit, Ministry of Transport (CZ)
Per Lundbaek Nielsen, Danish National Police, Traffic Department (DK)
Kirsten Wiese Simonsen, Faculty of Health Sciences, University of Copenhagen (DK)
Aime Riikoja, Estonian Forensic Science (EE)
Harri Kuusk, Estonian Road Administration (EE)
Juan Carlos Luque, National Traffic Directorate - DGT (ES)
Mónica Colás, DGT (ES)
Javier Alvarez, DGT (ES)
Susana Estévez Gómez, DGT (ES)
Charlotta Engblom, National Institute for Health and Welfare (FI)
Heikki Ihalainen, Ministry of the Interior, Police Department (FI)
Pirjo Lillsunde, Institute for Health and Welfare (FI)
Charles Mercier-Guyon, French Road Safety Association (FR)
Interdisciplinary Working Group at the Federal Highway Research Institute (GE)
Heinz Schöch, Law Faculty at the University of Munich (GE)
Gisela Skopp, Institute of Legal Medicine and Traffic Medicine (GE)
Police Department in Greece (GR)
Helen Tsoukali, Laboratory of Forensic Medicine and Toxicology, Aristotle Eleni Chalkia, Hellenic Institute of Transport (GR)
József Óberling, National Traffic Authority (HU)
Mária Heinczinger, Institute for Transport Sciences, Transport Policy and Economics Division - KTI (HU)
Attila Kulcsár, KTI (HU)
Miklós Kedves, KTI (HU)
Denis Cusack, Medical Bureau of Road Safety (IE)
Pauline Leavy, Medical Bureau of Road Safety (IE)

Gian Marco Sardì, SIPSiVi (IT)
Luciana Iorio, Ministry of Transport and Infrastructure (IT)
Santo Puccia, Ministry of the Interior (IT)
Giuseppina Lecce, Ministry of Health (IT)
Ona Davidoniene, State Mental Health Center under Ministry of Health (LT)
Ramune Meiziene, Public Health Department of Ministry of Health (LT)
Gelena Kriveliene, Public Health Department of Ministry of Health (LT)
Henrikas Martusevicius, Police Department under the Ministry of Interior (LT)
Inga Pociutė, Ministry of Transport and Communications of the Republic of Lithuania (LT)
Robert Wennig, National Health Laboratory (LU)
Guy Heintz, Ministry of Transport (LU)
Edmunds Zivtiņš, Ministry of Interior Republic of Latvia (LV)
Aldis Lama, Road Traffic Safety Directorate (LV)
Sylvana Pullicino, Malta Transport Authority (MT)
Pule Konrad, Malta Transport Authority (MT)
National Police (MT)
René Mathijssen, SWOV Institute for Road Safety Research (NL)
Beitske Smink, Netherlands Forensic Institute, Ministry of Justice (NL)
Jan van der Vlist, Ministry of Transport (NL)
Ruud Bredewoud, Driving Licence Authority (NL)
Lennart Garnes, Norwegian Ministry of Transport and Communications (NO)
Ilona Butler, Motor Transport Institute (PL)
Leszek Jankowski, Police Headquarters (PL)
Justyna Kowalczyk, Ministry of Justice (PL)
Ewa Tokarczyk, Motor Transport Institute (PL)
Maria Maria Janeiro, Ministry of Internal Affairs, National Authority for Road Safety (PT)
Mário Dias, Laboratory - Forensic Toxicology (PT)
Luís Miguel Pereira Farinha, ANSR (PT)
Lucian Dinita, Ministry of Administration and Interior, The General Inspectorate of Romanian Police, The Road Traffic Directorate (RO)
Iustina Diaconu, Global Road Safety Partnership (RO)
Bo Bjerre, Transportstyrelsen (SE)
Margareta Lannermark-Ögren, Transportstyrelsen (SE)
Sarah Kers, Transportstyrelsen (SE)
Ingegård Prans, Swedish Road Administration (SE)
Thomas Lekander, Swedish Road Administration (SE)
Alojz Habič, Ministry of Interior, Police (SI)
Majda Zorec Karlovšek, Forensic Institute (SI)
Ksenija Padežnik, Ministry of Justice (SI)
Ľubomír Ďurina, Ministry of Interior, Police Force Presidium, Traffic Police Department (SK)
Chris Gazzard, Department for Transport (UK)
Maureen Keigan, TRL (UK)

Table of Content

Executive Summary	7
List of Abbreviations	8
1 Introduction	9
1.1 Background and significance for traffic safety.....	9
1.2 Objective of the Deliverable	10
1.3 Input to other tasks.....	10
2 Methods	11
2.1 Construction of the questionnaire.....	11
2.2 Data collection.....	12
3 Table Summarisation of Legislation and Practices in the EU Countries and Selected Non-EU Countries	13
<i>Table 1 BAC thresholds for alcohol impaired drivers in Europe</i>	14
3.1 Sanctions.....	15
<i>Table 2 Withdrawal of a driving licence</i>	17
<i>Table 3 Conditional withdrawal/conditional licence</i>	19
<i>Table 4 Options to reduce the suspension period</i>	21
<i>Table 5.1 More severe sanctions for special groups of drivers - alcohol</i>	23
<i>Table 5.2 More severe sanctions for special groups of drivers - illicit drugs</i>	25
<i>Table 5.3 More severe sanctions for special groups of drivers – medicines</i>	27
<i>Table 5.4 More severe sanctions for recidivists – alcohol</i>	29
<i>Table 5.5 More severe sanctions for recidivists – illicit drugs</i>	31
<i>Table 5.6 More severe sanctions for recidivists – medicines</i>	33
<i>Table 5.7 More severe sanctions in the case of special circumstances</i>	35
3.2 Re-granting.....	37
<i>Conditions for re-granting</i>	38
<i>Conditions for re-granting a withdrawn licence after driving under the influence of alcohol</i>	38
<i>Conditions for re-granting a withdrawn licence after driving under the influence of illicit drugs</i>	41
<i>Conditions for re-granting a withdrawn licence after driving under the influence of medicines</i>	43
<i>Overall summarization</i>	45
3.3 Enforcement	46
<i>Police control activities</i>	47
<i>Training and competences of police officers</i>	48
3.4 Statistics	49
<i>Table 6 – Average time period between detection and sanctioning</i>	51
4 Concluding Remarks	53

5 Reference List..... 54

- Annex I: Tables**
- Annex II: Country reports**
- Annex III: Questionnaire**

Executive Summary

Research aims and contents

The objectives of WP6 are threefold: To review the State-of-the-Art on withdrawal of driving license by collecting and evaluating practices in various European countries based on former related studies; to assess the effect of various strategies regarding withdrawal of driving licence with focus on conditional withdrawal; and to develop recommendations with a comprehensive overview of the current driving licences withdrawal regulations and practices existing in the various EU Member States and non-EU countries.

The research activities in WP6 are carried out in two steps: In Task 1 (WP6.1) a comprehensive state-of-the-art regarding impaired driving is provided, as well as the practices, which developed within this legal framework. In Task 2 (WP6.2) a set of recommendations will be worked out, based on the data base of Task 6.1. The recommendations are intended to serve as a framework for a successful and adequate handling on withdrawal.

Results

The present Deliverable “State-of-the-Art on Withdrawal of Driving Licence – Results of a Questionnaire Survey” with 3 Annexes¹, provides the comprehensive database of the legal systems as well as the practices in European countries with respect to withdrawal and re-granting of a driving license because of impaired driving, i.e. driving under influence of alcohol, illicit drugs or medicines.

The focus has been on the following issues:

- Licensing system in general (*withdrawal – renewal, special provisions for novice / young / professional drivers*)
- Alcohol / illicit drugs / medicines and driving legislation (*zero tolerance or impaired approach, specified levels, special laws for novice / young / professional drivers*)
- Legal regulations for detection (*testing at random or on the basis of suspicion; regulations regarding testing of alcohol / illicit drugs / medicines*)
- Different kinds of sanctions for impaired driving (*e.g. criminal or administrative penalty, fine, withdrawal, imprisonment*)
- Effectiveness of the above-mentioned legal provisions (*accident rates, number of notifications and convictions*).

The collected database makes it possible to carry out international comparisons of procedures, sanctions and various preventive measures, as well as providing reliable data for administrators, politicians and researchers in their work.

Within the framework of WP 6, Deliverable 6.1 serves as a comprehensive database, which will be evaluated in Task 6.2 “Recommendations” in order to obtain a set of possible solutions to the problem of impaired driving by using withdrawal, and especially conditional withdrawal, of a driving licence in the most appropriate way.

¹ Annex I: “Tables” – tables not placed in the main deliverable and those used in other tasks are placed here.
Annex II: “Country Reports” – A collection of country reports on the issues of legislation, enforcement & detection and sanctioning.
Annex III: “Questionnaire” - An example of the questionnaire used in the data collection.

List of Abbreviations

BAC	Blood Alcohol Concentration
DRSV SPV	Slovenian Roads Agency Road Safety Council
DRUID	Driving under the Influence of Drugs, Alcohol and Medicines
DRUID Annex I	Annex 1 "Description of Work"
DTU	Technical University of Denmark
DUI	Driving under the Influence
EAA	Expired Alveolar Air
EC	European Commission
e.g.	Exempli gratia (Latin): for example
EMCDDA	European Monitoring Centre for Drugs and Drug Addiction
EU	European Union
FERSI	Forum of European Road Safety Research Institute
SARTRE	Social Attitudes to Road Traffic Risk in Europe
VAMOS	Volunteers always in the move for road safety
WP	Work Package
/	Used in the tables to denote that countries presented no available data on the specific issue.

1 Introduction

1.1 Background and significance for traffic safety

The aim of the DRUID project is to gain new insights to the real degree of impairment caused by psychoactive drugs and their actual impact on road safety. All in all this Integrated Project will fill the gaps of knowledge and provide a solid base to generate harmonised, EU-wide regulations for driving under the influence of alcohol, drugs and medicine. DRUID seeks to produce a better understanding of the various aspects of DUI driving in order to develop appropriate legal solutions.

Related to harmonization of national legislation on the EU level, the overall objective of DRUID is to provide scientific support to the EU transport policy in order to achieve the 2010 road safety target by establishing guidelines and measures to prevent impaired driving. This target consists of a reduction in the number of road fatalities by 50 % in 2010.

The total DRUID project is divided into 7 different work packages, each of which focuses on related analyses towards providing scientific support to the EU transport policy. The aim of WP 6 thereby is threefold:

1. To review the state-of-the-art on withdrawal of driving licences by collecting and evaluating information on current practices in the various European countries.
2. To assess the effect of various strategies regarding withdrawal of driving licences, with a special focus on conditional driving licence withdrawal.
3. To develop recommendations based on a comprehensive overview of the current driving licence withdrawal regulations and practices existing in the various EU Member States and non-EU countries.

The overall central objective of WP 6 as stated in the DRUID Annex is to:

“Assess the effect of various strategies regarding withdrawal of driving licence in connection to sanctions for impaired driving. Special attention will be directed on the conditional driving licence withdrawal as this enables the drivers to continue driving but also being at risk of driving while impaired again. Information regarding practices in the various European countries is necessary because the relevant procedures regarding withdrawal and re-granting of driving licenses have never been collected and summarised comprehensively as yet” (DRUID Annex 1:15).

Together with the other WPs, WP 6 must produce a comprehensive basis of knowledge as decision support for future measures. It is crucial here that the WPs meet the European Commission requirements, thereby enabling the best possible basis for harmonization of legislation within the EU.

The EC's requirements towards WP6 are: *“...defined strategies of driving bans, which are compatible with the road safety objectives and at the same time respect the need for mobility, such as shorter or prolonged withdrawal periods (withdrawal also on condition of a targeted rehabilitation scheme) or definition of restrictions on use of the license”* (DRUID Annex 1:7).

In 1998 and 2001, the Pompidou Group sent out two questionnaires to 24 European countries, in order to obtain a description of all legal regulations concerning impaired driving, including all procedures in connection to driving licences. The results of these surveys were summarized in two reports, which must be updated, **especially regarding the issues of licence withdrawal and re-granting. This Deliverable serves as an update and a sharpening of the results of the studies of the Pompidou Group.**

1.2 Objective of the Deliverable

The basic objective of the current Deliverable is to provide an *overview* of the legal regulations (and practices) in the different member countries and selected non-EU states regarding the issue of impaired driving, with special attention on obtaining reliable data on withdrawal/re-granting procedures.

The overview of the relevant procedures regarding withdrawal and re-granting of driving licences is intended to serve three goals:

1. To provide data for international comparisons of procedures, sanctions and various preventive measures, e.g., restricted driving while under treatment by various psychotropic substances, including alcohol, illicit drugs and medicines.
2. To provide reliable data for the orientation of administrators, politicians and researchers.
3. To develop a basis for best practice.

Deliverable 6.1 "*State-of-the-Art on Withdrawal of Driving Licence – Results of Questionnaire Survey*" is oriented towards 2 primary research tasks:

- 1) Investigating the State-of-the-art on legislative practices in the European countries
- 2) Summarization of the findings of this investigation in a range of tables.

The present Deliverable is based on these tables. The most important results and tendencies have been extracted and summarized by DTU.

This approach of looking for tendencies has the benefit of systematisation, but also the disadvantage of smoothing out some of the possible nuances. However, since the harmonization of legislative processes within the EU is a primary objective, the systematisation approach seems reasonable here.

1.3 Input to other tasks

In order to comply with the EU Commission's ambitions of legislative harmonisation and the overall objective of the Deliverable, only the most relevant tables regarding re-granting and withdrawal are summarized and evaluated within the frame of this Deliverable. The remaining Tables are presented in the Annexes, some of which will be processed in Task 6.2. Readers who want more detailed and in-depth information are referred to the individual tables in Annex I, the country reports in Annex II or the questionnaire in Annex III.

A part of the questionnaire, which deals with toxicological questions, serves only as input for Task 1.4 - *Integration of Results and Recommendation for Further Regulations*.

2 Methods

2.1 Construction of the questionnaire

As a basis for the WP 6 questionnaire, the questionnaires from the Pompidou Group (Krüger 1998, de Gier 2002, Nickel 2006) were integrated into one document. In a next step, some chapters were sorted out and others were restructured according to the requirements of WP 6 and related tasks. After reframing the chapters, some items were sorted out or rephrased. Other items were added, e.g., questions about a demerit point system, numbers on the annual use of various sanctions or conditions for licence reinstatement. Appropriate response options were developed and provided, in order to make completing the questionnaire as convenient as possible. In addition, definitions in relation to psychoactive substances, laws and regulations, and sanctions were formulated in order to avoid misunderstandings. Finally, the questionnaire was sent to all partners within WP 6 and, moreover, to two experts from the EMCDDA for review. Their relevant comments were taken into account and some items were added or rephrased.

The finalised first draft of the questionnaire was then sent out to Slovenian road safety experts for a test run. Due to difficulties discovered during the test run, the questionnaire was again restructured. Tables providing suggested responses were arranged more clearly and items concerning which difficulties or misunderstandings arose were rephrased. The questionnaire was finally reviewed by the WP 6 partners for a second time. The final questionnaire consisted of four parts, each referring to psychoactive substances and driving (see table below). The first part deals with **legislation** in the different countries. The focus of the second part is on **detection and police enforcement**. The third part concerns **toxicology** and the information gathered served as input for Task 1.4. The fourth part refers to the **sanctioning** practice of administrative bodies and/or prosecutors/courts. The questionnaire is presented in Annex III.

Overview of the four parts of the questionnaire and the questions contained.

Part	Questions about
Legislation	Legal regulations and consequences of DUI/DUID Annual frequencies of the various sanctions Evaluation studies regarding effectiveness Central register of traffic offences Conditional withdrawal/licence Demerit point system Driving while suspended Licence-related consequences of consuming in general Conditions for licence reinstatement
Detection and Police Enforcement	Police control activities and strategies Total number of detected persons Legal regulations for detection routines Police training programmes Discretion of the police Consequences if tested positive/if test is refused Competences of the police Alcohol or drug test procedure in case of accidents
Toxicology	Substances tested in laboratory Toxicological method and analytical threshold Legal approach related to driving (impairment vs. zero tolerance)
Sanctioning	Definition of offence type (administrative vs. criminal) Discretion in deciding to prosecute/to convict or in determining the sanction Total number of prosecuted and convicted persons Time between detection and sanctioning Options to reduce the suspension period

The answers to the questionnaires were collected in a comprehensive database, which allowed flexible comparison of the different issues. The data collection was co-ordinated with the data collection done in Task 5.1 "State-of-the-art on Driver Rehabilitation".

2.2 Data collection

The three phases of activity for data collection were:

1. Identification of experts in the fields of (1) Legislation, (2) Detection and Enforcement, (3) Toxicology and (4) Sanctioning and Prosecution in all European countries
2. Data collection by using a questionnaire survey
3. Follow up with electronic correspondence to obtain additional information (clarifying possible uncertainties, filling out parts that were still empty).

All three phases were executed in 27 EU Member States and 3 other countries: Norway, Croatia and Switzerland.

Data collection for the state-of-the-art was carried out by the Slovenian partners at DRSC SPV, who processed the results of the questionnaires in two parts: Country reports and 23 tables to provide an overview of the practices and legislation according to topic and sanction type.

The list of experts included all DRUID partners and European Road Safety partners and was expanded to VAMOS project members, FERSI partners and the SARTRE 4 group. Several additional contacts were passed on by experts within the DRUID WP6 team and, in a final step, several embassies were added to the list.

The questionnaires were sent out on 23rd February 2009 with a deadline of 17th March 2009, after which numerous reminders were sent out, in some countries also to new correspondents. All 27 Member States and the 3 non-EU countries responded to the questionnaire. The responses were subsequently entered into a database and finally resulted in a report for each participating country. To ensure the quality of data, all country reports, except for Bulgaria, were once again reviewed and approved by the country experts.

3 Table Summarisation of Legislation and Practices in the EU Countries and Selected Non-EU Countries

On the following pages, the tables and their summarisations will be presented in 3 main parts related to specific topics.

Prior to the main parts, an introductory summarisation of BAC (Blood Alcohol Content) and toxicological approaches in European countries is presented. The BAC thresholds and toxicological approaches are illustrated and summarized to form a background for the sections that follow. Basic statistics, such as average periods of time between detection of driving under the influence and sanctioning and conviction are also presented.

In the first main section, "Sanctions", tables relating to withdrawal, conditional withdrawal and options to reduce the suspension period after driving licence withdrawal and severer sanctions for special groups of drivers are summarized.

The section on sanctions is followed by "Re-granting", a section dealing with conditions for re-granting withdrawn licences.

The third main section is "Enforcement", a summary of information about control activities and the competences of police officers.

Below the heading of each table is a set of question numbers. These are references to the set of questions (from the questionnaire) on which the table is based. For readers interested in the questions behind the tables, it is possible to look up these questions in Annex III - Questionnaire.

Table 1 BAC thresholds for alcohol impaired drivers in Europe

(Question 1.1, 1.2)

BAC thresholds per group of drivers				
Countries and sanctions	Normal drivers	Young drivers	Novice drivers	Professional drivers
Austria	0.5 g/l		0.1 g/l	0.1 g/l
Belgium	0.22 mg/l EAA			
Bulgaria	0.5 mg/l			
Cyprus	0.5 mg/ml			
Czech Republic	0.00 g/kg			
Denmark	0.51 mg/g			
Estonia	0.2 mg/g			
Finland	0.5 g/kg			
France	0.25 mg/l (breath)			
Germany	0.5 mg/g	0.00 mg/g	0.00 mg/g	0.00 mg/g
Great Britain	80mg/100ml			
Greece	0.5 g/l (blood) 0.25 mg/l		0.2 g/l (blood) or 0.1 mg/l (breath)	0.2 g/l (blood) or 0.1 mg/l (breath)
Hungary	0.00 mg/l			
Ireland	80mg/100ml			
Italy	0.5 g/l			
Latvia	0.5 mg/g	/	0.2 mg/g	
Lithuania	0.4 g/kg		0.2 g/kg	0.2 g/kg
Luxembourg	0.5 g/l	0.2 g/l	0.2 g/l	0.2 g/l
Malta	0.80 mg/ml			
The Netherlands	0.5 g/l		0.2 g/l	
Poland	0.2 mg/dm3			
Portugal	0.5 g/l			
Romania	0.00 g/l			
Slovakia	0.00 mg/l			
Slovenia	0.5 g/kg (blood) 0.24 mg/l (breath)		0.00 g/kg or mg/l	
Spain	0.5 g/l		0.3 g/l	0.3 g/l
Sweden	0.2 mg/g			
Switzerland	0.5 g/kg			
Croatia	0.5 g/kg	0.00 g/kg		0.00 g/kg
Norway	0.2 mg/g			

Note: Another threshold is written only if it is different from the general one

Presented below are definitions of the different BAC approaches. These are included because the summary of the BAC thresholds introduces a set of terms that require explanation.

Definitions of BAC approach

Per se approach:

The *per se* approach in general means that a driver commits a legal violation, if a substance concentration above the legal limit is detected in his/her body fluids. It is not necessary for the driver to show further signs of psychoactive impairment in a specific case. Intoxication is thereby legally proven and cannot be rebutted with other evidence (especially not with the plea of habituation to the relevant forbidden substance). From a legal point of view, it is also possible to provide this type of law in a weaker form. An offender can then prove that his/her driving abilities were not impaired while driving, although the legal threshold had been reached or surpassed (so called presumptive or *prima facie* laws).

Zero tolerance approach:

Zero tolerance means that the threshold for the abused substance is 0.0. In the case of zero tolerance, it is necessary to establish a certain analytical threshold as a cut-off limit or even a lower limit of detection. The main problem of this approach is that the presence of a certain substance concentration in the body fluids (especially if only traces have been detected) is not always connected with actual impairment. The zero tolerance approach is only a subgroup of the *per se* approach.

Impairment approach:

The last approach is the traditional impairment or effect-based approach. The main problem of this type is to prove that the level of impairment was caused through a particular concentration of the substance in question in the body fluids of the offender. The impairment of driving abilities by the psychoactive substance must be proved in court, either through the documentation of the police officer or a clinical sobriety check. Some legal systems have established a minimum threshold in this context, to ensure that driving abilities can at least be affected.

It can be seen from Table 1 that:

- a. 8/30 countries have implemented a *zero tolerance approach*, whereby the BAC threshold is between 0 – 0.2 mg/l.
- b. More than 2/3 of the countries in Europe have implemented an *impairment approach*, with the BAC threshold above 0.2 mg/l.
- c. Two-thirds of EU countries have no different BAC thresholds for different groups of drivers – these countries have a single BAC limit, which is the same for all groups.
- d. One-third of EU countries have more than one BAC threshold – typically one for 'normal drivers' around 0.5 g/l and an additional, lower BAC threshold for the remaining three categories 'young drivers', 'novice drivers' and 'professional drivers'.

3.1 Sanctions

Tables with information regarding withdrawal and conditional withdrawal are presented in the following section.

The central question raised in the questionnaire was:

“What are the regular consequences for a driver detected for the first time under the influence of alcohol in a usual police control event (without obvious impairment)”?

Closing the summaries on withdrawal, the focus is on *options to reduce the suspension period* after a driving licence has been withdrawn (Table 4).

The last part of this section focuses on more severe sanctions for special groups of drivers, namely: Young, novice, professional drivers, recidivists and more severe sanctions due to special circumstances. All the groups are summarized to show whether there are more severe sanctions for driving under the influence of alcohol, illicit drugs and medicines.

This summarization is split into four parts. The first three parts focus on young, novice and professional drivers under the influence of 1.alcohol, 2.illicit drugs, 3.medicines. The last part focuses on recidivists.

Table 2 Withdrawal of a driving licence

(Question 1.1, 1.3, 1.5)²

Countries and sanctions	Withdrawal (alcohol)				Withdrawal (drugs)			Withdrawal (medicines)			
	BAC	Minimum	Maximum	Permanent	Minimum	Maximum	Permanent	Minimum	Maximum	Permanent	
Austria	≥ 0,8 g/l ≥ 1,2 ≥ 1,6 g/l	1 month 4 months 6 months			1 month			/			
Belgium	According to the Belgian legislation, a person's driving license can be withdrawn through three distinct procedures when a person is caught for driving under the influence of alcohol or drugs. License retention and immediate license withdrawal (precautionary measures, taken immediately during the police procedures) and "driving ban" (the license is withdrawn as a punishment after a judgement in court)										
	0.35 mg/l EAA	3, 6 or 12 hours			15 days not specified						
Bulgaria	> 0,5	1 month	12 months					/	/	/	
Cyprus	/	/	/	/	/	/	/	/	/	/	
Czech Republic	> 0,0	not specified, follows the driving ban			6 months	10 years (usually 2) 3 years (conditional suspension)		6 months	2 years 3 years (conditional suspension)		
Denmark	> 1,21		3 years								
Estonia	> 0,5		up to 12 months								
Finland	Withdrawal is possible, length not specified, medical assessment needed, if the driver considered to be a problem user.										
France	> 0,25	1 month	3 years		1 month	3 years					
Germany	≥ 1,1 mg/g	6 months	60 months		/	/		/	/		
Great Britain	> 200mg/ 100ml	Offenders are required to satisfy the Medical Advisor at the Driver and Vehicle Licensing Agency that they do not have a drinking problem and are fit to drive before their licence is returned. Court may disqualify until further driving test passed. As far as drink and drug driving is concerned, in GB they do not make a distinction between driving disqualifications (or bans) and driving licence "withdrawal".									
Greece	/	/	/	/	/	/	/	/	/	/	
Hungary	only after reaching 18 DP	0	6 months		1 month	6 months		1 month	6 months		
Ireland	/	/	/	/	/	/	/	/	/	/	
Italy	in case of professional drivers				in case of professional drivers			in case of professional drivers			
Latvia	> 0,5	3 months	3 years			2 years					
Lithuania	> 0,4	12 months	36 months		2 years	3 years		2 years	3 years		
Luxembourg	/	/	/	/	/	/	/	/	/	/	
Malta	not defined	1 year			not specified			not specified			
The Netherlands	> 1,30 g/l (novice) > 1,5 (normal) (if unfit to drive)	The driving licence will be revoked if the verdict of the medical assessment is "unfit-to-drive". The revocation will last until the driver is fit-to-drive again. Unconditional licence suspension by court is demanded by the Public Prosecutor from 1,31 g/l on for novice drivers and from 1,51 g/l on for other drivers. The duration may vary from 6 to 27 months (but for drivers who cause a fatal accident by reckless driving while having a BAC > 1,30 g/l, the licence can be suspended for a period of up to 5 years).				until fit to drive ("clean")			until fit to drive ("clean")		
Poland	> 0,2 mg/dm3	24 demerit points - licence withdrawal; if the driving ban longer than 1 year, the driver must take a driving exam before the driving licence re-granted									
Portugal	> 0,5	0,5-0,8 g/l: 1 month 0,8-1,2 g/l: 2 months	0,5-0,8 g/l: 1 year 0,8-1,2 g/l: 2 years		not specified			/	/	/	
Romania	> 0,01 and < 0.8	90 days			not specified			not specified			
Slovakia	> 0,00 mg/l	no time limit			no time limit			no time limit			
Slovenia	> 1,1 g/kg (> 0,52 mg/l)	3 months	6 months		/	/		/	/		
Spain	/	/	/	/	/	/	/	/	/	/	

² "/" in the table means "no data available" or that no answer was given.

Table 2 Withdrawal of a driving licence

Countries and sanctions	Withdrawal (alcohol)			Withdrawal (drugs)			Withdrawal (medicines)			
	BAC	Minimum	Maximum	Permanent	Minimum	Maximum	Permanent	Minimum	Maximum	Permanent
Sweden	> 0,1 mg/g	1 year	3 years		1 year			1 year		
Switzerland	/	/	/	/	/	/	/	/	/	/
Croatia	> 0,5 g/kg	3 months	12 months		12 months			not specified		
Norway	> 0,5	12 months	24 months		12 months	24 months		12 months	24 months	

Examination of Table 2 reveals the following tendencies:

- In most EU countries (24/30 countries or 80 %), driving under the influence of alcohol leads to withdrawal of the driving licence.³
- There is a very low tendency for a BAC of 0.5 ‰ or above to lead to possible withdrawal. Thirteen out of 20 countries state a BAC threshold of 0.5 ‰ or above. However, 6 countries have below 0.5 ‰ as a possibility for triggering withdrawal.
- A considerable number of EU countries have a withdrawal sanction for driving under the influence of both alcohol and drugs (19/30).
- About half of the EU countries (12/30 countries) have withdrawal sanctions for all three groups of psychoactive substances, i.e., alcohol, drugs and medicines.
- A typical approach for a withdrawal sanction is to withdraw the licence for a temporary period. Around 2/3 of the countries use this approach.

³ Exceptions are Cyprus, Ireland, Luxembourg, Greece and Spain.

Table 3 Conditional withdrawal/conditional licence

(Question 1.11)

Countries and sanctions	Conditional Withdrawal or Conditional Licence			
	Withdrawal	Licence	None	If YES, what are the conditions
Austria		x		There exists the possibility of "temporary licence".
Belgium	x			If considered opportune by the judge
Bulgaria	x			Not defined.
Cyprus	x			Various conditions exist, depending on the case. Both the courts and the Licensing Authority may impose conditions on driving licence (e.g. re-evaluation of health conditions at specified intervals).
Czech Republic			x	
Denmark	x			For offences with BAC level < 1,2 per mille or driving under the influence of drugs and medicines.
Estonia		x		Estonia uses conditional licence (condition are health requirements), but not conditional withdrawal.
Finland			x	
France	x			Not for illegal drugs or alcohol, only the exception of interlock programs and other alternative rehabilitation programmes.
Germany	x	x		Specific types of vehicles can be excluded from licence suspension (§69a Abs. 2 StGB), conditional licensing possible (partial withdrawing).
Great Britain		x		Conditional licence: Licences can be subject to conditions, e.g. eyesight correction, hearing/communication aid, special controls for safe driving. No conditional withdrawal, specific driving licences are required for different types of vehicle.
Greece			x	
Hungary			x	
Ireland			x	
Italy			x	
Latvia			x	
Lithuania	x			According to the regulations of the Minister of Health during the medical procedure it is determined if the condition of the person satisfies the minimal mentality and physical norms, if a person wants to drive appropriate category of the vehicle. The conditions: drug addictive, abuse and regular drug and alcohol using person, heavy mental disorders, heavy mentally handicapped persons ...
Luxembourg	x			Mainly for professional use.
Malta			x	
The Netherlands			x	The reason for a conditional licence suspension (driving ban) is in most cases that the offender's job is dependent on being able to drive a car. Conditional revocation is not possible in NL. Conditional licence suspension (similar to driving ban) by the court exists, however, namely for novice drivers with a BAC between 0.81 and 1.30 g/l and for other drivers with a BAC between 1.31 and 1.50 g/l. Conditional suspension is also possible at higher BAC levels, e.g. when the offender's job is dependent on being able to drive a car.
Poland			x	
Portugal			x	If a person is subject to a driving ban for a certain period after that period he has his licence back.
Romania			x	
Slovakia			x	
Slovenia	x			Conditional withdrawal is possible for professional drivers. If the driver is detected making an administrative offence in road traffic with his personal (not business) vehicle, the judge can order according to bad social conditions of the driver a conditional withdrawal, which means that he can drive only his business vehicle or has driving license for C, D and E category only (or B as well under the condition that he did not make an offence with a vehicle of a B category and if he is a professional driver of a B category).

Table 3 Conditional withdrawal/conditional licence

Countries and sanctions	Conditional Withdrawal or Conditional Licence			
	Withdrawal	Licence	None	If YES, what are the conditions
Spain			x	
Sweden	x			
Switzerland	x			Alcohol or drug abstinence. After the withdrawal the licence can be given back under the condition of proven abstinence over a certain period of time.
Croatia			x	
Norway		x		The current legislation does not open for a conditional withdrawal. It may however be added that the Ministry of Transport and Communications has under consideration a conditional withdrawal scheme with the installation of alcohol ignition interlocks as an alternative offered to recidivist. An expert working group having discussed and assessed potential consequences by such a scheme is expected to soon submit its report to the Ministry. The above mentioned should be distinguished from the fact that Norwegian legislation contain a legal basis for issuing a conditional driving license, as referred to and described in the questionnaire point 1.11.

In summary, it appears that half of the European countries provide the option of conditional withdrawal or conditional licence (driving licence granted only under certain conditions) under various approaches, whereby 80 % use conditional withdrawal, while around 20 % use a conditional licence. Generally, it must be stated that it is difficult, at least for some countries, to define precisely the difference between conditional withdrawal and conditional licence⁴. Some countries, such as Germany, even have the possibility of both. Others, such as The Netherlands, have similar practices within driving ban practice. They call it "conditional licence suspension". Even though the issue of a definition of conditional withdrawal is not easy, the summarization can provide an overview of tendencies among the countries.

In relation to conditional withdrawal/licence, Table 3 shows:

Conditional withdrawal: (11/30 countries)
 Conditional licence: (5/30 countries)
 None (15/30 countries)

Moreover, countries impose various conditions to trigger conditional withdrawal, depending on the case in question:

- special groups of drivers: professional drivers, drug addictive, alcohol addictive, serious mental disorder, mentally handicapped persons
- for offences with a certain BAC level
- alcohol & drug abstinence – after withdrawal the licence can be given back on condition of proven abstinence over a certain period of time.

At the same time, conditional withdrawal, once imposed, also stipulates some special conditions on the driver such as:

- re-evaluation of health state at specified intervals
- use of specific vehicles only. Specific types of vehicles can be excluded from licence suspension (e.g. Germany).

⁴ The definitions used in the questionnaire are found on p. 2, see Annex III - questionnaire.

Table 4 Options to reduce the suspension period

(Question 4.13)

Countries and sanctions	Options to reduce the suspension period after the driving licence has been withdrawn		
	No	Yes	If Yes, please specify the conditions
Austria	x		
Belgium	x		
Bulgaria	x		
Cyprus	x		
Czech Republic	x		
Denmark		x	But only in very rare situations (if the suspension period is longer than 3 years, then the person can take the matter to court after 3 years of suspension).
Estonia	x		
Finland	x		
France	x		
Germany		x	Yes, If reasons justify the assumption that the driver is not unfit to drive any longer (e.g. participation in driver rehabilitation measure). The averaged reduction of licence withdrawal is 3.25 months (from the regular 1 year period reduction to 8,75 months).
Great Britain		x	Period of driving disqualification will be reduced by up to 25 % if approved drink drive rehabilitation course completed successfully within fixed deadline. No courses available for drug drivers.
Greece	x		
Hungary		x	The collected demerit points can be reduced by participating in theoretical driving lessons.
Ireland	x		
Italy	x		
Latvia	x		
Lithuania		x	After half of licence withdrawal time.
Luxembourg		x	But not if driving licence has been withdrawn by court decision.
Malta		x	Upon request to Court or Presidential Plea.
The Netherlands	x		
Poland	x		
Portugal	Not defined.		
Romania	x		
Slovakia		x	After half of the driving ban period, the person can ask for release from the rest of the driving ban period.
Slovenia	x		
Spain	x		
Sweden	Not defined.		
Switzerland	x		
Croatia	x		
Norway	x		

In relation to options to reduce the suspension period after a driving licence has been withdrawn, Table 4 shows:

Possibility of reducing suspension period: (8/30 countries)
No options to reduce suspension period: (20/30 countries)
Not defined: (2/30 countries)

Twenty of the 30 countries do not have any options to reduce the suspension period after the driving licence has been withdrawn and two more countries (Portugal, Sweden) did not define their legislation on this issue.

Options mentioned for reduction are:

- fitness to drive
- driver rehabilitation course completed
- participation in theoretical driving lessons
- after half of the licence withdrawal period, a person can apply for a release from the remainder of the period of the suspension (Slovakia, Lithuania).
- in exceptional situations (decision by a court)

Conditions vary slightly. In Germany, the suspension period can be reduced if there is a justifiable presumption that the driver is no longer unfit to drive (e.g. after participation in driver rehabilitation course). In Great Britain, the period of driver disqualification will be reduced by up to 25 % if an approved drink drive rehabilitation course has been completed successfully within a fixed deadline.

In Hungary, the suspension period is reduced if the driver participates in theoretical driving lessons. In Lithuania and in Slovakia, it is possible for the suspension period to be reduced to half of the licence withdrawal period. In Denmark and Malta, there are limited options to reduce the suspension period. It is only possible in exceptional situations – through request sent to the court.

Table 5.1 More severe sanctions for special groups of drivers - alcohol

(Question 1.2, 1.4, 1.6)

ALCOHOL Countries and sanctions	Severer sanctions for:		
	Young drivers	Novice drivers	Professional drivers
Austria	/	Prolongation of probation period, driver rehabilitation course from 0,1 g/l BAC	Fine from 0,1 BAC, demerit point between 0,1 and 0,79 g/l BAC, in case of 0,8 g/l or more licence withdrawal for at least 3 months
Belgium	No	Yes	No
Bulgaria	Yes: withdrawal 2-12 months and 153,39-306,78 €	Yes: withdrawal 2-12 months and 153,39-306,78 €	Yes: withdrawal 2-12 months and 153,39-306,78 €
Cyprus	Usually stricter sanctions	Usually stricter sanctions	Yes
Czech Republic	No	No	No
Denmark	No	Yes, driving immediately prohibited if done within the first 3 years holding a driving licence	No
Estonia	No	No	No
Finland	No	No	No
France	No	Novice drivers have only 6 points, so cancellation at the first offence	No
Germany	Yes, for BAC > 0,0 g/l: 125 €, no driving ban	Yes, prolongation of probation period, special advanced driver improvement course, 125 €, no driving ban	Yes, zero tolerance
Great Britain	No	No	No
Greece	No	Yes (200 € fine, 7 demerit points) BAC lower	Yes (200 € fine, 7 demerit points) BAC lower
Hungary	No	No	No
Ireland	No	No	No
Italy		For the first 3 years after having gained the driving licence, in case of drink driving the penalty points are doubled and the offenders are committed to a driving licence test revision (medical visit+theoretical and practical driving test)	Driving licence revocation (alcohol, drugs and medicines)
Latvia	No	No	No
Lithuania	No	Yes (fixed inebriety degree, fine 800-1000 Lt (232-290 €)	Yes, fine 500-1000 Lt (150-290 €) and a fixed inebriety degree; licence withdrawal (11 months-13 months); medical examination
Luxembourg	No	No	No
Malta	No	Yes, loss in penalty points	No
The Netherlands	No	Yes (lower thresholds; Unconditional licence suspension, licence revocation and driver assessment can be imposed to novice drivers from 1,31 g/l on; driver improvement from 0,5 g/l on)	Yes, more severe consequences for truck drivers
Poland	No	No	No
Portugal	No	Yes, driving licence is annulled	No
Romania	No	No	Yes, for professional drivers 2-7 years of imprisonment; otherwise aggravating circumstances
Slovakia	No	No	No
Slovenia	No	Yes, after the first offence due to alcohol the novice driver needs to regain his driving licence	Yes, different amount of fine, imprisonment and ban begin earlier; conditional withdrawal

Table 5.1 More severe sanctions for special group of drivers - alcohol

ALCOHOL Countries and sanctions	Severer sanctions for:		
	Young drivers	Novice drivers	Professional drivers
Spain	No	No	No
Sweden	No	No	No
Switzerland	No	Yes, prolongation of the noviciate: 1 year, if there is 0,5 - 0,79 per mill and an other light crime or if the BAC is 0,8 per mill or more	No
Croatia	No	No	No
Norway	No	A proposal has been given for stricter penalties on BAC levels 0,2 to 0,4, but it is now out on public consultation	The sanction is withdrawal of the special authorisation

In relation to more severe sanctions for driving under the influence of alcohol, Table 5.1 shows:

For young drivers in total: (3/30 countries)
 For novice drivers in total: (16/30 countries)
 For professional drivers in total: (11/30 countries)
 No more severe sanctions: (13/30 countries)

Altogether, 17 countries have more severe sanctions for one or more specific groups of drivers detected driving under the influence of alcohol, while 13 countries do not have such variations (Great Britain, Luxembourg, Spain, Croatia, Ireland, France, Sweden, Finland, Estonia, Latvia, Poland, Hungary, Slovakia and Czech Republic). BAC limits in the countries with more severe sanctions range from 0.0 to 0.8. The more severe sanctions typically include prolongation of the probation period, fine, driver rehabilitation and withdrawal.

It is most common to have more severe sanctions for novice drivers (16/30) followed by professional drivers (11/30). Moreover, (10/30) countries have both (Austria, Bulgaria, Cyprus, Germany, Greece, Italy, Lithuania, The Netherlands, Slovenia, and Norway).

Only three countries have more severe sanctions for young drivers: Germany, Bulgaria and Cyprus. However, young drivers will often be identical with novice drivers, which mean that in countries with more severe sanctions for novice drivers, young drivers will also receive more severe sanctions.

Table 5.2 More severe sanctions for special groups of drivers - illicit drugs
(Question 1.2, 1.4, 1.6)

ILLICIT DRUGS Countries and sanctions	Severer sanctions for:		
	Young drivers	Novice drivers	Professional drivers
Austria	No	No	Licence withdrawal for at least 3 months
Belgium	No	Yes	No
Bulgaria	Yes	/	Yes
Cyprus	Usually stricter sanctions	Usually stricter sanctions	Yes
Czech Republic	No	No	No
Denmark	No	Yes, driving immediately prohibited if done within the first 3 years holding a drivers licence	No
Estonia	No	No	No
Finland	No	No	No
France	No	Novice drivers have only 6 points, so cancellation at the first offence	No
Germany	No	Yes, prolongation of probation period, special advanced driver improvement course	No
Great Britain	No	No	No
Greece	No	No	No
Hungary	No	No	No
Ireland	No	No	No
Italy	/	For the first 3 years after having gained the driving licence, in case of drug driving the penalty points are doubled and the offenders are committed to a driving licence test revision (medical visit+theoretical and practical driving test); the notification to health services for further evaluation about drug assumption/addiction, with a psychological visit.	Driving licence revocation (alcohol, drugs and medicines)
Latvia	No	No	No
Lithuania	No	No	No
Luxembourg	No	No	No
Malta	No	Yes	No
The Netherlands	No	Yes (lower limit)	Yes, more severe consequences for truck drivers
Poland	No	No	No
Portugal	No	Yes, driving licence is annulled	/
Romania	No	No	Yes, aggravating circumstances
Slovakia	No	No	No
Slovenia	No	Yes, after the first offence the novice driver needs to regain his driving licence	Yes, conditional withdrawal
Spain	No	No	No
Sweden	No	No	No
Switzerland	No	Yes, prolongation of the noviciate: 1 year	No
Croatia	No	No	No
Norway	No	No	The sanction is withdrawal of the special authorisation

In relation to more severe sanctions for illicit drugs, Table 5.2 shows:

For young drivers in total:	(2/30 countries)
For novice drivers in total:	(11/30 countries)
For professional drivers in total:	(8/30 countries)
No more severe sanctions:	(15/30 countries)
Two or more groups:	(5/30 countries)

Fifteen countries have more severe sanctions for one or more specific groups of drivers detected driving under the influence of illicit drugs.

It is most common to sanction novice drivers and professional drivers more severely. Cyprus, The Netherlands and Slovenia sanction both groups more severely.

Finally, 2 countries have more severe sanctions for young drivers, Bulgaria and Cyprus, but young drivers will often be identical with novice drivers, which means that in countries with more severe sanctions for novice drivers, young drivers will in practice also receive more severe sanctions.

Table 5.3 More severe sanctions for special groups of drivers – medicines

(Question 1.2, 1.4, 1.6)

MEDICINES Countries and sanctions	Severer sanctions for:		
	Young drivers	Novice drivers	Professional drivers
Austria	No	No	No
Belgium	No	No	No
Bulgaria	No	No	Yes
Cyprus	Usually stricter sanctions	Usually stricter sanctions	Yes
Czech Republic	No	No	No
Denmark	No	Yes, driving immediately prohibited if done within the first 3 years holding a drivers licence	No
Estonia	No	No	No
Finland	No	No	No
France	No	No	No
Germany	No	Yes, prolongation of probation period, special advanced driver improvement course	No
Great Britain	No	No	No
Greece	No	No	No
Hungary	No	No	No
Ireland	No	No	No
Italy		For the first 3 years after having gained the driving licence, in case of driving under the influence of medicines the penalty points are doubled and the offenders are committed to a driving licence test revision (medical visit+theoretical and practical driving test); the notification to health services for further evaluation about drug assumption/addiction, with a psychological visit.	Driving licence revocation (alcohol, drugs and medicines)
Latvia	No	No	No
Lithuania	No	No	No
Luxembourg	No	No	No
Malta	No	No	No
The Netherlands	No	Yes (lower limit)	Yes, more severe consequences for truck drivers
Poland	No	No	No
Portugal	No	No	No
Romania	No	No	Yes, aggravating circumstances
Slovakia	No	No	No
Slovenia	No	Yes, after the first offence the novice driver needs to regain his driving licence	Yes, conditional withdrawal
Spain	No	No	No
Sweden	No	No	No
Switzerland	No	Yes, prolongation of the noviciate: 1 year	No
Croatia	No	No	No
Norway	No	No	The sanction is withdrawal of the special authorisation

In relation to more severe sanctions for medicines, Table 5.3 shows:

For young drivers in total:	(1/30 countries)
For novice drivers in total:	(7/30 countries)
For professional drivers in total:	(7/30 countries)
No more severe sanctions:	(20/30 countries)
Two or more groups:	(4/30 countries)

Altogether, 10 countries have more severe sanctions for one or more specific groups of drivers under the influence of medicines, while 20 countries do not differentiate among different groups (Great Britain, Ireland, France, Sweden, Finland, Estonia, Latvia, Poland, Hungary, Slovakia, Czech Republic, Austria, Belgium, Bulgaria, Greece, Lithuania, Luxembourg, Portugal, Croatia and Malta). Some of the typical more severe sanctions are prolongation of probation period, fine and licence withdrawal.

In relation to medicines, it is most common to have more severe sanctions for professional drivers (7/30) and novice drivers (7/30). Moreover (4/30) countries have both: Cyprus, The Netherlands, Italy and Slovenia.

Only Cyprus appears to have more severe sanctions for all 3 categories of drivers, including young drivers. However, since young drivers will often be identical with novice drivers, in countries with more severe sanctions for novice drivers, young drivers will in practice also receive more severe sanctions.

Table 5.4 More severe sanctions for recidivists – alcohol

(Question 1.2, 1.4, 1.6)

ALCOHOL Countries and sanctions	Severer sanctions for:	
	Recidivists	Drivers recorded in Register for Traffic Offences
Austria	Imprisonment is possible besides more severe consequences in general; driver rehabilitation if detected for the 2nd time with BAC of 0,8 g/l or more (1st time: BAC of 0,8 g/l or drugs), driver rehabilitation in the framework of the demerit point system (BAC of 0,5 - 0,79 g/l)	No (Measures are recorded only in Driving Licence Register)
Belgium	Yes	No
Bulgaria	Yes: withdrawal 1-3 years and fine 511,29-1.022,59 €	No
Cyprus	Yes	Yes
Czech Republic	No	Yes, all offences
Denmark	Yes, imprisonment in case of subsequent offences	Yes
Estonia	Yes, criminal; longer licence withdrawal	Yes
Finland	Yes	Yes (recorded for a limited period of time)
France	Recidivism is usually leading to a cancellation of the driving licence, either by court decision or by losing the points of the driving licence	Yes
Germany	Yes, 2. offence: driving ban 3 months, 1.000 €; 3. offence: 1.500 €, 3 months driving ban, imprisonment is possible; assessment, extended suspension up to lifelong (for criminal offences)	Yes
Great Britain	Yes, min 3 year driving ban if the driver makes two offences within 10 years.	Yes
Greece	Yes (2000 € fine, 5 years withdrawal, 6 months imprisonment)	Yes
Hungary	No	Yes
Ireland	Yes (double the disqualification period)	Yes
Italy	Yes, if the offence is made more than once in two years: driving license withdrawal instead of ban	Yes
Latvia	Considered as crime, but only for alcohol and drugs. Imprisonment for 2 years max, community service, fine max 50 times of the minimum monthly wage, driving ban max 5 years, confiscating of property	Yes
Lithuania	Yes, licence withdrawal 3-4 years, confiscation of the vehicle	Yes
Luxembourg	Yes	No (just mentioned in the police record)
Malta	Yes	No
The Netherlands	Yes (more severe sanctions and lower thresholds for driver improvement and medical examination)	Yes
Poland	Yes, more severe consequences	Yes
Portugal	Repeat offences are not exempted of accessory penalties, namely driving licence suspension for at least one month	Yes
Romania	No	Yes
Slovakia	Yes, driver assessment, psychological examination	Yes
Slovenia	Yes, demerit points are summing up; If a driver is in 2 years time punished for driving under influence of drugs, alcohol and psychoactive substances 3 or more times, he is sent to a control medical examination	Yes
Spain	No	Yes
Sweden	No	Yes
Switzerland	Yes (prolongation of the driving ban, higher pecuniary penalty or imprisonment max 3 years, in place of imprisonment community service is possible, perhaps licence withdrawal and treatment programme. Novice drivers: the driving licence is annulled.)	Yes
Croatia	No	Yes
Norway	Stricter penalties, longer licence withdrawal	Yes

In relation to more severe sanctions for recidivists, Table 5.4 shows:

More severe sanctions for recidivists:	(24/30 countries)
No more severe sanctions:	(6/30 countries)
Drivers recorded in Register for Traffic Offences:	(25/30 countries)

Altogether, 24 countries have more severe sanctions for recidivists driving under the influence of alcohol, while 6 countries do not have more severe sanctions for recidivists (Czech Republic, Hungary, Romania, Spain, Sweden and Croatia). Some of the more severe sanctions for recidivists are imprisonment, fine, driver rehabilitation and licence withdrawal. Of the 30 European countries reviewed, 25 countries record drivers in a Register for Traffic Offences.

Table 5.5 More severe sanctions for recidivists – illicit drugs

(Question 1.2, 1.4, 1.6)

ILLICIT DRUGS Countries and sanctions	Severer sanctions for:	
	Recidivists	Drivers recorded in Register for Traffic Offences
Austria	Licence withdrawal for at least 3 months; imprisonment is possible; driver rehabilitation if detected for the 2nd time DUID (1st time: BAC of 0,8 g/l or drugs)	No (Measures are recorded only in Driving Licence Register)
Belgium	Yes	No
Bulgaria	Yes	No
Cyprus	Yes	Yes
Czech Republic	No	Yes, all offences
Denmark	Yes, imprisonment in case of subsequent offences	Yes
Estonia	No	Yes
Finland	Yes	Yes (recorded for a limited period of time)
France	Recidivism is usually leading to a cancellation of the driving licence, either by court decision or by losing the points of the driving licence	Yes
Germany	Yes, 2. offence: driving ban 3 months, 1.000 €; 3. offence: 1.500 €, 3 months driving ban, imprisonment is possible; assessment, extended suspension up to lifelong	Yes
Great Britain	Yes, min 3 year driving ban if the driver makes two offences within 10 years	Yes
Greece	No	Yes
Hungary	No	Yes
Ireland	No	Yes
Italy	Yes, if the offence is made more than once in two years: driving license withdrawal instead of ban	Yes
Latvia	Considered as crime, but only for alcohol and drugs. Imprisonment for 2 years max, community service, fine max 50 times of the minimum monthly wage, driving ban max 5 years, confiscating of property	Yes
Lithuania	No	Yes
Luxembourg	Yes	No (just mentioned in the police record)
Malta	No	No
The Netherlands	Yes (more severe sanctions) and the licence can be suspended	Yes
Poland	Yes, more severe consequences	Yes
Portugal	Repeat offences are not exempted of accessory penalties, namely driving licence suspension for at least one month	Yes
Romania	No	Yes
Slovakia	Yes, driver assessment, psychological examination	Yes
Slovenia	Yes, demerit points are summing up; If a driver is in 2 years time punished for driving under influence of illicit drugs, alcohol or psychoactive substances 3 or more times, he is sent to a control medical examination	Yes
Spain	No	Yes
Sweden	No	Yes
Switzerland	Yes (prolongation of the driving ban, higher pecuniary penalty or imprisonment max 3 years, in place of imprisonment community service is possible, perhaps licence withdrawal and treatment programme. Novice drivers: the driving licence is annulled.)	Yes
Croatia	No	Yes
Norway	Stricter penalties, longer licence withdrawal	Yes

In relation to more severe sanctions for recidivists concerning illicit drugs, Table 5.5 shows:

More severe sanctions for recidivists:	(19/30)
No more severe sanctions	(11/30)
Drivers recorded in Register for Traffic Offences	(25/30)

Altogether, 19 countries have more severe sanctions for recidivists driving under the influence of illicit drugs, while 11 countries do not differentiate between first and repeat offenders.

Some of the more severe sanctions for recidivists driving under the influence of illicit drugs comprise imprisonment, fine, driver rehabilitation and licence withdrawal.

Table 5.6 More severe sanctions for recidivists – medicines

(Question 1.2, 1.4, 1.6)

MEDICINES	Severer sanctions for:	Drivers recorded in Register for Traffic Offences
Countries and sanctions	Recidivists	
Austria	No	No
Belgium	No	No
Bulgaria	Yes	No
Cyprus	Yes	Yes
Czech Republic	No	Yes, all offences
Denmark	Yes, imprisonment in case of subsequent offences	Yes
Estonia	No	Yes
Finland	Yes	Yes (recorded for a limited period of time)
France	No	Yes
Germany	Yes, up to 1.500 € and 3 months driving ban; assessment	Yes
Great Britain	Yes, min 3 year driving ban if the driver makes two offences within 10 years	Yes
Greece	No	Yes
Hungary	No	Yes
Ireland	No	Yes
Italy	Yes, if the offence is made more than once in two years: driving license withdrawal instead of ban	Yes
Latvia	No	Yes
Lithuania	No	Yes
Luxembourg	Yes	No (just mentioned in the police record)
Malta	Yes	No
The Netherlands	Yes (more severe sanctions)	Yes
Poland	No	Yes
Portugal	No	Yes
Romania	No	Yes
Slovakia	Yes, driver assessment, psychological examination	Yes
Slovenia	Yes, demerit points are summing up; If a driver is in 2 years time punished for driving under influence of illicit drugs, alcohol or psychoactive substances 3 or more times, he is sent to a control medical examination	Yes
Spain	No	Yes
Sweden	No	Yes
Switzerland	Yes (prolongation of the driving ban, higher pecuniary penalty or imprisonment max 3 years, in place of imprisonment community service is possible, perhaps licence withdrawal and treatment programme. Novice drivers: the driving licence is annulled.)	Yes
Croatia	No	Yes
Norway	Stricter penalties, longer licence withdrawal	Yes

In relation to more severe sanctions for recidivists driving under the influence of medicines, Table 5.6 shows:

More severe sanctions for recidivists:	(14/30)
No more severe sanctions	(16/30)
Drivers recorded in Register for Traffic Offences	(25/30)

Around half of the countries (14/30), have more severe sanctions for recidivists in relation to medicines, while 16 countries do not have such sanctions. Compared to recidivists in relation to alcohol and illicit drugs, repeated driving under the influence of medicines does not as often lead to more severe sanctions (throughout the European countries).

Of the 30 European countries, 25 countries record drivers in a Register for Traffic Offences.

Table 5.7 More severe sanctions in the case of special circumstances

(Question 1.2, 1.4, 1.6)

Countries and sanctions	Attitude	
	Making an unsafe manoeuvre	Involvement in an accident
Austria	Yes, severer sanction follows: withdrawal for a longer period	Yes, severer sanction follows: withdrawal for a longer period; in case of injury or accident, criminal proceedings
Belgium	Yes	Yes
Bulgaria	No	Involvement in an accident is a criminal offence
Cyprus	No	No
Czech Republic	No	No
Denmark	No	No
Estonia	No	No
Finland	Yes	Yes
France	No	Yes, usually aggravating penalties
Germany	Yes, relative driving disability (0,3 mg/g +) is a criminal offence: fine 30 days income and licence withdrawal 12 months	Yes, relative driving disability (0,3 mg/g +) is a criminal offence: fine 60-180 days income and licence withdrawal 12-24 months
Great Britain	No	Yes, for causing death by careless driving while under the influence of drink or drugs: maximum 14 years' imprisonment, together with an unlimited fine, disqualification from driving for at least 2 years and a mandatory extended driving test
Greece	No	No
Hungary	No	Yes, if someone gets injured in an accident, the sanctions applied are more serious and it is qualified as a crime. Max 10 years of imprisonment
Ireland	No	No
Italy	/	All the measures mentioned for drink driving are doubled.
Latvia	No	No
Lithuania	Yes, fine 2000-5000 Lt (579,24-1.448,1 €), licence withdrawal (24-60 months), confiscation of vehicle and arrest 10-30 days	Yes, fine 4000-5000 Lt (1158,48-1448,1 €), licence withdrawal 36-60 months, confiscation of vehicle, arrest 10-30 days
Luxembourg	Yes	Yes
Malta	No	Yes
The Netherlands	Yes, more severe sanctions (up to 4 years licence suspension, up to 2 years imprisonment)	Yes, more severe sanctions, when involved in an injury accident (up to 5 years licence suspension, up to 4 years imprisonment)
Poland	No	Yes, more severe consequences
Portugal	Yes, according to the severity of the offence, driving licence suspension follows or the offence is considered as road crime	Yes, according to the severity of the offence, driving licence suspension follows or the offence is considered as road crime
Romania	No	Yes, aggravating circumstances
Slovakia	Yes, driver assessment, psychological examination	Yes, driver assessment, psychological examination
Slovenia	No	Yes, at BAC level 1,1 g/kg the driver gets 18 demerit points - automatic suspension of the licence
Spain	No	No
Sweden	No	No
Switzerland	Yes (prolongation of the driving ban, higher pecuniary penalty or imprisonment max 3 years, in place of imprisonment community service is possible, perhaps licence withdrawal and treatment programme. Novice drivers: the driving licence is annulled.)	Yes (prolongation of the driving ban, higher pecuniary penalty or imprisonment max 3 years, in place of imprisonment community service is possible, perhaps licence withdrawal and treatment programme. Novice drivers: the driving licence is annulled.)

Table 5.7 More severe sanctions in case of special circumstances

Countries and sanctions	Attitude	
	Making an unsafe manoeuvre	Involvement in an accident
Croatia	No	Yes
Norway	Stricter penalties, longer licence withdrawal	Stricter penalties, longer licence withdrawal

In relation to more severe sanctions in the case of special circumstances, Table 5.7 shows:

More severe sanctions for making an unsafe manoeuvre: (11/30)

More severe sanctions if involved in an accident: (21/30)

No more severe sanctions for special circumstances: (9/30)

Altogether, 11 countries have more severe sanctions for making an unsafe manoeuvre, while 18 countries do not have such sanctions. Twenty-one European countries have more severe sanctions in the case of involvement in an accident, while 9 do not.

Some of the sanctions for these cases include withdrawal for a longer period, criminal proceedings, licence suspension, prolongation of the driving ban and imprisonment.

3.2 Re-granting

In the following section, the tables regarding re-granting are summarised. Due to their size, the tables are placed in Annex I – Tables. Readers interested in in-depth information concerning re-granting are referred to Annex I.

The re-granting summarisation is separated into three parts according to the three substances: Alcohol, illicit drugs and medicines.

Conditions for re-granting⁵

(Question 1.20)

Generally, there are 9 different conditions for re-granting a driving licence in Europe after it has been withdrawn for driving under the influence of alcohol, illicit drugs and medicines.⁶

- a. Medical assessment
- b. Psychological assessment
- c. Screening for substance markers in blood/urine/hair
- d. Driver rehabilitation
- e. Treatment programme
- f. Theoretical driving lessons
- g. Practical driving lessons
- h. Theoretical driving test
- i. Practical driving test

Conditions for re-granting a withdrawn licence after driving under the influence of alcohol

European countries were given 3 options⁷ for describing the conditions for re-granting: The condition is *always* applied within the re-granting procedure; the condition is only applied in *special cases* or they do *not* use a particular condition at all.

In summary, all European countries, other than Czech Republic (which provided no data on this issue), re-grant withdrawn driving licences under certain conditions. However, only Switzerland makes use of all the conditions. The countries with the widest possible set of conditions for re-granting are Switzerland (9/9 conditions), Slovenia (8/9 conditions), Germany and Slovakia (both 7/9 conditions). Two countries are different, in that they have the possibility of re-granting, but only under some really special terms. These are Ireland⁸ and Malta⁹, where the authority or court considers each individual case before re-granting a licence. They are therefore considered to have "no condition" for all of the conditions.

Of the above mentioned conditions, the most common for re-granting after an alcohol offence, is a *medical assessment*, which (22/30) countries apply either *always* or in *special cases*. A *theoretical driving test* is the second most popular condition, which (21/30) countries have either *always* or in *special cases*.

The least applied condition throughout Europe is a *treatment programme*, which only 4 countries use in *special cases*.

⁵ These tables are placed in Annex I, page 17-23.

⁶ The conditions are only treated if they appear within the frame of re-granting. This means, for instance, that even though Belgium does have driver rehabilitation for alcohol and drugs, driver rehabilitation is not placed within the framework of re-granting. Consequently, Belgium does not use driver rehabilitation in relation to re-granting and is placed as such within this part of the table summarization. This issue, where a country perhaps uses some of the conditions but not in connection with re-granting, will be more thoroughly reviewed in the summarization of individual sanctions, Table 8.

⁷ See Annex 3, question 1.20.

⁸ Removal of disqualification by a judge once a person has been disqualified for more than 2 years. The person must have completed one half of the period specified. The judge may grant a reduction of disqualification depending on the character of the applicant, his or her conduct after conviction and the nature of the offence.

⁹ Following a withdrawal of the driving licence (for a period of time decided by a court), drivers must apply to the ADT (Malta Transport Authorities) to regain the driving licence. However, there may be a more severe punishment if 'drugs' under Chapter 101 are concerned & a more severe court punishment was awarded - In this case the police must be consulted. The subject may submit a presidential plea or request to the court for restoration of driving licence. In any case the police's views are always consulted.

Medical Assessment

Always a condition: (8/30 countries)
Condition in special cases: (14/30 countries)
Not a condition: (8/30 countries)

A medical assessment is *always* a condition for re-granting in 8 of the 30 countries, around half of the countries (14/30) have a medical assessment condition for re-granting *in special cases* and 8 countries do *not* have a medical assessment condition for re-granting.

The special cases that make a medical assessment necessary refer to a BAC above a certain level¹⁰, or when dealing with recidivists.

This places the medical assessment as a condition for re-granting in 22 countries, making this condition the most common after driving under the influence of alcohol.

Psychological Assessment

Always a condition: (2/30 countries)
Condition in special cases: (12/30 countries)
Not a condition: (16/30 countries)

A psychological assessment is *always* a condition for re-granting after alcohol offences in only 2 countries, and 12 out of 30 countries use a psychological assessment in *special cases* as a condition for re-granting. Around half of the European countries do *not* have a psychological assessment condition for re-granting. The special cases can be a driving ban/withdrawal lasting more than 2 years (Slovakia), a recidivist or a BAC above a certain level.

Screening for Substance Markers in Blood/Urine/Hair

Always a condition: (3/30 countries)
Condition in special cases: (7/30 countries)
Not a condition: (20/30 countries)

A screening for alcohol markers is *always* a condition for re-granting after alcohol offences in only 3 countries (3/30), while 7 countries use screening for substance markers in *special cases* as a condition for re-granting. Twenty of the 30 European countries do *not* have a screening for alcohol markers as a condition for re-granting. Special cases can be a driving ban/withdrawal lasting more than 2 years (Slovakia), a recidivist, or a BAC above a certain level.

Driver Rehabilitation

Always a condition: (2/30 countries)
Condition in special cases: (9/30 countries)
Not a condition: (19/30 countries)

Only 2 out of 30 countries *always* set driver rehabilitation as a condition for re-granting after an alcohol offence, while 9 of the countries apply driver rehabilitation under certain circumstances, e.g. depending on the BAC level. Nineteen of the European countries *do not* apply *driver rehabilitation* within the frame of re-granting.

Treatment Programme

Always a condition: (0/30 countries)
Condition in special cases: (4/30 countries)
Not a condition: (26/30 countries)

Participation in a treatment programme is the least used condition for re-granting in the European countries. Twenty-six of the countries have not implemented this as a condition for re-granting and only 4/30 countries use this as a condition in special cases.

Theoretical Driving Lessons

¹⁰ For instance, 1.6‰ triggers a medical assessment in Germany and Austria.

Always a condition: (3/30 countries)
Condition in special cases: (5/30 countries)
Not a condition: (22/30 countries)

This condition is only a slightly more used than the *treatment programme*. Only 3 countries, Denmark, Greece and Slovenia *always* order theoretical driving lessons as a condition for re-granting, while 5 out of 30 use theoretical driving lessons in special cases. Twenty-two countries do not set this condition for re-granting.

Practical Driving Lessons

Always a condition: (3/30 countries)
Condition in special cases: (4/30 countries)
Not a condition: (23/30 countries)

As with theoretical driving lessons, only three countries, Denmark, Greece and Slovenia, *always* set *practical driving lessons* as a condition for re-granting. Four out of 30 countries set practical driving lessons in special cases, for example after repeat offences. In 23 countries, practical driving lessons are not a condition for re-granting.

Theoretical driving test

Always a condition: (6/30 countries)
Condition in special cases: (15/30 countries)
Not a condition: (9/30 countries)

A theoretical driving test is the second most common condition applied in European countries. Six *always* set the theoretical driving test as a condition for re-granting, while 15 countries use it in special cases. In 9 countries this is not a condition. It is a possible condition for re-granting in more than two-thirds of the countries (21/30).

Practical Driving Test

Always a condition: (5/30 countries)
Condition in special cases: (13/30 countries)
Not a condition: (12/30 countries)

A practical driving test is a little less used than the theoretical driving test. Five countries always set it as a condition for re-granting and 13 countries apply it in special cases. In 1/3 of the countries, it is not a condition for re-granting.

Conditions for re-granting a withdrawn licence after driving under the influence of *illicit drugs*

As with alcohol, the European countries were given 3 options to describe conditions for re-granting: a condition is *always* applied for re-granting; a condition is only applied in *special cases* or no particular condition at all is used.

In summary, all the European countries, apart from Czech Republic (which did not provide data on this issue) and Bulgaria, have conditions for re-granting regarding illicit drugs related offences. Slovenia, Slovakia and Switzerland are the countries that apply most conditions for illicit drug offences, namely 8 out of 9 conditions. Germany has the second widest set of conditions, applying 7 out of 9 possible conditions.

The condition applied in most European countries for re-granting after an illicit drugs offence, is a *medical assessment*, which 22 out of 30 countries set either *always* or in *special cases*. A *theoretical driving test* is the second most popular condition applied, which 20 out of 30 countries set either *always* or in *special cases*. These two conditions, just as for alcohol offences, are the most commonly applied conditions.

The least applied condition throughout Europe in relation to illicit drug offences (just as for alcohol) is *treatment programme lessons*, which 25 countries do not use. Only 5 countries use this condition in *special cases*. In addition to *treatment programme lessons*, the following conditions are the least used by European countries: *driver rehabilitation* (9/30), *theoretical driving lessons* (8/30) and *practical driving lessons* (6/30).

Medical Assessment

Always a condition: (13/30 countries)
Condition in special cases: (9/30 countries)
Not a condition: (8/30 countries)

Out of the 30 European countries, medical assessment is *always* a condition for re-granting in relation to illicit drug offences in 13 countries, while around one third (9/30) of the European countries have a medical assessment condition for re-granting in *special cases*. These special cases refer to recidivists. Eight countries do *not* have a medical assessment condition for re-granting. This means that a medical assessment is applied as a condition for re-granting, making it the most common condition amongst the countries for re-granting a licence after an illicit drug offence.

Psychological Assessment

Always a condition: (5/30 countries)
Condition in special cases: (9/30 countries)
Not a condition: (16/30 countries)

A psychological assessment is *always* a condition for re-granting after illicit drug offences in 5 of the 30 countries (5/30). However, around a third uses psychological assessment in *special cases* as a condition for re-granting in relation to illicit drug offences. The special cases refer to a driving ban/withdrawal lasting more than 2 years (for instance, Slovakia), being a recidivist or if the BAC is above a certain level. Around half of the countries do *not* have psychological assessment condition for re-granting.

Screening for Substance Markers in Blood/Urine/Hair

Always a condition: (7/30 countries)
Condition in special cases: (4/30 countries)
Not a condition: (19/30 countries)

Screening for substance markers is *always* a condition for re-granting after illicit drug offences in 7 countries (7/30). Only 4 countries use screening for substance markers as a condition for a re-granting in *special cases*. The special cases refer to the requirement for a decision by a doctor/judge or a medical commission (France). Almost 2/3 of the countries do *not* have screening for substance markers as a condition for re-granting.

Driver Rehabilitation

Always a condition: (1/30 countries)
Condition in special cases: (8/30 countries)
Not a condition: (21/30 countries)

Only 1 out of 30 European countries *always* sets driver rehabilitation as a condition for re-granting after illicit drug offences, while in 8 out of 30 countries, driver rehabilitation applies only under certain circumstances, e.g., depending on the BAC level. More than 2/3 of the countries *do not* apply driver rehabilitation at all within the frame of re-granting,

Treatment Programme

Always a condition: (0/30 countries)
Condition in special cases: (5/30 countries)
Not a condition: (25/30 countries)

The treatment programme is the least used condition for re-granting in European countries. No country has set a *treatment programme* to be *always* applied and only 5 out of 30 countries use this condition in *special cases*. Twenty-five of the 30 countries do not have this condition.

Theoretical Driving Lessons

Always a condition: (3/30 countries)
Condition in special cases: (5/30 countries)
Not a condition: (22/30 countries)

This condition is applied almost the same in the European countries as the treatment programme condition. Only three countries, Denmark, Greece and Slovenia, *always* use theoretical driving lessons as a regular consequence of an illicit drug offence and 5/30 use the theoretical driving lessons in special cases, e.g., after repeat offences. Twenty-two out of 30 countries do not set this condition for re-granting.

Practical Driving Lessons

Always a condition: (3/30 countries)
Condition in special cases: (3/30 countries)
Not a condition: (24/30 countries)

As with theoretical driving lessons, only three countries, Denmark, Greece and Slovenia, *always* use theoretical driving lessons as a regular consequence of the offence of driving under the influence of illicit drugs and 3 out of 30 use practical driving lessons in *special cases*, e.g., after repeat offences. In 24 out of 30 countries, practical driving lessons are *not* set as a condition for re-granting.

Theoretical Driving Test

Always a condition: (6/30 countries)
Condition in special cases: (14/30 countries)
Not a condition: (10/30 countries)

A theoretical driving test is the second most commonly used condition in European countries. It is a possible condition in 2/3 of the European countries (20/30). Six of these countries *always* set a theoretical driving test as a condition for re-granting, while 14 countries use it in *special cases*, e.g., after repeat offences or depending on the duration of the withdrawal period. This condition is *not* used in 10 countries.

Practical Driving Test

Always a condition: (5/30 countries)
Condition in special cases: (13/30 countries)
Not a condition: (12/30 countries)

A practical driving test is a little less used than the theoretical driving test, as can be seen from the following figures: it is a possibility in 18/30 countries, 5 countries *always* set it as a condition for re-granting, while 13 countries have it as a condition in *special cases*. It is *not* a condition in slightly more than 1/3 of the countries.

Conditions for re-granting a withdrawn licence after driving under the influence of *medicines*

As with alcohol and illicit drugs offences, the European countries were given 3 options to describe conditions of re-granting: the condition is *always* applied for re-granting; the condition is only applied in *special cases* or they do *not* use the particular condition at all.

In summary, all the European countries, other than Belgium, Bulgaria, Czech Republic (provided no data), Poland, Portugal and Croatia, have some conditions for re-granting in relation to driving under the influence of medicines. Slovenia applies most conditions for medicine offences, 8 out of 9 conditions. Germany has the second widest set of conditions, applying 7 out of the 9 conditions.

The condition most applied for re-granting after driving under the influence of medicines, is a *medical assessment* which (16/30) countries use either *always* or in *special cases*. A *theoretical driving test* is the second most commonly applied condition, being used by 15/30 countries either *always* or in *special cases*. These two conditions, just as with alcohol and illicit drug offences, are the most frequent conditions.

The least applied condition in Europe in relation to medicine offences (just as with alcohol and illicit drugs) is the *treatment programme obligation*, which (26/30) do not use. Only 4 countries use this condition in *special cases*.

The following conditions are the least used by European countries: *driver rehabilitation* (only 5/30), *theoretical driving lessons* (only 7/30) and *practical driving lessons* (only 5/30).

Medical Assessment

Always a condition: (9/30 countries)
Condition in special cases: (7/30 countries)
Not a condition: (14/30 countries)

In the 30 European countries, a medical assessment is *always* a condition for re-granting after driving under the influence of medicines in 9 countries (9/30). Less than a third (7/30) have medical assessment as a condition for re-granting *in special cases*. These special cases refer to recidivists. Fourteen countries do *not* have medical assessment as a condition for re-granting. This makes medical assessment the most common condition for re-granting, along with a theoretical driving test, (in 18 of 30 countries).

Psychological Assessment

Always a condition: (4/30 countries)
Condition in special cases: (4/30 countries)
Not a condition: (22/30 countries)

In 4 of the 30 European countries, a psychological assessment is *always* a condition for re-granting in relation to driving under the influence of medicines. Four countries use psychological assessments in *special cases*, while more than 2/3 of the European countries do *not* have a psychological assessment as a condition for re-granting (22/30).

Screening for Substance Markers in Blood/Urine/Hair

Always a condition: (4/30 countries)
Condition in special cases: (3/30 countries)
Not a condition: (23/30 countries)

Four European countries out of 30 (4/30) *always* use screening for substance markers as a condition for re-granting after medicine offences. Only 3 countries use it as a condition for a re-granting in *special cases*. The special cases refer to the need for a decision by a doctor/judge. More than 2/3 of the European countries do *not* have screening for substance markers as a condition for re-granting.

Driver Rehabilitation

Always a condition: (1/30 countries)
Condition in special cases: (4/30 countries)
Not a condition: (25/30 countries)

Only 1 out of 30 countries *always* sets driver rehabilitation as a condition for re-granting after driving under the influence of medicine, while slightly fewer than 1/6 of the countries apply driver rehabilitation under certain circumstances. Almost 2/3 of the European countries *do not* apply driver rehabilitation at all within the framework of re-granting.

Treatment Programme

Always a condition: (0/30 countries)
Condition in special cases: (4/30 countries)
Not a condition: (26/30 countries)

The treatment programme is the least used condition for re-granting in European countries. Twenty-six out of 30 countries do not have the treatment programme as a condition for re-granting and only 4/30 countries use it in *special cases*.

Theoretical Driving Lessons

Always a condition: (3/30 countries)
Condition in special cases: (4/30 countries)
Not a condition: (23/30 countries)

In relation to driving after the influence of medicine, this condition has almost the same use in the European countries as the treatment programme obligation. Only 3 countries, Denmark, Greece and Slovenia, *always* use theoretical driving lessons as a regular consequence and condition for re-granting a driving licence after withdrawal due to the influence of medicines. Four countries use theoretical driving lessons in *special cases*, e.g., after repeat offences and 23 out of 30 countries do *not* set this condition for re-granting.

Practical Driving Lessons

Always a condition: (3/30 countries)
Condition in special cases: (2/30 countries)
Not a condition: (25/30 countries)

Only 3 countries, Denmark, Greece and Slovenia, *always* use practical driving lessons as a regular consequence and condition for re-granting after withdrawal due to driving under the influence of medicines. Two out of 30 countries use practical driving lessons in *special cases*, e.g., after repeat offences. In 25 of 30 countries the condition of practical driving lessons is *not* set as a condition for re-granting.

Theoretical Driving Test

Always a condition: (4/30 countries)
Condition in special cases: (11/30 countries)

Not a condition: (15/30 countries)

A theoretical driving test is the second most common condition (together with *medical assessment*) in the European countries. It is a possible condition for re-granting in more than half of the European countries (15/30). Four of these countries *always* set a theoretical driving test as a condition for re-granting, while 11 countries use it in *special cases*, e.g., after repeat offences or depending on the duration of the withdrawal period. Almost half of the countries do *not* use this condition.

Practical Driving Test

Always a condition: (5/30 countries)
Condition in special cases: (8/30 countries)
Not a condition: (17/30 countries)

A practical driving test is a little less used than a theoretical driving test. It is a condition in 12 of the 30 countries. Five countries *always* set it as a condition for re-granting, while 8 countries have the condition in *special cases*. In more than half of the countries, it is *not* a condition for re-granting.

Overall summarization

Concerning alcohol, illicit drugs and medicines in relation to the 9 different categories:

Most applied conditions:

Medical assessment and *theoretical driving test* are the conditions most commonly applied by the European countries. This is so for alcohol, illicit drugs and medicines.

Least applied conditions:

Treatment programme lessons is the least applied condition in relation to re-granting in the European countries. The following conditions are also ranked as the least used in many European countries: *driver rehabilitation*, *theoretical driving lessons* and *practical driving lessons*. This applies to alcohol, illicit drugs and medicines.

Coupled conditions:

There is a pair of conditions that are applied in combination, so that they appear to be triggered simultaneously as a condition within the frame of re-granting.

These are the *theoretical driving test* and the *practical driving test*. There is a strong tendency that whenever a country has the possibility of imposing a theoretical driving test, they also apply a practical driving test¹¹. Around 2/3¹² of the European countries apply these conditions for the three different types of offences.

¹¹ The numbers are: 18/30 apply (the possibility) of both conditions while 5 apply only one of them in relation to alcohol. In relation to illicit drugs, 17/30 apply both conditions, while 3 apply only one of them. Finally, in relation to medicines, 13/30 apply both conditions, while 3 apply only one of them.

¹² For both alcohol and illicit drugs roughly 2/3 apply the conditions, while in regard to medicines, it is only around half of the countries.

3.3 Enforcement

The following section summarises issues of police control activities, procedures, detection routines and competences of police officers.

This is done to create an overview of how the European countries have systematic control strategies concerning psychoactive substances.

The section also focuses on which competences police officers have in the various countries and how they are trained in handling cases with drivers under the influence of psychoactive substances.

Police control activities

(Question 2.1, 2.2, 2.4)

In line with the table regarding enforcement¹³, this summary is divided into 2 parts, one concerning police control activities, the other concerning detection routines and procedures.

Police control activities:

Systematic police control: (26/30 countries)

No systematic police control: (4/30 countries)

Almost all of the European countries have police control strategies concerning driving under the influence of psychoactive substances (26/30), while only 4 (Czech Republic, Denmark, Great Britain and Ireland) do not have systematic police controls. All the 26 countries use a systematic approach in relation to specific locations or specific events, weekdays or daytime.

Detection routines and procedures:

Breath test (30/30 countries)

All 30 countries have implemented breath tests, either as a random test at the roadside, or only in case of suspicion. Twelve of these countries state that they use both options.

Blood test (28/30 countries)

With the exception of 2 countries, Bulgaria¹⁴ and Italy, all European countries use (or have the possibility of using) blood tests. For Cyprus and Luxembourg, a blood test is only performed when the driver is unable to provide a breath test sample. Almost all the other countries use blood tests in the case of suspicion. Only a few countries state that they take the sample at the roadside, while others state that it is taken at the police station or in the hospital.

Urine test (25/30 countries)

Twenty-five of the European countries use urine tests; 24 in the case of suspicion, only in one country is it taken randomly. Five countries do not use urine testing. Six countries have the option of testing at the roadside.

Saliva test (20/30 countries)

Two-thirds of the countries use saliva testing. Ten countries do not use it; Belgium is introducing it in the near future. In 16 of the 20 countries in which the saliva tests are used, the procedure is stated to take place at the roadside.

Sweat test (13/30 countries)

More than half of the countries do not use sweat tests (17/30). Of the remaining 13 countries, 4 use it at random, while 9 use it only in the case of suspicion. Eight out of the 13 countries using a sweat test stated that they use it at the roadside.

Impairment test (15/30 countries)

Half of the countries use impairment tests among their detection routines. Ten of these use it in the case of suspicion, the others at random. Also 10 of these countries use it at the roadside. Fifteen countries do not use impairment tests.

Other tests (9/30 countries)

Only 9 countries stated that they use other tests, some of which seem to correlate with other tests; e.g., a toxicology test – test for drugs and medicines, measures of pulse rate (Romberg's test), medical examination, biological test, pupil meter, observations of pupils or check of presence of drugs in the car. Twenty-one out of 30 countries, more than 2/3, stated that they do not use any other test.

¹³ This table is placed in Annex I, pages 25-26.

¹⁴ Bulgaria uses a blood test in special cases, for more information see Bulgarian Ordinance № 30 of June 27, 2001.

Training and competences of police officers

(Question 2.5, 2.6, 2.9, 2.10, 2.11)

In line with the table regarding the competences of police officers¹⁵, this summary is done in 3 parts, each containing a summary on the different issues related to the competences of police officers.

Specific training programmes for police officers in relation to the detection of drivers under the influence of psychoactive substances:

Yes: (26/30 countries)
No: (4/30 countries)

Twenty-six out of 30 countries have specific training programmes for police officers in relation to the detection of drivers under the influence of psychoactive substances. The educational content and its focus differ from country to country. Not all 26 countries provided information about the content, but from those that did, it is clear that they focus on both practical (equipment use) and theoretical education.

The contents of the education programmes vary from basic prevention education in France to education on illicit drugs & medicinal substances (Denmark, Estonia, Germany & others). Another form of practical education is provided in Germany, Poland, and Portugal and more theoretical lessons for detection of primary physical indicators of impaired driving are provided in Hungary.

Discretion of the police to decide whether or not to report a driver detected driving under the influence of psychoactive substances to the administrative body or the prosecutor:

Yes: (6/30 countries)
No: (23/30 countries)
Not defined: (1/30 countries)

Six countries appear to provide discretion for the police to report a driver detected driving under the influence, while the circumstances under which this is possible differ. For instance, in Estonia, when a criminal case is initiated, documents are always sent to the police crime department while in Germany, the police have the administrative discretion to inform the licensing authority. In Great Britain, the police decide whether to stop, test, arrest and charge/report offenders.

In 23 countries, the police do not have this discretionary right. Czech Republic is the only country which did not specify this.

When a driver tests positive for psychoactive substances, the police officer has the competence to:

Confiscate the driving licence immediately at the roadside:

Yes: (22/30 countries)
No: (8/30 countries)

In around 73 % of the countries, the police have the competence to confiscate the driving license immediately at the roadside. The confiscation of the driving licence follows immediately at the roadside in the following circumstances: in any case in which the driver is tested positive, in the case of suspicion (the police suspect a driver of being under the influence of psychoactive substances), in the case of reckless driving under the influence (obvious impairment) and when the BAC is above the legal limit. In 8 countries, the police do not have the competence to confiscate the driving licence.

Confiscate the vehicle at the roadside:

Yes: (15/30 countries)
No: (14/30 countries)
Not specified: (1/30 countries)

¹⁵ The table is placed in Annex I, pages 27-28.

In half of the countries, the police have the competence to confiscate the vehicle at the roadside in certain cases, e.g., if the measured BAC exceeds a certain limit or if the driver is a recidivist. In some countries, the police have the competence in any case in which the driver tests positive. In 14 countries, the police do not have the competence to confiscate the vehicle at the roadside. In Poland, however, there is currently a discussion on this issue in progress.

Arrest the driver and take him into custody:

Yes: (22/30 countries)
No: (7/30 countries)
Not specified: (1/30 countries)

In 22 out of 30 countries, the police have the competence to arrest a driver and take him into custody if the driver tests positive for psychoactive substances. In many of these countries, the option is possible in special cases of extreme and obvious intoxication of the driver (impaired driving), if the driver is considered a danger to himself or others, in order to ascertain the identity of the person, in the case of suspicion of a crime or in the case of a fatal accident. In other cases, it depends only on whether the driver tests positive or whether the BAC exceeds a certain limit in the blood or breath sample. In 7 countries, the police do not have this competence. For Sweden, this competence was not specified.

3.4 Statistics

In this section, the statistics are summarised, to produce data on what good legal practice could be: what is the average period of time between detection of driving under the influence of psychoactive substances and sanctioning/conviction by the administrative body or court.

This summarization is done in 2 parts. The first refers to sanctioning by the administrative body and the other one to conviction by a court.

The average period of time between detection and sanctioning by the administrative body or conviction by a court is, of course, very dependent on the context of the case and the process at hand, however roughly 2 averages can be located:

- a) Short average range – refers to minutes, days and weeks.
- b) Long average range – refers to at least 3 months.
- c) No data available, unclear confidence in average ("*varies from case to case*" for instance), another type of sanctioning.¹⁶

¹⁶ For instance because impaired driving is always considered to be a criminal offence – so no sanctioning is done by the administrative body – and vice versa.

Table 6 – Average time period between detection and sanctioning

**Between detection of driving under the influence and sanctioning/conviction
(Question 4.6, 4.12)**

Countries and sanctions	What is the average period of time between detection of driving under the influence of psychoactive substances and:	
	the sanctioning by the administrative body	the conviction of the court
Austria	Proceedings regarding licence withdrawal about 3 days; other administrative proceedings (fine): 2-4 weeks	No data
Belgium	Criminal offence only	Between 6 and 9 months, when there are no complications
Bulgaria	30 days	2-10 months
Cyprus	Criminal offence only	6 months for residents, 1 day for visitors
Czech Republic	Up to 1 year	12 months
Denmark	Criminal offence only	Different from district to district, but in average about 2-3 months
Estonia	30 days on average	It varies a lot
Finland	Criminal offence only	No data
France	No data	Between 1 and 6 months; in alcohol cases the conviction can follow immediately
Germany	In case of criminal offences they immediately take the licence (1 day); in other cases 4 weeks (30 days)	Cca 90 days
Great Britain	No data	Guilty plea: breath alcohol - 10-14 days; blood or urine - 8 weeks. Not guilty plea: 2 months to 1 year plus, longer if collision involved.
Greece	No data	At least 1 year
Hungary	No data	6 months
Ireland	Criminal offence only	Within 6 months
Italy	Criminal offence only	There are different rules, applied in different manners
Latvia	3 days	No data
Lithuania	Court procedure	No data
Luxembourg	Criminal offence only	3-6 months
Malta	Criminal offence only	Weeks, months (in case of driving under influence of alcohol, it is decided within 2 years from commission of offence)
The Netherlands	Criminal offence only	3 months
Poland	No data	No data
Portugal	On average, 17 months	No data
Romania	5-15 minutes	6 months-2 years
Slovakia	30-60 days	No data
Slovenia	At the place of the detection	80 % up to one year; 20 % more than one year
Spain	No data	It depends on process. In some cases is about 2 weeks, in others can be 2 years
Sweden	No data	No data
Switzerland	This can vary from canton to canton	This can vary from canton to canton
Croatia	It depends whether the driver is sanctioned by the police or by the court	Administrative offence only
Norway	Criminal offence only	Alcohol: within 6 months from the detection; other drugs: up to 12 months

Sanctioning by the administrative body

Short average range	(8/30 countries)
Long average range	(2/30 countries)
No data available	(20/30 countries)

Eight out of 30 countries have a short average range, with Romania and Slovenia having the shortest average, with sanctioning within the first 15 minutes. This is done at the place of detection. Two countries have a long average range.

More than 1/3 of the European countries (10/30) consider driving under the influence to be a criminal offence in every case. Consequently, this means that data regarding the average time between detection and sanctioning by the administrative body is not available from around 2/3 of the countries (20/30). Two countries have an unclear average period: Switzerland where it depends on the canton, and Croatia where it depends on whether the driver is sanctioned by the police or by the court. In 17 countries out of 30, no data is available or there is another type of sanctioning.

Overall, the average time in these countries varies across a span from immediately at the time/place of the detection in Slovenia to (on average) 17 months in Portugal.

Conviction by a court

Short average range	(6/30 countries)
Long average range	(12/30 countries)
No data available	(12/30 countries)

Six countries appear to have a short average range and 12 countries appear to have a longer average range in terms of the time between detection of driving under the influence of psychoactive substances and conviction by a court.

Twelve countries have no data, an unclear average range or only count incidents as administrative offences. Croatia is the only country to have solely an administrative offence, 8 other countries presented no data and 3 countries (Estonia, Spain, Switzerland) state that it varies a lot.

4 Concluding Remarks

Deliverable 6.1, "State-of-the-Art on Withdrawal of Driving Licence – Results of a Questionnaire Survey" with 3 Annexes¹⁷, provides a comprehensive database of the legal systems as well as the practices in European countries with respect to withdrawal of a driving license because of impaired driving, i.e., driving under influence of alcohol, illicit drugs or medicine. The focus has been on the following issues:

- Licensing system in general (*withdrawal – renewal, special provisions for novice / young / professional drivers*)
- Alcohol / illicit drugs / medicine and driving legislation (*zero tolerance or impaired approach, specified levels, special laws for novice / young / professional drivers*)
- Legal regulations for detection (*testing at random or on the basis of suspicion; regulations regarding testing of alcohol / illicit drugs / medicines*)
- Different kinds of sanctions for impaired driving (*e.g. criminal or administrative penalty, fine, withdrawal, imprisonment*)
- Effectiveness of the above-mentioned legal provisions (*accident rates, number of notifications and convictions*).

The database makes it possible to carry out international comparisons of procedures, sanctions and various preventive measures, as well as providing reliable data for administrators, politicians and researchers in their work.

Within the framework of WP 6, Deliverable 6.1 serves as a comprehensive database, which will be evaluated in Task 6.2 "Recommendations" in order to obtain a set of possible solutions to the problem of impaired driving by using withdrawal, and especially conditional withdrawal of a driving licence in the most appropriate way.

¹⁷ Annex I: "Tables" – tables not placed in the main deliverable and those used in other tasks are placed here.
Annex II: "Country Reports" – A collection of country reports on the issues of legislation, enforcement & detection and sanctioning. Based on the questionnaire.
Annex III: "Questionnaire" - The questionnaire used in the data collection.

5 Reference List

DeGier, J. J. (2002). Problems raised by the use/abuse of psychoactive drugs by drivers – report on the situation in 24 European countries. In: Pompidou Group. Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs. Strasbourg: Council of Europe.

Krueger, H.-P., Perrine, M. W. B., Mettke, M. & Huessy, F. (2000). Overview of the legal provisions, difficulties faced by police, and analysis of prevention attempts in selected European countries. In: Pompidou Group. Road traffic and drugs (pp. 63-85). Strasbourg: Council of Europe.

Nickel, W. (2006). Summary of replies to the Pompidou Group questionnaire 2006. Report presented at Seminar on Road Traffic and drugs. Pompidou Group, Strasbourg, July 2006.



DRUID
Driving under the Influence of Drugs, Alcohol and Medicines

Deliverable 6.1

State-of-the-Art Regarding Withdrawal of Driving Licence in Connection with Sanctions for Impaired Driving – Results of Questionnaires

ANNEX I - Tables

Authors	Simon Kærup (DTU), Lotte Larsen (DTU) Klavdija Godler (DRSC SPV) and Bojan Zlender (DRSC SPV)
Status and date	Final Deliverable 26/10/2009
Dissemination level	
Work Package	WP 6 Withdrawal
Task	Task 6.1 State-of-the-Art regarding Withdrawal of Driving Licence in Connection to Sanctions for Impaired Driving
Project start date and duration	15 October 2006, 48 Months
File Name:	

Table of Contents

Sanctions.....	57
Table 1 Fine.....	58
Table 2 Driving Ban and Consequences of Driving while Suspended.....	60
Table 3 Imprisonment.....	62
Table 4 Demerit Point System.....	64
Table 5 Probation, Driver Assessment, Driver Rehabilitation, Treatment programme and Community Service.....	67
Table 6 Legal Consequences Concerning Driving Licence if Using Psychoactive Substances Outside Traffic.....	69
Re-granting.....	72
Table 7 Re-granting / Alcohol.....	73
Table 8 Re-granting / Illicit Drugs.....	75
Table 9 Re-granting / Medicines.....	77
Detection and Police Enforcement.....	79
Table 10 Police Control Activities, Detection Routines and Procedure.....	80
Table 11 Training and Competences of Police Officers.....	82
Table 12 Consequences of Refusal to Provide a Breath/Blood/Saliva/Sweat/Urine Sample.....	84
Table 13 Consequences of a driver Testing Positive for Alcohol.....	85
Table 14 If a Driver is Involved in an Accident, Is He Tested for Psychoactive Substances?.....	86
Table 17 Statistics – Number of Detected Drivers Driving under the Influence.....	87
Sanctioning.....	92
Table 15 Discretionary Rights of Administrative Body.....	93
Table 16 Discretionary Rights of Criminal Body.....	95

Table 1-6 are followed by small summarisations since these are of some relevance to the withdrawal and re-granting focus of the main deliverable, while table 7-16 will be presented only in excel tables.

A “/” is used in the tables to mark were the countries presented no available data on the specific issue.

Sanctions

5.1 Table 1 Fine

Countries and sanctions	Fine (alcohol)		Fine (drugs)		Fine (medicines)	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Austria	300,00 €	5.900,00 €	800,00 €	3.700,00 €	0 (normally at least 7 €)	726,00 €
Belgium	137,50 €	11.000,00 €	1.100,00 €	11.000,00 €	/	/
Bulgaria	200 BGN (app. 102,25 €)	500 BGN (app. 255,64€)	not defined	/	not defined	/
Cyprus	/	2.562,00 €	/	1.708,00 €	/	1.708,00 €
Czech Republic	10000 CZK (app.373,91 €)	50000 CZK (app.1869,57 €) in case of criminal offence the fine is up to 10 mio (373.915 €), but in praxis it doesn't exceed 100.000 CZK (3.739,16 €)	10000 CZK (app.373,91 €)	50000 CZK (app.1869,57 €)	10000 CZK (app.373,91 €)	50000 CZK (app.1869,57 €)
Denmark	1500 DKK (app. 200 €)	no upper limit	1500 DKK (app. 200 €)	no upper limit	1500 DKK (app. 200 €)	no upper limit
Estonia	180 EEK (app. 11,5 €)	6.000-18.000 EEK (app. 383,47 - 1.150 €)	1500 EEK (95,86 €)	25000 EEK (1597,79 €)	1500 EEK (95,86 €)	25000 EEK (1597,79 €)
Finland	no minimum specified	60 day fines	no minimum specified	60 day fines	no minimum specified	60 day fines
France	/	4.500,00 €	/	4.500,00 €	/	/
Germany		500,00 €		500,00 €		500,00 €
Great Britain	/	5000 £ (app.5.596 €)	/	5000 £ (app.5.596 €)	/	5000 £ (app.5.596 €)
Greece	200,00 €	1.200,00 €	200,00 €	/	200,00 €	/
Hungary	/	400,00 €	/	400,00 €	/	400,00 €
Ireland	0,00 €	5.000,00 €	0,00 €	5.000,00 €	0,00 €	5.000,00 €
Italy	500,00 €	6.000,00 €	1.500,00 €	6.000,00 €	1.500,00 €	6.000,00 €
Latvia	100 LS (app.140 €)	500 LS (app. 715 €)	/	500 LS (app. 715 €)	30 LS (app. 43 €)	200 LS (app. 286 €)
Lithuania	300 Lt (87€)	3000 Lt (870 €)	1000 Lt (290 €)	3000 Lt (870 €)	1000 Lt (290 €)	3000 Lt (870 €)
Luxembourg	145,00 €	10.000,00 €	500,00 €	10.000,00 €	500,00 €	10.000,00 €
Malta	465,87 €	2.329,37 €	not defined	not defined	not defined	not defined
The Netherlands	250,00 €	1.100,00 €	250,00 €	1.100,00 €	250,00 €	1.100,00 €
Poland	0,2-0,5 ‰: 50 PLN (11,04 €) > 0,5 ‰: 100 PLN (22,08 €)	0,2-0,5 ‰: 5.000 PLN (1.104,16 €) > 0,5 ‰: 720.000 PLN (159.000 €)		11,04 €	159.000,00 €	/
Portugal	0,5-0,8 g/l: 250 € 0,8-1,2 g/l: 500 €	0,5-0,8 g/l: 1.250 € 0,8-1,2 g/l: 2.500 €	500,00 €	2.500,00 €	/	/
Romania	130,00 €	285,00 €	/	/	/	/
Slovakia	150,00 €	1.000,00 €	200,00 €	1.000,00 €	200,00 €	1.000,00 €
Slovenia	450,00 €	950,00 €	950,00 €	/	950,00 €	/
Spain	300,00 €	600,00 €	300,00 €	600,00 €	300,00 €	600,00 €
Sweden	not defined	/	not defined	/	not defined	/
Switzerland	/	10.000 (in case of 0,5-0,79; app. 6.641 €) 1.080.000 CHF (in case of 0,8 or more; app. 717.274 €)	/	1.080.000 CHF (app. 717.274 €)	/	1.080.000 CHF (app. 717.274 €)
Croatia	95,00 €	2.000,00 €	700,00 €	2.000,00 €	700,00 €	2.000,00 €
Norway	5.000 NOK (565,41 €)	1,5 monthly gross income		around 1,5 monthly gross income		around 1,5 monthly gross income

Table 1 on fines shows:

Fines for alcohol offences: (30/30)

Fines for drugs offences: (25/30)

Fines for medicine offences: (24/30)

All the evaluated European countries use the sanction of a fine. The amount of the fine varies according to whether it concerns alcohol, drugs or medicines and not all countries have fines for all 3 types of substances. In Poland and Portugal, the fines for alcohol related offences vary according to the BAC level. In relation to drugs, 5 countries, Bulgaria, Malta, Poland, Romania and Sweden, did not specify the minimum or maximum limits of fines. Six countries (Bulgaria, Malta, Poland, Portugal, Romania and Sweden) did not specify the minimum or maximum limits of fines in relation to medicines.

5.2 Table 2 Driving Ban and Consequences of Driving while Suspended

Countries and sanctions	Driving ban (alcohol)		Driving ban (drugs)		Driving ban (medicines)		Driving while suspended		
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Consequences	Nr. of offences/offenders	
Austria	exists only for cyclists, moped drivers, drivers of light quadrcycles, quads, drivers of vehicles for disabled persons						fine (at least 726), withdrawal period prolonged for at least 3 months		2004-2008: 1.754 people
Belgium	not specified	not specified	8 days	5 years or forever	/	/	fine, imprisonment (suspension)	2007: 816 convicted; 2008: 1.206	
Bulgaria	not specified	not specified	/	/	/	/	recidivists: withdrawal 1-3 years, fine	2008: 22.427	
Cyprus	/	12 months	/	/	/	/	sanctions, imposed by the court, are much stricter; court may impose demerit points or suspension of a driving licence	2008: 46 for alcohol	
Czech Republic	6 months	10 years (usually 2)	6 months	10 years (usually 2)	6 months	2 years	This is a criminal offence, imprisonment up to 2 years (up to 3 since 2010), fine, driving ban up to 10 years, 7 points	not specified	
Denmark	/	/	/	/	/	/	/	/	
Estonia	/	up to 6 months	/	/	/	/	1. driving ban; 2. fine; 3. fine and arrest	2008: 953 offences; 704 offenders	
Finland	1 month	5 years	1 month	5 years	1 month	5 years	30 day fine	not specified	
France	/	/	/	/	/	/	jail, cancellation, fine	around 10 %	
Germany	1 month		1 month		1 month		criminal offence, fine, prolongation of the suspension period, in repeated cases imprisonment	2006: 119.000	
Great Britain	12 months		12 months		12 months		Up to 6 months' imprisonment or up to £5,000 fine, or both, discretionary disqualification or 6 penalty points.	2007: 31.560	
Greece	90 days	180 days	3 months	6 months	3 months	6 months	criminal act, the court decides on sanction	/	
Hungary	< 0,5 ‰: 1 month > 0,51 ‰: 1 year	< 0,5 ‰: 12 months > 0,51 ‰: 10 years	1 year	10 years	1 year	10 years	according to Foul's act: fine; fine+ban	no such data collected separately	
Ireland	1 year	3 years	4 years		4 years		fine not exceeding 5000 € or imprison. not exceeding 6 months or both	not specified	
Italy	2 months	2 years	1 year	2 years	1 year	2 years	fine 1800 € / 7369 €, driving licence withdrawn; vehicle impoundage	/	
Latvia	/	/	/	/	/	/	a fine in the amount of LVL 200 up to 300 (280-420 €)	2008: 22.356; 2007: 19.983	
Lithuania	1 year	3 years	1 year	3 years	1 year	3 years	fine 1.500-2.000 Lt (434.43-579,24) or arrest	2001: 1.579	
Luxembourg	8 days	15 years	3 months	15 years	3 months	15 years	fine (500 - 10.000€) and/or imprisonment (8 days - 3 years); driving ban (3 months - 15 years); 4 points	2007: 201 2008: 211	
Malta	1 year	not specified	/	/	/	/	fine is increased and individual charged with breaking court previous ruling	60 - 80 per anno	
The Netherlands	Licence suspension is generally imposed by court. At a BAC ≥ 2,5 g/l the validity of the licence is also suspended by the Minister of Transport, preceding a possible administrative licence revocation (withdrawal). Unconditional licence suspension by court is demanded by the Public Prosecutor from 1,31 g/l on for novice drivers and from 1,51 g/l on for other drivers.						Depends on his BAC; if sober he will only be fined. If he is not sober, he will be prosecuted for driving without a licence, also be prosecuted as a drink-driving recidivist (more severe sanctions than for the first offender). The licence may be revoked and his car may be confiscated (in case of repeat recidivism)		2007: 1500 offenders
Poland	6 months	27 months	6 months	27 months	6 months	27 months	the penalties imposed will be harsher or new ones will be imposed	no data	
Portugal	0,2-0,5 ‰: 6 months > 0,5 ‰: 1 year	0,2-0,5 ‰: 3 years > 0,5 ‰: 10 year	6 months	10 years	/	/	criminal prosecution	no data	
Romania	0,5-0,8 g/l: 1 month 0,8-1,2 g/l: 2 months	0,5-0,8 g/l: 6 months 0,8-1,2 g/l: 12 months	2 months	24 months	/	/	considered as a criminal offence, the driver will be judged by the court of law and will have a criminal record	no record	
Slovakia	90 days	5 years	/	5 years	/	5 years	considered as crime; imprisonment up to 2 years	not available	
Slovenia	1 month	12 months	1 month	12 months	1 month	12 months	500 €, possible confiscation of a motor vehicle	not available	
Spain	1 month	3 months (4 years)	1 month	3 months (4 years)	1 month	3 months (4 years)	newly withdrawn	no data	
Sweden	/	/	/	/	/	/	fine or imprisonment at most 6 months	not available	
Switzerland	1 month (BAC 0,5-0,79 + other light crime); 3 months (> 0,8)	/	3 months	/	3 months	/	driving ban, min. 3 months and imprisonment min. 6 months and max. 3 years or pecuniary penalty	number of offenders: 2008: 1.490	
Croatia		8 days		8 days		8 days	700-2.200 € or up to 60 days imprison.	2008: 6.847	
Norway	6 months		/	/	/	/	first time: 9.000 NOK (1.017,75 €), for every offence the fine increases; if you repeat 4 times or more the consequence is imprisonment	not specified	

Table 2 on driving ban shows:

Possibility of driving ban: (25/30)

No possibility of driving ban: (5/30)

All but 5 countries (Austria¹⁸, Denmark, France, Latvia and Sweden) have the sanction of driving ban implemented in some way. This can be in relation to alcohol, drugs and/or medicines. The length of the driving ban varies a lot from a minimum of 8 days (minimum driving ban period in Luxembourg in relation to alcohol offences) to a lifelong driving ban (maximum driving ban period in Belgium in relation to drugs). For 4 countries (Hungary, Poland, Portugal and Switzerland) the driving ban period, in relation to alcohol, varies according to the BAC level.

Driving while suspended.

The consequences of driving while suspended vary from fines, prolongation of the withdrawal period, driving ban, vehicle impounding, to sanctions such as arrest and imprisonment.

¹⁸ Exists only for cyclists, moped drivers, drivers of light quadrocycles, quads, drivers of vehicles for disabled persons.

5.3 Table 3 Imprisonment

Countries and sanctions	Imprisonment (alcohol)		Imprisonment (drugs)	
	Minimum	Maximum	Minimum	Maximum
Austria	/	/	/	/
Belgium	/	/	/	/
Bulgaria	1 year		/	2 years
Cyprus	/	2 years	/	1 year
Czech Republic	/	3 years	/	3 years
Denmark	/	20 days	first offence may be substituted by community service and the sanction of imprisonment is changed to conditional; if the person fails community service, imprisonment follows	
Estonia	up to 30 days if below 1,5 g/kg; up to 3 years if above 1,5 g/kg		/	up to 3 years
Finland	/	max 6 months or if severe DUI 2 years	/	max 6 months or if severe DUI 2 years
France	/	2 years	/	2 years
Germany	/	/	/	/
Great Britain	/	6 months	/	6 months
Greece	2 months		2 months	/
Hungary	0	1 year	0	1 year
Ireland	0	6 months	0	6 months
Italy	BAC 0,8-1,5: 0 BAC above 1,5: 6 months	6 months 1 year	3 months	1 year
Latvia	5 days	15 days	10 days	15 days
Lithuania	10 days	30 days	10 days	30 days
Luxembourg	8 days	3 years	8 days	3 years
Malta	/	3 months	not specified	
The Netherlands	Imprisonment as alternative to community service or if driver was involved in an injury accident; Drivers who caused an accident, may have to serve much longer sentences; up to 4 years for a driver with a BAC > 1.30 g/l who caused a fatal accident by reckless driving			
	14 days	30 days	14 days	30 days
Poland	0,2-0,5 ‰: 5 days > 0,5 ‰: 5 days	0,2-0,5 ‰: 30 days > 0,5 ‰: 2 years	5 days	2 years
Portugal	≥ 1,2 g/l; it is legally possible if judged as a crime			
Romania	Decided by Court		Decided by Court	
Slovakia	/	5 years	/	5 years
Slovenia	6 hours	12 hours	/	/
Spain	3 months	6 months	3 months	6 months
Sweden	/	≥ 0,02 ‰: 6 months ≥ 0,1 ‰: 2 years	/	6 months 2 years
Switzerland	/	/	6 months	3 years
Croatia	/	60 days	/	60 days
Norway	14 days	36 days	14 days	36 days

Table 3 on imprisonment shows:

Possibility of imprisonment:	(26/30)
No possibility of imprisonment:	(4/30)

All but 4 countries (Austria, Belgium, Finland and Germany) have specific rules for the possibility of sanctioning with imprisonment as a regular consequence for a driver detected driving for the first time under the influence, in relation to both alcohol and drugs.

The period of imprisonment varies from a minimum of 6 hours (in Slovenia) to a maximum of 3 years (possible in some countries for both alcohol and drugs). In 4 countries the period of imprisonment is stated as depending on the BAC level.

5.4 Table 4 Demerit Point System

Countries and sanctions	DEMERIT POINT SYSTEM Consequences
Austria	1 "demerit point": The system is called "Vormerksistem" and the licence will be withdrawn with the 3rd registration (3rd "demerit point"); 2 "points" - certain measure depending on the violation; 1 "point" - fine
Belgium	/
Bulgaria	39 points - losing the licence and returning it
Cyprus	3 - 6 points can be applied as sanction for driving under influence of alcohol
Czech Republic	12 points - licence withdrawal for 1 year (3, 6 or 7 for driving under influence of alcohol; 6 or 7 for driving under influence of illicit drugs; 3 or 7 for driving under influence of non-prescribed medicines)
Denmark	/
Estonia	/
Finland	/
France	A new driver's licence has 6 points, then they get 2 pts each year, until the normal number of 12
Germany	18 points - withdrawal of the driving licence 4 points - BAC > 0,5g/l or driving under influence of drugs, medic. 7 points - BAC > 1,1 g/l 8-13 points - driver issued a caution and may participate in a special advanced driver improvement course on a voluntary base 14-17 points - mandatory participation in a special advanced driver improvement course, if driver does not follow the order, the licence will be withdrawn
Great Britain	3-11 points for DUI alcohol, drugs, medicines 12 points - driving ban of at least 6 months (if the points have been accumulated within a 3 year period), points only applied if court decides there are special reasons not to impose immediate disqualification. This is very rare and offenders are normally disqualified immediately for at least 12 months.
Greece	5-9 demerit points appointed for 0,25 mg/l-0,6 mg/l; 7 points: novice, professional, motorcycle, bicycle drivers 25 points -> licence withdrawal
Hungary	18 points = withdrawal 12 points = warning 5-9 points = for DUI
Ireland	/
Italy	10 points for driving under influence of alcohol, drugs, medicines; 20 points compulsory re-examination; driving licence withdrawal 3 points: for driving under influence of non-prescribed medicines 6-8 points: for driving under influence of alcohol 8 points: for driving under influence of drugs 4 points: a warning, sending info by post to a driver regarding the nr.of points registered for him/her 8 points: training sessions on matters of road traffic safety 12 points: training sessions on matters of road traffic safety 16 points: examination on matters of road traffic safety ; examination of driving skills; prohibition to use the right to drive for one year if the maximum number of points has been reached, or up to the timem while the maximum number of points remain
Latvia	/
Lithuania	/
Luxembourg	12 points - the right to drive is suspended for 12 months
Malta	Currently applies only to novice drivers i.e. those drivers with less than 3 years driving experience. The extension of the system to all drivers is under consideration.
The Netherlands	/
Poland	10 points for driving under influence of alcohol; 24 points - licence withdrawal
Portugal	/
Romania	15 points - driving ban for 30 days (DUI not sanctioned with penalty points)
Slovakia	/
Slovenia	18 points - licence withdrawal for all drivers 7 points - withdrawal for novice drivers 13-17 points - obligatory improvement course, which deducts 4 points - performed by driving schools 7-18 points - for driving under influence of alcohol 10-18 points - for driving under influence of drugs, medicines
Spain	4-6 points for driving under influence of alcohol, drugs
Sweden	/
Switzerland	/
Croatia	9 PP in 2 years only or mostly for offences for which 3 PP are provided, shall be imposed withdrawal for 12 months for all categories. 9 PP in 2 years mostly for offences for which less than 3 PP are provided, shall be imposed withdrawal in category in which he or she mostly built up PP for 9 months. 1-3 PP for driving under influence of alcohol 3 PP for driving under influence of illicit drugs 1 PP for driving under influence of medicines

Norway

/

Table 4 on demerit point systems shows:

Demerit point system:	(17/30)
No demerit point system:	(13/30)

More than half of the evaluated countries use the demerit point system as a sanction, while 13 countries do not. In Germany, 18 points triggers a withdrawal, in Bulgaria 39 point means the driver loses the licence, while in the Czech Republic, 12 points triggers a withdrawal for 1 year. In Poland, 24 points is the amount resulting in a withdrawal.

A number of countries grade the type of driver differently, triggering different amounts of point. In Slovenia, for instance, 7 points causes a withdrawal for novice drivers, while 18 points causes withdrawal for all drivers.

5.5 Table 5 Probation, Driver Assessment, Driver Rehabilitation, Treatment programme and Community Service

Countries and sanctions	Probation	Driver Assessment	Driver Rehabilitation	Treatment programme	Community service
Austria	no	yes (A, ID)	yes (A)	no	no
Belgium	possible (A, ID)	possible (A, ID)	possible (A, ID)	possible (A, ID)	possible (A, ID)
Bulgaria	no	no	no	no	no
Cyprus	no	no	no	no	no
Czech Republic	no	no	no	yes (A, ID)	no
Denmark	no	no	yes (A)	no	yes (A, ID, M)
Estonia	yes (A, ID, M)	no	no	no	no
Finland	no	no	no	no	no
France	yes (A)	yes (A, ID)	yes (A, ID)	no	yes (A, ID)
Germany	no	yes (ID)	no	no	no
Great Britain	yes (A, ID, M)	no	yes (A, ID, M)	no	yes (A, ID, M)
Greece	no	no	no	no	no
Hungary	no	no	no	no	no
Ireland	no	no	no	no	no
Italy	no	yes (A, ID, M)	no	no	no
Latvia	no	no	no	no	no
Lithuania	no	yes (A, M)	yes (A, M)	no	no
Luxembourg	yes(A)	no	no	no	no
Malta	no	no	no	no	no
The Netherlands	no	yes (A, ID, M)	yes (A)	no	yes (A, ID, M)
Poland	no	yes (A, ID)	no	no	yes (A, ID)
Portugal	no	no	yes (A, ID)	yes (A, ID)	no
Romania	no	yes (A, ID, M)	yes (ID, M)	yes (ID, M)	no
Slovakia	no	yes (A, ID, M)	no	yes (A, ID, M)	no
Slovenia	no	no	yes (A)	no	no
Spain	no	no	no	no	yes (A, ID, M)
Sweden	no	yes (A, ID, M)	no	no	no
Switzerland	yes (A, ID, M)	yes (A, ID, M)	yes (A)	no	no
Croatia	yes (A, ID)	yes (A, ID)	yes (A, ID)	yes (A, ID)	yes (A, ID)
Norway	yes (A, ID, M)	no	no	yes (A, ID, M)	yes (A, ID, M)

Note: A - alcohol, ID - illicit drugs, M - medicines

Table 5 on probation, driver assessment, driver rehabilitation, treatment programme and community service shows:

Probation:

Yes/Possible: (8/30)

No: (22/30)

Driver assessment:

Yes/Possible: (13/30)

No: (17/30)

Driver rehabilitation:

Yes/Possible: (12/30)

No: (18/30)

Treatment programme:

Yes/Possible: (7/30)

No: (23/30)

Community service:

Yes/Possible: (9/30)

No: (21/30)

The most used sanctions in the evaluated countries are *driver assessment* and *driver rehabilitation*, which are both used in more than 1/3 of the countries. Probation, treatment programme and community service are used in fewer than 1/3 of the countries.

5.6 Table 6 Legal Consequences Concerning Driving Licence if Using Psychoactive Substances Outside Traffic

Legal consequences concerning driving licence					
Countries and sanctions	IF Selling illicit drugs	IF possessing illicit drugs	IF consuming illicit drugs	IF consuming alcohol	IF consuming medicines
Austria	Yes, immediate licence withdrawal (if certain Q exceeded)	Yes, immediate licence withdrawal (if certain Q exceeded)	Yes, licence withdrawal after failing medical/psychological assessment	Yes, in special cases - addiction; licence withdrawal after failing medical/psychological assessment	Yes, in special cases - addiction; licence withdrawal after failing medical/psychological assessment
Belgium	No	No	No	Yes (driver assessment, immediate withdrawal; possible restrictions on the driving licence)	Yes (driver assessment, immediate withdrawal; possible restrictions on the driving licence)
Bulgaria	No	No	No	No	No
Cyprus	No	No	Yes (driver assessment, licence withdrawal after failing assessment/after court procedure, re-evaluation of health conditions)	Yes, if repeated or pathological (driver assessment, licence withdrawal after failing assessment/after court procedure)	Yes, if repeated or pathological (driver assessment, licence withdrawal after failing assessment/after court procedure)
Czech Republic	No	No	No	No	No
Denmark	No	No	Yes (medical driver assessment, licence withdr. after failing assessment or after court procedure)	No	No
Estonia	No	No	No	No	No
Finland	No	No	Yes (driving ban, withdrawal after failing medical/psychological ass.)	Yes (driving ban, withdrawal after failing medical/psychological ass.)	Yes (driving ban, withdrawal after failing medical/psychological ass.)
France	No	No	No	No	No
Germany	Yes (driver asses., licence withdrawal after failing medical/psych. assessment, after court procedure)	Yes (driver asses., licence withdrawal after failing medical/psych. assessment, after court procedure)	Yes (driver assessment, licence withdrawal after failing medical/psych. assessment, after court procedure)	Yes, in special cases: addiction, misuse (driver assessment, licence withdrawal after failing medical/psych.assessment)	Yes, in special cases: consumption of substances listed in Narcotic Law and misuse or addiction of psychoactive substances (driver asses., licence withdrawal after failing assessment)
Great Britain	Driving licence consequences normally applied only to road traffic offences and not to possession, etc of drugs.			Yes, where individual is deemed medically unfit to drive through alcohol or drugs.	Yes, where individual is deemed medically unfit to drive through alcohol or drugs.
Greece	No	No	No	No	No
Hungary	No	No	No	Yes, driver assessment	Yes, licence withdrawal after failing asses.
Ireland	No	No	No	No	No
Italy		Possession of "light" drugs (hashish and marijuana) for 1. time: clinical visit; if opinion of psychologist positive, no consequences on driving licence follow. "Heavy" drugs (1.time) or if not showing to the clinical visit or caught twice with "light" drugs: invitation to a rehabilitation course in the health department; if he does not attend - driving licence ban follows			
Latvia	No	No	No	No	No

Countries and sanctions	IF Selling illicit drugs	IF possessing illicit drugs	IF consuming illicit drugs	IF consuming alcohol	IF consuming medicines
Lithuania			Yes (driver assessment, withdrawal after failing the assessment) Health controls done periodically.	Yes, in special cases - addiction; licence withdrawal after failing medical/psychological assessment	Yes, in special cases - addiction, misuse and regular using of medicines which can bring negative consequences of driving
Luxembourg	No	No	Yes (driver assessment, driving ban, licence withdrawal after failing assessment or after court procedure; probational licence, rehabilitation, treatment programme)	Yes (driver assessment, driving ban, licence withdrawal after failing assessment or after court procedure; probational licence, rehabilitation, treatment programme)	Yes (driver assessment, driving ban, licence withdrawal after failing assessment or after court procedure; probational licence, rehabilitation, treatment programme)
Malta	Yes, medical and psychological driver assessment; licence withdrawal after court procedure; loss of penalty points for novice drivers	Yes, medical and psychological assessment; loss of penalty points for novice drivers	Yes, medical and psychological driver assessment; licence withdrawal after court procedure; loss of penalty points for novice drivers	Driving ban, licence withdrawal after court procedure	Medical and psychological assess. licence withdrawal after court procedure
The Netherlands	No	No	No	Yes, in case of dependency (licence withdrawal after failing assessment)	Yes, in case of certain medicines (immediate licence withdrawal)
Poland	No	No	No	No	No
Portugal	No answer	No answer	No answer	No answer	No answer
Romania	No	No	No	No	No
Slovakia	Yes, licence withdr. after failing medical/psychol. assessment	Yes, licence withdr. after failing medical/psychol. assessment	Yes, driver assessment and licence withdr. after failing medical/psychol. assessment	Yes, in case of alcohol addiction; driver assessment (medical and psychological) and licence withdr. after failing medical/psychological assessment	No
Slovenia	No	No	No	No	No
Spain	No	No	No	Yes, According to Spanish Road Traffic Act a driving licence may be refused to any person who is not temperate in the use of alcohol.	No
Sweden	No	Yes, after court procedure: licence withdrawal, fine, imprisonment	Yes, after court procedure: licence withdrawal, fine, imprisonment	Yes, licence withdrawal	Yes, licence withdrawal
Switzerland	No	No	Yes, driver assessment, licence withdrawal (immediately or after failing driver assessment)	Yes, in special cases, eg. misuse (driver assess., driving ban, rehab., licence withdr. after failing medical/psych. assessm., after court procedure)	Yes, in special cases, eg. misuse (driver assess., driving ban, licence withdr. after failing medical/psych. assessm., after court procedure)
Croatia	No	No	No	No	No
Norway			In practice the police may withdraw the licence if it is considered that the person abuses intoxicating substances (they must undergo a medical examination); applied stricter for professional drivers	In practice the police may withdraw the licence if it is considered that the person abuses intoxicating substances (they must undergo a medical examination); applied stricter for professional drivers	In practice the police may withdraw the licence if it is considered that the person abuses intoxicating substances (they must undergo a medical examination); applied stricter for professional drivers

This summarisation is divided into 5 smaller parts, according to the conditions under which the psychoactive substances is used outside traffic. The table is based on question 1.16, 1.17, 1.18, 1.19 in the questionnaire. We refer to Annex III.

Legal consequences concerning driving licence if using psychoactive substances outside traffic:

-If selling illicit drugs?

Yes: (4/30)

No: (26/30)

-If possessing illicit drugs?

Yes: (6/30)

No: (24/30)

-If consuming illicit drugs?

Yes: (12/30)

No: (18/30)

-If consuming alcohol?

Yes: (16/30)

No: (14/30)

-If consuming medicines?

Yes: (14/30)

No: (16/30)

It can clearly be seen that *consuming* illicit drugs, alcohol or medicines mostly triggers legal consequences in the countries as of now. Selling or possessing illicit drugs only have legal consequences in around 1/6 of the countries. This is probably because traffic laws are mainly focused towards offences within the traffic system. Driving licence consequences are normally applied only to road traffic offences and not to possession etc. of drugs.

Re-granting

Table 7 Re-granting / Alcohol

Countries and sanctions	Medical assessment	Psychological assessment	Screening for substance markers in blood/urine/hair	Driver rehabilitation	Treatment programme	Theoretical driving lessons	Practical driving lessons	Theoretical driving test	Practical driving test
Conditions for re-granting: Alcohol									
Austria	In special cases, if BAC is 1,6 g/l or above	In special cases, if BAC is 1,6 g/l or above	No	In special cases, if BAC is 1,2 g/l or above OR in case of novice drivers, if BAC is 0,1 g/l or above OR the second offence with a BAC between 0,8 and 1,19 g/l within 5 years.	No	No	No	In special cases, withdrawal for more than 18 months and assumption of the authority that the drivers theoretical knowledge regarding driving is not sufficient anymore	In special cases: withdrawal for more than 18 months
Belgium	In special cases, if the judge considers this opportune; fatal accident, recidivism, causing an accident	In special cases, if the judge considers this opportune; fatal accident, recidivism, causing an accident	No	No	No	No	No	In special cases, when a novice driver is convicted for an offence which led to a suspension of drivers licence	In special cases, when a novice driver is convicted for an offence which led to a suspension of drivers licence
Bulgaria	No	No	No	No	No	In special cases, in case of repeat offences	In special cases, in case of repeat offences	In special cases, in case of repeat offences	No
Cyprus	In special cases, repeated offences	In special cases, repeated offences	No	No	No	No	No	In special cases, repeated off.	In special cases, repeated off.
Czech Republic	/	/	/	/	/	/	/	/	/
Denmark	No	No	No	Always	No	Always	Always	Always	Always
Estonia								If the punishment was withdrawal of driving right for more than 6 months	
Finland	In special cases, repeated offences	No	No	In special cases, addicts	In special cases, addicts	No	No	Only in special cases, novice drivers	Only in special cases, novice drivers
France	Always	In special cases, cancellation of a licence	In special cases, decision of the medical commission	In special cases, novice drivers, cancellation	No	No	No	No	No
Germany	In special cases if BAC above 1.6 mg/g, repeated offences, whenever the fitness to drive is in question due to an underlying alcohol problem (addiction, misuse)	In special cases if BAC above 1.6 mg/g, repeated offences, whenever the fitness to drive is in question due to an underlying alcohol problem (addiction, misuse)	In special cases if BAC above 1.6 mg/g, repeated offences, whenever the fitness to drive is in question due to an underlying alcohol problem (addiction, misuse)	In special cases, novice drivers + whenever recommended after fitness to drive asses.and the respective authority follows this recommendation	In special cases, participation in treatment is necessary condition for gaining a positive fitness to drive decision in case of addiction	No	No	In special cases, the respective authority orders a test if facts justify the assumption that the licence applicant has not the required knowledge and capabilities any longer	In special cases, the respective authority orders a test if facts justify the assumption that the licence applicant has not the required knowledge and capabilities any longer
Great Britain	In special cases, if above 200mg/100ml, repeated offences or Failure to provide specimen for analysis.	No	No	In special cases, Courts have discretion to offer to any drink drive offender (not mandatory condition for reinstatement)	No	No	No		In special cases, if above BAC 200mg/100ml and repeated offences
Greece	Yes					Yes	Yes	Yes	Yes

Countries and sanctions	Medical assessment	Psychological assessment	Screening for substance markers in blood/urine/hair	Driver rehabilitation	Treatment programme	Theoretical driving lessons	Practical driving lessons	Theoretical driving test	Practical driving test
Hungary	No	Only in special cases	No	In special cases	Not used	In special cases, when the time of the licence withdr. was more than 6 months	Not used	In special cases, when the time of the licence withdr. was more than 12 months	In special cases, when the time of the licence withdr. was more than 12 months
Ireland	Removal of disqualification by a judge once a person has been disqualified for more than 2 years. The person must have completed one half of the period specified. The judge may grant reduction of disqualification having regard to the character of the applicant, his conduct after conviction and the nature of the offence.								
Italy	In special cases, above BAC 1,5	In special cases, above BAC 1,5	In special cases, above BAC 1,5	No	No	No	In special cases, novice drivers	In special cases, novice drivers	In special cases, novice drivers
Latvia	Always	Always	Always	No	No	No	No	Always	Always
Lithuania	Always	Not defined	Not defined	Always	No	No	No	Always	Always
Luxembourg	In special cases, repeated offences	No	In special cases, repeated offences	No	No	No	No	No	No
Malta	Following withdrawal of driving licence, (for a period of time decided by Court) driver are to apply to at ADT to regain same Driving Licence. However, there may be severe punishment if 'drugs' under Chapter 101 are concerned & a more severe court punishment was awarded - In this case the Police must be consulted. Subject may submit a presidential plea or request to Court for restoration of driving licence. In any case Polices' views are always consulted.								
The Netherlands	Always	No	Always	No	No	No	No	No	No
Poland	Always	Always	No	No	No	No	No	In special cases, if licence withdrawn for more than 1 year	In special cases, if licence withdrawn for more than 1 year
Portugal	In special cases (repeated offences)	In special cases (repeated offences)	No	In special cases (repeated offences)	/	/	/	/	/
Romania	No	No	No	No	No	No	No	Yes (1 year after annulment)	Yes (1 year after annulment)
Slovakia	Yes, in case of a driving ban/withdrawal that lasted more than 2 years	Yes, in case of a driving ban/withdrawal that lasted more than 2 years	No	No	In special cases, if ordered by Court	In special cases, if ordered by a competent authority	In special cases, if ordered by a competent authority	Always	In case of a driving ban/withdrawal that lasted more than 2 years
Slovenia	Always	In special cases, professional driver can take a psych. asses. if the doctor decides he needs it	In special cases, if the doctor decides so	In special cases if gaining 13-17-demerit points	No	Always	Always	Always	Always
Spain	Yes, when loosing all licence points this is a standard examination	Yes, when loosing all licence points this is a standard examination	No	No	No	In special cases, if recovering/removing licence-points	No	In special cases, after removing all licence-points. In addition with theoretical driving lessons	No
Sweden	Above BAC 0,1 %	No	Above BAC 0,1 %	No	No	No	No	In special cases, depends of the time of withdrawal	In special cases, depends of the time of withdrawal
Switzerland	Always	In special cases, depends on the case	Always	In special cases, type of dr. rehabil. depends on the BAC level	In special cases, repeated offences	In special cases, repeated offences	In special cases, repeated offences	In special cases, if there are doubts concerning driving aptitude	In special cases, if there are doubts concerning driving aptitude
Croatia	Only in special cases, if above BAC 1,5 g/kg	No	No	No	No	No	No	No	No
Norway	In special cases when the relevant public authority considers it necessary	No	In special cases, if the medical doctor requires	No	No	No	No	Only in special cases, above BAC 0,5	Only in special cases, above BAC 0,39

5.7 Table 8 Re-granting / Illicit Drugs

Countries and sanctions	Medical assessment	Psychological assessment	Screening for substance markers in blood/urine/hair	Driver rehabilitation	Treatment programme	Theoretical driving lessons	Practical driving lessons	Theoretical driving test	Practical driving test
Conditions for re-granting: Illicit drugs									
Austria	Always	Always	Always	In special cases, repeated off.	In special cases, repeated off.	No	No	In special cases, withdrawal for more than 18 months and assumption of the authority that the driver's theoretical knowledge regarding driving is not sufficient any more	In special cases: withdrawal for more than 18 months
Belgium	In special cases, if the judge considers this opportune; fatal accident, recidivism, causing an accident	In special cases, if the judge considers this opportune; fatal accident, recidivism, causing an accident	No	No	No	No	No	In special cases, when a novice driver is convicted for an offence which led to a suspension of drivers licence	In special cases, when a novice driver is convicted for an offence which led to a suspension of drivers licence
Bulgaria	No	No	No	No	No	Not defined	Not defined	Not defined	No
Cyprus	In special cases, repeated offences	In special cases, repeated offences	No	No	No	No	No	In special cases, repeated off.	In special cases, repeated off.
Czech Republic	/	/	/	/	/	/	/	/	/
Denmark	No	No	No	No	No	Always	Always	Always	Always
Estonia								If the punishment was withdrawal of driving right for more than 6 months	
Finland	In special cases, repeated offences	No	No	In special cases, addicts	In special cases, addicts	No	No	Only in special cases, novice drivers	Only in special cases, novice drivers
France	Always	In special cases, cancellation of a licence	In special cases, decision of the medical commission	In special cases, novice drivers, cancellation	No	No	No	No	No
Germany	Always	Always	Always	In special cases novice drivers + whenever recommended after fitness to drive asses.and the respective authority follows this recommendation	In special cases, participation in treatment is necessary condition for gaining a positive fitness to drive decision in case of addiction	No	No	In special cases, the respective authority orders a test if facts justify the assumption that the licence applicant has not the required knowledge and capabilities any longer	In special cases, the respective authority orders a test if facts justify the assumption that the licence applicant has not the required knowledge and capabilities any longer
Great Britain	Only in special cases where medical assessment is deemed necessary to determine fitness to drive	No	No	No	No	No	No	No	No
Greece	Yes					Yes	Yes	Yes	Yes
Hungary	Not used	Not used	No	In special cases	Not used	In special cases, when the time of the licence withdr.was more than 6 months	Not used	In special cases, when the time of the licence withdr.was more than 12 months	In special cases, when the time of the licence withdr.was more than 12 months

Countries and sanctions	Medical assessment	Psychological assessment	Screening for substance markers in blood/urine/hair	Driver rehabilitation	Treatment programme	Theoretical driving lessons	Practical driving lessons	Theoretical driving test	Practical driving test
Ireland	Removal of disqualification by a judge once a person has been disqualified for more than 2 years. The person must have completed one half of the period specified. The judge may grant reduction of disqualification having regard to the character of the applicant, his conduct after conviction and the nature of the offence.								
Italy	Always	Always	Always	No	No	No	In special cases, novice drivers	In special cases, novice drivers	In special cases, novice drivers
Latvia	Always	Always	Always	No	No	No	No	Always	Always
Lithuania	Always	Not defined	Not defined	Always	No	No	No	Always	Always
Luxembourg	Always	In special cases, repeated offences	Always	No	No	No	No	No	No
Malta	Following withdrawal of driving licence, (for a period of time decided by Court) driver are to apply to at ADT to regain same Driving Licence. However, there may be severe punishment if 'drugs' under Chapter 101 are concerned & a more severe court punishment was awarded - In this case the Police must be consulted. Subject may submit a presidential plea or request to Court for restoration of driving licence. In any case Polices' views are always consulted.								
The Netherlands	Always	No	Always	No	No	No	No	No	No
Poland	Always	Always	No	No	No	No	No	In special cases, if licence withdrawn for more than 1 year	In special cases, if licence withdrawn for more than 1 year
Portugal	In special cases (repeated offences)	In special cases (repeated offences)	No	In special cases (repeated offences)	/	/	/	/	/
Romania	No	No	No	No	No	No	No	Yes (1 year after annulment)	Yes (1 year after annulment)
Slovakia	Yes, in case of a driving ban/withdrawal that lasted more than 2 years	Yes, in case of a driving ban/withdrawal that lasted more than 2 years	No	In special cases if ordered by Court	In special cases if ordered by Court	In special cases, if ordered by a competent authority	In special cases, if ordered by a competent authority	Always	Yes, in case of a driving ban/withdrawal that lasted more than 2 years
Slovenia	Always	In special cases, professional driver can take a psych.asses.if the doctor decides he needs it	In special cases, if the doctor decides so	In special cases if gaining 13-17-demerit points	No	Always	Always	Always	Always
Spain	Yes, when loosing all licence points this is a standard examination	Yes, when loosing all licence points this is a standard examination	No	No	No	In special cases, if recovering/removing licence-points	No	In special cases, after removing all licence-points. In addition with theoretical driving lessons	No
Sweden	Only in special cases	No	Only in special cases	No	No	No	No	In special cases, depends of the time of withdrawal	In special cases, depends of the time of withdrawal
Switzerland	Always	In special cases, depends on the case	Always	no	In special cases, repeated offences	In special cases, repeated offences	In special cases, repeated offences	In special cases, if there are doubts concerning driving aptitude	In special cases, if there are doubts concerning driving aptitude
Croatia	Always	No	No	No	No	No	No	No	No
Norway	In special cases when the relevant public authority considers it necessary	No	In special cases, if the medical doctor requires	No	No	In special cases	No	In special cases, when the level of impairment considered higher than the equivalent of BAC 0,5	In special cases, when the level of impairment considered higher than the equivalent of BAC 0,5

5.8 Table 9 Re-granting / Medicines

Countries and sanctions	Medical assessment	Psychological assessment	Screening for substance markers in blood/urine/hair	Driver rehabilitation	Treatment programme	Theoretical driving lessons	Practical driving lessons	Theoretical driving test	Practical driving test
Conditions for re-granting: Medicines									
Austria	Always	Always	No	No	In special cases, repeated off.	No	No	In special cases, withdrawal for more than 18 months and assumption that the driver's theoretical knowledge regarding driving is not sufficient any more	In special cases: withdrawal for more than 18 months
Belgium	No	No	No	No	No	No	No	No	No
Bulgaria	No	No	No	No	No	Not defined	Not defined	Not defined	No
Cyprus	In special cases, repeated offences	In special cases, repeated offences	No	No	No	No	No	In special cases, repeated off.	In special cases, repeated off.
Czech Republic	/	/	/	/	/	/	/	/	/
Denmark	No	No	No	No	No	Always	Always	Always	Always
Estonia								If the punishment was withdrawal of driving right for more than 6 months	
Finland	In special cases, repeated offences	No	No	In special cases, addicts	In special cases, addicts	No	No	No	No
France	In special cases, accidents, warning from police forces	No	No	No	No	No	No	No	No
Germany	Always	Always	Always	In special cases novice drivers + whenever recommended after fitness to drive asses. and the respective authority follows this recommendation	In special cases, participation in treatment is necessary condition for gaining a positive fitness to drive decision in case of addiction	No	No	In special cases, the respective authority orders a test if facts justify the assumption that the licence applicant has not the required knowledge and capabilities any longer	In special cases, the respective authority orders a test if facts justify the assumption that the licence applicant has not the required knowledge and capabilities any longer
Great Britain	Only in special cases where medical assessment is deemed necessary to determine fitness to drive	No	No	No	No	No	No	No	No
Greece	Yes					Yes	Yes	Yes	Yes
Hungary	Not used	Not used	No	In special cases	Not used	In special cases, when the time of the licence withdr. was more than 6 months	Not used	In special cases, when the time of the licence withdr. was more than 12 months	In special cases, when the time of the licence withdr. was more than 12 months
Ireland	Removal of disqualification by a judge once a person has been disqualified for more than 2 years. The person must have completed one half of the period specified. The judge may grant reduction of disqualification having regard to the character of the applicant, his conduct after conviction and the nature of the offence.								
Italy	Always	Always	Always	No	No	No	In special cases, novice drivers	In special cases, novice drivers	In special cases, novice drivers
Latvia	No	No	No	No	No	No	No	No	No
Lithuania	Always	Not defined	Not defined	Always	No	No	No	Always	Always
Luxembourg	Always	Always	Always	No	No	No	No	No	No
Malta	Following withdrawal of driving licence, (for a period of time decided by Court) drivers are to apply to at ADT to regain same Driving Licence. However, there may be severe punishment if 'drugs' under Chapter 101 are concerned & a more severe court punishment was awarded - In this case the Police must be consulted. Subject may submit a presidential plea or request to Court for restoration of driving licence. In any case Polices' views are always consulted.								

Countries and sanctions	Medical assessment	Psychological assessment	Screening for substance markers in blood/urine/hair	Driver rehabilitation	Treatment programme	Theoretical driving lessons	Practical driving lessons	Theoretical driving test	Practical driving test
The Netherlands	Always	No	No	No	No	No	No	No	No
Poland	/	/	/	/	/	/	/	/	/
Portugal	/	/	/	/	/	/	/	/	/
Romania	No	No	No	No	No	No	No	Yes (1 year after annulment)	Yes (1 year after annulment)
Slovakia	/	/	/	/	/	/	/	/	/
Slovenia	Always	In special cases, professional driver can take a psych. asses. if the doctor decides he needs it	In special cases, if the doctor decides so	In special cases if gaining 13-17-demerit points	No	Always	Always	Always	Always
Spain	Yes, when loosing all licence points this is a standard examination	Yes, when loosing all licence points this is a standard examination	No	No	No	In special cases, if recovering/removing licence-points	No	In special cases, after removing all licence-points. In addition with theoretical driving lessons	No
Sweden	Only in special cases	No	Only in special cases	No	No	No	No	In special cases, depends of the time of withdrawal	In special cases, depends of the time of withdrawal
Switzerland	Always	In special cases, depends on the case	Always	No	In special cases, repeated offences	In special cases, repeated offences	In special cases, repeated offences	In special cases, if there are doubts concerning driving aptitude	In special cases, if there are doubts concerning driving aptitude
Croatia	No	No	No	No	No	No	No	No	No
Norway	In special cases when the relevant public authority considers it necessary	No	In special cases, if the medical doctor requires	No	No	In special cases	No	In special cases, when the level of impairment considered higher than the equivalent of BAC 0,5	In special cases, when the level of impairment considered higher than the equivalent of BAC 0,5

Detection and Police Enforcement

5.9 Table 10 Police Control Activities, Detection Routines and Procedure

Countries and sanctions	Police control activities		Detection routines and procedures						
	Systematic police control strategies	Annual frequency	Breath test	Blood test	Urine test	Saliva test	Sweat test	Impairment test	Other tests
Austria	Yes, related to weekday, daytime, specific locations, areas, specific events	2008: 724.488 tests for alcohol (alcomat and pretester for alcohol)	random, roadside	in suspicion	in suspicion	not used	in suspicion	in suspicion, roadside	not used
Belgium	Yes, related to weekday, daytime, specific locations, specific events	no complete info available	random, roadside	in suspicion; roadside	in suspicion; roadside	possible in near future	not used	random, roadside	not used
Bulgaria	Yes, for alcohol, related to weekday, daytime and to specific locations, areas	no info	random, in suspicion, roadside	see Bulgarian Ordinance № 30 of June 27, 2001		not used	not used	not used	not used
Cyprus	Yes, related to weekday, daytime, specific locations, specific events. Every driver, involved in an accident, is tested.	Three 15 day campaigns for alcohol; 143.848 alcohol tests	random, roadside	only when the driver is not able to be breath analysed		not used	not used	not used	tests for drugs and medicines only with consent of the driver
Czech Republic	No	not available	random, roadside	in suspicion	in suspicion	random, roadside	random, roadside	random, roadside	medical test (in suspicion)
Denmark	No, not since the latest police reform	2008: 9 periods of alcohol/drug checks with all together 61 days of nationwide controls, where appr. 3.600 checkpoints established	random, roadside	in suspicion, roadside	in suspicion	random, roadside	random, roadside	in suspicion	no
Estonia	Yes, related to specific locations, areas	not seen as a separate goal	random, in suspicion, roadside	in suspicion	in suspicion	in suspicion, roadside	in suspicion, roadside	no	measurement of pulse rate; Romberg's test
Finland	Yes, related to specific events	once or twice a year more often regionally, depending on needs (4-5 weeks of intensified surveillance per year)	random, roadside	in suspicion	in suspicion	random, roadside	not used	random, roadside	no
France	Yes, related to weekday, daytime, specific locations or areas, specific events	2008: 10.000.000 (95 % alcohol testing)	random, in suspicion, roadside	in suspicion	in suspicion, roadside	random, roadside	no	no	in suspicion (medical examination, biological test)
Germany	Yes, related to weekday, daytime, specific locations, specific events	2006: (tests with pretest devices: cca 3,5 million for alcohol, cca 120.000 for drugs)	in suspicion, roadside	in suspicion	in suspicion, roadside	in suspicion, roadside	in suspicion, roadside	in suspicion, roadside	no
Great Britain	No, the police do not have powers to stop randomly and check. Many police forces carry out intelligence-led, targeted testing at times and locations where drinking is known to take place.	approx. 600.000 screening breath tests per year	in suspicion, roadside	in suspicion	in suspicion	no	no	in suspicion, roadside	no
Greece	Yes, related to weekday, daytime, specific locations or areas, specific events (only for alcohol)	not defined	random, roadside	in suspicion	no	not used	no	no	no
Hungary	Yes, related to specific locations, areas; specific events	2008: 4 (2 of 4 were international TISPOL)	random, roadside	in suspicion	in suspicion, roadside	random	in suspicion	no	no
Ireland	No	not available	random, roadside	in suspicion, at a station or in hospital	in suspicion, at a station or in hospital	not used	not used	not used	no evidential breath test permitted only in Police station

Countries and sanctions	Police control activities		Detection routines and procedures						
	Systematic police control strategies	Annual frequency	Breath test	Blood test	Urine test	Saliva test	Sweat test	Impairment test	Other tests
Italy	Yes, related to weekday, daytime, specific locations, specific events	in 2008 1.393.467 people checked	random, roadside	no	roadside	random, roadside	random, roadside	no	no
Latvia	Yes, related to weekday, daytime, specific locations, specific events	once a week	random, in suspicion, roadside	in suspicion	in suspicion	in suspicion, roadside	in suspicion	no	no
Lithuania	Yes, related to specific locations, areas and events	2008: around 9 times	random, roadside	in suspicion	in suspicion	in suspicion, roadside	in suspicion	no	no
Luxembourg	Only controls regarding alcohol in traffic. Yes, related to weekday, daytime, specific locations, specific events.	2008: 206 (only regarding alcohol in traffic)	in suspicion, roadside	no (only when person not able to perform breath test)	no (only if impairment and saliva/sweat test positive)	roadside (only if impairment test positive)	roadside (only if impairment test positive)	in suspicion, roadside	medical test (only when not possible to perform other tests)
Malta	Yes, related to daytime, specific locations, areas; specific events	random spot checks	random, in suspicion, roadside	in suspicion, roadside	random, in suspicion (held at a clinic)	in suspicion	in suspicion	in suspicion	no
The Netherlands	Yes, related to weekday, daytime; most activities are focusing on weekend nights	2007: 1500, only a few for drugs	random, roadside	in suspicion	in suspicion	no	no	random, in suspicion, roadside	no
Poland	Yes, related to weekday, daytime, specific locations, specific events. The national operations last usually one week, during it they may also control illegal drugs. Despite that drugs are controlled during police routine activities.	2008: 4 national operations (applies to alcohol only) 48.944 drug controls during police routine activities; alcohol tests on every day basis	random, roadside	in suspicion	in suspicion	random, roadside	random, roadside	no	toxicology tests
Portugal	Yes, related to weekday, daytime, specific locations, specific events	no info	random, in suspicion, roadside	in suspicion	no	random, in suspicion, roadside	no	in suspicion	/
Romania	Yes, related to weekday, daytime, specific locations, specific events	2009: 2.300 checks	random, roadside	suspicion	suspicion	suspicion, roadside	no	no	no
Slovakia	Yes, related to time, location, special events and road user groups	info not available daily routine: random checks, checks in case of suspicion, in case of an accident	random, roadside	only by a medical authority	no	no	no	no	no
Slovenia	Yes, related to weekday, daytime, specific locations, specific events. In a year 3 bigger actions (June, November, December) when systematic controls more intensive	not available	random, roadside	in suspicion	in suspicion	no	no	random, roadside	yes, in special cases, expert examination, pupil meter
Spain	Yes, related to weekday, daytime, specific locations, specific events	2008: 5.475.467, only alcohol at checkpoints outside build-up areas	random, in suspicion, roadside	in suspicion, roadside	in suspicion	random	no	random, in suspicion	no
Sweden	Yes, related to weekday, daytime, specific locations, specific events	2007: 2.500.000	random, roadside, in suspicion	in suspicion	in suspicion	in suspicion	no	no	no
Switzerland	Yes, related to weekday, daytime, specific locations, specific events	There are no statistics available on federal base	random, roadside	in suspicion	in suspicion, roadside	in suspicion, roadside	in suspicion, roadside	in suspicion, roadside	no
Croatia	Yes, related to weekday, daytime, specific locations, specific events	2008: 1.200 (1.000 alcohol and 200 drugs)	random, in suspicion, roadside	in suspicion	in suspicion	random, in suspicion, roadside	no	no	no
Norway	In the policy is that police should test every driver by alcohol screening device	1,8 million	random, roadside	in suspicion	in suspicion	no	no	at the roadside: observation of general appearance	check for presence of drugs in the car; observation of pupils

5.10 Table 11 Training and Competences of Police Officers

Countries and sanctions	Specific training programmes	Discretion to report the driver detected for DUI	If the driver is tested positive for psychoactive substances, does the police officer have competence to:		
			confiscate the driving licence immediately at the roadside	confiscate the vehicle at the roadside	arrest the driver and take him into custody
Austria	Yes	No	Yes, in any case if the driver tested positive	No	No
Belgium	Yes	No	Yes, in any case if the driver tested positive	No	Yes, but in special cases (case of extreme and obvious intoxication of the driver)
Bulgaria	Yes	No	Yes, but in special cases (if applied temporary withdr.of the driving licence)	No	No
Cyprus	Yes, for alcohol	Yes	No	Yes, but in special cases, the vehicle can be driven by another person to the owner's house or be kept at police station, released later to the owner	Yes, but in special cases, if the driver considered dangerous to himself or others
Czech Republic	Yes	Not defined	Yes, in any case if the driver tested positive	No	Yes, but in special cases (suspected of impaired driving and also involved in an accident)
Denmark	Yes, regarding drugs and medicines	No	No	No	Yes, in any case if the driver tested positive
Estonia	Yes, in the field of detection of narcotic substances	Yes, when a criminal case is initiated, documents always sent to the crime department of police	No	Yes, but in special cases, in suspicion of crime	Yes, but in special cases, in suspicion of crime or if the driver poses a threat
Finland	Yes, for drug enforcement		Yes, but in special cases, if the police suspects driver being under influence	Yes, but in special cases	Yes, but in special cases
France	Yes, focus on prevention	No	Yes, in any case if the driver tested positive	Yes, but in special cases, recidivism	Yes, in any case if the driver tested positive
Germany	Yes, theoretical and practical lessons to detect drug, alcohol impairment	Yes, administrative discretion to inform the licensing authority	Yes, in special cases - criminal offence	No	Yes, in special cases for example some criminal offences when the offender is heavily drunk
Great Britain	Yes, on the use of, and law on, screening breathalysers, use of evidential breath testing and in some cases drug recognition and Field Impairment Testing.	Yes, police decide whether to stop, test, arrest and charge/report offenders.	No	No (possible for repeat offenders but rarely used)	Yes, in any case if the driver tested positive
Greece	Yes	No	Yes, but in special cases, if alcohol exceeds 0,8 g/l in blood or 0,4 mg/l in breath sample	Yes, but in special cases, if alcohol exceeds 1,1 g/l in blood or 0,6 mg/l in breath sample	Yes, but in special cases, if alcohol exceeds 1,1 g/l in blood or 0,6 mg/l in breath sample
Hungary	Yes, theoretical lessons for detection of primary physical symptoms	No	Yes, in any case if the driver tested positive	No	Yes, but in special cases, to determine the identity of the person and for the enforcement of blood test
Ireland	No		No	No	Yes
Italy	Yes	No	Yes, but only in special cases	Yes, but only in special cases	No
Latvia	No	Yes	Yes, in any case if the driver tested positive	Yes, in any case if the driver tested positive	No
Lithuania	Yes	No	Yes, in any case if the driver tested positive	Yes, in any case if the driver tested positive	Yes, but in special cases, in case of fatal accident or with an injury
Luxembourg	Yes	No	Yes, if BAC 1,2 g/l or beyond	Yes, if the driver is recidivist within 3 years of driving under the influence of alcohol (1,2 g/l or beyond) or has evident signs of drink-driving.	Yes, if the person is considered being a danger for himself or for another person, he can be taken into custody until he is sober.

Countries and sanctions	Specific training programmes	Discretion to report the driver detected for DUI	If the driver is tested positive for psychoactive substances, does the police officer have competence to:		
			confiscate the driving licence immediately at the roadside	confiscate the vehicle at the roadside	arrest the driver and take him into custody
Malta	No	Yes	No	Yes, in any case if the driver tested positive; to carry out with necessary investigations	Yes, in any case if the driver tested positive
The Netherlands	No	No	Yes, in special cases, if BAC > 1.3 g/L or for reckless driving under the influence of drugs or medicines	Yes, in special cases, at BAC > 1.3 g/L (or refusal) in case of 3rd drink-driving arrest within 5 years.	No
Poland	Yes, when new control equipment is introduced and during basic road police training	No	Yes, in any case if the driver tested positive	Discussion currently in progress	No
Portugal	Yes, regular training programs regarding the equipment in use	No	No	No	Yes, in any case, if the driver tested positive
Romania	Yes, periodical perfecting training in specialised schools	No	Yes, in any case if the driver tested positive	Yes, in any case if the driver tested positive (but in Romania the police officer does not confiscate the vehicle, he/she immobilizes it/locks it up.	Yes, but only in special cases, in case of accidents involving casualties, criminal offences
Slovakia	Yes, at police schools and follow up trainings	No	Yes, in any case if the driver tested positive	No	No
Slovenia	Yes	No	Yes, in any case if the driver tested positive	Yes, but in special cases, if detected 3 times being convicted for a road traffic offence in 2 years time	Yes, in any case over the BAC limit
Spain	Yes	No	No	Yes, in any case if the driver tested positive	Yes, in special cases
Sweden	Yes	No	Yes, but in special cases, when BAC is above legal limit	Not specified	Not specified
Switzerland	Yes, regular education courses	No	Yes, if the driver is obviously tipsy or he has a BAC level min. 0,8 per mill or seems not to be able to drive for other reasons	No	Only, when without custody the driver would be a danger for other people. Single cases depend on cantonal legislation
Croatia	Yes, special courses	No	Yes, in any case if the driver tested positive	No	Yes, in special cases, in case of an accident
Norway	Yes, 10-20 hours for students; for older policemen special courses	No	Yes, but in special cases: reasonable suspicion of such level of impairment	Yes, but in special cases: when the Police consider it required or when the driver has been previously imposed a criminal penalty	Yes, in any case, if the driver tested positive

5.11 Table 12 Consequences of Refusal to Provide a Breath/Blood/Saliva/Sweat/Urine Sample

2.7 What happens if the driver refuses to provide a breath / blood / saliva / sweat / urine sample?					
Countries and sanctions	Blood sample is enforced	Same consequences as for a BAC of _____	More severe consequences as for a BAC of _____ (please specify:)	Same consequences as for drivers under the influence of illicit drugs	Other consequences (please specify):
Austria		Same consequences as for a BAC of 1,6 g/l			
Belgium	x	Same consequences as for a BAC of 1,2 g/l		x	
Bulgaria					Withdrawal 12-18 months and fine 255,64 - 511,29 €
Cyprus		Same consequences as for a BAC over 0,5 mg/ml			For alcohol the driver is accused and sent to court if he/she refuses to comply
Czech Republic					In case of a suspicion of any impaired driving, blood testing follows. Breath tests only if suspicion of alcohol. Blood tests cannot be taken by physical force. Refusal is sanctioned (fine, suspension of the driver licence for up to 2 years).
Denmark	x				
Estonia	x				
Finland	x				
France					In case of refusal, criminal sanctions will be imposed
Germany	x				
Great Britain		More than 80mg/100ml (having exceeded the legal alcohol limit)		x	
Greece					The highest consequences for drivers under the influence of illicit drugs
Hungary	x				
Ireland					The sanctions set are at the same level as the highest sanction for a person convicted of DUI
Italy			More severe consequences as for a BAC of 1,5		
Latvia					Fine (moped&bicycle drivers), administrative arrest 10-15 days (those not possessing dr.licence), prohibition on obtaining the dr.licence, bus drivers and other vehicles get apart from this a suspension of the driving licence as well
Lithuania		Same consequences as 1,5 and more		x	
Luxembourg		Same consequences as 1,2 g/l and beyond		x	
Malta				x	Sample is obtained following Court Order
The Netherlands		Same consequences as 2,0 to 2,15 g/L			Refusal of a roadside breath test will only be fined if there is no suspicion of drink driving.
Poland	x				
Portugal					It constitutes a crime of disobedience
Romania			More severe as of BAC of > 0,80 g/l		It is a criminal offence, so the driver will be judged by court and will have a criminal record
Slovakia					If refuses to take a breath test, he can be ordered to a blood test; fine (300-1.300€) and driving ban (1-5 years)
Slovenia			More severe as of BAC of 0,71 mg/l; 1,5 g/kg. Refusal of police pretest or medical examination leads even to more severe consequences		If the driver doesn't agree with the results of the test, which the officer conducts, a medical examination can be ordered. The consequences are the same regarding BAC thresholds, the only difference: the driver should cover the costs of medical examination if he/she is over the legal limit.
Spain					Body samples may not be taken by physical force. Refusing a legally required sample for the purpose of alcohol / drug detection is a criminal offence according to Art. 383 of the Penal Code (severe disobedience) and will lead to criminal sanctions.
Sweden	x				
Switzerland	x			x	
Croatia	x	Same as for a BAC of 1,5 g/kg			
Norway	x				

5.12 Table 13 Consequences of a driver Testing Positive for Alcohol

2.8 What happens if the driver is tested positive for alcohol?						
Countries and sanctions	No further test is taken	Additional test for other psychoactive substances is taken in any case	Additional test for other psychoactive substances in case of suspicion	Additional test for other psychoactive substances in case of endangering others	Additional test for other psychoactive substances in case of accidents	Depends on the situation (please specify):
Austria			x			
Belgium			x			
Bulgaria	x					
Cyprus	x					
Czech Republic			x			
Denmark			x			In case the breath test shows an illegal alco concentration, the person is arrested. If it doesn't show illegal concentr., an evaluation concerning his state is made and the police decides whether the person should be arrested
Estonia						In case there is a clinical finding, an additional test is done
Finland			x			
France					x	If drug use is obvious, processing continues
Germany			x			
Great Britain						Driver is required to provide two further specimens normally at a police station for "evidential" purposes, ie. for use in court prosecution.
Greece			x			Most times no further tests, in case of accidents with death result
Hungary			x		x	
Ireland			x			
Italy			x			
Latvia	x		x			
Lithuania	x					In case of accident (fatal or injured) blood test if necessary
Luxembourg	x					
Malta	x					
The Netherlands			x			
Poland			x			In case of detaining a drunken driver, the police do not allow the driver to continue to drive.
Portugal						x
Romania			x		x	
Slovakia			x			
Slovenia	x		x	x	x	
Spain			x			
Sweden			x			
Switzerland			x			
Croatia					x	
Norway			x			

Table 14 If a Driver is Involved in an Accident, Is He Tested for Psychoactive Substances?

2.12 If the driver is involved in an accident, is he tested for psychoactive substances?						
Countries and sanctions	NO	YES, for				
		Alcohol in any case	Alcohol, but only in special cases (please specify):	Illicit drugs in any case:	Illicit drugs, but only in special cases (please specify):	Medicines in any case
Austria			if a person is injured		in case of suspicion	in case of suspicion
Belgium		x			in case of suspicion	
Bulgaria		x			in case of accidents with injury or death result	in case of accidents with injury or death result
Cyprus		x			only deceased drivers	only deceased drivers
Czech Republic			if there is suspicion of alcohol influence		if there is suspicion of impaired driving	
Denmark		x			in case of suspicion	in case of suspicion
Estonia		x			x	x
Finland		x			if the driver is suspected	x
France		x			fatal accident or drug impairment	fatal accident
Germany			suspicion		suspicion	suspicion
Great Britain		x			if evidence of impairment	if evidence of impairment
Greece		x			accident with severe injury or death	accident with severe injury or death
Hungary		x		x		in case of suspicion
Ireland		Police have discretion to decide whether to obtain specimen for analysis following an accident. They do not have roadside test equipment to test for the presence of a drug or drugs at present.				
Italy			x		x	x
Latvia		x				
Lithuania			in case of suspicion or accident with injury, death result		in case of suspicion	in case of suspicion
Luxembourg			testing is mandatory for accidents with injuries, while discretionary for accidents without injuries		testing is mandatory for accidents with injuries, while discretionary for accidents without injuries	only if there are evident signs that he has consumed medicines
Malta			if suspected driving under the influence of alcohol, drugs		if suspected driving under the influence of alcohol, drugs	if suspected driving under the influence of alcohol, drugs
The Netherlands			mainly in case of suspicion (deceased drivers are not tested!)		in suspicion	only if tested for illicit drugs
Poland		x		x		
Portugal		x		x		
Romania		x			in case of suspicion	in case of suspicion
Slovakia		x			in case of suspicion	
Slovenia		x			always in case of an accident of 3rd and 4th category; (in case of an accident of the 1st and 2nd category the police officer <u>can</u> order medical examination)	always in case of an accident of 3rd and 4th category; (in case of an accident of the 1st and 2nd category the police officer <u>can</u> order medical examination)
Spain			if the driver is involved in an accident and appears to be responsible for it		if the driver is involved in an accident and appears to be responsible for it	
Sweden		not specified				
Switzerland		x			in case of suspicion	in case of suspicion
Croatia		x			in case of suspicion	in case of suspicion
Norway			in case of suspicion		in case of suspicion	in case of suspicion

5.13 Table 17 Statistics – Number of Detected Drivers Driving under the Influence

Countries and sanctions	Year	Alcohol	Illicit drugs	Medicines	Combined
DETECTED driving under the influence					
Austria	2008	42.281	949		
Belgium	2008	65.507	3.289	/	/
Bulgaria	in 5 years	appr. 20.000	/	/	/
Cyprus	2008	8.490	/	/	/
Czech Republic	/	/	/	/	/
Denmark	2008	13.917	1.088 (drugs+medicines)		
Estonia	2008				10.121
Finland	/	/	/	/	/
France	/	/	/	/	/
Germany	2006	cca 194.000	cca 27.000	included in drugs	
Great Britain	2006	106.000			
Greece	2007	46.378			
Hungary	2006	40.721	143		
Ireland	2007	19.838			20.096
Italy	2008	47.465	4.564		
Latvia	2008				300.000
Lithuania	2008				23.249
Luxembourg	2008	2.209	92 (drugs+medicines)		
Malta	/	/	/	/	/
The Netherlands	2007	38.000	800	< 100	
Poland	2008	96.984	2.139	/	
Portugal	2008	26.153			
Romania	2009 (8 months) 2008	16.892 23.237			
Slovakia	2008	13.245 (motor vehicles)	54 (motor veh.)		13.299 (motor veh.)
Slovenia	2008	26.660	2.002		
Spain	2008	116.409			
Sweden	2008	18.800	12.300		
Switzerland	2008	25.170	1.877	212	
Croatia	/	/	/	/	/
Norway	2008	5.475	4.525 (drugs+medicines)		

Statistics – Number of Pursued Drivers Driving under the Influence

Countries and sanctions	Year	Alcohol	Illicit drugs	Medicines	Combined
PURSUED driving under the influence					
Austria	data not available for DUI only				
Belgium		no data, because of criminal offence only			
Bulgaria	2008	13.426	/	/	/
Cyprus		no data, because of criminal offence only			
Czech Republic	/	/	/	/	/
Denmark		no data, because of criminal offence only			
Estonia	/	/	/	/	/
Finland	/	/	/	/	/
France	/	/	/	/	/
Germany	2006	/	/	/	/
Great Britain		no data, because of criminal offence only			
Greece	2007	1.596.036			
Hungary	/	/	/	/	/
Ireland		no data, because of criminal offence only			
Italy					
Latvia	2008	10.052	339		58
Lithuania					
Luxembourg		no data, because of criminal offence only			
Malta	/	/	/	/	/
The Netherlands		no data, because of criminal offence only			
Poland	2008				16.402
Portugal					
Romania	/	/			
Slovakia	2008	13.245 (motor vehicles)	54 (motor veh.)		13.299 (motor veh.)
Slovenia	2007: 2008:	391.337 407.724	1.150 814		
Spain	no data	no data	no data	no data	no data
Sweden	2008	18.915	12.289		
Switzerland	2008	25.170	1.877	212	
Croatia	2008				51.241
Norway		no data, because of criminal offence only			

Statistics – Number of Sanctioned Drivers Driving under the Influence

Countries and sanctions	Year	Alcohol	Illicit drugs	Medicines	Combined
SANCTIONED driving under the influence					
Austria	data not available for DUI only				
Belgium	no data, because of criminal offence only				
Bulgaria	2008	13.426	/	/	/
Cyprus	no data, because of criminal offence only				
Czech Republic	/	/	/	/	/
Denmark	no data, because of criminal offence only				
Estonia	2008				8.454
Finland	/	/	/	/	/
France	/	/	/	/	/
Germany	2006	64.800	24.400	30	
Great Britain	no data, because of criminal offence only				
Greece	2007	50.608			
Hungary	2008	/	/	/	34.762
Ireland	no data, because of criminal offence only				
Italy					
Latvia	/	/	/	/	/
Lithuania	2008				25.968
Luxembourg	no data, because of criminal offence only				
Malta	2008	61	/	/	/
The Netherlands	no data, because of criminal offence only				
Poland	2008				15.948
Portugal					
Romania	2009 (8 months) 2008	16.892 23.237			
Slovakia	2008	13.245 (motor vehicles)	54 (motor veh.)		13.299 (motor veh.)
Slovenia	2008	15.796	280		
Spain	2008	98.674	993		
Sweden	/	/	/	/	/
Switzerland	2008	25.170	1.877	212	
Croatia	/	/	/	/	/
Norway	no data, because of criminal offence only				

Statistics – Number of Prosecuted Drivers Driving under the Influence

Countries and sanctions	Year	Alcohol	Illicit drugs	Medicines	Combined
PROSECUTED driving under the influence					
Austria	DUI considered to be an administrative offence				
Belgium	2008	31.681	/	/	/
Bulgaria	2008	12.540	/	/	/
Cyprus	2008	8.490	/	/	/
Czech Republic	/	/	/	/	/
Denmark	/	/	/	/	/
Estonia	2008				4.179
Finland	2008	24.000	4.200 (drugs+medicines)		
France	2005 (alco) 2007 (drugs)	2005: 117.767	2007: 6.507		
Germany	2006	Approx. 96.000	approx. 2.200	/	98.245
Great Britain	2006 2007				92.671 107.924
Greece	2007	4.230			
Hungary	Data software not able to do such categorization				
Ireland	2007	16.560			unknown
Italy					
Latvia	/	/	/	/	/
Lithuania	2008				367
Luxembourg	2008	cca 1.500	cca 40	n.a.	/
Malta	2008	61	/	/	/
The Netherlands	2007	22.000	< 1.000	< 100	
Poland	2008				71.608
Portugal					
Romania	/	/			
Slovakia	/	/	/	/	/
Slovenia	2007	10.544	167		13.070
Spain	/	/	/	/	/
Sweden	/	/	/	/	/
Switzerland	/	/	/	/	/
Croatia	no data, because of administrative offence only				
Norway	2007				9.000

Statistics – Number of Convicted Drivers Driving under the Influence

Countries and sanctions	Year	Alcohol	Illicit drugs	Medicines	Combined
CONVICTED driving under the influence					
Austria	DUI considered to be an administrative offence				
Belgium	2008	31.587	/	/	/
Bulgaria	2008	11.803	/	/	/
Cyprus	2008	4.476	/	/	/
Czech Republic	/	/	/	/	/
Denmark	/	/	/	/	/
Estonia	2008				4.066
Finland	/	/	/	/	/
France	2005 (alco) 2007 (drugs)	2005: 60.000	2007: 6.507		
Germany	2006	approx. 94.000	approx. 1.500	/	95.341
Great Britain	2006				92.671
	2007				98.008
Greece	/				
Hungary	Data software not able to do such categorization				
Ireland	2007	12.639			/
Italy					
Latvia	/	/	/	/	/
Lithuania	2008				246
Luxembourg	2008	cca 1.500	cca 40	/	/
Malta	2008	61	/	/	/
The Netherlands	2007	38.000	800	< 100	
Poland	2008				70.347
Portugal					
Romania	/	/			
Slovakia	/	/	/	/	/
Slovenia	2008	15.293	236		
Spain	/	/	/	/	/
Sweden	/	/	/	/	/
Switzerland	2008	25.170	1.877	212	
Croatia	no data, because of administrative offence only				
Norway	2007				6.555

Sanctioning

5.14 Table 15 Discretionary Rights of Administrative Body

Countries and sanctions	Type of offence			Discretion rights of the administrative body	
	Alcohol	Illicit drugs	Medicines	Discretion to pursue or not	Discretion to sanction or not
Austria	DUI is an administrative offence in any case; a criminal offence only in case of an injury accident	DUI is an administrative offence in any case, a criminal offence only in case of an injury accident	DUI is an administrative offence in any case, a criminal offence only in case of an injury accident	No	No
Belgium	criminal in any case	criminal in any case		/	/
Bulgaria	administrative and criminal in case of accident involvement and if BAC above 1,2	criminal in any case	criminal in any case	No	No
Cyprus	criminal in any case	criminal in any case	criminal in any case	/	/
Czech Republic	administrative and criminal in case of unsafe driving or accident involvement if above 1,0 g/kg	administrative and criminal in case of unsafe driving or accident involvement	administrative and criminal in case of unsafe driving or accident involvement	No	No
Denmark	criminal, if above BAC of 0,5 mg/g; in case of unsafe driving, obvious impairment, in case of accident involvement	criminal in any case	criminal in any case	No	No
Estonia	administrative; criminal if above 1,5 mg/g or if above 0,5 mg/g with an unstable driver (and for criminal offences)	criminal if repeated offence from 1.7.09; unstable driver	criminal if unstable driver	No	Yes
Finland	criminal if above 0,5 g/kg	criminal in any case	criminal in any case	No	No
France	administrative and criminal if above BAC of 0,4 mg/g, in case of accident involvement, if endangerment of a person is demonstrated	criminal in any case		No, the administration can require a medical assessment if there is a suspicion of alcohol or other psychoactive substance related problem in term of driving fitness	No, justice decision only
Germany	administrative and criminal, if above BAC of 1,09 mg/g; from BAC 0,3 mg/g in case of unsafe driving, obvious impairment or in case of accident involvement	administrative and criminal in case of unsafe driving, obvious impairment, accident involvement	administrative and criminal in case of unsafe driving, obvious impairment, accident involvement	No	No
Great Britain	criminal in any case	criminal in any case	criminal in any case	/	/
Greece	administrative and criminal, if above BAC of 1,1 g/l and in case of accident involvement	administrative and criminal in any case	administrative and criminal in any case	No	No
Hungary	administrative and criminal in any case; Under 0,51 qualified as Foul, beyond as Crime	administrative and criminal in any case	administrative and criminal in any case	/	/
Ireland	criminal, if above BAC of 0,8 mg/ml or in case of unsafe driving, obvious impairment	criminal in case of unsafe driving, obvious impairment	criminal in case of unsafe driving, obvious impairment	/	/
Italy	criminal, if above 0,5 g/l or in case of unsafe driving, obvious impairment, in case of accident involvement	criminal in any case	criminal in any case	/	/
Latvia	administrative and criminal, in case of repeated offences	administrative and criminal, in case of repeated offences	administrative	No	No
Lithuania	administrative and criminal in case of accident involvement	administrative and criminal in case of accident involvement	administrative and criminal in case of accident involvement	No	No

Luxembourg	criminal in any case	criminal in any case	criminal in any case	/	/
Countries and sanctions	Type of offence			Discretion rights of the administrative body	
	Alcohol	Illicit drugs	Medicines	Discretion to pursue or not	Discretion to sanction or not
Malta	Criminal in any case; In case of unsafe driving, obvious impairment; in case of accident involvement	Criminal in any case; In case of unsafe driving, obvious impairment; in case of accident involvement	Criminal in any case; In case of unsafe driving, obvious impairment; in case of accident involvement	/	/
The Netherlands	criminal, in any case	criminal, in any case	criminal, in any case	/	/
Poland	administrative and criminal if above BAC of 0,5 ‰ and in case of accident involvement	administrative and criminal (in case of accident involvement or upon expert's opinion)	/	Yes, it is the administrative body's own opinion on how the event was caused	Yes
Portugal	administrative and criminal, but only if the BAC is above 1,2 g/l and in case of accident involvement or in case of unsafe driving, obvious impairment	administrative and criminal, but only in case of accident involvement and in case of unsafe driving, obvious impairment	/	No	No
Romania	administrative and criminal in any case; if above a BAC of 0,80 g/l	criminal in any case	criminal in any case	No	No
Slovakia	administrative and criminal if endangering others with DUI	administrative and criminal if endangering others with DUI		No	No
Slovenia	administrative and criminal, in case of accident involvement	administrative and criminal, in case of accident involvement	administrative and criminal, in case of accident involvement	Yes, up to 0,8 g/kg BAC and for road accidents of 1st and 2nd category the administrative body decides	No
Spain	administrative and criminal if above BAC of 1,2 g/l, in case of unsafe driving, obvious impairment	administrative and criminal in case of unsafe driving, obvious impairment	administrative and criminal in case of unsafe driving, obvious impairment	No	No
Sweden	administrative and criminal if the BAC is $\geq 0,2$ ‰	administrative and criminal in any case	administrative	not specified	No
Switzerland	administrative and criminal, if above BAC of 0,5 g/kg and in case of unsafe driving	administrative and criminal if above a certain threshold or in case of unsafe driving	administrative and criminal in case of unsafe driving	No	No
Croatia	administrative	administrative	administrative	No	Yes, up to court decision
Norway	criminal, if above BAC of 0,2 mg/g	criminal, if the driver impaired to such extent that his ability to drive may be considered reduced	criminal, if the driver impaired to such extent that his ability to drive may be considered reduced	/	/

5.15 Table 16 Discretionary Rights of Criminal Body

Countries and sanctions	Type of offence			Discretion rights of the criminal body		
	Alcohol	Illicit drugs	Medicines	Discretion of the prosecutor to prosecute or not	Discretion of the court (judge) to convict or not	Discretion of the court (judge) to determine the degree of penalty
Austria	administrative and criminal in case of involvement in an injury accident	administrative and criminal in case of involvement in an injury accident	criminal in case of involvement in an injury accident	/	/	/
Belgium	criminal in any case	criminal in any case		Yes	Yes	Yes, between 1.100 and 11.000 €
Bulgaria	administrative and criminal in case of accident involvement and if BAC above 1,2	criminal in any case	criminal in any case	No	Not defined	Yes
Cyprus	criminal in any case	criminal in any case	criminal in any case	No	Yes, the court can decide not to convict a driver	Yes, deciding about the fine (max 2.562 €), imprisonment (max 2 years), ban (max 12 months)
Czech Republic	administrative and criminal in case of unsafe driving or accident involvement if above 1,0 g/kg	administrative and criminal in case of unsafe driving or accident involvement	administrative and criminal in case of unsafe driving or accident involvement	Yes, depending on the nature of offence and personal circumstances	No	Yes, the court's discretion for sentencing ranges within the variety of sanctions specified by the law (probation, fine, prison, treatment procedures, licence suspension)
Denmark	criminal, if above BAC of 0,5 mg/g; in case of unsafe driving, obvious impairment, in case of accident involvement	criminal in any case	criminal in any case	Yes, only in cases where the basis for the accusation will disappear, that there is no certain evidence for detection of drugs resulting from the blood test	Yes, if the case is withdrawn during the prosecution	Yes, but in standard cases they will follow the penalty levels have been composed by the Director of public prosecutions
Estonia	administrative; criminal if above 1,5 mg/g or if above 0,5 mg/g with an unstable driver (and for criminal offences)	criminal if repeated offence from 1.7.09; unstable driver	criminal if unstable driver	Yes	Yes	Yes
Finland	criminal if above 0,5 g/kg	criminal in any case	criminal in any case	Yes, but very limited (1-2 % of cases). Only in cases where medication is prescribed, but no impairment detected	Yes	Yes, about punishment, according to the evidence
France	administrative and criminal if above BAC of 0,4 mg/g, in case of accident involvement, if endangerment of a person is demonstrated	criminal in any case		No	Yes	Yes, the court's discretion for sentencing ranges within the minimum and maximum penalties
Germany	administrative and criminal, if above BAC of 1,09 mg/g; from BAC 0,3 mg/g in case of unsafe driving, obvious impairment or in case of accident involvement	administrative and criminal in case of unsafe driving, obvious impairment, accident involvement	administrative and criminal in case of unsafe driving, obvious impairment, accident involvement	Yes, According to §153a StPO (Code of Criminal Procedure) - but this is not legally practiced for DUI/DUID offenders (or only in very little cases)	Yes, According to §153a StPO (Code of Criminal Procedure) - but this is not legally practiced for DUI/DUID offenders (or only in very little cases)	Yes, The court's sentencing discretion ranges between the minimum and the maximum sanction levels provided by law (5 days fine or prison up to 5 years). According to sentencing guidelines by traffic court conferences there is a typical practice for cases without accident involvement: 30 days fine [income for this time] for the first criminal offence, 90 days fine for the second criminal offence, 90 days or more or prison [mostly on probation] for the third offence
Great Britain	criminal in any case	criminal in any case	criminal in any case	Yes, where the prosecutors did not consider that there was evidence of unfitness to drive, or there was a breach of the rules by the police in the way in which	Yes, If the court considered that the police had not followed the correct procedures for taking specimens and handling suspected drink or drug drivers generally.	Yes, All the principal penalties for drink/drug driving are discretionary subject to either a minimum or maximum level

Countries and sanctions	Type of offence			Discretion rights of the criminal body		
	Alcohol	Illicit drugs	Medicines	Discretion of the prosecutor to prosecute or not	Discretion of the court (judge) to convict or not	Discretion of the court (judge) to determine the degree of penalty
Greece	administrative and criminal, if above BAC of 1,1 g/l and in case of accident involvement	administrative and criminal in any case	administrative and criminal in any case	No	Yes, in the case below 1,1 g/l	Yes, according to BAC, previous convictions for similar action, criminal file etc.
Hungary	administrative and criminal in any case; Under 0,51 qualified as a Foul, beyond as crime	administrative and criminal in any case	administrative and criminal in any case	No	No	Yes, in frames of the penal findings of fact the applied type and degree of penalty can be discreted by the court
Ireland	criminal, if above BAC of 0,8 mg/ml or in case of unsafe driving, obvious impairment	criminal in case of unsafe driving, obvious impairment	criminal in case of unsafe driving, obvious impairment	Yes, if the evidence gathered has an obvious flaw	Yes, the evidence before the court	Yes
Italy	criminal, if above 0,5 g/l or in case of unsafe driving, obvious impairment, in case of accident involvement	criminal in any case	criminal in any case	Yes, the prosecutor has discretion in recommending appropriate penalties	No	Yes, the court's discretion in determining the sentencing sanctions or penalties ranges within the minimum and maximum limits fixed by law. Judge can postpone sentences of up to 2 years, and can reduce punishments for first offenders.
Latvia	administrative and criminal, in case of repeated offences	administrative and criminal, in case of repeated offences	administrative			
Lithuania	administrative and criminal in case of accident involvement	administrative and criminal in case of accident involvement	administrative and criminal in case of accident involvement	No	No	Yes (fine, arrest, lic.withdrawals, imprisonment)
Luxembourg	criminal in any case	criminal in any case	criminal in any case	Yes, if legal procedure for establishing the influence of psychoactive substances not respected.	Yes, if legal procedure for establishing the influence of psychoactive substances not respected.	Yes, legal penalties include imprisonment penalty up to 3 years, fine up to 10.000 euros, driving ban up to 15 years.
Malta	Criminal in any case; In case of unsafe driving, obvious impairment; in case of accident involvement	Criminal in any case; In case of unsafe driving, obvious impairment; in case of accident involvement	Criminal in any case; In case of unsafe driving, obvious impairment; in case of accident involvement	No, prosecution is ex-officio	Yes	Yes
The Netherlands	criminal, in any case	criminal, in any case	criminal, in any case	Yes, the prosecutor's decision to precede the case depends on the quality and quantity of the evidence.	No	Yes, the court's sentencing discretion ranges between a conviction "without punishment" to the maximum penalties specified in the law.
Poland	administrative and criminal if above BAC of 0,5 ‰ and in case of accident involvement	administrative and criminal (in case of accident involvement or upon expert's opinion)	/	No	Yes, it is the court's own opinion on how the event was caused	Yes
Portugal	administrative and criminal, but only if the BAC is above 1,2 g/l and in case of accident involvement or in case of unsafe driving, obvious impairment	administrative and criminal, but only in case of accident involvement and in case of unsafe driving, obvious impairment	/	No	Yes	Yes
Romania	administrative and criminal in any case; if above a BAC of 0,80 g/l	criminal in any case	criminal in any case	Yes	Yes	Yes
Slovakia	administrative and criminal if endangering others with DUI	administrative and criminal if endangering others with DUI		not defined	not defined	not defined
Slovenia	administrative and criminal, in case of accident	administrative and criminal, in case of	administrative and criminal, in case of	No	Yes, the reason could be procedural mistake	Yes

Countries and sanctions	involvement	accident involvement	accident involvement	Discretion rights of the criminal body		
	Type of offence			Discretion of the prosecutor to prosecute or not	Discretion of the court (judge) to convict or not	Discretion of the court (judge) to determine the degree of penalty
	Alcohol	Illicit drugs	Medicines			
Spain	administrative and criminal if above BAC of 1,2 g/l, in case of unsafe driving, obvious impairment	administrative and criminal in case of unsafe driving, obvious impairment	administrative and criminal in case of unsafe driving, obvious impairment	No	Yes	The judge has discretion in determining the sentence of a person found guilty of various drug and traffic offences. The range of penalties can be wide.
Sweden	administrative and criminal if above BAC 0,2 mg/g	administrative and criminal in any case	administrative	Yes, the prosecutor decides whether to prosecute. If the prosecutor does not believe the suspect could be found guilty, he is not likely to proceed with the case.	Not defined	The Court determines the type of punishment (imprisonment, fine, or alternative sanctions such as probation, treatment, etc.) and punishment level
Switzerland	administrative and criminal, if above BAC of 0,5 g/kg and in case of unsafe driving	administrative and criminal if above a certain threshold or in case of unsafe driving	administrative and criminal in case of unsafe driving	Yes, only in very petty cases or if the driver can show he has suffered extraordinary hardship from the incident	Yes, sentencing discretion ranges within the sanction levels of the relevant provisions, court's discretion is guided by the mitigating circumstances and aggravating conditions	Yes, imprisonment max. 3 years or pecuniary penalty max. CHF 1'080'000 (717.274 €)
Croatia	administrative	administrative	administrative	/	/	/
Norway	criminal, if above BAC of 0,2 mg/g	criminal, if the driver impaired to such extent that his ability to drive may be considered reduced	criminal, if the driver impaired to such extent that his ability to drive may be considered reduced	Yes, it will be decided not to prosecute if impairment has not been sufficiently documented (based on: clinical exam., witness statements, analytical results, expert opinion)	Yes, not convicted on the basis a medical doctor's clinical examination, expert opinion, witness statements, analytical results	Yes, but Court's discretion very limited, when deciding a penalty the Court has to follow legally binding guidelines

SIXTH FRAMEWORK PROGRAMME
Priority 1.6 Sustainable Development, Global Change and Ecosystem
1.6.2: Sustainable Surface Transport



DRUID

Driving under the Influence of Drugs, Alcohol and Medicines

Deliverable 6.1.1

State of the Art on Withdrawal of Driving Licence in Connection to Sanctions for Impaired Driving – Results of Questionnaires

ANNEX II – Country Reports

Authors	Simon Kærup (DTU), Lotte Larsen (DTU), Klavdija Godler (DRSC SPV) and Bojan Zlender (DRSC SPV)
Status and date	Final Deliverable 26/10/2009
Dissemination level	
Work Package	WP 6 Withdrawal
Task	Task 6.1 State of the Art regarding Withdrawal of Driving License in connection to Sanctions for impaired Driving
Project start date and duration	15 October 2006, 48 Months
File Name:	

Table of contents

1. AUSTRIA..... 103

1.1. Psychoactive Substances and Driving: Legislation.....	103
1.2. Psychoactive Substances and Driving: Detection and Police Enforcement	109
1.3. Psychoactive Substances and Driving: Sanctioning	110
2. BELGIUM	112
2.1. Psychoactive Substances and Driving: Legislation.....	112
2.2. Psychoactive Substances and Driving: Detection and Police Enforcement	117
2.3. Psychoactive Substances and Driving: Sanctioning	118
3. BULGARIA.....	119
3.1. Psychoactive Substances and Driving: Legislation.....	119
3.2. Psychoactive Substances and Driving: Detection and Police Enforcement	123
3.3. Psychoactive Substances and Driving: Sanctioning	125
4. CYPRUS.....	126
4.1. Psychoactive Substances and Driving: Legislation.....	126
4.2. Psychoactive Substances and Driving: Detection and Police Enforcement	130
4.3. Psychoactive Substances and Driving: Sanctioning	131
5. CZECH REPUBLIC.....	132
5.1. Psychoactive Substances and Driving: Legislation.....	132
5.2. Psychoactive Substances and Driving: Detection and Police Enforcement	135
5.3. Psychoactive Substances and Driving: Sanctioning	137
6. DENMARK	138
6.1. Psychoactive Substances and Driving: Legislation.....	138
6.2. Psychoactive Substances and Driving: Detection and Police Enforcement	142
6.3. Psychoactive Substances and Driving: Sanctioning	143
7. ESTONIA.....	144
7.1. Psychoactive Substances and Driving: Legislation.....	144
7.2. Psychoactive Substances and Driving: Detection and Police Enforcement	147
7.3. Psychoactive Substances and Driving: Sanctioning	149
8. FINLAND.....	150
8.1. Psychoactive Substances and Driving: Legislation.....	150
8.2. Psychoactive Substances and Driving: Detection and Police Enforcement	154
8.3. Psychoactive Substances and Driving: Sanctioning	155

9. FRANCE	157
9.1. Psychoactive Substances and Driving: Legislation.....	157
9.2. Psychoactive Substances and Driving: Detection and Police Enforcement	160
9.3. Psychoactive Substances and Driving: Sanctioning	162
10.GERMANY	163
10.1. Psychoactive Substances and Driving: Legislation.....	163
10.2. Psychoactive Substances and Driving: Detection and Police Enforcement	167
10.3. Psychoactive Substances and Driving: Sanctioning	168
11.GREAT BRITAIN	171
11.1. Psychoactive Substances and Driving: Legislation.....	171
11.2. Psychoactive Substances and Driving: Detection and Police Enforcement	175
11.3. Psychoactive Substances and Driving: Sanctioning	176
12.GREECE	178
12.1. Psychoactive Substances and Driving: Legislation.....	178
12.2. Psychoactive Substances and Driving: Detection and Police Enforcement	182
12.3. Psychoactive Substances and Driving: Sanctioning	183
13.HUNGARY	184
13.1. Psychoactive Substances and Driving: Legislation.....	185
13.2. Psychoactive Substances and Driving: Detection and Police Enforcement	189
13.3. Psychoactive Substances and Driving: Sanctioning	190
14.IRELAND	191
14.1. Psychoactive Substances and Driving: Legislation.....	191
14.2. Psychoactive Substances and Driving: Detection and Police Enforcement	194
14.3. Psychoactive Substances and Driving: Sanctioning	195
15.ITALY	196
15.1. Psychoactive Substances and Driving: Legislation.....	196
15.2. Psychoactive Substances and Driving: Detection and Police Enforcement	199
15.3. Psychoactive Substances and Driving: Sanctioning	201
16.LATVIA	202
16.1. Psychoactive Substances and Driving: Legislation.....	202

16.2. Psychoactive Substances and Driving: Detection and Police Enforcement	205
16.3. Psychoactive Substances and Driving: Sanctioning	207
17.LITHUANIA	207
17.1. Psychoactive Substances and Driving: Legislation.....	207
17.2. Psychoactive Substances and Driving: Detection and Police Enforcement	212
17.3. Psychoactive Substances and Driving: Sanctioning	214
18.LUXEMBOURG.....	215
18.1. Psychoactive Substances and Driving: Legislation.....	215
18.2. Psychoactive Substances and Driving: Detection and Police Enforcement	219
18.3. Psychoactive Substances and Driving: Sanctioning	220
19.MALTA	222
19.1. Psychoactive Substances and Driving: Legislation.....	222
19.2. Psychoactive Substances and Driving: Detection and Police Enforcement	225
19.3. Psychoactive Substances and Driving: Sanctioning	226
20.NETHERLANDS	228
20.1. Psychoactive Substances and Driving: Legislation.....	228
20.2. Psychoactive Substances and Driving: Detection and Police Enforcement	232
20.3. Psychoactive Substances and Driving: Sanctioning	233
21.POLAND.....	234
21.1. Psychoactive Substances and Driving: Legislation.....	234
21.2. Psychoactive Substances and Driving: Detection and Police Enforcement	238
21.3. Psychoactive Substances and Driving: Sanctioning	240
22.PORTUGAL.....	241
22.1. Psychoactive Substances and Driving: Legislation.....	241
22.2. Psychoactive Substances and Driving: Detection and Police Enforcement	244
22.3. Psychoactive Substances and Driving: Sanctioning	245
23.ROMANIA.....	246
23.1. Psychoactive Substances and Driving: Legislation.....	246
23.2. Psychoactive Substances and Driving: Detection and Police Enforcement	249
23.3. Psychoactive Substances and Driving: Sanctioning	250

24.SLOVAKIA	251
24.1. Psychoactive Substances and Driving: Legislation.....	251
24.2. Psychoactive Substances and Driving: Detection and Police Enforcement	256
24.3. Psychoactive Substances and Driving: Sanctioning	257
25.SLOVENIA	259
25.1. Psychoactive Substances and Driving: Legislation.....	259
25.2. Psychoactive Substances and Driving: Detection and Police Enforcement	265
25.3. Psychoactive Substances and Driving: Sanctioning	267
26.SPAIN.....	269
26.1. Psychoactive Substances and Driving: Legislation.....	269
26.2. Psychoactive Substances and Driving: Detection and Police Enforcement	272
26.3. Psychoactive Substances and Driving: Sanctioning	274
27.SWEDEN.....	275
27.1. Psychoactive Substances and Driving: Legislation.....	275
27.2. Psychoactive Substances and Driving: Detection and Police Enforcement	278
27.3. Psychoactive Substances and Driving: Sanctioning	279
28.CROATIA	280
28.1. Psychoactive Substances and Driving: Legislation.....	280
28.2. Psychoactive Substances and Driving: Detection and Police Enforcement	284
28.3. Psychoactive Substances and Driving: Sanctioning	285
29.NORWAY	286
29.1. Psychoactive Substances and Driving: Legislation.....	286
29.2. Psychoactive Substances and Driving: Detection and Police Enforcement	291
29.3. Psychoactive Substances and Driving: Sanctioning	293
30.SWITZERLAND.....	294
30.1. Psychoactive Substances and Driving: Legislation.....	294
30.2. Psychoactive Substances and Driving: Detection and Police Enforcement	300
30.3. Psychoactive Substances and Driving: Sanctioning	301

4 AUSTRIA

4.1 Psychoactive Substances and Driving: Legislation

Alcohol

DRIVER	BAC threshold
Normal driver	0.5 g/l
Novice driver	0.1 g/l
Young driver	No specific BAC threshold
Professional driver	0.1 g/l
Other: licence withdrawal	≥ 0.8 g/l

Table 1.1: BAC thresholds for different groups of drivers

The official unit for BAC in Austria is g/l. The BAC for normal drivers is 0.5 g/l. There are 4 different BAC thresholds, 0.5 g/l, 0.8 g/l, 1.2 g/l and 1.6 g/l, for which different sanctions apply. In Austria possible sanctions for a driver detected for the first time under the influence of alcohol in a usual police control event are - depending on the alcoholisation - a fine, a “demerit point”, coaching, licence withdrawal, driver assessment, driver rehabilitation and medical assessment. There are more severe consequences for novice drivers, professional drivers, recidivists, for drivers making unsafe manoeuvres and for those involved in an accident.

The BAC threshold for **novice drivers** is 0.1 g/l. Sanctions for novice drivers detected with a BAC between 0.1 g/l and 0.49 g/l are a prolongation of the probation period and driver rehabilitation.

For **professional drivers** (category C and D) the BAC threshold is also 0.1 g/l. The sanctions for a BAC between 0.1 g/l and 0.79 g/l is a “demerit point”, a fine is imposed from a BAC of 0.1 g/l and above; in the case of a BAC of 0.8 g/l and above, the driving licence is withdrawn for at least 3 months.

For **repeat offenders** imprisonment could also be a possible sanction in addition to more severe consequences in general.

In the case of involvement in an **accident** or in the event of **unsafe manoeuvres**, the sanction is withdrawal for a longer period. In the case of an **injury accident**, criminal proceedings follow.

In the case of alcohol, a fine and a “demerit point” are imposed from 0.5 g/l to 0.79 g/l, licence withdrawal is imposed from 0.8 g/l on. Less alcoholisation (0.5 g/l - 0.79 g/l) can only result in licence withdrawal if the received “demerit point” is the 3rd point the driver has been given within 2 years. The fine can range between 300 € and 5,900 €. A driving ban only exists for cyclists, moped drivers, drivers of light quadric-cycles, quads and drivers of vehicles for disabled persons. From 0.8 up to 1.19 g/l the licence is withdrawn for 1 month, from 1.2 up to 1.59 g/l the minimum licence withdrawal is 4 months and in the case of a BAC of 1.6 g/l and more, the minimum licence withdrawal is 6 months. Between 1.2 g/l and 1.59 g/l driver rehabilitation is imposed and from 1.6 g/l onwards driver assessment is imposed additionally. If the driver refuses the test, the same consequences as for a BAC of 1.6 g/l or above apply.

BAC level	Sanctions and Measures
0.5 to 0.79 g/l	fine (300 € to 3,700 €)

0.8 to 1.19 g/l	1 "demerit point" fine (800 € to 3,700 €) licence withdrawal: 1 month coaching
1.2 to 1.59 g/l	fine (1,200 € to 4,400 €) licence withdrawal: at least 4 months driver rehabilitation
1.6 g/l and above	fine (1,600 € to 5,900 €) licence withdrawal: at least 6 months driver rehabilitation driver assessment

Table 1.2: Regular consequences for a driver (not novice or professional) detected for the first time under the influence of alcohol (regular police control, no accident, no unsafe manoeuvre)

Illicit drugs

Sanctions for a driver detected for the first time under the influence of illicit drugs in a usual police control event are a fine, licence withdrawal, driver assessment, medical assessment and a drug test at least once a month for half a year. There are more severe consequences for professional drivers, recidivists, for making an unsafe manoeuvre and for accident involvement.

For **recidivists**, the consequences include also driver rehabilitation.

If a **professional driver** is detected for the first time under the influence of illicit drugs in a usual police control event, the sanction is licence withdrawal for at least 3 months.

The same sanction is applied in case of involvement in an **accident** or in the event of an **unsafe manoeuvre**. As in the case of alcoholisation, criminal proceedings follow an **injury accident**.

In the case of illicit drugs, the minimum fine is 800 €, the maximum is 3,700 €. The licence is withdrawn for 1 month. Driver rehabilitation can be recommended, if the driver is detected under the influence of illicit drugs for the first time. If the driver is detected for the second time (two times with illicit drugs in his blood OR once with a BAC of 0.8 g/l or more and once with illicit drugs), driver rehabilitation is mandatory.

Driver assessment and medical assessment follow in case of driving under the influence of illicit drugs.

If the driver refuses to take a test, a BAC level of 1.6 g/l is assumed, which makes driver rehabilitation also mandatory; in addition, the driving licence is withdrawn for at least 6 months.

Non-prescribed medicines

Sanctions for a driver detected for the first time under the influence of non-prescribed medicines in a usual police control event are a fine and an assessment of medical fitness to drive.

If a driver is detected under the influence of non-prescribed medicines in a usual police control event, a fine up to 726 € can be imposed. There are no special regulations for drivers detected under the influence of substances prescribed as medicines, for example THC, amphetamines, methamphetamines, cocaine, opioid analgesics, substitutes or benzodiazepines. What counts is whether the driver is impaired. Whether a drug is prescribed as medicine or taken illegally is irrelevant. That means even if a drug (e.g., THC) is prescribed as medicine, the driver will be fined for driving under the influence of illicit drugs and the driving licence will be withdrawn if he/she drives impaired.

Regarding "normal" medicines (without illicit drugs): here, too, impairment is relevant for sanctions. If a driver is impaired because of medicines, he/she will be fined, but normally the driving licence will not be withdrawn - unless medical fitness to drive is questioned.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver assess.	Driver rehab.	Treatment program	Community service	Other
ALCOHOL											
Minimum	300 €	1	no	1 month	no	no	yes	yes	no	no	coaching
Maximum	5900 €										
ILLICIT DRUGS											
Minimum	800 €			1 month	no	no	yes	yes	no	no	drug test
Maximum	3700 €										
NON-PRESCRIBED MEDICINES											
Minimum	0 € (normally at least 7 €)	no	no	no	no	no	might be possible	no	no	no	proceedings to assess medical fitness to drive
Maximum	726 €										
MORE SEVERE CONSEQUENCES											
Recidivists	yes	no	no	Longer period	possible	no	yes	yes	no	no	
Accident	no	no	no	Longer period	no	no	no	no	no	no	crim. Proceedings in case of an injury accident
Unsafe manoeuvre	yes	yes	no	Longer period	no	no	yes	yes	no	no	

Table 1.3: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment) and more severe consequences for special circumstances

Background Information on Sanctions

Table 1.4 lists the total numbers of different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines. There were approximately 9,000 demerit points¹⁹ imposed for driving under the influence of alcohol in 2007.

In the same year, there were about 30,000 administration-based licence withdrawals imposed for driving under the influence of alcohol and 1.013 administration-based licence withdrawals for driving under the influence of illicit drugs. A court-based licence withdrawal does not exist in Austria.

Registration in the central register for driving licences is based on codes. This means that a particular code refers to a specific violation and sanction. All these code-based registrations relating to withdrawal can be assigned to a violation and it can be seen how many licences have been withdrawn for DUI, speeding etc. However, there is another possibility of registering a withdrawal, namely with "prosa text". This means that the violation is not assigned a certain code but only recorded in the register by an individually written text. At least 20 % of such "prosa text" entries refer to alcohol and driving.

¹⁹ One point is imposed for every committed offence that is part of the demerit point system.
DRUID 6th Framework Programme

Sanctions	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
Fines	/ ²⁰	/	/	/
Demerit points	approx. 9,000	/	/	/
Driving bans	/	/	/	/
Licence withdrawals: - Administration-based - Court-based	approx. 30,000 n.a. in Austria	1,013	/	/
Imprisonment	/	/	/	/
Other sanctions:				

Table 1.4: Total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines

If the driving licence is withdrawn and but a driver is nonetheless detected driving, sanctions in Austria are a fine of at least 726 € and prolongation of the withdrawal period by at least 3 months. From 2004 to 2008, 1,754 people were caught driving while suspended.

Driving while suspended	
Consequences	fine (at least 726 €), withdrawal period prolonged for at least 3 months
Number of offences/offenders of driving while suspended per year	2004-2008: 1,754 people

Table 1.5: Driving while suspended

Table 1.6 gives background information on sanctions. There have been no evaluation studies in Austria on the effectiveness of different sanctions. Drivers caught under the influence of psychoactive substances are not recorded in a register for traffic offences in order to identify recidivists. There is an option of a conditional licence and there is also the possibility of a "temporary licence". Imposing more than one sanction at the same time in the case of driving under the influence is possible, depending on the violation (BAC level, illicit drugs etc.; cf above).

Availability of data on sanction-related issues	
Evaluation studies regarding effectiveness of different sanctions	no
Register for traffic offences in order to identify recidivists	no
Conditional withdrawal or conditional licence	Yes (conditional licence), there exists also the possibility of a "temporary licence".
Imposing more than one sanction at the same time	Yes, the combination depends on the offence (BAC level, illicit drugs, medicines).

Table 1.6: Availability of data on sanction-related issues

The demerit point system in Austria is called "Vormerksystem" and the licence is withdrawn with the 3rd registration (3rd "demerit point") within 2 years, for 2 points there are certain measures imposed, depending on the violation.

Number of points	Consequences
1 point	fine
2 points	fine, certain measure depending on the violation
3 points	fine, licence withdrawal

Table 1.7: Demerit point system

²⁰ Written, if there was no answer given.
DRUID 6th Framework Programme

Traffic Related Consequences of Psychoactive Substance Use in General

The use of illicit drugs in general (outside traffic) also has legal consequences concerning the driving licence. For selling or possessing illicit drugs, the legal consequence is an immediate licence withdrawal if a certain quantity is exceeded (depending on the substance). For consuming illicit drugs, licence withdrawal is imposed after failing a medical or psychological assessment. In the case of consuming alcohol or medicines in general, the legal consequences (licence withdrawal after failing a medical or psychological assessment) follows only in special cases of addiction.

	Selling	Possessing	Consuming
Legal consequences concerning the driving licence	ILLICIT DRUGS		
	Immediate Licence withdrawal if a certain quantity is exceeded.	Immediate Licence withdrawal if a certain quantity is exceeded.	Licence withdrawal after failing a medical or psychological assessment.
	ALCOHOL		
	/	/	Yes, in special cases of addiction.
	MEDICINES		
/	/	Yes, in special cases of addiction.	

Table 1.8: Psychoactive substance use in general

Re-granting Procedure

Table 1.9 gives information on re-granting a licence, if it was withdrawn due to an alcohol, illicit drug or medicine offence.

For alcohol offences, medical and psychological assessments are imposed if the BAC is above 1.6 g/l. However for an illicit drug or medical offence, medical and psychological assessments are always imposed.

Driver rehabilitation is imposed for alcohol and illicit drugs offences in the case of recidivism, for driving under the influence of alcohol with a BAC of 1.2 g/l and above, and for novice drivers if the BAC is 0.1 g/l or more. A treatment programme is imposed in the case of an illicit drug or a medicine offence but only in special cases of recidivism. In case of withdrawal for more than 18 months, a practical driving test is mandatory for all three types of offences, a theoretical driving test can be requested if the administrative authority assumes that the driver's theoretical knowledge is not sufficient any more. In case of a BAC between 0.8 and 1.19 g/l a coaching is imposed on the driver.

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	In special cases, if BAC is 1.6 g/l or above.	Always.	Always.
Psychological assessment	In special cases, if BAC is 1.6 g/l or above.	Always.	Always.
Screenings for substance markers in blood / urine / hair	No.	Always.	No.
Driver rehabilitation	In special cases, if BAC is 1.2 g/l or above OR in case of novice drivers, if BAC is 0.1 g/l or above OR a second offence with a BAC between 0.8 and 1.19 g/l within 5 years.	Only in special cases of recidivism.	No.
Treatment programme	No.	Only in special cases of recidivism.	Only in special cases of recidivism.
Theoretical driving lessons	No.	No.	No.
Practical driving lessons	No.	No.	No.
Theoretical driving test	In special cases, withdrawal for more than 18 months and assumption of the administrative authority that the	In special cases, withdrawal for more than 18 months and assumption of the administrative authority that the	In special cases, withdrawal for more than 18 months and assumption of the

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
	driver's theoretical knowledge regarding driving is not sufficient any more.	driver's theoretical knowledge regarding driving is not sufficient any more.	administrative authority that the driver's theoretical knowledge regarding driving is not sufficient any more.
Practical driving test	In special cases, withdrawal for more than 18 months	In special cases, withdrawal for more than 18 months	In special cases, withdrawal for more than 18 months
Other	Coaching: in special cases, if BAC is between 0.8 and 1.19 g/l		

Table 1.9: Re-granting procedure

1.2.4.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Formatiert: Nummerierung und Aufzählungszeichen

Systematic police control activities

Table 1.10 shows data on police control activities and detection routines. Strategies regarding police control activities are related to weekdays, daytime, specific locations and areas as well as specific events. The total number of tests for alcohol in year 2008 was 724.488 ("alcomat" and pre test for alcohol).

Each police control involves control with regard to alcohol, illicit drugs and medicines. According to the law, for detection of impairment by alcohol "alcomat" is used.

Detection routines in police control activities are breath tests, blood tests, sweat test, urine tests, and impairment tests. The breath test is permitted at random and can be conducted at the roadside. Blood test, sweat test and urine test are permitted only in case of suspicion and cannot be conducted at the roadside. An impairment test is also only permitted in the case of suspicion, but can be conducted at the roadside.

Systematic police control activities	
Strategies	Yes, related to weekdays, daytime, specific locations and areas and specific events
Annual frequency	2008: 724.488 (tests for alcohol)
Detection routines and procedures	
Breath test	Permitted at random, conducted at roadside
Blood test	Not permitted at random, only in case of suspicion, not conducted at roadside
Urine test	Not permitted at random, only in case of suspicion, not conducted at roadside
Saliva test	Not used.
Sweat test	Not permitted at random, only in case of suspicion, not conducted at roadside
Impairment test	Only in case of suspicion, conducted at roadside
Other test: _____	/

Table 1.10: Police control activities and detection routines

Training of Police Officers

In Austria, the police are regularly trained and educated in detecting impairment, pharmacognosis (Drogenkunde), laws and provisions.

Police officers' discretions and competences

Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor is not at the discretion of the police.

A police officer has the competence to confiscate a driving licence immediately at the roadside in any case in which the driver tests positive. However, he does not have the competence to arrest a driver and take him into custody or confiscate the vehicle (or the licence plate) at the roadside.

Specific training programmes	Yes, regular education and training
Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor	No.
If the driver tests positive for psychoactive substances, the police officer has:	
competence to confiscate the driving licence immediately at the roadside	Yes, in any case in which a driver tests positive.
competence to confiscate the vehicle (or the licence plate) at the roadside	No.
competence to arrest the driver and take him into custody	No.

Table 1.11: Police officers' discretions and competences

If a driver is involved in an accident, he is tested for alcohol if a third person was injured, and for illicit drugs and medicines in case of suspicion.

If a driver refuses to provide a breath / blood / sweat / urine sample, the same consequences follow as for BAC of 1.6 g/l and above.

If a driver tests positive for alcohol, an additional test for other psychoactive substances is taken in case of suspicion.

1.3.4.3

Psychoactive Substances and Driving: Sanctioning

Formatiert: Nummerierung und Aufzählungszeichen

In Austria, driving under the influence of alcohol, illicit drugs (impairment!), and/or medicines (impairment!) is considered to be an administrative offence; it is only considered to be a criminal offence in the case of an injury accident.

If a driver is detected driving under the influence of psychoactive substances, it is neither at the discretion of the administrative body to decide whether or not to pursue the driver nor to decide whether or not to sanction the driver.

The period of time between detection of driving under the influence of psychoactive substances and withdrawal of the driving licence by the administrative body is about 3 days; other administrative proceedings (e.g., fines) take between 2 and 4 weeks.

The crime of "DUI" (driving under influence) does not exist in the Austrian criminal code. Only in the case of an injury accident there will be criminal proceedings. In such a case, the driver is prosecuted and convicted for bodily injury or for involuntary manslaughter but not for DUI per se since there is no such crime in the Austrian criminal code. The sanctions for bodily injury or involuntary manslaughter are more severe if you were intoxicated when causing the accident. Even in the case of a conviction for bodily injury or involuntary manslaughter, there will still be administrative proceedings regarding withdrawal and maybe other sanctions or measures, too. A relatively complicated system tells you in which case you can get an additional administrative financial fine. It might even be possible to be convicted by a criminal court in the case of DUI without having injured or killed someone, if there was a definite risk to human life, health or physical safety. However, there would have to be additional dangerous circumstances; driving under the influence of alcohol, illicit drugs or medicines alone is not enough to be convicted.

There are no options to reduce the suspension period after a driving licence has been withdrawn.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Detected driving under the influence by police	2008	42.281	949	/	/
Pursued by administrative body for driving under the influence	no data available	no data available	no data available	no data available	no data available
Sanctioned by administrative body for driving under the influence	no data available	no data available	no data available	no data available	no data available
Criminally prosecuted for driving under the influence	no data available	no data available	no data available	no data available	no data available
Convicted by court of driving under the influence	no data available	no data available	no data available	no data available	no data available

Table 1.12: Overall Statistics

The number of people detected and pursued may be higher than the number of people sanctioned. Overall in 2007, 85,804 withdrawal proceedings were instituted (all violations, not only DUI!), but in approx. 20 % of these proceedings no sanction/measure was imposed for various reasons. Unfortunately, there is no specific data for DUI.

5 BELGIUM

5.1 Psychoactive Substances and Driving: Legislation

According to Belgian legislation, a person's driving license can be withdrawn through three distinct procedures if they are caught driving under the influence of alcohol or drugs. The first two procedures (license confiscation and immediate license withdrawal) are precautionary measures that are taken immediately during police procedures, the third procedure (to which we will refer as a driving ban) is when the license is withdrawn as a punishment after a judgement in court.

The first precautionary procedure is the (immediate) confiscation of the license by the police. This procedure is always applied - without the intervention of any public prosecutor - when a driver is caught with a breath alcohol concentration (BAC) equal to or above 0.22 mg/l expired alveolar air (EAA). The license is retained for 3 hours when the BrAC is equal to or above 0.22 mg/l EAA but below 0.35 mg/l EAA and for 6 hours when the BrAC is equal to or exceeds 0.35 mg/l EAA. When a driver tests positive for driving under the influence of drugs on a urine sample, the license is retained for 12 hours. License confiscation can only end after the performance of a new, negative test.

The second precautionary procedure is the immediate withdrawal of a driving license by a public prosecutor. This is possible, but not obligatory, when the BAC equals or exceeds 0.65 mg/l EAA or when a BAC equal to or above 0.35 mg/l EAA is measured and the driver shows unsafe behaviour. The immediate withdrawal of a license is also possible in a case of driving under the influence of drugs.

Immediate driving license withdrawal normally lasts 15 days, but can be prolonged twice by a period of three months with the approval of a judge.

The third - punitive - procedure for license withdrawal is a driving ban imposed by a judge as a penalty. For driving under the influence of alcohol, this is possible for a BAC of at least 0.35 mg/l EAA in combination with unsafe behaviour. A driving ban is always imposed when a BAC of at least 0.65 mg/l EAA is measured. In the case of a positive urine test for driving under the influence of drugs, a driving ban is also possible. A judge can pronounce a driving ban for a period of 8 days to 5 years, or permanent.

Alcohol

DRIVER	BAC threshold
Normal driver	0.22 mg/l EAA
Novice driver	no
Young driver	no
Professional driver	no
Other: licence withdrawal	0.35 mg/l EAA

Table 2.1: BAC threshold for different groups of drivers

The official unit in Belgium is BAC. The BAC for normal drivers is 0.22 mg/l EAA. There are 4 different BAC thresholds, 0.22 mg/L BAC, 0.35 mg/L BAC, 0.50 mg/L BAC and 0.65 mg/L BAC.

In Belgium the sanctions for a driver detected for the first time under the influence of alcohol in a usual police control event are a fine and a licence confiscation by the police. An immediate licence withdrawal by a prosecutor and a driving ban are also possible. There are more severe consequences for recidivists, accident involvement, novice drivers or unsafe manoeuvre (for example detention for 1 month up to 4 years).

A fine is imposed from 0.22 mg/l EAA upwards. From 0.22 up to 0.35 mg/l EAA the fine is 137.5 €, from 0.35 up to 0.50 mg/l EAA the fine is 400 €, from 0.50 up to 0.65 mg/l EAA the fine is 550 € and for a BAC of 0.65 mg/l upwards, the fine is from 1,100 to 11,000 €.

Illicit drugs

In the case of illicit drugs, the minimum fine is 1,100 €, the maximum 11,000 €. There are more severe consequences for recidivists, accident involvement and novice drivers.

Non-prescribed medicines

Non-prescribed medicines will never be detected without obvious signs of impairment. There are no special regulations for drivers detected under the influence of substances prescribed as medicines, for example amphetamines, methamphetamines, opioid analgesics, substitutes (e.g., methadone) or Benzodiazepines.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver asses.	Driver rehab.	Treatment program	Community service	Other

ALCOHOL											
Minimum	137,5	no	not specified	3, 6 or 12 hours	no						no
Maximum	11.000	no	not specified		no	possible	possible	possible	possible	possible	no
ILLCIT DRUGS											
Minimum	1.100	no	8 days	Possible 15 days							no
Maximum	11.000	no	5 years		no	possible	possible	possible	possible	possible	no
NON-PRESCRIBED MEDICINES											
Minimum											
Maximum											
MORE SEVERE CONSEQUENCES											
Recidivists	Yes	no	Yes	Yes	Yes	no	no	no	no	no	no
Accident	Yes	no	Yes	Yes	Yes	no	no	no	no	no	no
Unsafe manoeuvre	Yes	no	Yes	Yes	Yes	no	no	no	no	no	no

Table 2.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment) and more severe consequences for special circumstances

Background Information on Sanctions

In Belgium, the highways are controlled by the federal highway police. Other roads (the majority of roads) are covered by local police forces. Only very partial and very incomplete data on the activities of local police forces are available. Only the federal highway police gather centralized data. The available information is thus very incomplete and only pertains to highways.

The federal highway police recorded 4,078 drink driving offences for alcohol in 2007 (3.5 % of controlled drivers proved positive). In 2008, 4,588 offences were registered (3.7 % of all controlled drivers). Of these drivers, in 2007 and 2008, 1,045 and 1,177 drivers were punished with a fine of 137.50 € and a 3 hour driving license confiscation. For other drivers a report of the offence was sent to the prosecutor.

There are no data available on the prosecution level. The only available information is that of the 4,078 persons who were caught drink driving by the federal highway police in 2007, 1,024 had their licenses immediately withdrawn for 15 days. In 2008, this was the case for 1,187 persons.

On a court level, Belgium has national data: in 2007, 27,958 persons were convicted, in 2008 this figure increased to 31,587. There was, however, no information available on the nature of the penalties. In 2007, 2,605 persons were caught driving under the influence of illegal drugs and in 2008, 3,289 (aggregate data for local and federal highway police forces). Infractions for driving under the influence of illegal drugs are always evaluated by a court. The penalties are almost always a fine in combination with a driving ban.

Sanctions	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
Fines	'07: 1,045 on the spot on highways '08: 1,177 on the	unknown	²¹	/

²¹ Written, if there was no answer given.
DRUID 6th Framework Programme

	spot on highways, no info from local police No info on prosecution or court level			
Demerit points	/	/	/	/
Driving bans	on highways: '07: 4,078 '08: 4,588	'07: 2,605 '08: 3,289	/	/
Licence withdrawals: - Administration-based	'07: 1,024 '08: 1,187 on the highways, no info from local police	In principle for all perpetrators	/	/
- Court-based	unknown	unknown		
Imprisonment	unknown	unknown	/	/
Other sanctions:	/	/	/	/

Table 2.3: Total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines

If a driving licence has been withdrawn and the driver is detected driving, sanctions in Belgium are the following: imprisonment, minimum 3 months and maximum 1 year and fine, minimum 200 € and maximum 2.000 €. If a driver is banned and is detected driving, the regular consequences are: imprisonment, minimum 15 days and maximum 1 year and/or fine minimum 2,500 € and maximum 11,000 €; and suspension of driving licence for a minimum 3 months to 5 years or permanent. In 2007, 816 persons were convicted of driving while suspended and in 2008, the number was 1,206²².

Driving while suspended

Consequences	If a driving licence has been <u>withdrawn</u> : imprisonment (3 months – 1 year) and/or fine (200 € - 2,000 €) If the driver is <u>banned</u> : imprisonment (15 days - 1 year) and/or fine (2,500€ - 11,000€) and suspension of driving licence (3 months - 5 years or permanent)
Number of offences/offenders of driving while suspended per year	2007: 816 convicted 2008: 1,206 offenders

Table 2.4: Driving while suspended

There is no demerit point system in Belgium. No evaluation studies concerning the effectiveness of different sanctions have been conducted in past years. Not all drivers caught driving under the influence of psychoactive substances are recorded in a central register for traffic offences in order to identify recidivists, it is however possible to identify certain recidivists by means of court registers. There is an option of conditional withdrawal or conditional licence, if it is considered appropriate by a judge. Imposing more than one sanction at the same time is possible, namely fine + driving ban + licence withdrawal. There are different BAC thresholds for imposing these sanctions, as described above.

Availability of sanction-related issues	
Evaluation studies regarding effectiveness of different sanctions	no
Register for traffic offences in order to identify recidivists	no
Conditional withdrawal or conditional licence	Yes, if considered appropriate by a judge.
Imposing more than one sanction at	Yes, fine + driving ban + licence withdrawal

²² Data concerning all driving suspensions (driving bans), not only for driving under the influence
DRUID 6th Framework Programme

the same time	
---------------	--

Table 2.5: Availability of sanction-related issues

Traffic Related Consequences of Psychoactive Substance Use in General

In relation to illicit drugs, in general (outside traffic), selling, possessing or consuming do not have any consequences for the driving licence. In the case of consuming alcohol or medicines in general, the legal consequences concerning the driving licence are medical and psychological assessment of the driver, immediate licence withdrawal and possible restrictions on the driving licence. In the case of medicines, the responsibility lies with the prescribing physician. Medical criteria are stricter for professional drivers.

	Selling	Possessing	Consuming
Legal consequences concerning the driving licence	ILLCIT DRUGS		
	no	no	no
	ALCOHOL		
	/	/	Yes, in special cases, for example misuse.
	MEDICINES		
	/	/	Yes, in special cases, when having an impact on the fitness to drive

Table 2.6: Psychoactive substance use in general

Re-granting Procedure

The DRUID WP6 group received information regarding the procedure for re-granting a licence if it was withdrawn due to an alcohol or illicit drug offence. In special cases, if the judge considers this appropriate, a medical and psychological assessment (even special training, examination) may be imposed. In some cases, these assessments must be imposed by the judge, for example: fatal accident involving alcohol > 0.35 mg/l BAC or illicit drugs; recidivism for DUI alcohol > 0.35 mg/l or illicit drugs and accident caused by driver. For novice drivers (less than 2 years) the judge is obliged to impose theoretical and practical tests if the offender is convicted of an offence which led to a suspension of the driving licence. There are no other requirements.

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	Only in special cases, if the judge considers this appropriate	Only in special cases, if the judge considers this appropriate	no
Psychological assessment	Only in special cases, if the judge considers this appropriate	Only in special cases, if the judge considers this appropriate	no
Screenings for substance markers in blood / urine / hair	no	no	no
Driver rehabilitation	no	no	no
Treatment programme	no	no	no
Theoretical driving lessons	no	no	no
Practical driving lessons	no	no	no
Theoretical driving test	Only in special cases, novice drivers	Only in special cases, novice drivers	no
Practical driving test	Only in special cases, novice drivers	Only in special cases, novice drivers	no

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Other			no

Table 2.7: Re-granting procedure

5.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

Strategies of police control activities are related to weekdays, daytime, specific locations and specific events. There is no complete information available on the annual frequency of systematic police control activities. For alcohol, only limited data is available - from the federal highway police, which only operate on highways. In 2008, there were 124,803 breath tests and for illicit drugs there were 814 tests (328 urine tests and 213 blood test, 2 refusals). No data is available regarding DUI checks on local roads, which is the major part of the road network. The total number of persons detected driving under the influence of psychoactive substances was 65,507 for alcohol in 2008 and 3,289 for illicit drugs in 2008.

Detection routines used in police control activities are breath tests, blood tests, urine tests and impairment tests. Of these, blood tests and urine tests are permitted only in the case of suspicion. All of the mentioned tests that are being used in Belgium are conducted at the roadside if the necessary equipment is available; otherwise the tests are conducted at a nearby police station. Saliva and sweat tests are not used in Belgium yet, but saliva tests will be possible in the near future. There is a proposal that the police will be able to test drivers involved in an accident also for illicit drugs in every case and not only when they suspect the driver of using illicit drugs.

Systematic police control activities	
Strategies	Yes, related to weekdays, daytime, specific locations, specific events
Annual frequency	No complete information available
Detection routines and procedures	
Breath test	Permitted at random, conducted at roadside
Blood test	Permitted only in case of suspicion, conducted at roadside
Urine test	Permitted only in case of suspicion, conducted at roadside
Saliva test	The detection routine is not used in Belgium
Sweat test	The detection routine is not used in Belgium
Impairment test	Permitted at random, conducted at roadside
Other test:	/

Table 2.8: Police control activities and detection routines

Police officers' discretions and competences

There are specific training programmes for police officers for detecting drivers under the influence, which take form of approximately 9 hours of courses. Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor is not at the discretion of the police. The police officer has the competence to confiscate a driving licence immediately at the roadside if a driver is detected positive. He also has the competence to arrest a driver and take him into custody, but only in special cases, such as extreme and obvious intoxication of the driver. He does not have the competence to confiscate a vehicle.

Specific training programmes	Yes
Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor	No
If a driver tests positive for psychoactive substances, does the police officer have:	
competence to confiscate the driving licence immediately at the roadside	Yes, in any case the driver is tested positive
competence to confiscate the vehicle (or the licence plate) at the roadside	No
competence to arrest the driver and take him into custody	Yes, but only in special cases, for example: in case of extreme and obvious intoxication of the driver

Table 2.9: Police officers' discretions

If a driver is involved in an accident, he is tested for alcohol in every case²³ and for illicit drugs in the case of suspicion. If a driver refuses to provide a breath / blood / saliva / sweat / urine sample the same consequences follow as for a BAC of 0.35 mg/l UAL and same consequences as for drivers under the influence of illicit drugs. If the driver tests positive for alcohol, an additional test follows in the case of suspicion of other psychoactive substances.

5.3 Psychoactive Substances and Driving: Sanctioning

In Belgium driving under the influence of alcohol and illicit drugs is considered to be a criminal offence in every case.

Criminal offences

In 2006, 32,428 persons were convicted of driving under the influence of alcohol in Belgium. Other data for this category is unknown. In 2007, 27,958 persons were convicted of driving under the influence of alcohol and in 2008, 31,587. Here, too, other data for this category is unknown.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Criminally prosecuted for driving under the influence	2008	31.681	unknown	unknown	unknown
Convicted by court for driving under the influence	2008	31.587	unknown	unknown	unknown

Table 2.10: Statistics for criminal offences

Discretionary rights of the criminal prosecution body

The criminal prosecution body has various discretions. For example, if a driver is detected of driving under the influence of psychoactive substances, the prosecutor has the discretion to decide whether or not to prosecute

²³ At least theoretically. In 2007 only 49 % of all drivers involved in accidents were tested for alcohol
DRUID 6th Framework Programme

this driver. Reasons not to prosecute can be the following: opportunity, technical reasons, no offence, immunity, young age, insufficient proof, no motive, low damage, probation, reasonable period of judgment has passed, offender unknown, offender deceased, other priorities, regularisation of the situation, lack of capacity of research or incompetence of national justice system. A court (judge) can decide not to convict a driver for the same reasons. The court also has the discretion to determine the level of penalty, it varies between 1,100 and 11,000 €.

Driver detected of driving under the influence of psychoactive substances

Discretion of the prosecutor to prosecute	Yes, the prosecutor can decide not to prosecute a driver
Discretion of the court (judge) to convict	Yes, the court can decide not to convict a driver
Discretion of the court (judge) to determine the level of penalty	Yes, between 1,100 and 11,000 €

Table 2.11: Discretions of criminal prosecution bodies

When there are no complications (such as the driver involved in an accident, other criminal offences...) the estimated period of time between detection of driving under the influence of psychoactive substance and conviction by a court is between 6 and 9 months and there are no options to reduce the suspension period after a driving licence has been withdrawn.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Detected driving under the influence by police	2008	65,507	3,289	unknown	unknown
Pursued by administrative body for driving under the influence	/ ²⁴	/	/	/	/
Sanctioned by administrative body for driving under the influence	/	/	/	/	/
Criminally prosecuted for driving under the influence	2008	31,681	unknown	unknown	unknown
Convicted by court for driving under the influence	2008	31,587	unknown	unknown	unknown

Table 2.12: Statistics together

6 BULGARIA

6.1 Psychoactive Substances and Driving: Legislation

DRIVER	BAC threshold
Normal driver	0.5 mg/l
Novice driver	0.5 mg/l
Young driver	
Professional driver	0.5 mg/l
Other: licence withdrawal	

Table 3.1: BAC threshold for different groups of drivers

The official unit in Bulgaria is mg/l or ‰. The BAC for normal drivers is 0.5 mg/l. In Bulgaria, sanctions for a driver detected for the first time under the influence of alcohol in a usual police control event are a fine, demerit

²⁴ Written, if there was no answer given.
DRUID 6th Framework Programme

points, driving ban, licence withdrawal and imprisonment. There are more severe consequences envisaged for young drivers, novice drivers, professional drivers and for recidivists. The alcohol concentration must be ascertained by medical test and/or technical means, which specifies the alcohol content in blood through its measurement in exhaled air.

The sanctions for a driver detected for the first time under the influence of illicit drugs in a usual police control event are fine, licence withdrawal and imprisonment. There are more severe consequences envisaged for young drivers, professional drivers, recidivists and for involvement in an accident.

The sanctions for the driver detected for the first time under the influence of non-prescribed medicines in a usual police control event are a fine and imprisonment. There are more severe consequences envisaged for recidivists.

Alcohol

In the case of alcohol, a fine and demerit points can be imposed from 0.5 mg/l upwards. In the case of a breath test, an administrative penalty can be imposed from 0.5 - 1.2 mg/l. If the BAC is over 1.2 mg/l (without a medical test) criminal penalties are imposed (police, court). The minimum fine is 200 BGN (100 EUR) and the maximum fine is 500 BGN (250 EUR) for a BAC between 0.5 and 1.2 mg/l. Ten demerit points can be imposed for a BAC between 0.5 and 1.2 mg/l. The minimum licence withdrawal is 1 month and the maximum 12 months. Imprisonment up to 1 year can be imposed from 1.2 mg/l upwards.

There are more severe consequences envisaged for young drivers, novice drivers and professional drivers: licence withdrawal can be imposed from 2 to 12 months and a fine can be imposed of 300 BGN (150 EUR) to 600 BGN (300 EUR). Sanctions for professional drivers are more severe than for other drivers. They automatically lose their licence. There are more severe consequences envisaged for recidivists, too, namely licence withdrawal can last from 1 to 3 years and a fine can be imposed of 1,000 BGN (500 EUR) to 2,000 BGN (1,000 EUR).

A driver of a motor vehicle, tram or self-propelled machine who refuses control by a technical device for establishing the use of alcohol or other intoxicating substance or who does not fulfil the prescription for medical examination of the alcohol concentration in his blood, is punished by being deprived of the right to drive a motor vehicle, tram or self-propelled machine for a period of 12 months to 18 months and a fine from 500 BGN (250 EUR) to 1,000 BGN (500 EUR).

Illicit drugs

Driving under the influence of illicit drugs is a criminal offence. The sanctions are a fine, licence withdrawal for at least 1 month and a maximum of 12 months and imprisonment up to 1 year. A fine can be imposed of 200 BGN (102.25 €) to 500 BGN (255.64 €). Involvement in an accident when under the influence of illicit drugs is also criminal offence. There are more severe consequences envisaged for young drivers and professional drivers: licence withdrawal can last from 2 to 12 months and fine can be imposed of 300 BGN (150 EUR) to 600 BGN (300 EUR).

Non-prescribed medicines

The sanctions for a driver are a fine, licence withdrawal and imprisonment. More severe consequences are envisaged for recidivists. In order to provide road traffic safety and for terminating administrative offences a temporary withdrawal is applied, if it is visible that the driver does not meet the medical or psychological requirements, until the grounds for it no longer exist. Temporary withdrawal will also be applied to a driver who drives a vehicle under the influence of alcohol with BAC over 0.5 mg/l or under influence of another intoxicating substance, as well as in the case of refusal of the driver to be tested by technical means or to give blood for a medical test. It may be imposed until the settlement of the issue regarding his responsibility is reached, but for no more than 6 months. There are no special regulations for drivers detected under the influence of substances prescribed as medicines. Driving a car under the influence of different drugs or medicines is strongly forbidden.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver assess.	Driver rehab.	Treatment program	Community service	Other
ALCOHOL											
Minimum	200 BGN (100 EUR)	not specified	not specified	1 month	not specified	no	no	no	no	no	no
Maximum	500 BGN (250 EUR)	10	not specified	12 months	1 year	no	no	no	no	no	no
ILLICIT DRUGS											
Minimum	not specified	no	no	not specified	not specified	no	no	no	no	no	no
Maximum	not specified	no	no	not specified	2 years	no	no	no	no	no	no
NON-PRESCRIBED MEDICINES											
Minimum	not specified	no	no	no	not specified	no	no	no	no	no	no
Maximum	not specified	no	no	no	not specified	no	no	no	no	no	no
MORE SEVERE CONSEQUENCES											
Recidivists	yes	no	no	yes	no	no	no	no	no	no	no
Accident	no	no	no	no	no	no	no	no	no	no	no
Unsafe manoeuvre	no	no	no	no	no	no	no	no	no	no	no

Table 3.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment) and more severe consequences for special circumstances

Background Information on Sanctions

Table 3.3 shows the total numbers of different sanctions for driving under the influence of alcohol. There were 22,427 fines imposed, 13,426 administration-based licence withdrawals and 11,803 court-based licence withdrawals. There was no specific information regarding the year of these statistics.

Sanctions	For alcohol and driving	For illicit drugs and	For non-prescribed medicines and driving	Total number
-----------	-------------------------	-----------------------	--	--------------

		driving		
Fines	22,427	²⁵ /	/	/
Demerit points	/	/	/	/
Driving bans	/	/	/	/
Licence withdrawals:		/	/	/
- Administration-based	13,426			
- Court-based	11,803			
Imprisonment	/	/	/	/
Other sanctions:	/	/	/	/

Table 3.3: Total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines

If a driving licence is withdrawn and the driver is detected driving under the influence of alcohol or drugs, sanctions in Bulgaria are deprivation of the right to drive a motor vehicle, tram or self propelled machine for a period of 1 to 3 years and a fine of 1,000 to 2,000 BGN (500 – 1,000 EUR). In 2008 there were 22,427 offences of driving while suspended.

Driving while suspended

Consequences	If the driving licence is <u>withdrawn</u> : deprivation of the right to drive motor vehicle, tram or self propelled machine for a period 1 - 3 years and a fine of 1000 - 2000 BGN (500 – 1000 EUR).
Number of offences/offenders of driving while suspended per year	2008: 22,427 offences

Table 3.4: Driving while suspended

Bulgaria has a demerit point system. A driver from whom all 39 control points (demerit points) have been withdrawn, loses his licence and is obliged to return the driving licence to the appropriate office of the Ministry of Interior. A person who has been deprived of his driving licence, after having returned his driving licence, has the possibility of being admitted again to an examination before the appropriate bodies for reacquiring the licence, but not earlier than 6 months from the date on which the licence was handed in.

Demerit point system

Number of points	Consequences
39	A driver loses his driving licence.

Table 3.5: Demerit point system

There have been no evaluation studies in past years regarding the effectiveness of different sanctions. Drivers under the influence of psychoactive substances are not recorded in a register for traffic offences in order to identify recidivists. There is an option of conditional withdrawal or conditional licence. Imposing more than one sanction at the same time is possible, in the case of administrative sanctions there is a combination of fine and withdrawal, in the case of criminal sanctions, there is a combination of fine, withdrawal and imprisonment.

Availability of sanction-related issues	
Evaluation studies regarding effectiveness of different sanctions	no
Register for traffic offences in order to identify recidivists	no
Conditional withdrawal or conditional licence	yes

²⁵ Written, if there was no answer given.
DRUID 6th Framework Programme

Imposing more than one sanction at the same time	yes
--	-----

Table 3.6: Availability of sanction-related issues

Traffic Related Consequences of Psychoactive Substance Use in General

Selling, possessing or consuming of illicit drugs outside road traffic has no legal consequences concerning the driving licence.

Re-granting Procedure

In alcohol cases, a theoretical driving test is asked only in special cases. Theoretical and practical driving lessons are asked in alcohol cases only for repeated offences. There was no information for the re-granting procedure of the driving licence in the case of illicit drugs and medicines cases.

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	no	no	no
Psychological assessment	no	no	no
Screenings for substance markers in blood / urine / hair	no	no	no
Driver rehabilitation	no	no	no
Treatment programme	no	no	no
Theoretical driving lessons	Only in special cases, repeated offences	/ ²⁶	/
Practical driving lessons	Only in special cases, repeated offences	/	/
Theoretical driving test	Only in special cases	/	/
Practical driving test	no	no	no
Other			no

Table 3.7: Re-granting procedure

6.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

Strategies regarding police control activities for alcohol checks are related to weekdays, daytime and specific locations or areas. There is no complete information available regarding the annual frequency of systematic police control activities. The total number of persons detected driving under the influence of psychoactive substances in the last 5 years is around 20,000. In these cases, the police had suspicion. The Bulgarian traffic police does not have drug measuring devices. There is no exact statistical data for drug offences, differentiated by illicit drugs, medicines or drugs. In 2008, there were 181 cases of drivers who were detected under the influence of psychoactive substances; however, there is a possibility that the police did not discover all cases.

Detection routine used in police control activities is a breath test. It is permitted at random and also in the case of suspicion and is conducted at the roadside. The consumption of alcohol or other intoxicating substance shall be established by using respective technical devices and/or through medical and laboratory tests. In case if the

²⁶ Written, if there was no answer given.
DRUID 6th Framework Programme

technical device indicates the consumption of alcohol or other intoxicating the substance shall be established by laboratory tests. When a technical device establishes concentration of alcohol above 1.2 per thousand and/or presence of other intoxicating substance the official from the control services can accompany the driver to the medical establishment. For impossibility of carrying out check up by a technical device on the spot, blood samples shall be taken from all participants in the traffic accident, by a physician or medical specialist in the medical establishment²⁷ where they are transported or admitted for.²⁸ There is no information on any other detection routine. There is no information on any other detection routine.

Systematic police control activities	
Strategies	Yes, related to weekdays, daytime, specific locations.
Annual frequency	Around 20.000
Detection routines and procedures	
Breath test	Permitted at random and also in case of suspicion, conducted at roadside
Blood test	See Bulgarian Ordinance № 30 of June 27, 2001
Urine test	/ ²⁹
Saliva test	/
Sweat test	/
Impairment test	/
Other test:	/

Table 3.8: Police control activities and detection routines

Police officers' discretions and competences

Police officers have special training courses each year regarding detection of drivers under the influence. Deciding whether or not to report a driver detected for DUI to the administrative body or the prosecutor is not at the discretion of the police. The police officer has the competence to confiscate the driving licence immediately at the roadside but only in special cases, when a temporary withdrawal of a driving licence is applied. He does not have the competence to arrest the driver and take him into custody, nor does he have the competence to confiscate the vehicle.

Specific training programmes	Yes
Deciding whether or not to report a driver detected for DUI to the administrative body or the prosecutor	No
If the driver tests positive for psychoactive substances, does the police officer have:	
competence to confiscate the driving licence immediately at the roadside	Yes
competence to confiscate the vehicle (or the licence plate) at the roadside	No
competence to arrest the driver and take him into custody	No

Table 3.9: Police officers' discretions

²⁷ The medical certification and the taking of blood sample for testing shall be carried out as follows: 1. for establishing, by the technical device, concentration of alcohol in the blood up to 1.2 per thousand - in all diagnostic consultative centres, medical centres, hospital medical establishments, the centres for urgent medical care and their branches; 2. for establishing, by a technical device of alcohol concentration in the blood over 1.2 per thousand and/or presence of other intoxicating substance - in the centres for urgent medical care and their branches.

²⁸ For more information see Bulgarian Ordinance № 30 of June 27, 2001.

²⁹ Written, if there was no answer given.

If a driver is involved in an accident, he is always tested for alcohol, but for illicit drugs and medicines only in special cases, when the driver is involved in an accident resulting in injuries or death. If the driver refuses to provide a breath / blood / saliva / sweat / urine sample the consequences are deprivation of the right to drive a motor vehicle for a period from 12 to 18 months and a fine from 500 BGN (250 EUR) to 1,000 BGN (1,000 EUR). If the driver tests positive for alcohol no further test is taken.

6.3 Psychoactive Substances and Driving: Sanctioning

In Bulgaria, driving under the influence of alcohol is an administrative offence but also a criminal offence if the BAC is above 1.2 mg/l and in the case of accident involvement. Driving under the influence of illicit drugs or medicines is considered to be a criminal offence in any case.

When a police officer detects a driver under the influence of alcohol and if a breath test shows over 0.5 mg/l, the police officer can write him a ticket and take his driving license. In this case a fine and deprivation of the right to drive are administrative procedures. If the breath test shows a BAC over 1.2 mg/l, the police officer writes him a ticket, withdraws his driving license and the driver has to take a blood test and appear in court. In this case, the fine and deprivation of the right to driving are not administrative procedures, but criminal.

Administrative Offences

It is not at discretion of the administrative body to decide whether or not to pursue or sanction a driver detected driving under the influence of psychoactive substances. In 2008, there were 13,426 persons pursued for driving under the influence of alcohol and the same number of persons were sanctioned for driving under the influence of alcohol. On average, the period of time between detection of driving under the influence of psychoactive substances and sanctioning by the administrative body is 30 days.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Pursued for driving under the influence	2008	13,426	/ ³⁰	/	/
Sanctioned for driving under the influence	2008	13,426	/	/	/

Table 3.10: Statistics for administrative offences

Criminal Offences

In 2008 there were 12,540 persons prosecuted for driving under the influence of alcohol in Bulgaria and 11,803 persons convicted for this offence.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Prosecuted for driving under the influence	2008	12,540	/ ³¹	/	/
Convicted of driving under the influence	2008	11,803	/	/	/

Table 3.11: Statistics for criminal offences

³⁰ Written, if there was no answer given.

³¹ Written, if there was no answer given.

Discretionary rights of the criminal prosecution body

If a driver is detected driving under the influence of psychoactive substances, the prosecutor has no discretion to decide whether or not to prosecute this driver. A court has the discretion to determine the level of penalty. On average, the period of time between the detection of driving under the influence of psychoactive substances and conviction by a court is from 2 to 10 months. There are no options to reduce the suspension period after the driving licence has been withdrawn.

Driver detected driving under the influence of psychoactive substances	
Discretion of the prosecutor to prosecute	No
Discretion of the court (judge) to convict	/
Discretion of the court (judge) to determine the level of penalty	Yes

Table 3.12: Discretions of criminal prosecution bodies

Statistical overview

Total number of persons	YEAR	ALCOHOL	ILLCIT DRUGS	MEDICINES	COMBINED
Detected driving under the influence by police	in 5 years	app. 20,000 ³²	/ ³³	/	/
Pursued by administrative body for driving under the influence	2008	13,426	/	/	/
Sanctioned by administrative body for driving under the influence	2008	13,426	/	/	/
Criminally prosecuted for driving under the influence	2008	12,540	/	/	/
Convicted by court for driving under the influence	2008	11,803	/	/	/

Table 3.13: Overall statistics

7 CYPRUS

7.1 Psychoactive Substances and Driving: Legislation

DRIVER	BAC threshold
Normal driver	50 mg/100 ml
Novice driver	/
Young driver	/
Professional driver	/
Other: licence withdrawal	/

Table 4.1: BAC threshold for different groups of drivers

³² The number of offences (20 000 in last 5 years) are those cases that police had suspicion. In 2008 we registered 181 cases of drivers who have been detected under the influence of psychoactive substances. This is probably not real situation. There might have been much more cases undiscovered.

³³ Written, if there was no answer given.

The official unit in Cyprus is mg/ml. The BAC for normal drivers is 50 mg/100 ml. In Cyprus, the sanctions for a driver detected for the first time under the influence of alcohol or illicit drugs in a usual police control event are a fine, demerit points, driving ban and imprisonment.

There are more severe consequences envisaged for professional drivers under the influence of alcohol, illicit drugs or medicines. For young and novice drivers the sanctions imposed by a court are usually stricter.

Alcohol

In the case of alcohol, all of the sanctions may be imposed from 50 mg/100ml upwards. The maximum fine is 2,562 EUR. The number of demerit points varies from 3 to 6. The maximum driving ban may last for 12 months and the maximum imprisonment for 2 years. All of the sanctions may be imposed if the driver's BAC level is above 50 mg/100 ml. The police prosecute the driver and a court decides on the sentence. If a driver is found guilty, at least one sanction is imposed. All of the sanctions may be imposed at the same time. Any combination of the sanctions mentioned above is possible.

Illicit drugs

In the case of illicit drugs, the maximum fine is 1,708 EUR. Imprisonment can last a maximum of 1 year. In the case of illicit drugs there are more severe consequences for professional drivers. The current provision of the law is actually inactive, since the driver's consent is required in order to test him. New legislation is currently being drafted.

Non-prescribed medicines

In the case of non-prescribed medicines, the maximum fine is 1,708 EUR. Imprisonment can last a maximum of 1 year. Here, too, the current provision of the law is inactive, since the driver's consent is required in order to test him. New legislation is being drafted for this area as well.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver assess.	Driver rehab.	Treatment program	Community service	Other
ALCOHOL											
Minimum		3		no		no	no	no	no	no	no
Maximum	2,562	6	12 months	no	2 years	no	no	no	no	no	no
ILLICIT DRUGS											
Minimum		no	no	no		no	no	no	no	no	no
Maximum	1,708	no	no	no	1 year	no	no	no	no	no	no
NON-PRESCRIBED MEDICINES											
Minimum		no	no	no		no	no	no	no	no	no
Maximum	1,708	no	no	no	1 year	no	no	no	no	no	no
MORE SEVERE CONSEQUENCES											
Recidivists	no	no	no	no	no	no	no	no	no	no	no
Accident	no	no	no	no	no	no	no	no	no	no	no
Unsafe manoeuvre	no	no	no	no	no	no	no	no	no	no	no

Table 4.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment) and more severe consequences for special circumstances

Background Information on Sanctions

Table 4.3 shows the total numbers of different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines. The DRUID WP6 group received information about sanctions imposed by the courts in 2008 for alcohol cases. The courts imposed 2,045 fines, 1,898 demerit points, 491 driving bans and 42 imprisonments. There was no information received on the number of violations committed in 2008 in relation to illicit drug cases, nor non-prescribed medicines cases.

Sanctions	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
Fines	2,045	/ ³⁴	/	/
Demerit points	1,898	/	/	/
Driving bans	491	/	/	/
Licence withdrawals: - Administration-based - Court-based	/	/	/	/
Imprisonment	42	/	/	/
Other sanctions:	/	/	/	/

Table 4.3: Total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines

If a driving licence is withdrawn and the driver is detected driving, sanctions imposed by the court are stricter than the original, which already led to the licence withdrawal. In the case of alcohol, only a court may impose demerit points or suspension of a driving licence. Basically, the judgement depends on the level of BAC and also on whether it is a repeat alcohol offence. The consequences are not specified. In 2008, 46 alcohol offences were committed while a driving licence was suspended.

Driving while suspended

Consequences	Not specified
Number of offences/offenders of driving while suspended per year	2008: 46 alcohol offences.

Table 4.4: Driving while suspended

Since there have been no evaluation studies regarding the effectiveness of different sanctions in Cyprus, it is impossible to assess the effectiveness of each sanction. There is a register for traffic offences in order to identify recidivists. The police keep records of previous convictions for alcohol offences. The court takes that information into consideration when deciding sanctions for recidivists. Penalties for recidivists are usually higher than for the original offences.

Conditional withdrawal or conditional licence is possible in Cyprus. Both the courts and the Licensing Authority may impose conditions on a driving licence. Various conditions exist, depending on the case (e.g., re-evaluation of health conditions at specified intervals). Imposing more than one sanction at the same time is possible. There is a possibility of any combination of demerit points, fine, imprisonment, driving licence withdrawal or suspension.

³⁴ Written, if there was no answer given.
DRUID 6th Framework Programme

Availability of sanction-related issues	
Evaluation studies regarding effectiveness of different sanctions	no
Register for traffic offences in order to identify recidivists	Yes, by the police for alcohol offences.
Conditional withdrawal or conditional licence	Yes, Court and the Licensing Authority may impose conditions.
Imposing more than one sanction at the same time	Yes, any combination among demerit points, fine, imprisonment, driving licence withdrawal or suspension.

Table 4.5: Availability of sanction-related issues

Traffic Related Consequences of Psychoactive Substance Use in General

When illicit drugs are consumed outside traffic, legal consequences concerning driving licence follow. In the case of selling or possessing in general, there are no legal consequences on the driving licence. In the case of consumption of illicit drugs, the legal consequences concerning the driving licence are: medical and psychological assessment of the driver, licence withdrawal after failing medical/psychological assessment or after a court procedure. Conditions for re-evaluation of health conditions at specified intervals may also be applied. The Licensing Authority acts, when it is informed.

In the case of consuming alcohol or medicines repeatedly and pathologically, the legal consequences concerning the driving licence are: medical and psychological assessment of the driver, licence withdrawal after failing medical/psychological assessment or after a court procedure. In the case of alcohol, other consequences such as probational licence, rehabilitation etc. are possible.

	Selling	Possessing	Consuming
Legal consequences concerning the driving licence	ILLCIT DRUGS		
	/	/	Yes: medical and psychological assessment, licence withdrawal, conditions for re-evaluation of health conditions.
	ALCOHOL		
	/	/	Yes, in special cases, repeated – pathological: medical and psychological assessment, licence withdrawal, other: probational licence, rehabilitation etc.
	MEDICINES		
	/	/	Yes, in special cases: medical and psychological assessment, licence withdrawal.

Table 4.6: Psychoactive substance use in general

Re-granting Procedure

The procedure for re-granting a licence that was withdrawn due to an alcohol, illicit drug or medicine offence, is the same in all three cases. The requirements for re-granting the driving licence are: medical and psychological assessment, theoretical and practical driving test. All these requirements are asked only in special cases, for repeated offences.

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	Only in special cases, for repeated offences.	Only in special cases, for repeated offences.	Only in special cases, for repeated offences.
Psychological assessment	Only in special cases, for repeated offences.	Only in special cases, for repeated offences.	Only in special cases, for repeated offences.
Screenings for substance markers in blood / urine / hair	no	no	no
Driver rehabilitation	no	no	no
Treatment programme	no	no	no
Theoretical driving lessons	no	no	no
Practical driving lessons	no	no	no
Theoretical driving test	Only in special cases, for repeated offences.	Only in special cases, for repeated offences.	Only in special cases, for repeated offences.
Practical driving test	Only in special cases, for repeated offences.	Only in special cases, for repeated offences.	Only in special cases, for repeated offences.
Other	/	/	/

Table 4.7: Re-granting procedure

7.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

Strategies regarding police control activities are related to weekdays, daytime, specific locations and specific events. They have three 15-day campaigns for alcohol each year and they also increase efforts at weekends. They have also taken part in TISPOL campaigns. The aim is to increase alcohol tests. In 2008, there were 143,848 breath tests for alcohol and 8,490 prosecutions. Mobile units for evidential tests are also in use, for better results. Every driver, who has been involved in a road accident is tested. When the new legislation for illicit drugs is enacted, the same methods will be followed.

Detection routines used in police control activities are breath tests and blood tests for alcohol. They are permitted at random and conducted at the roadside. Blood tests are permitted only when the driver is unable to be breathalysed, because of injury or a medical certificate. For illicit drugs and medicines, tests are permitted only with the consent of the driver.

Systematic police control activities	
Strategies	Yes, related to weekdays, daytime, specific locations, specific events.
Annual frequency	2008: 143,848 breath tests for alcohol and 8,490 prosecutions.
Detection routines and procedures	
Breath test	Permitted at random, conducted at roadside
Blood test	no
Urine test	³⁵

³⁵ Written, if there was no answer given.
DRUID 6th Framework Programme

Saliva test	/
Sweat test	/
Impairment test	/
Other test:	/

Table 4.8: Police control activities and detection routines

Police officers' discretions and competences

There are specific training programmes for detecting drivers under the influence of alcohol. Deciding whether or not to report a driver detected for DUI to the administrative body or the prosecutor is at the discretion of the police. The police officer does not have the competence to confiscate a driving licence immediately at the roadside. The police officer has competence to confiscate a vehicle at the roadside, and the vehicle may be driven by another person to the owner's house or be kept at a police station and released later to the owner. The police also have also the competence to arrest a driver and take him into custody, if the driver is considered dangerous to himself or others.

Specific training programmes	Yes, for alcohol.
Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor	Yes
If a driver tests positive for psychoactive substances, does the police officer have:	
competence to confiscate the driving licence immediately at the roadside	No
competence to confiscate the vehicle (or the licence plate) at the roadside	Yes, but only in special cases: the vehicle may be driven by another person to the owner's house or be kept at a police station and released later to the owner.
competence to arrest the driver and take him into custody	Yes, but only in special cases: The police may arrest a driver but he/she may be kept in custody only if he/she is considered dangerous to himself or others.

Table 4.9: Police officers' discretions

If a driver refuses to provide a breath / blood / saliva / sweat / urine sample the same consequences follow as for a BAC above 50 mg/100ml. When a driver refuses to comply, he is sent to court. If the driver tests positive for alcohol, no further tests are taken. If the driver is involved in an accident, he is tested for alcohol in every case. Tests are taken for illicit drugs and medicines only if the driver is killed.

7.3 Psychoactive Substances and Driving: Sanctioning

In Cyprus, driving under the influence of alcohol and illicit drugs is always considered to be a criminal offence.

Criminal Offences

In 2008, there were 8,490 persons prosecuted for driving under the influence of alcohol in Cyprus but only 4,476 persons were convicted. Other data for this category are unknown.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Prosecuted for driving under the influence	2008	8,490 cases	³⁶	/	/

³⁶ Written, if there was no answer given.
DRUID 6th Framework Programme

Convicted of driving under the influence	2008	4,476	/	/	/
--	------	-------	---	---	---

Table 4.10: Statistics for criminal offences

Discretionary rights of the criminal body

If a driver is detected driving under the influence of psychoactive substances, the prosecutor has no discretion to decide whether or not to prosecute him. However, the court (judge) can decide not to convict him. The court is obliged to find a driver guilty in order to impose a penalty. The court also has the discretion to determine the level of penalty. It can impose a maximum fine of 2,562 EUR, maximum imprisonment of 2 years, maximum driving ban of 12 months, or any combination of these sanctions. There are no options to reduce the suspension period after a driving licence has been withdrawn.

Driver detected of driving under the influence of psychoactive substances

Discretion of the prosecutor to prosecute	No, the prosecutor cannot decide whether or not to prosecute a driver.
Discretion of the court (judge) to convict	Yes, the court can decide not to convict a driver.
Discretion of the court (judge) to determine the level of penalty	Yes, it can impose a maximum fine of 2,562 EUR, maximum imprisonment of 2 years, maximum driving ban of 12 months, or any combination of these sanctions.

Table 4.11: Discretions of criminal bodies

On average, the period of time between detection of driving under the influence of psychoactive substances and conviction by a court is about 6 months for residents and only one day for visitors.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Detected driving under the influence by police	2008	8,490	³⁷ /	/	/
Pursued by administrative body for driving under the influence	/	/	/	/	/
Sanctioned by administrative body for driving under the influence	/	/	/	/	/
Criminally prosecuted for driving under the influence	2008	8,490	/	/	/
Convicted by court for driving under the influence	2008	4,476	/	/	/

Table 4.12: Statistics overview

8 CZECH REPUBLIC

8.1 Psychoactive Substances and Driving: Legislation

DRIVER	BAC threshold
---------------	----------------------

³⁷ Written, if there was no answer given.
DRUID 6th Framework Programme

Normal driver	0.0 g/kg
Novice driver	0.0 g/kg
Young driver	0.0 g/kg
Professional driver	0.0 g/kg
Other:	

Table 5.1: BAC threshold for different groups of drivers

The official unit in the Czech Republic is g/kg. The BAC for all driver categories is 0.0 g/kg. BAC up to 1.0 g/kg is an administrative offence, BAC limit 1.0 g/kg or higher is a criminal offence.

In the Czech Republic, the sanctions for a driver detected for the first time under the influence of alcohol and illicit drugs in a usual police control event are a fine, demerit points, driving ban, licence withdrawal, imprisonment and treatment programme. In the case of non-prescribed medicines the consequences are a fine, demerit points, driving ban and licence withdrawal. More severe consequences are not envisaged for young, novice or professional drivers, recidivists, accident involvement or if making unsafe manoeuvres.

Alcohol

In the case of alcohol, a fine, demerit points and driving ban can be imposed for any BAC over 0.0 g/kg. The minimum fine is 10,000.00 CZK (373.91 EUR) and the maximum is 50,000.00 CZK (1,869.57 €). For a BAC over 1.0 g/kg the fine can be up to 10,000,000.00 CZK (373,910.00 EUR). In practice it does not usually exceed 100,000.00 CZK (3,739.10 EUR). There can be 3 demerit points imposed for a BAC from 0.0 to 0.3 g/kg, 6 demerit points for a BAC from 0.31 to 0.99 g/kg and 7 demerit points for a BAC from 1.0 g/kg upwards. A driving ban can be imposed from 6 months to 10 years, but it is usually up to 2 years. It is only over 2 years in the case of a criminal offence. Licence withdrawal follows a driving ban. Imprisonment and a treatment programme can be imposed for a BAC from 1.0 g/kg upwards. Imprisonment can last a maximum of 3 years.

Illicit drugs

In the case of illicit drugs, the minimum fine is 10,000.00 CZK (373.91 EUR), the maximum 50,000.00 CZK (1,869.57 EUR). There can be 6 or 7 demerit points imposed. A driving ban can last from 6 months to 10 years. It usually lasts up to 2 years. Licence withdrawal is possible for 6 months to 10 years. It usually lasts up to 2 years. A treatment programme can also be imposed. In practice, if a intoxicated driver is not capable of driving safely, a criminal offence is given, but all other cases are considered to be administrative offences.

Non-prescribed medicines

In the case of non-prescribed medicines, the minimum fine is 10,000.00 CZK (373.91 EUR), the maximum 50,000.00 CZK (1,869.57 EUR). There can be 3 or 7 demerit points imposed. A driving ban can last from 6 months to 2 years. Similarly, licence withdrawal is possible for 6 months to 2 years. There are no special regulations for drivers detected under influence of substances prescribed as medicines, for example THC, amphetamines, methamphetamines, cocaine, opioid analgesics, substitutes (e.g., methadone) or Benzodiazepines, since they are qualified as drugs. Driving under medicinal influence is covered by the "prohibition of driving impaired".

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver asses.	Driver rehab.	Treatment program	Community service	Other
ALCOHOL											
Minimum	10,00.0 CZK (373,91 EUR)	3	6 months	not specified	not specified	no	no	no	not specified	no	no
Maximum	10,000,000.00 CZK (373,910.00 EUR)	7	10 years	not specified	3 years	no	no	no	not specified	no	no
ILLICIT DRUGS											
Minimum	10,000 CZK (373.91 EUR)	6	6 months	6 months	not specified	no	no	no	not specified	no	no
Maximum	50,000 CZK (1,869.57 EUR)	7	10 years	10 years	3 years	no	no	no	not specified	no	no
NON-PRESCRIBED MEDICINES											
Minimum	10,000 CZK (373.91 EUR)	3	6 months	6 months	no	no	no	no	no	no	no
Maximum	50,000 CZK (1,869.57 EUR)	7	2 years	2 years	no	no	no	no	no	no	no
MORE SEVERE CONSEQUENCES											
Recidivists	no	no	no	no	no	no	no	no	no	no	no
Accident	no	no	no	no	no	no	no	no	no	no	no
Unsafe manoeuvre	no	no	no	no	no	no	no	no	no	no	no

Table 5.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment) and more severe consequences for special circumstances

Background Information on Sanctions

There is no data available on total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines per year.

If a driving licence has been withdrawn and a driver is detected driving, this is a criminal offence and the sanctions are the following: imprisonment up to 2 years (from 2010 it will be up to 3 years), a fine, driving ban up to 10 years, 7 demerit points. There is no data available on the number of offenders or offences.

Driving while suspended

Consequences	If a driving licence is <u>withdrawn</u> : imprisonment (max. 2 years, from 2010 it will be up to 3 years), fine, driving ban (max. 10 years), demerit points (7)
Number of offences/offenders of driving while suspended per year	/

Table 5.3: Driving while suspended

The Czech Republic has a demerit point system. For 12 demerit points, licence withdrawal for 1 year is imposed. There have been no evaluation studies undertaken in past years concerning the effectiveness of different sanctions. Drivers under the influence of psychoactive substances are recorded in a register for traffic offences in order to identify recidivists. All driving offences committed by drivers are registered, including all alcohol and drug offences.

There is no option of conditional withdrawal or conditional licence. Imposing more than one sanction at the same time is possible, namely fine + driving ban + demerit points. Imprisonment can be combined with other sanctions, too. Fines and driving bans for more offences cannot be summed up.

Availability of sanction-related issues	
Evaluation studies regarding effectiveness of different sanctions	no
Register for traffic offences in order to identify recidivists	yes
Conditional withdrawal or conditional licence	no
Imposing more than one sanction at the same time	yes

Table 5.4: Availability of sanction-related issues

Traffic Related Consequences of Psychoactive Substance Use in General

When used in general (outside traffic), selling, possessing or consuming illicit drugs has no consequences for the driving licence. However, in alcohol cases there are more severe consequences for professional drivers, but they are not specified.

	Selling	Possessing	Consuming
Legal consequences concerning the driving licence	ILLCIT DRUGS		
	no	no	no
	ALCOHOL		
	no	no	no
	MEDICINES		
	no	no	no

Table 5.5: Psychoactive substance use in general

Re-granting Procedure

Re-granting a driving licence, if it has been withdrawn due to an alcohol, illicit drugs or medicines offence, is not possible.

8.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

There are no strategies of police control activities related to weekdays, daytime, specific locations and specific events. There is also no complete information available regarding the annual frequency of systematic police control activities.

Detection routines used in police control activities are breath tests, blood tests, urine tests, saliva tests, sweat tests, impairment tests and medical examination. Blood tests, urine tests and medical examination are permitted only in the case of suspicion. Breath tests, saliva tests, sweat tests and impairment tests are permitted at random and are conducted at the roadside.

Systematic police control activities	
Strategies	No
Annual frequency	No information available
Detection routines and procedures	
Breath test	Permitted at random, conducted at roadside
Blood test	Permitted only in case of suspicion
Urine test	Permitted only in case of suspicion
Saliva test	Permitted at random, conducted at roadside
Sweat test	Permitted at random, conducted at roadside
Impairment test	Permitted at random, conducted at roadside
Other test: medical examination	Permitted only in case of suspicion

Table 5.6: Police control activities and detection routines

Police officers' discretions and competences

There are specific training programmes for police officers for detecting drivers under the influence. Drug recognition training is included in the basic education program. It lasts at least 6 months. Officers working in drug enforcement receive additional special training. It is not clear if the same training is applied to traffic policemen, too.

A police officer has the competence to confiscate a driving licence immediately at the roadside if a driver is detected positive. He also has the competence to arrest a driver and take him into custody, but only in special cases, if the person is suspected of impaired driving and also involved in an accident. He does not have the competence to confiscate the vehicle.

Specific training programmes	Yes
Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor	/
If a driver tests positive for psychoactive substances, does the police officer have:	
competence to confiscate the driving licence immediately at the roadside	Yes, if the driver tests positive
competence to confiscate the vehicle (or the licence plate) at the roadside	No
competence to arrest the driver and take him into custody	Yes, but only in special cases, impaired driving and involvement in an accident

Table 5.7: Police officers' discretions

If a driver is involved in an accident, he is tested for alcohol and illicit drugs in the case of suspicion. If a driver tests positive for alcohol, an additional test follows in the case of suspicion of other psychoactive substances. If a driver refuses to provide a breath / blood / saliva / sweat / urine sample a policeman can ask him to submit a blood test, but it cannot be enforced. The refusal is sanctioned with a fine, the suspension of the driving licence for up to 2 years and a jail term. Only in the case of suspicion of alcohol influence can a breath test be required. Refusal is sanctioned with a fine and suspension of the driving licence for up to 2 years. However, the

problem is that the fines for refusing a breath or blood test are too low and are not comparable to those used in case of actual impairment and this encourages refusals.

8.3 Psychoactive Substances and Driving: Sanctioning

Driving under the influence of alcohol and illicit drugs is considered to be an administrative offence and also a criminal offence. In alcohol cases, for a BAC up to 0.99 g/kg an administrative offence is given, but for a BAC above 1.0 g/kg, a criminal offence is given. Unsafe driving or obvious impairment and accident involvement while driving under the influence are also considered to be criminal offences. Driving under the influence of illicit drugs or medicines is considered to be an administrative offence and a criminal offence (in the case of unsafe driving or obvious impairment and in the case of accident involvement).

Administrative Offences

The administrative body has no discretion to decide whether or not to pursue or to sanction a driver detected driving under the influence of psychoactive substances. There is no data available on the total number of persons pursued or sanctioned for driving under the influence of psychoactive substances.

Discretionary rights of the administrative body

Driver detected for driving under the influence of psychoactive substances	
Discretion to pursue	No
Discretion to sanction	No

Table 5.8: Discretions of administrative bodies

On average, the period of time between detection of driving under the influence of psychoactive substances and sanctioning by the administrative body is 1 year.

Criminal Offences

There is no data available on the total number of persons prosecuted for or convicted of driving under the influence of psychoactive substances.

Discretionary rights of the criminal prosecution body

Criminal prosecution bodies have various discretions. The prosecutor has the discretion to decide whether or not to prosecute a driver detected driving under the influence of psychoactive substances. He may abandon or dismiss the case. It depends on the nature of the offence and on the personal circumstances of the offender. It is used for occasional drug users, persons without a criminal record, or persons who are willing to accept treatment procedures.

A court (judge) has no discretion to decide whether or not to convict a driver, detected and prosecuted for driving under the influence of psychoactive substances. However, he has the discretion to determine the level of sanctions within the varieties of sanctions specified by law (fine, demerit points, driving ban, etc.)

Driver detected driving under the influence of psychoactive substances	
Discretion of the prosecutor to prosecute	Yes, the prosecutor can decide not to prosecute a driver
Discretion of the court (judge) to convict	No.

Discretion of the court (judge) to determine the degree of penalty

Yes.

Table 5.9: Discretions of criminal bodies

The average period of time between detection of driving under the influence of psychoactive substance and conviction by a court is about 12 months and there are no options to reduce the suspension period after a driving licence has been withdrawn.

9 DENMARK

9.1 Psychoactive Substances and Driving: Legislation

DRIVER	BAC threshold
Normal driver	0.51 mg/g
Novice driver	0.51 mg/g
Young driver	0.51 mg/g
Professional driver	0.51 mg/g
Other: licence withdrawal	1.21 – 2.00 mg/g

Table 6.1: BAC threshold for different groups of drivers

The official unit in Denmark is mg/g. The BAC threshold for normal drivers is 0.51 mg/g. In Denmark the sanctions for a driver detected for the first time under the influence of alcohol in a usual police control event are a fine, licence withdrawal, imprisonment, driver rehabilitation and community service. There are more severe consequences envisaged for young drivers, novice drivers and recidivists.

In illicit drugs and medicines cases, the sanctions are a fine, licence withdrawal, imprisonment and community service. More severe consequences are envisaged for young drivers, novice drivers and recidivists.

Alcohol

In the case of alcohol, a fine is imposed when the BAC level ranges from 0.51 mg/g to 2.00 mg/g. The minimum fine is 1,500 DKK (approx. 200 EUR) and there is no upper limit. Licence withdrawal is imposed for a BAC from 1.21 mg/g to 2.00 mg/g. It lasts for 3 years. Imprisonment is imposed for aBAC from 2.00 mg/g on and lasts for 20 days. Driver rehabilitation (a course must be completed before the driving licence can be re-granted and also in case of conditional suspension) is imposed for BAC from 0.5 mg/g upwards and community service for a BAC from 2.00 mg/g upwards. The length is not specified.

For young drivers and for novice drivers driving is prohibited immediately if the driving offence is committed within the first 3 years of holding a driving licence. For recidivists, imprisonment is envisaged in the case of subsequent offences.

Illicit drugs

In the case of illicit drugs, the minimum fine is 1,500 DKK (approx. 200 EUR) and there is no upper limit. Licence withdrawal is imposed for 3 years. For first time offenders, imprisonment may be substituted by

community service, if an examination deems the person fit for this. In the case of community service, the sanction of imprisonment is then changed to conditional. If a person fails in community service, then she/he must go into prison according to the original sanction.

More severe consequences are envisaged for novice drivers and repeat offenders and are the same as in alcohol cases. For young drivers and for novice drivers, driving is prohibited immediately if the driving offence is committed within the first 3 years of holding a driving licence. For recidivists, the sanction is imprisonment.

Non-prescribed medicines

In the case of non-prescribed medicines, the sanctions are the same as in the case of illicit drugs. The minimum fine is 1,500 DKK (app. 201.38 EUR) and there is no upper limit. Licence withdrawal (conditional suspension) is imposed for 3 years. Imprisonment and community service can be imposed as in the case of illicit drugs.

More severe consequences follow for young drivers and for novice drivers, the same as in the case of driving under the influence of alcohol. Driving is prohibited immediately if the driving offence is committed within the first 3 years of holding a driving licence. For recidivists, imprisonment is envisaged in the case of subsequent offences.

There are no special regulations for drivers detected under the influence of substances prescribed as medicines, for example, THC, amphetamines, methamphetamines, cocaine, opioid analgesics, substitutes (e.g., methadone) or benzodiazepines. It is illegal to drive under the influence of prescribed medicine if driving behaviour is negatively influenced by the medicine.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver asses.	Driver rehab.	Treatment program	Community service	Other
ALCOHOL											
Minimum	1,500 DKK (app. 201.38 €)	no	no	not specified	not specified	no	no	mandatory course	no	not specified	no
Maximum	no upper limit	no	no	3 years	20 days	no	no	mandatory course	no	not specified	no
ILLICIT DRUGS											
Minimum	1,500 DKK (app. 201.38 €)	no	no	not specified	not specified	no	no	no	no	not specified	no
Maximum	no upper limit	no	no	3 years	not specified	no	no	no	no	not specified	no
NON-PRESCRIBED MEDICINES											
Minimum	1,500 DKK	no	no	not specified	not specified	no	no	no	no	not specified	no

	(app. 201.38 €)										
Maximum	no upper limit	no	no	3 years	not specified	no	no	no	no	not specified	no
Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver asses.	Driver rehab.	Treatment program	Community service	Other
MORE SEVERE CONSEQUENCES											
Recidivists	no	no	no	no	yes	no	no	no	no	no	no
Accident	no	no	no	no	no	no	no	no	no	no	no
Unsafe manoeuvre	no	no	no	no	no	no	no	no	no	no	no

Table 6.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment) and more severe consequences for special circumstances

Background Information on Sanctions

The total number of all sanctions in alcohol cases in 2008 was 13,917. For illicit drugs and medicines cases the total number of all sanctions in 2008 was 1,088.

Sanctions	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
Fines	/ ³⁸	/	/	/
Demerit points	/	/	/	/
Driving bans	/	/	/	/
Licence withdrawals: - Administration-based - Court-based	/	/	/	/
Imprisonment	/	/	/	/
Other sanctions: total number of sanctions	13,917	+ medicines: 1,088	+ drugs: 1,088	15,005

Table 6.3: Total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines

If a driving licence has been withdrawn and a driver is detected driving for the first time, the sanction is a fine. However, if he is detected for a second time (or even more) the sanction is imprisonment. In 2008, there were 5,439 such offences.

Driving while suspended

Consequences	If a driving licence has been <u>withdrawn</u> : fine, imprisonment
Number of offences/offenders of driving while suspended per year	2008: 5,439 offences

Table 6.4: Driving while suspended

Denmark has a demerit point system. When 3 demerit points are reached, conditional suspension is imposed.

Demerit point system

Number of points	Consequences
3	conditional suspension

³⁸ Written, if there was no answer given.
DRUID 6th Framework Programme

Table 6.5: Demerit point system

No evaluation studies have been undertaken in past years concerning the effectiveness of different sanctions in Denmark. Drivers under the influence of psychoactive substances are recorded in a register for traffic offences in order to identify recidivists. There is a conditional withdrawal of licence for offences with BAC level below 1.2 mg/g or for driving under the influence of illicit drugs or medicines. Imposing more than one sanction at the same time is possible in alcohol, illicit drugs and medicines cases, namely a fine or imprisonment + licence withdrawal.

Availability of sanction-related issues	
Evaluation studies regarding effectiveness of different sanctions	no
Register for traffic offences in order to identify recidivists	yes
Conditional withdrawal of licence	yes, for offences with BAC level below 1.2 mg/g.
Imposing more than one sanction at the same time	yes, fine or imprisonment + licence withdrawal

Table 6.6: Availability of sanction-related issues

Traffic Related Consequences of Psychoactive Substance Use in General

In the case of selling and possessing illicit drugs in general (outside traffic) there are no consequences for the driving licence. In the case of consuming illicit drugs outside traffic, the legal consequences concerning the driving licence are: medical assessment of the driver and licence withdrawal if the medical assessment is failed or licence withdrawal after a court procedure. More severe consequences are not envisaged for young drivers, novice drivers or professional drivers. In the case of consuming alcohol or medicines in general outside traffic, there are no specific consequences for the driving licence.

	Selling	Possessing	Consuming
Legal consequences for the driving licence	ILLCIT DRUGS		
	/	/	Yes, medical assessment of the driver, licence withdrawal after failing medical assessment or after court procedure
	ALCOHOL		
	/	/	/
Legal consequences for the driving licence	MEDICINES		
	/	/	/

Table 6.7: Psychoactive substance use in general

Re-granting Procedure

If a driving licence has been withdrawn due to an alcohol, illicit drugs or medicines offence, it can be re-granted. In alcohol cases, driver rehabilitation (mandatory course), theoretical and practical driving lessons, theoretical and practical driving tests are always required. In illicit drugs cases and in medicines cases, only theoretical and practical driving lessons and theoretical and practical driving tests are always required. There are no other requirements.

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	no	no	no
Psychological assessment	no	no	no
Screenings for substance markers in blood / urine / hair	no	no	no
Driver rehabilitation	always	no	no

Treatment programme	no	no	no
Theoretical driving lessons	always	always	always
Practical driving lessons	always	always	always
Theoretical driving test	always	always	always
Practical driving test	always	always	always
Other	no	no	no

Table 6.8: Re-granting procedure

9.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

In Denmark there are no strategies of police control activities. The frequency of systematic police control activities was 9 in 2008 (there were 9 periods of alcohol/drug checks, with altogether 61 days of nationwide controls, in which approximately 3,600 checkpoints were established. The total number of persons detected driving under the influence of psychoactive substances in 2008 was 13,917 for alcohol and 1,088 for illicit drugs and medicines.

Detection routines used in police control activities are breath tests, blood tests, urine tests, saliva tests, sweat tests and impairment tests. Breath tests, saliva tests and sweat tests are permitted at random and conducted at the roadside. Blood tests, urine tests and impairment tests are permitted only in the case of suspicion. Of these, only blood tests are conducted at the roadside. If a driver is suspected by the police to be under the influence of alcohol or drugs, the person will always be arrested - his freedom of movement will be restricted, either in connection with the blood test, or if he/she has to be brought in front of a doctor, to a hospital or to a police station. If the police roadside officer suspects driving under the influence of drugs, collection of blood and urine samples follows.

Systematic police control activities	
Strategies	no
Annual frequency	2008: 9
Detection routines and procedures	
Breath test	Permitted at random, conducted at roadside
Blood test	Permitted only in case of suspicion, conducted at roadside
Urine test	Permitted only in case of suspicion
Saliva test	Permitted at random, conducted at roadside
Sweat test	Permitted at random, conducted at roadside
Impairment test	Permitted only in case of suspicion
Other test:	/

Table 6.9: Police control activities and detection routines

Police officers' discretions and competences

There are specific training programmes for police officers for detecting drivers under the influence, especially for those who will conduct detection tests for drugs and medicines. Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor is not at the discretion of the police. A police officer has no competence to confiscate a driving licence if a driver tests positive or to confiscate his vehicle. However, he has the competence to arrest a driver and take him into custody in any case in which the driver tests positive for psychoactive substances.

Specific training programmes	Yes
Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor	No
If the driver is tested positive for psychoactive substances, does the police officer have:	
competence to confiscate the driving licence immediately at the roadside	No
competence to confiscate the vehicle (or the licence plate) at the roadside	No
competence to arrest the driver and take him into custody	Yes, if the driver tests positive for psychoactive substances.

Table 6.10: Police officers' discretions

If a driver is involved in an accident, he is tested for alcohol in every case and for illicit drugs and medicines in the case of suspicion. If a driver refuses to provide a breath/blood/saliva/sweat/urine sample, the blood sample is enforced. If a driver tests positive for alcohol, an additional test follows in the case of suspicion of other psychoactive substances. If the breath test shows an illegal alcohol concentration, the person is arrested. If the breath test result is below the illegal BAC threshold, an evaluation concerning the state of the person is made, and the police officer decides whether the person should be arrested, based on suspicion of impairment by other drugs than alcohol. This decision is taken exclusively by the police officer on the spot.

9.3 Psychoactive Substances and Driving: Sanctioning

Driving under the influence of alcohol is considered to be a criminal offence in Denmark when the BAC is above 0.5 mg/g, in the case of unsafe driving or obvious impairment and in the case of accident involvement. Driving under the influence of illicit drugs and non-prescribed medicines is considered to a criminal offence in every case.

Criminal Offences: Discretionary rights of the criminal prosecution body

The criminal prosecution body has various discretions. If a driver is detected driving under the influence of psychoactive substances, the prosecutor has the discretion to decide whether or not to prosecute this driver, but only in cases where the basis for the accusation is inadequate, that is, if there is no certain evidence of detection of drugs resulting from the blood test. If illegal alcohol concentration is proven, the case will only include the charge of driving under the influence of alcohol. Following this practice, the charge of driving under the influence of drugs will be abandoned.

A court (judge) can decide whether or not to convict a driver, but only if the case is withdrawn during the prosecution. The court also has the discretion to determine the level of penalty, but in standard cases it will follow the penalty levels that have been composed by the Director of Public Prosecutions.

Driver detected for driving under the influence of psychoactive substances

Discretion of the prosecutor to prosecute	Yes
Discretion of the court (judge) to convict	Yes
Discretion of the court (judge) to determine the level of penalty	Yes

Table 6.11: Discretions of criminal prosecution bodies

The estimated period of time between detection of driving under the influence of psychoactive substance and conviction by a court is on average between 2 and 3 months but it is very different from court district to court district.

10 ESTONIA

10.1 Psychoactive Substances and Driving: Legislation

DRIVER	BAC threshold
Normal driver	0.20 mg/g
Novice driver	0.20 mg/g
Young driver	0.20 mg/g
Professional driver	0.20 mg/g
Other:	

Table 7.1: BAC threshold for different groups of drivers

The official unit in Estonia is mg/g from 1st of July 2009 (numerical value of units mg/g and g/kg the same). The BAC for normal drivers is 0.2 mg/g.

In Estonia possible sanctions for a driver detected for the first time under the influence of alcohol in a usual police control event are a fine, driving ban, licence withdrawal, imprisonment and probation; if detected driving under the influence of illicit drugs, the sanctions are a fine, imprisonment and probation. Changed legislation is in force from 1st of July 2009. A driving offence with a BAC threshold of 0.5 mg/g or more (and unstable driver) or 1.5 mg/g or more is considered to be a crime.

More severe consequences are not envisaged for young, novice or professional drivers, accident involvement or unsafe manoeuvre. Severer consequences follow in the case of recidivism. From 1st of July 2009 on, more severe punishment follows only for alcohol recidivists, if it is not a case of a crime. The sanction (additional punishment) is a longer licence withdrawal, up to one year.

Alcohol

In the case of alcohol, a fine can be imposed from 0.2 mg/g upwards. Fines vary from 180 to 6,000 EEK (from 11.5 to 383.47 EUR) if the BAC is from 0.2 to 0.49 mg/g. For a BAC level ranging from 0.5 to 1.49 mg/g, the fine is from 180 to 18,000 EEK (from 11.5 to 1,150 EUR). A driving ban can be imposed for up to 6 months for a BAC ranging between 0.2 to 1.49 mg/g.

Licence withdrawal can be imposed for up to 12 months for a BAC level from 0.5 to 1.49 mg/g. Imprisonment can be imposed up to 30 days for a BAC level between 0.5 and 1.49 mg/g. Imprisonment can be imposed for up to 3 years for a BAC level above 0.5 mg/g and if the driver is considered unstable, or 1.5 mg/g or more, which is considered to be a criminal offence.

Illicit drugs

In the case of illicit drugs, the minimum fine is 1,500 EEK (95.86 EUR) and the maximum 25,000 EEK (1,597.79 EUR). Fines depend on the driver's income. From 1st of July 2009, it is considered to be a criminal offence. Imprisonment can last up to 3 years. Probation is also possible. In the case of illicit drugs, more severe consequences are not envisaged for young, novice and professional drivers, nor for recidivists, making an unsafe manoeuvre or involvement in an accident.

Non-prescribed medicines

In the case of non-prescribed medicines, the sanctions are the same as in the case of driving under the influence of illicit drugs. The minimum fine is 1,500 EEK (95.86 EUR), the maximum 25,000 EEK (1,597.79 EUR), depending on the driver's income. Imprisonment and probation are also possible.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver asses.	Driver rehab.	Treatment program	Community service	Other
ALCOHOL											
Minimum	11.5 =180 EEK	no	Not specified	Not specified	30 days arrest	Not specified	no	no	no	no	no
Maximum	1,150 =18.000 EEK	no	Up to 6 months	Up to 12 months	3 years	Not specified	no	no	no	no	no
ILLICIT DRUGS											
Minimum	95.86 = 1,500 EEK	no	no	no	Not specified	Not specified	no	no	no	no	no
Maximum	1,597.79 = 25,000 EEK	no	no	no	3 years	Not specified	no	no	no	no	no
NON-PRESCRIBED MEDICINES											
Minimum	95.86 = 1,500 EEK	no	no	no	Not specified	Not specified					
Maximum	1,597.79 = 25.000 EEK	no	no	no	Not specified	Not specified					
MORE SEVERE CONSEQUENCES											
Recidivists	Criminal fine	no	no	longer	no	no	no	no	no	no	no

Accident	no	no	no	no	no	no	no	no	no	no	no
Unsafe manoeuvre	no	no	no	no	no	no	no	no	no	no	no

Table 7.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment) and more severe consequences for special circumstances

There are no special regulations for drivers detected under the influence of THC, amphetamines, methamphetamines, cocaine, opioid analgesics (such as morphine), substitutes (such as methadone) and other illicit drugs, if these are prescribed as medicines.

Background Information on Sanctions

In Table 7.3 are total numbers of different sanctions in relation to misdemeanours for driving under the influence of alcohol, illicit drugs and non-prescribed medicines. The information available is not specified as relating to any year. There were 8,793 fines imposed, 5,395 licence withdrawals and 181 imprisonments.

Sanctions	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
Fines	³⁹ /	/	/	8.793
Demerit points	/	/	/	/
Driving bans	/	/	/	/
Licence withdrawals: - Administration-based - Court-based	/	/	/	5.395
Imprisonment	/	/	/	181
Other sanctions: _____	/	/	/	/

Table 7.3: Total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines

If a driving licence is withdrawn or a driver is banned but nevertheless is detected driving, sanctions in Estonia are a driving ban, fine or fine and detention. In 2008 there were 953 offences of driving while suspended and there were 704 such offenders.

Driving while suspended

Consequences	driving ban, fine or fine and arrest
Number of offences/offenders of driving while suspended per year	2008: 953 offences and 704 offenders

Table 7.4: Driving while suspended

³⁹ Written, if there was no answer given.
DRUID 6th Framework Programme

In Estonia, there is no demerit point system. No evaluation studies have been undertaken in past years concerning the effectiveness of different sanctions. Drivers under the influence of psychoactive substances are recorded in a register for traffic offences in order to identify recidivists. There is an option of conditional licence for normal drivers - the conditions are health requirements. On the other hand, conditional withdrawal is not possible. Imposing more than one sanction at the same time is possible, namely fine + licence withdrawal in case of alcohol, illicit drugs and medicines (other sanctions can be imposed as well).

Availability of sanction-related issues	
Evaluation studies regarding effectiveness of different sanctions	no
Register for traffic offences in order to identify recidivists	yes
Conditional withdrawal or conditional licence	Yes, conditional licence for normal drivers. Conditional withdrawal not possible.
Imposing more than one sanction at the same time	Yes, fine + licence withdrawal.

Table 7.5: Availability of sanction-related issues

Traffic Related Consequences of Psychoactive Substance Use in General

In the case of selling, possessing, consuming illicit drugs, alcohol and medicines in general (outside traffic), there are no consequences on the driving licence for normal drivers. There are only some consequences for novice drivers in illicit drug cases. The special novice drivers licence may be prolonged equivalent to the ban period (up to 6 months)

Re-granting Procedure

Under the Traffic Law the legal consequences in Estonia are the following: fine or arrest. As an extra punishment there may be also withdrawal of the right to drive from 3 to 9 months. If the sanction is withdrawal for more than 6 months, the driver must re-sit a theoretical driving test.

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	no	no	no
Psychological assessment	no	no	no
Screenings for substance markers in blood / urine / hair	no	no	no
Driver rehabilitation	no	no	no
Treatment programme	no	no	no
Theoretical driving lessons	no	no	no
Practical driving lessons	no	no	no
Theoretical driving test	Only in special cases, withdrawal of driving right for more than 6 months.	Only in special cases, withdrawal of driving right for more than 6 months.	Only in special cases, withdrawal of driving right for more than 6 months.
Practical driving test	no	no	no
Other	no	no	no

Table 7.6: Re-granting procedure

10.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

Strategies of police control activities are related to specific locations and specific events. There is no complete information available on the annual frequency of systematic police control activities, since it has not been set as a separate goal. The total number of persons detected driving under the influence of psychoactive substances (alcohol, illicit drugs and medicines) was 10,121 in 2008.

Detection routines used in police control activities are breath tests, blood tests, urine tests, saliva tests, sweat tests and also some other tests, such as measurement of pulse rate and Romberg's test. Breath tests are permitted at random or in the case of suspicion and are conducted at the roadside. Blood tests, as well as urine tests, saliva tests and sweat tests, are permitted only in the case of suspicion. Measurements of pulse rate and Romberg's tests are permitted at random. Apart from breath tests, only saliva tests and sweat tests can be conducted at the roadside.

Systematic police control activities	
Strategies	Yes, related to specific locations, specific events
Annual frequency	2008: 10,121
Detection routines and procedures	
Breath test	Permitted at random or in case of suspicion, conducted at roadside
Blood test	Permitted only in case of suspicion
Urine test	Permitted only in case of suspicion
Saliva test	Permitted only in case of suspicion, conducted at roadside
Sweat test	Permitted only in case of suspicion, conducted at roadside
Impairment test	no
Other test:	Tests of measurement of pulse rate and Romberg's tests only in the case of suspicion and permitted at random

Table 7.7: Police control activities and detection routines

Police officers' discretions and competences

There are specific training programmes for the detection drivers under the influence of narcotic substances for police officers. Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor is at the discretion of the police. When a criminal case is initiated, documents are sent to the police criminal department. The Motor Vehicle Registration Centre is also informed about the suspension of a person's driving licence. Until 30th of June 2009 it was considered to be a crime for recidivists. Since 1st of July 2009 it has been considered to be a crime for drivers under the influence of illicit drugs or non-prescribed medicines with visibly changed behaviour. A police officer has no competence to confiscate a driving licence immediately at the roadside if the driver is detected positive. However, the police have competence to confiscate a vehicle at the roadside if a driver tests positive in the case of suspicion of a crime. He also has the competence to arrest the driver and take him into custody, but only in the case of suspicion of a crime or if the driver poses a threat.

Specific training programmes	Yes
Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor	Yes
If a driver tests positive for psychoactive substances, does the police officer have:	
competence to confiscate the driving licence immediately at the roadside	No
competence to confiscate the vehicle (or the licence plate) at the roadside	Yes, but only in special case of a suspicion of a crime.
competence to arrest the driver and take him into custody	Yes, but only in special case of a suspicion of a crime or if the driver possesses a treat.

Table 7.8: Police officers' discretions

If a driver is involved in an accident, he is tested for alcohol in every case and for illicit drugs and medicines only in special cases. If a driver refuses to provide a breath/blood/saliva/sweat/urine sample, a blood sample is enforced. From 1st of July 2009, a driver is obliged to undergo a medical examination in the case of refusing to provide a sample. If the driver tests positive for alcohol and there is a clinical finding, an additional test follows.

10.3 Psychoactive Substances and Driving: Sanctioning

Driving under the influence of alcohol is considered to be an administrative and also a criminal offence in Estonia. It is considered to be a criminal offence if the BAC is above 1.5 mg/g or above 0.5 mg/g + the driver is unstable. After 1st of July 2009, recidivists have also been considered to be criminal offenders. Driving under the influence of illicit drugs and medicines is considered to be a criminal offence in the case of unstable drivers and in the case of recidivists.

Administrative Offences

It is not at the discretion of the administrative body to decide whether or not to pursue a driver detected of driving under the influence of psychoactive substances. There is no information on the number of persons pursued for driving under the influence of psychoactive substances per year. On the other hand, it is at the discretion of the administrative body to decide whether or not to sanction a driver detected of driving under the influence of psychoactive substances. The total number of sanctioned persons in 2008 was 8,454.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Pursued by administrative body for driving under the influence	/ ⁴⁰	/	/	/	/
Sanctioned by administrative body for driving under the influence	2008	/	/	/	8,454

Table 7.9: Statistics for administrative offences

Discretionary rights of the administrative body

Driver detected of driving under the influence of psychoactive substances	
Discretion to pursue	no
Discretion to sanction	yes

Table 7.10: Discretions of administrative bodies

The average period of time between detection of driving under the influence of psychoactive substances and sanctioning by the administrative body is 30 days.

⁴⁰ Written, if there was no answer given.
DRUID 6th Framework Programme

Criminal Offences

In 2008, there were 4,179 persons prosecuted for driving under the influence of alcohol in Estonia and in 2007 there were 27,958 persons convicted of driving under the influence of alcohol; other data for this category were not specified.

Total number of persons	YEAR	ALCOHOL	ILLCIT DRUGS	MEDICINES	COMBINED
Criminally prosecuted for driving under the influence	2008	/ ⁴¹	/	/	4,179
Convicted by court for driving under the influence	2008	/	/	/	4,066

Table 7.11: Statistics for criminal offences

Discretion rights of the criminal prosecution body

The criminal prosecution body has various discretions. For example, if a driver is detected driving under the influence of psychoactive substances, the prosecutor has the discretion to decide whether or not to prosecute this driver. A court (judge) can decide whether or not to convict a driver. The court also has the discretion to determine the level of penalty.

Driver detected of driving under the influence of psychoactive substances

Discretion of the prosecutor to prosecute	Yes, the prosecutor can decide not to prosecute a driver
Discretion of the court (judge) to convict	Yes, the court can decide not to convict a driver
Discretion of the court (judge) to determine the degree of penalty	Yes

Table 7.12: Discretions of criminal prosecution bodies

There is no specific information on the period of time between detection of driving under the influence of psychoactive substance and conviction by a court. It varies a lot.

Total number of persons	YEAR	ALCOHOL	ILLCIT DRUGS	MEDICINES	COMBINED
Detected driving under the influence by police	2008	/ ⁴²	/	/	10,121
Pursued by administrative body for driving under the influence	/	/	/	/	/
Sanctioned by administrative body for driving under the influence	2008	/	/	/	8,454
Criminally prosecuted for driving under the influence	2008	/	/	/	4,179
Convicted by court for driving under the influence	2008	/	/	/	4,066

Table 7.13: Overview of statistics

11 FINLAND

11.1 Psychoactive Substances and Driving: Legislation

⁴¹ Written, if there was no answer given.

⁴² Written, if there was no answer given.

Alcohol

DRIVER	BAC threshold
Normal driver	0.5 g/kg
Novice driver	/
Young driver	/
Professional driver	/
Other:	

Table 8.1: BAC threshold for different groups of drivers

The official unit in Finland is g/kg. The BAC for normal drivers is 0.5 g/kg. In Finland the sanctions for the driver detected for the first time under the influence of alcohol, illicit drugs or non-prescribed medicines in a normal police control event are a fine, driving ban and licence withdrawal. In the case of a BAC above 1.2 g/kg (ruled as severe driving under the influence), the court uses another scale of sanctions for the number of days pay fined and the length of the driving ban. There are more severe consequences for recidivists, involvement in an accident or unsafe manoeuvre and they are determined by the court.

In the case of alcohol, a fine, driving ban and withdrawal can be imposed from 0.5 g/kg upwards. Fines are normally from 25 to 60 days' pay⁴³. For cases of 0.5 g/kg but below 1.2 g/kg, the law states that the penalty should be day fines (numbers not specified) or imprisonment for a maximum 6 months. For severe driving under the influence the maximum penalty is 60 day fines or 2 years in prison. The minimum driving ban is 1 month and the maximum is 5 years. For any reading over 0.5g/kg, an immediate driving ban for at least 1 month is issued. Court decides the length of the driving ban and also the condition for reinstatement of the licence, in addition to the number of day fines. The licence may also be withdrawn. A medical assessment is needed if the driver is considered to be a problem user. It can be retrieved earlier if the driver uses an alcohollock when driving. There are more severe consequences for recidivists, involvement in an accident or unsafe manoeuvre and they are determined by the court

Illicit drugs

In the case of illicit drugs a zero-tolerance law is applied. The minimum fine is 25 day fines and the maximum is 60 day fines. The penalty for illicit drugs is the same as for alcohol. A driving ban lasts a minimum of 1 month and a maximum of 5 years, which is decided by the court. The licence may also be withdrawn. There are more severe consequences for recidivists, involvement in an accident or unsafe manoeuvre and they are determined by the court.

Non-prescribed medicines

In the case of non-prescribed medicines, the minimum fine is 25 day fines and the maximum is 60 day fines. The consequences for illicit drugs are the same as for alcohol. A driving ban lasts a minimum of 1 month and a maximum of 5 years, which is decided by the court. The licence may also be withdrawn. In the case of medicines that are considered harmful to traffic safety, the impairment law applies if the driver uses the

⁴³ Day fines, these are related to the income of the driver.
DRUID 6th Framework Programme

medicine, for example THC, amphetamines, methamphetamines, cocaine, opioid analgesics, substitutes (e.g. methadone) or benzodiazepines, under prescription. If there is no prescription, a zero tolerance law is applied. It is taken into consideration whether the drug use has compromised traffic safety.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (days)	Dem. points	Driving ban	Licence withdr.	Imprison.	Probation	Driver assess.	Driver rehab	Treat. program	Community service	Other
ALCOHOL											
Minimum	no minimum specified	no	1 month	not specified	no	no	no	no	no	no	Other penal scale
Maximum	60	no	5 years	not specified	max 6 months or if severe DUI 2 years	no	no	no	no	no	
ILLICIT DRUGS											
Minimum	no minimum specified	no	1 month	not specified	no	no	no	no	no	no	Other penal scale
Maximum	60	no	5 years	not specified	max 6 months or if severe DUI 2 years	no	no	no	no	no	
NON-PRESCRIBED MEDICINES											
Minimum	no minimum specified	no	1 month	not specified	no	no	no	no	no	no	Other penal scale
Maximum	60	no	5 years	not specified	max 6 months or if severe DUI 2 years	no	no	no	no	no	
MORE SEVERE CONSEQUENCES											
Recidivists	Yes, determined by court.	No	Yes, determined by court.	Yes, determined by court.	No	No	No	No	No	No	No
Accident											
Unsafe manoeuvre											

Table 8.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a normal police control event (without obvious impairment) and more severe consequences for special circumstances

Background Information on Sanctions

At the time of completing the questionnaire, no total numbers of the various sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines were available.

If a driving licence is withdrawn or the driver is banned and is nevertheless detected driving, the penalty in Finland is normally 30 day fines.

Driving while suspended

Penalty	30 day fine
Number of offences/offenders of driving while suspended per year	/

Table 8.3: Driving while suspended

There is no demerit point system in Finland. There have been no evaluation studies in past years concerning the effectiveness of different sanctions. Drivers under the influence of psychoactive substances are recorded in a register for traffic offences in order to identify recidivists, but they are recorded only for a limited period of time. There is no option of conditional withdrawal or a conditional licence. It is also not possible to impose more than one penalty at the same time, for alcohol, illicit drugs or for non-prescribed medicines.

Availability of data on penalty-related issues	
Evaluation studies regarding the effectiveness of different sanctions	No.
Register for traffic offences in order to identify recidivists	Yes, for limited period of time.
Conditional withdrawal or conditional licence	No.
Imposing more than one penalty at the same time	No.

Table 8.4: Availability of data on penalty-related issues

Traffic Related Consequences of Psychoactive Substance Use in General

In the case of consuming alcohol, illicit drugs or medicines in general, the legal consequences relating to the driving licence are: driving ban and licence withdrawal if a driver fails a medical or psychological assessment. There is no information on more severe consequences for young, novice or professional drivers.

	Selling	Possessing	Consuming
Legal consequences in relation to the driving licence	ILLCIT DRUGS		
	/	/	Driving ban, licence withdrawal
	ALCOHOL		
	/	/	Driving ban, licence withdrawal
	MEDICINES		
	/	/	Driving ban, licence withdrawal

Table 8.5: Psychoactive substance use in general

Re-granting Procedure

The DRUID WP6 group received information in relation to the procedure for re-granting the licence if it had been withdrawn due to an alcohol, illicit drug or medicine offence: if offences are repeated, a medical and psychological assessment may be imposed in special cases. Driver rehabilitation and treatment programmes for addicts are also only mandatory in special cases. Theoretical and practical driving tests are only mandatory for novice drivers.

Requirements for re-granting of the driving licence	Alcohol offence	Illicit drug offence	Medicine offence

Requirements for re-granting of the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	Only in special cases: for repeated offences	Only in special cases: for repeated offences	Only in special cases: for repeated offences
Psychological assessment	no	no	no
Screening for substance markers in blood / urine / hair	no	no	no
Driver rehabilitation	Only in special cases: for addicts	Only in special cases: for addicts	Only in special cases: for addicts
Treatment programme	Only in special cases: for addicts	Only in special cases: for addicts	Only in special cases: for addicts
Theoretical driving lessons	no	no	no
Practical driving lessons	no	no	no
Theoretical driving test	Only in special cases, novice drivers	Only in special cases, novice drivers	no
Practical driving test	Only in special cases, novice drivers	Only in special cases, novice drivers	no
Other	/	/	/

Table 8.6: Re-granting procedure

11.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

Strategies regarding police monitoring activities are related to specific events. Intensive monitoring weeks are organised nationwide once or twice a year, more often regionally, depending on need. There is no complete information available regarding the annual frequency of systematic police monitoring activities, nor the total number of persons detected driving under the influence of psychoactive substances per year.

Detection routines used in police control activities are breath tests, blood tests, urine tests, saliva test and impairment tests. Random breath tests, saliva tests and impairment tests are permitted and are conducted at the roadside. Blood tests and urine tests are permitted only in the case of suspicion. BAC is screened using an Alco meter and any reading over 0.5 g/kg is confirmed by a blood sample or evidential breath analyser.

Systematic police monitoring activities	
Strategies	Yes, related to specific events
Annual frequency	4-5 weeks of intensified surveillance per year
Detection routines and procedures	
Breath test	Permitted at random, conducted at roadside
Blood test	Permitted only in case of suspicion.
Urine test	Permitted only in case of suspicion.
Saliva test	Permitted at random, conducted at roadside
Sweat test	/

Impairment test	Permitted at random, conducted at roadside
Other test:	/

Table 8.7: Police monitoring activities and detection routines

Police officers' discretions and competences

Police officers receive specific training in the detection of drivers under the influence. Police officers receive some education on drug enforcement as part of their basic training. A drug recognition expert system- training was implemented in 1999.

The police use a drug evaluation form and a saliva rapid tester for detecting psychoactive substances other than alcohol. If the police officer suspects a driver is under the influence of psychoactive substances other than alcohol, he or she is taken for a clinical evaluation and blood sampling. A driving ban is also issued immediately and maintained until the court's judgement. The court considers the result of the blood sample and the evaluation forms to be evidence. If there is a positive toxicological result for illegal drugs, physical impairment does not have to be proven for conviction, since a zero-tolerance law applies.

A police officer has the competence to confiscate a driving licence immediately at the roadside in any case in which a driver tests positive. He also has the competence to arrest the driver and take him into custody, and to confiscate the vehicle.

Specific training programmes	Yes
Deciding whether or not to report a driver detected for DUI to the administrative body or the prosecutor	/
If a driver tests positive for psychoactive substances, does the police officer have:	
the competence to confiscate the driving licence immediately at the roadside	Yes
the competence to confiscate the vehicle (or the licence plate) at the roadside	Yes
the competence to arrest the driver and take him into custody	Yes

Table 8.8: Police officers' discretions

If a driver is involved in an accident, he is always tested for alcohol and is tested for illicit drugs in the case of suspicion. He is only tested for medicines in special cases. If a driver refuses to provide a breath / blood / saliva / sweat / urine sample, taking of a blood sample is enforced. If a driver tests positive for alcohol, an additional test follows in the case of suspicion of other psychoactive substances.

11.3 Psychoactive Substances and Driving: Sanctioning

In Finland driving under the influence of alcohol above a BAC of 0.5 g/kg is considered to be a criminal offence. Driving under the influence of illicit drugs and non-prescribed medicines is always considered to be a criminal offence.

Criminal Offences

In 2008, there were 24,000 persons prosecuted in Finland for driving under the influence of alcohol and 4,200 persons for driving under combined influence. Other data for this category is unknown. There is also no information on convicted persons for driving under the influence.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Prosecuted for driving under the influence	2008	24.000	/ ⁴⁴	/	4.200
Convicted of driving under the influence	/	/	/	/	/

Table 8.9: Statistics for criminal offences

Discretion rights of the criminal prosecution body

The discretion of a prosecutor in a case involving drugs and driving is very limited. It is used only in approximately 1-2 % of cases. Usually only in cases where medication is prescribed, or if no impairment has been detected. A major difficulty faced by prosecutors is how to show that the used drugs have impaired driving ability and have been a danger to traffic safety.

A court (judge) has discretion to decide whether or not to convict a driver detected and prosecuted for driving under influence of psychoactive substances. He also has discretion to determine the level of penalty. A court decides on the penalty, according to the evidence. However, in many cases in which both alcohol and drugs have been found, the penalty may only relate to the alcohol. The exact rate is unknown and it seems that a considerable number of drugs and driving cases remain unpunished.

Driver detected of driving under the influence of psychoactive substances

Discretion of the prosecutor to prosecute	Yes, but limited.
Discretion of the court (judge) to convict	Yes.
Discretion of the court (judge) to determine the level of penalty	Yes.

Table 8.10: Discretions of criminal prosecution bodies

Statistical overview

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Detected driving under the influence by police	/ ⁴⁵	/	/	/	/
Pursued by administrative body for driving under the influence	/	/	/	/	/
Sanctioned by administrative body for driving under the influence	/	/	/	/	/
Criminally prosecuted for driving under the influence	2008	24,000	/	/	4,200
Convicted by court for driving under the influence	/	/	/	/	/

⁴⁴ Written, if there was no answer given.

⁴⁵ Written, if there was no answer given.

Table 8.11: Overall statistics

12FRANCE

12.1 Psychoactive Substances and Driving: Legislation

DRIVER	BrAC threshold
Normal driver	0.25 mg/l in breath
Novice driver	0.25 mg/l in breath
Young driver	no
Professional driver	no
Other: licence withdrawal	> 0.25 mg/l in breath

Table 9.1: BrAC threshold for different groups of drivers

The official unit in France is mg/l in breath or g/l in blood. The BrAC for normal drivers is 0.25 mg/l in breath. In France the sanction for a driver detected for the first time under the influence of alcohol and illicit drugs in a usual police control event are a fine, imprisonment, licence withdrawal, probation, driver assessment, driver rehabilitation, community service, and demerit points.

There are more severe consequences envisaged for recidivists and accident involvement. Recidivism usually leads to a cancellation of the driving licence, either by court decision or by losing driving points. Penalties are usually more severe for involvement in an accident. If the BrAC is between 0.25 mg/l and 0.4 mg/l in breath, and if there was no accident or other offence, there is a special treatment: a fine and 6 points off the licence without withdrawal. Novice drivers have 6 points in the first year and then get 2 points per year until they have the normal number of 12 points. If they are found with more than 0.25 mg/l in breath, cancellation of the driving licence follows during the first year of a driving licence.

Alcohol

In the case of alcohol, all penalties can be imposed from 0.25 mg/l upwards. The maximum fine is 4,500 €. Licence withdrawal is possible for 1 month to 3 years. Imprisonment can last a maximum of 2 years. Probation, driver rehabilitation and community service can be imposed from 0.25 mg/l upwards, and driver assessment is imposed only before re-granting. Each drug or alcohol related offence is sanctioned with a minimum of 6 penalty points and a maximum of 12 points.

Illicit drugs

In the case of illicit drugs, the maximum fine is 4,500 €. Licence withdrawal is possible for 1 month to 3 years. Imprisonment can last a maximum of 2 years. All penalties are exactly the same as the penalties for alcohol. Here, too, the number of demerit points that can be imposed for driving under the influence of illicit drugs is from 6 to 12.

Non-prescribed medicines

If a driver is detected under the influence of non-prescribed medicines in a usual police control event there are no specific consequences but this can lead to more severe penalties in the case of accident involvement.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver assess.	Driver rehab.	Treatment program	Community service	Other
ALCOHOL											
Minimum		6	no	1 month		yes	yes	yes	no	yes	yes
Maximum	4500	12	no	3 years	2 years				no		
ILLICIT DRUGS											
Minimum		6	no	1 month		no	yes	yes	no	yes	yes
Maximum	4500	12	no	3 years	2 years				no		
NON-PRESCRIBED MEDICINES											
Minimum	/	/	/	/	/	/	/	/	/	/	/
Maximum	/	/	/	/	/	/	/	/	/	/	/
MORE SEVERE CONSEQUENCES											
Recidivists											
Accident	Aggravating penalties										
Unsafe manoeuvre											

Table 9.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment) and more severe consequences for special circumstances

Background Information on Sanctions

Table 9.3 shows the total numbers of different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines. The available information is not for the same years. The data for alcohol refer to 2005 and the data for illegal drugs refer to 2007. The DRUID WP6 group received no information for driving under the influence of non-prescribed medicines.

There were 42,531 fines for driving under the influence of alcohol in 2005, and 2,128 fines for driving under the influence of illicit drugs in 2007.

There were 117,767 demerit points imposed for driving under the influence of alcohol in 2005 and 6,507 demerit points for driving under the influence of illicit drugs in 2007.

There were 55,000 court-based licence withdrawals for driving under the influence of alcohol in 2005, and 6,501 court-based licence withdrawals for driving under the influence of illicit drugs in 2007. The DRUID WP6 group received no information on administration-based licence withdrawals.

There were 58,765 imprisonments for driving under the influence of alcohol in 2005, and 1,190 imprisonments for driving under the influence of illicit drugs in 2007.

There were 2,500 other sanctions for driving under the influence of alcohol in 2005, and 627 other sanctions for driving under the influence of illicit drugs in 2007.

Sanctions	For alcohol and	For illicit	For non-prescribed	Total
-----------	-----------------	-------------	--------------------	-------

	driving	drugs and driving	medicines and driving	number
Fines	42.531	2.128	0	
Demerit points	117.767	6.507	0	
Driving bans			0	
Licence withdrawals:			0	
- Administration-based				
- Court-based	55.000	6.501		
Imprisonment	58.765	1.190	0	
Other sanctions:	2.500	627	0	

Table 9.3: Total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines

Table 9.4 gives information regarding driving while suspended. If a driving licence has been withdrawn and the driver is detected driving, the sanctions that follow in France are: a fine, imprisonment and cancellation. There were around 10% convicted offenders, who were caught driving while suspended.

Driving while suspended	
Consequences	Fine, imprisonment, cancellation
Number of offences/offenders of driving while suspended per year	Around 10 %

Table 9.4: Driving while suspended

Table 9.5 shows data on background information on sanctions. There have been no evaluation studies in France regarding the effectiveness of different sanctions. Drivers under the influence of psychoactive substances are recorded in a register for traffic offences in order to identify recidivists. There is an option of conditional withdrawal or conditional licence only for the exception of interlock programs but not for illegal drugs or alcohol. Imposing more than one sanction at the same time in case of driving under the influence is possible. The strongest one is imprisonment + suspension + fine + rehabilitation. Next sanction is for young drugged drivers: training course + suspension + low fine. The only possible exception is between suspension/cancellation and fine/day fine.

Availability of sanction-related issues	
Evaluation studies regarding effectiveness of different sanctions	No
Register for traffic offences in order to identify recidivists	Yes
Conditional withdrawal or conditional licence	Yes, only for the exception of interlock programs or other alternative rehabilitation programmes.
Imposing more than one sanction at the same time	Yes

Table 9.5: Availability of sanction-related issues

Traffic Related Consequences of Psychoactive Substance Use in General

DRUID WP6 group received no information on traffic related consequences of psychoactive substance use in general.

Legal consequences concerning the driving licence	Selling	Possessing	Consuming
	ILLCIT DRUGS		
	no	no	no
ALCOHOL			
	/	/	no
MEDICINES			

	Selling	Possessing	Consuming
	/	/	no

Table 9.6: Psychoactive substance use in general

Re-granting Procedure

In Table 9.7 is information on re-granting a licence if it was withdrawn due to an alcohol and illicit drug offence. For alcohol and drugs offences, a medical assessment is always imposed. Only in special cases, such as accidents are these assessments, imposed for a medicine offence. Psychological assessment is imposed for alcohol and drugs offences, but only if the medical commission decides so. It is not imposed for a medicinal offence. Driver rehabilitation is imposed for alcohol and drugs offences, but only for novice drivers and cancellation. There are no other requirements for re-granting a driving licence.

Requirements for re-granting a driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	always	always	Only in special cases, accidents.
Psychological assessment	Only in special cases, cancellation of licence	Only in special cases, cancellation of licence	No
Screenings for substance markers in blood / urine / hair	Only in special cases, if the medical commission decides.	Only in special cases, if the medical commission decides.	No
Driver rehabilitation	Only in special cases, or for novice drivers and cancellation.	Only in special cases, or for novice drivers and cancellation.	No
Treatment programme	No	No	No
Theoretical driving lessons	No	No	No
Practical driving lessons	No	No	No
Theoretical driving test	No	No	No
Practical driving test	No	No	No
Other			

Table 9.7: Re-granting procedure

12.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

Table 9.8 shows data for police control activities and detection routines. Strategies regarding police control activities are related to weekdays, daytime, specific locations and areas and specific events. The total number of persons tested for driving under the influence of psychoactive substances in 2008 was 10,000,000.

Detection routines in police control activities are breath test, blood test, urine test, saliva test, medical examination and biological test. A breath test is permitted at random or in the case of suspicion and can be conducted at the roadside. A blood test is permitted only in the case of suspicion and cannot be conducted at the roadside. A urine test is permitted only in the case of suspicion and can be conducted at the roadside. A saliva test is permitted at random and can also be conducted at the roadside. A medical examination and biological test can be conducted in the case of suspicion. Breath test, blood test, urine test, medical examination and biological test are permitted only in the case of suspicion. Breath test, urine test and saliva

test can be conducted at roadside. Breath test and saliva test are conducted by the police; a urine test is conducted by a medical doctor.

Systematic police control activities	
Strategies	Yes, related to weekdays, daytime, specific locations and areas and specific events
Annual frequency	10,000,000
Detection routines and procedures	
Breath test	Permitted at random, only in case of suspicion, conducted at roadside
Blood test	Permitted only in case of suspicion, not conducted at roadside
Urine test	Not permitted at random, only in case of suspicion, conducted by a medical doctor at roadside or medical office, hospital, or police office
Saliva test	Permitted at random, conducted at roadside
Sweat test	Not permitted at random, not in case of suspicion, not conducted at roadside
Impairment test	Not permitted for policemen at random, not in case of suspicion, not conducted at roadside. Only led by medical doctor in case of suspicion
Other test: medical examination, biological test	Not permitted at random, only in case of suspicion

Table 9.8: Police control activities and detection routines

Police officers' discretions and competences

In France, police are trained to focus on prevention (e.g., school programmes) and training does not aim at practical traffic enforcement work. Prevention training is offered to 300-500 officers nationwide.

Deciding whether or not to report a driver detected for DUI to the prosecutor is not at the discretion of the police. A police officer has the competence to confiscate a driving licence immediately at the roadside in any case in which the driver tests positive. He also has the competence to arrest the driver and take him into custody if the driver tests positive. He has the competence to confiscate the vehicle (or the licence plate) at the roadside, but only in special cases. The police have the discretion to report a driver detected of suspicion of impaired driving to the administrative body if there is no penal prosecution for DUI.

Specific training programmes	
Deciding whether or not to report a driver detected for DUI to the prosecutor	No
If the driver tests positive for psychoactive substances, does the police officer have:	
competence to confiscate the driving licence immediately at the roadside	Yes, if the driver tests positive
competence to confiscate the vehicle (or the licence plate) at the roadside	Yes, but only in special cases
competence to arrest the driver and take him into custody	Yes, if the driver tests positive
Deciding whether or not to report a driver to the administrative body for impaired driving	No

Table 9.9: Police officers' discretions

If a driver is involved in an accident, he is always tested for alcohol, for illicit drugs in the special case of a fatal accident or suspicion of drug impairment and for medicines in the case of a fatal accident. If a driver refuses to provide a breath / blood / saliva / sweat / urine sample a criminal sanction will be imposed.

12.3 Psychoactive Substances and Driving: Sanctioning

In France, driving under the influence of alcohol is considered to be an administrative offence and as a criminal offence if the BrAC is above 0.4 mg/g breath, in the case of accident involvement or if the endangerment of a person is demonstrated. Driving under the influence of illicit drug is always considered to be a criminal offence.

Administrative Offences: Discretionary rights of the administrative body

It is not at the discretion of the administrative body to decide whether or not to pursue a driver detected of driving under the influence of psychoactive substances nor to decide whether or not to sanction a driver for driving under the influence of psychoactive substances. This is a justice decision only. The administration can require a medical assessment if there is a suspicion of alcohol or other psychoactive substance related problem in terms of driving fitness.

Criminal Offences

In 2005 there were 117,767 persons prosecuted for driving under the influence of alcohol in France. Other data for this category is unknown. In 2007 there were 6,507 persons prosecuted for driving under the influence of illicit drugs; here, too, other data for this category is unknown.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Prosecuted for driving under the influence	2005 2007	117,767 cases	6,507 cases	/ ⁴⁶	/
Convicted of driving under the influence	2005 2007	60,000 cases	6,507 cases	/	/

Table 9.10: Statistics for criminal offences

Discretionary rights of the criminal prosecution body

The prosecutor cannot decide whether or not to prosecute a driver but the court (judge) can decide whether or not to convict a driver. The court's sentencing discretion ranges within the minimum and maximum penalties. When passing sentence, courts will consider whether the driver has caused injuries and is a repeat offender. Courts must find a suitable combination of sanctions for a traffic offence and sanctions for general narcotics law offences, e.g., if the driver also possessed drugs.

Driver detected of driving under the influence of psychoactive substances

Discretion of the prosecutor to prosecute	No, the prosecutor cannot decide whether or not to prosecute a driver
Discretion of the court (judge) to convict	Yes, the court (judge) can decide whether or not to prosecute a driver
Discretion of the court (judge) to determine the level of penalty	Yes, between minimum and maximum penalties

Table 9.11: Discretions of criminal prosecution bodies

The length of time between police detection of driving under the influence of drugs and conviction by a court ranges between one and six months; in alcohol cases, a conviction can follow the offence immediately. There are no options to reduce the suspension period after a driving licence has been withdrawn.

Statistics overview

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Detected driving under the	/ ⁴⁶	/		/	/

⁴⁶ Written, if there was no answer given.
DRUID 6th Framework Programme

influence by police					
Pursued by administrative body for driving under the influence	/	/	/	/	/
Sanctioned by administrative body for driving under the influence	/	/	/	/	/
Criminally prosecuted for driving under the influence	2005	117,767	/	/	/
Criminally prosecuted for driving under the influence	2007	/	6,507	/	/
Convicted by court for driving under the influence	2005	60,000	/	/	/
Convicted by court for driving under the influence	2007	/	6,507	/	/

Table 9.12: Overall statistics

13GERMANY

13.1 Psychoactive Substances and Driving: Legislation

Alcohol

DRIVER	BAC threshold
Normal driver	0.5 mg/g
Novice driver	0.00 mg/g
Young driver	0.00 mg/g
Professional driver ⁴⁸	0.00 mg/g
Other: licence withdrawal	> 1.1 mg/g or in case of impairment with BAC > 0.3 mg/g

Table 10.1: BAC threshold for different groups of drivers

The official unit in Germany is mg/l for breath alcohol concentration and mg/g for blood alcohol concentration. The BAC for normal drivers is 0.5 mg/g. In Germany, penalties for drivers detected for the first time under the influence of alcohol and illicit drugs in a normal police control event are a fine, demerit points, driving ban and licence withdrawal. Sanctions for drivers detected driving under the influence of non-prescribed medicines are a fine, demerit points and a driving ban.

A zero tolerance law is enforced for young drivers and the penalty for an offence is a fine up to 125 €. For novice drivers (also a zero-tolerance policy) the consequences are even more severe: in addition to a fine up to 125 €, the probation period is prolonged and participation in a special advanced driver improvement course is mandatory. Professional drivers (drivers transporting persons or dangerous goods) are also subject to the zero-tolerance law.

For all drivers, more severe consequences are applied in cases of recidivism. For a second offence the fine is 1,000 € and the driving ban is extended to 3 months; for a third offence the fine amounts 1,500 € and a 3-month driving ban is also imposed. In the case of a criminal offence, which is if the driver reaches a BAC of 1.1 mg/g (absolute driving disability) or is impaired or has an accident with a BAC equal to or above 0.3 mg/g (relative driving disability), the licence is withdrawn by the court or the prosecutor. The suspension period can

⁴⁷ Written, if there was no answer given.

⁴⁸ Drivers of dangerous goods and passenger transportation
DRUID 6th Framework Programme

be between 6 and 60 months. For first offenses it is normally 12 months or may be up to 24 months in the case of involvement in an accident, but may also be lifelong in the case of repeated recidivism. A fine of 30 days income is imposed; in the case of involvement in an accident the fine increases to 60-180 days income. Imprisonment (normally with probation) is also possible, but is usually only applied in practice for the second or third offence of this type (imprisonment instead of a fine) and in case of accidents with injuries or fatalities. If a driver has a BAC equal to or above 1.6 mg/g an assessment of fitness to drive is ordered by the licensing authority before licence reinstatement.

Alcohol offences are sanctioned with 4 demerit points in the case of violations or 7 demerit points in case of criminal offenses.

Illicit drugs

In the case of driving under the influence of illicit drugs, the fine is 500 €. An illicit drug offence is sanctioned with 4 demerit points. A driving ban can be imposed for 1 month. An assessment of fitness to drive is usually ordered by the licensing authority; it is an administrative offence only in cases of substances listed in an annex to the Road Traffic Act.

Non-prescribed medicines

The sanctions for drivers detected under the influence of non-prescribed medicines (only in case of substances listed in the annex to the Road Traffic Act - THC, Morphine and Amphetamine) are fines amounting to 500 €. A driving ban is imposed for 1 month and the driver is sanctioned with 4 demerit points. In the case of consumption of substances listed in the Narcotics Act and misuse of or addiction to non-prescribed psychoactive medicines, a driver assessment is ordered. If the medicines are prescribed, it is not considered to be an offence, but an assessment of fitness to drive can be ordered by the licensing authority.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver assess.	Driver rehab.	Treatment program	Community service	Other
ALCOHOL											
Minimum		4		6 months							
Maximum	500 or 30 days income	7	1 month	60 months							
ILLICIT DRUGS											
Minimum											
Maximum	500	4	1 month								
NON-PRESCRIBED MEDICINES											
Minimum											
Maximum	500	4	1 month								
MORE SEVERE CONSEQUENCES											
Recidivists	1.000 or 1.500		3 months		yes		yes				

Accident	60-180 days income			12-24 months							
Unsafe manoeuvre	30 days income			12 months							

Table 10.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a normal police control event (without obvious impairment) and more severe consequences for special circumstances

Background Information on Sanctions

Table 10.3 presents the total numbers of different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines. In 2006, there were 227,000 fines imposed for driving under the influence of alcohol, illicit drugs and medicines, 85,970 driving bans (83,077 administrative-based and 2,893 court-based) and 85,490 court-based licence withdrawals.

Sanctions	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
Fines	⁴⁹ /	/	/	227,000
Demerit points	/	/	/	
Driving bans	/	/	/	85,970
Licence withdrawals: - administrative-based - court-based	/	/	/	n.a. 85,490
Imprisonment	/	/	/	/
Other sanctions:				

Table 10.3: Total numbers of different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines

Driving while suspended is sanctioned in Germany with a fine and prolongation of the suspension period, in repeated cases imprisonment can be imposed. There were 119,000 such offences in 2006.

Driving while suspended	
Consequences	Fine, prolongation of the suspension period and in repeated cases imprisonment
Number of offences/offenders of driving while suspended per year	2006: 119,000

Table 10.4: Driving while suspended

In Germany, there have been few evaluation studies conducted in relation to fines, demerit points, licence withdrawal, imprisonment, probation and driver rehabilitation.

Drivers under the influence of all kinds of psychoactive substances are recorded in a Central Register of Traffic Offenders and in the registers of local licensing authorities. There are options of conditional withdrawal (partial withdrawal - special types of vehicles can be excluded from licence suspension) and also of conditional licence (license restricted to certain vehicles or mandatory specific driving conditions). Imposing more than one sanction at the same time in the case of driving under the influence is possible. A possible combination is a fine (or imprisonment) + demerit points + driving ban or withdrawal.

Availability of data on sanction-related issues	
Evaluation studies regarding effectiveness of different sanctions	Yes.

⁴⁹ Written, if there was no answer given.
DRUID 6th Framework Programme

Register for traffic offences in order to identify recidivists	Yes.
Conditional withdrawal or conditional licence	Yes.
Imposing more than one sanction at the same time	Yes.

Table 10.5: Availability of data on sanction-related issues

The demerit point system in Germany counts upwards and has several significant thresholds for drivers. When a driver reaches 8-13 points, he is issued with a caution and advised to participate in a special advanced driver improvement course on a voluntary basis. If a driver follows the advice and participates successfully, 2 to 4 points are subtracted. When he reaches 14-17 points, participation in a special advanced driver improvement course is mandatory (without point subtraction) and if he does not follow the order, the licence is withdrawn. When a driver gains 18 demerit points, withdrawal of the licence follows and he has to undergo a medical-psychological assessment before it is reinstated.

Demerit point system

Number of points	Consequences
8-13	driver is issued with a caution and may participate in a special advanced driver improvement course on a voluntary basis (leading to a reduction of points)
14-17	mandatory participation in a special advanced driver improvement course; if driver does not follow the order the licence is withdrawn
18	withdrawal of the licence

Traffic Related Consequences of Psychoactive Substance Use in General

Selling, possessing and consuming of illicit drugs outside a driving situation can have legal consequences related to the driving licence. For selling and possessing illicit drugs, the licensing authority orders a medical assessment. The driving licence is withdrawn if the assessment is failed. Consumption of illicit drugs leads to a medical-assessment or to a medical-psychological assessment in the case of prior diagnosed addiction. The licence is withdrawn if the assessment is failed. THC consumption has special status. In the case of THC consumption, the consumption pattern is assessed in a medical-psychological assessment and if the pattern is evaluated as "occasional use" there are no consequences.

In the case of consuming high amounts of alcohol (misuse or addiction) or consuming substances listed in the Narcotics Act and misuse or addiction to psychoactive substances, the legal consequences are medical and psychological driver assessment, licence withdrawal after failing the medical or psychological assessment.

	Selling	Possessing	Consuming
Legal consequences concerning the driving licence	ILLCIT DRUGS		
	Medical driver assessment. Licence withdrawal if the assessment is failed	Medical driver assessment. Licence withdrawal if the assessment is failed	Medical driver assessment or medical-psychological assessment in the case of addiction. Licence withdrawal if the assessment is failed
	ALCOHOL		
	/	/	Medical-psychological driver assessment when addiction or misuse is suspected. Licence withdrawal if the medical-psychological assessment is failed.
	MEDICINES		

	Selling	Possessing	Consuming
	/	/	Medical driver assessment. Licence withdrawal if the medical assessment is failed

Table 10.6: Psychoactive substance use in general

Re-granting Procedure

If a driving licence is withdrawn due to an alcohol, illicit drug or medicine offence, special requirements have to be met in most cases before the licence is reinstated. For alcohol offences, the requirement for re-granting is participation in a medical-psychological assessment, which includes screening for substance markers in blood/urine/hair. This medical-psychological examination is imposed when the BAC reached at the incident is equal to or above 1.6 mg/g, in the case of repeat offences or whenever fitness to drive is in question due to an underlying alcohol problem (addiction or misuse). In the case of offences related to drug or medicine misuse, participation in a medical-psychological assessment, which includes screening for substance markers in blood/urine/hair, is always mandatory before licence reinstatement.

Driver rehabilitation is imposed for novice drivers for all offences and whenever it is recommended after a fitness to drive assessment and the respective licensing authority follows this recommendation. Participation in addiction treatment is a necessary condition for gaining a positive fitness to drive decision in cases of addiction.

The relevant licensing authority orders a theoretical and practical driving test if the facts justify the assumption that the licence applicant no longer has not the required knowledge and skills.

Requirements for re-granting of driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	In special cases	Always.	Always.
Psychological assessment	In special cases	Always.	Always.
Screening for substance markers in blood / urine / hair	In special cases	Always.	Always.
Driver rehabilitation	Only in special cases	Only in special cases	Only in special cases
Treatment programme	Only in case of addiction	Only in case of addiction	Only in case of addiction
Theoretical driving lessons	No.	No.	No.
Practical driving lessons	No.	No.	No.
Theoretical driving test	Only in special cases	Only in special cases	Only in special cases
Practical driving test	Only in special cases	Only in special cases	Only in special cases
Other			

Table 10.7: Re-granting procedure

13.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

The following table shows data for police control activities and detection routines. Strategies relating to police control activities in Germany are related to weekday, daytime, specific locations and areas and specific events. In 2006, the total number of persons tested for alcohol in traffic was approximately 3.5 million and for drugs ca. 120,000.

Blood test, urine test, saliva test, sweat test and impairment test are permitted only in the case of suspicion, whereby the tests, except blood testing, can be performed at the roadside.

Systematic police control activities	
Strategies	Yes, related to weekday, daytime, specific locations and areas and specific events
Annual frequency	2006: alcohol ca. 3.5 million / drugs: ca. 120,000
Detection routines and procedures	
Breath test	Permitted only in case of suspicion, conducted at roadside.
Blood test	Permitted only in case of suspicion, not conducted at roadside.
Urine test	Permitted only in case of suspicion, conducted at roadside.
Saliva test	Permitted only in case of suspicion, conducted at roadside.
Sweat test	Permitted only in case of suspicion, conducted at roadside.
Impairment test	Permitted only in case of suspicion, conducted at roadside.
Other test:	

Table 10.8: Police control activities and detection routines

Police officers' discretions and competences

Police officers have theoretical and practical lessons in detecting drug and alcohol impairment by experienced police officers. Deciding whether or not to report a driver detected for DUI to the administrative body or the prosecutor is at the discretion of the police (administrative discretion to inform the licensing authority). A police officer has the competence to confiscate a driving licence immediately at the roadside and also to arrest a driver and take him into custody in the case of a criminal offence, but a police does not have the competence to confiscate a vehicle (or the licence plate) at the roadside.

Specific training programmes	Yes.
Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor	Yes.
If the driver tests positive for psychoactive substances, does the police officer have:	
the competence to confiscate the driving licence immediately at the roadside	Yes, but only in the case of a criminal offence (impairment/accident or BAC 1.1 mg/g or above)
the competence to confiscate the vehicle (or the licence plate) at the roadside	No
the competence to arrest the driver and take him into custody	Yes, but only in the case of a criminal offence.

Table 10.9: Police officers' discretions

If a driver refuses to provide a breath/blood/saliva/sweat/urine sample, a blood sample is enforced. If the driver is tested positive for alcohol, an additional test for other psychoactive substances is only taken in case of suspicion. If the driver is involved in an accident, he is tested for alcohol, illicit drug and medicines in case of suspicion.

13.3 Psychoactive Substances and Driving: Sanctioning

In Germany, driving under the influence of alcohol is considered to be an administrative offence, but it can also be a criminal offence in the case of a BAC equal to or above 1.1 mg/g and in cases of unsafe driving/obvious

impairment or involvement in an accident with a BAC equal to or above 0.3 mg/g. Driving under the influence of illicit drugs and medicines is normally considered to be an administrative offence, but is a criminal offence in the case of endangering others or involvement in an accident.

Administrative Offences

In 2006, there were 200,000 persons prosecuted for driving under the influence of alcohol, 10,000 persons prosecuted for driving under the influence of illicit drugs and 50 persons prosecuted for driving under the influence of medicines. In the same year, there were 195,000 persons sanctioned for driving under the influence of alcohol, 4,700 persons sanctioned for driving under the influence of illicit drugs and 30 persons sanctioned for driving under the influence of medicines.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Pursued for driving under the influence	2006	no reliable data	no reliable data	no reliable data	
Sanctioned for driving under the influence	2006	64,800	24,200	30	

Table 10.10: Statistics for administrative offences

Discretionary rights of the administrative body

According to paragraph 47 of the Administrative Offences Act, the administrative body has discretion whether or not to pursue a driver detected under the influence of psychoactive substances, but only as long as this is an administrative offence.

Driver detected for driving under the influence of psychoactive substances

Discretion to pursue	No.
Discretion to sanction	No.

Table 10.11: Discretions of administrative bodies

The period of time between the detection of driving under the influence of psychoactive substances and the sanctioning by the administrative body is regulated by law and may not exceed 3 months.

Criminal Offences

In 2006, there were 98,245 persons prosecuted and 95,341 of these convicted for driving under the influence of psychoactive offences in Germany, of which 99 % were alcohol-related offences.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Prosecuted driving under the influence	2006	approx. 96,000	approx. 2,200		98,245
Convicted driving under the influence	2006	approx. 94,000	approx. 1,500	/	95,341

Table 10.12: Statistics for criminal offences

Discretionary rights of the criminal body

According to the Code of Criminal Procedure, either the prosecutor or the court can decide whether or not to prosecute a driver for driving under the influence of psychoactive substances, but this is not regularly practiced for DUI/DUID offenders. The court (judge) determines the level of penalty. The court's sentencing discretion ranges between a fine of 5 days pay and prison up to 5 years. According to sentencing guidelines set by the "Traffic Court Conferences" (Verkehrsgerichtstag) the typical penalty for cases not involving an accident is a fine of 30 days pay for the first criminal offence, 90 days pay for a second criminal offence and 90 days pay or more or even prison (mostly on probation) for a third offence.

Driver detected for driving under the influence of psychoactive substances

Discretion of the prosecutor to prosecute	Yes.
Discretion of the court (judge) to convict	Yes.
Discretion of the court (judge) to determine the level of penalty	Yes.

Table 10.13: Discretions of criminal bodies

The length of time between police detection of driving under the influence of drugs and a court conviction is approximately 90 days. There are options of reducing the period of suspension after the driving licence has been withdrawn. If justifiable reasons for assuming that the driver is no longer unfit to drive (e.g. after participation in a driver rehabilitation measure), the suspension period can be reduced after a proper application to the court. According to Klipp et al. (2008) the average reduction period of licence withdrawal in these cases is 3.25 months (the regular 1 year period is reduced to 8.75 months).

Statistical overview

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Detected driving under the influence by police	2006	approx. 194,000	approx. 27,000	included in illicit drugs	/
Pursued by administrative body for driving under the influence	2006	no reliable data	no reliable data	no reliable data	/
Sanctioned by administrative body for driving under the influence	2006	64,800	24,400	30	/
Criminally prosecuted for driving under the influence	2006	Approx. 96,000	approx. 2,200	/	98,245
Convicted by court for driving under the influence	2006	approx. 94,000	approx. 1,500	/	95,341

Table 10.14: Overall statistics

14 GREAT BRITAIN

14.1 Psychoactive Substances and Driving: Legislation

DRIVER	BAC threshold
Normal driver	80mg/100ml
Novice driver	80mg/100ml
Young driver	80mg/100ml
Professional driver	80mg/100ml
Other: requirement to pass medical examination before driving licence is returned	200mg/100ml

Table 11.1: BAC threshold for different groups of drivers

The official unit in Great Britain is milligrams of alcohol in millilitres of blood (mg/ml). The BAC legal limit for all drivers is 80mg/100ml. In Great Britain any driver found to have a BAC above the limit, or who, in the opinion of the police, is otherwise unfit to drive through alcohol, is subject to mandatory disqualification⁵⁰ from driving for a minimum of 12 months where this is a first offence. Other sanctions may include a fine, imprisonment and community service. Courts have discretionary power to disqualify an offender until a further driving test has been passed. Offenders may also be subject to a probation order or referral to a drink drive rehabilitation training course.

There are more severe consequences for repeat offenders, including a mandatory minimum 3 year driving ban if the driver commits two offences within 10 years. For causing death by careless driving when under the influence of drink or drugs the maximum penalty is 14 years' imprisonment, together with an unlimited fine, disqualification from driving for at least 2 years and a mandatory extended driving test.

In Great Britain the penalties for a driver who is found to be "unfit to drive through drugs" for the first time are the same as for being unfit to drive through alcohol or for exceeding the legal alcohol limit. This offence requires evidence of driver impairment. The mere presence of a drug does not amount to a road traffic offence. No distinction is made between medicines and drugs. As with drink driving, there are more severe consequences for repeat offenders. For a second offence within 10 years the minimum disqualification is 3 years, and where a death is caused, the penalties are much more severe, with up to 14 years in prison and at least a two year driving ban. However, there is no scheme of drug driving rehabilitation courses to which offenders may be referred.

Alcohol

In addition to mandatory driving disqualification for at least 12 months, the maximum fine for exceeding the legal alcohol limit or being unfit to drive through drink is £5000 (app. 5.596 €). Offenders may also be imprisoned for up to 6 months. There is a special High Risk Offenders (HRO) scheme. Those offenders

⁵⁰ As far as drink and drug driving is concerned, Great Britain does not make a distinction between driving disqualifications (or bans) and driving licence "withdrawal".

classified as HROs are required to satisfy the medical advisors at the Driver and Vehicle Licensing Agency that they do not have a drinking problem and are fit to drive before their licence is returned. HROs are those who have committed either a single offence at 200mg/100ml or higher or two offences at higher than 80mg within a period of 10 years or who failed to provide a specimen for analysis.

Courts may refer drink drive offenders, with their agreement, to a course approved by the Secretary of State and for which they have to pay. If successfully completed, an offender will have his disqualification reduced by up to 25 per cent. An endorsement for a drink driving offence remains on the driving licence for 11 years.

Illicit drugs

As noted above, in Great Britain, the relevant offence is being "unfit to drive through drink or drugs", which requires evidence of driver impairment. The mere presence of a drug does not amount to a road traffic offence. Where someone is judged to be unfit to drive through drugs, the penalties are the same as for the offence of exceeding the alcohol limit. These include mandatory disqualification for at least 12 months, a maximum fine of £5.000 and up to 6 months' imprisonment.

Non-prescribed medicines

In Great Britain no distinction is made between medicines, whether prescribed or not, and drugs.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (£)	Dem. Points ⁵¹	Driving ban	Licence withdrawal	Imprison.	Probation	Driver asses.	Driver rehab.	Treatment program	Community service	Other
ALCOHOL											
Minimum		3 pt	12 months			yes	no	yes	no	Yes	crim. record
Maximum	5.000	11 pt			6 months						
ILLICIT DRUGS											
Minimum		3 pt	12 months			yes	no	no	no	No	no
Maximum	5.000	11 pt			6 months						
NON-PRESCRIBED MEDICINES											
Minimum		3 pt	12 months			yes	no	no	no	No	no
Maximum	5.000	11 pt			6 months						
MORE SEVERE CONSEQUENCES											
Recidivists			min 3 years								
Causing death (accident)	unlimited		min 2 years		14 years						extended driving test
Unsafe manoeuvre											

Table 11.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment) and more severe consequences for special circumstances

⁵¹ Only if no driving ban imposed
DRUID 6th Framework Programme

Background information on penalties

Table 11.3 shows the total numbers of different penalties for drink or drug driving. In 2007 there were 69.948 fines for drink or drug driving offences. Apart from that there were 92.328 driving bans in the same year and 3.804 custodial sentences.

Penalties	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
Fines				69.948
Penalty points				
Driving bans				92.328
Licence withdrawals: - Administration-based - Court-based				
Imprisonment				3.804
Other sanctions:				

Table 11.3: Total numbers of the different penalties for drink and drug offences

Table 11.4 contains information regarding driving while disqualified. If a driver is disqualified and his driving licence is withdrawn and he is then detected driving, the penalties in Great Britain are: a fine, imprisonment or both. In year 2007 there were 34.400 such offences.

Driving while suspended	
Consequences	Up to 6 months' imprisonment or up to £5.000 fine, or both, discretionary disqualification or 6 penalty points.
Number of offences/offenders of driving while disqualified per year	2007: 34.400

Table 11.4: Driving while suspended

In Great Britain there were some evaluation studies made regarding driver rehabilitation. As mentioned before, courts may refer drink drive offenders to a course approved by the Secretary of State and for which they have to pay. If successfully completed, an offender will have his disqualification reduced by up to 25 per cent. Courses include at least 16 hours of teaching time. Studies of the scheme have shown that those who do not attend a course are approximately twice as likely to re-offend as those who do attend.

TRL Report 662 presents the findings of a three year TRL evaluation of the Department for Transport's (DfT) drink-drive rehabilitation (DDR) scheme. Since January 2000, the scheme permitted courts throughout Great Britain to refer drink-drive offenders to one of a number of organisations providing DfT-approved DDR courses. This evaluation has included several studies that investigated the scheme in terms of (i) the effect of course attendance on subsequent reconviction rates, (ii) the differences in course provider practices, and (iii) the attitudes, behaviours and opinions of referred offenders in order to consider the implications for the future design and development of the scheme. The report concludes that the drink-drive rehabilitation course scheme is effective in reducing subsequent drink-drive convictions. And recommendations are made for the future development of the scheme.

Drivers who have committed drink or drug driving offences are recorded in the driver record at the national driver licensing agency, DVLA. There is no option of conditional withdrawal. Licences can be subject to conditions, e.g. eyesight correction, hearing/communication aid, special controls for safe driving and specific driving licences are required for different types of vehicle.

It is possible to impose more than one penalty at the same time for drink or drug driving offences. This could be a combination of fine, imprisonment and driving disqualification.

Availability of sanction-related issues	
Evaluation studies regarding effectiveness of different penalties	Yes, regarding driver rehabilitation.
Register for traffic offences in order to identify recidivists	Yes.
Conditional withdrawal or conditional licence	Yes.
Imposing more than one penalty at the same time	Yes, fine, imprisonment and driving disqualification.

Table 11.5: Availability of sanction-related issues

Traffic Related Consequences of Psychoactive Substance Use in General

Use (selling, possessing, consuming) of illicit drugs in general (outside traffic) does not have any consequences on the driver licence. In case of consuming alcohol or medicines in general, the legal consequences follow only in special cases where individual is deemed medically unfit to drive through alcohol or drugs.

	Selling	Possessing	Consuming
Legal consequences concerning the driving licence	ILLCIT DRUGS		
	no	no	no
	ALCOHOL		
	/	/	Yes, only in special cases where individual is deemed medically unfit to drive through alcohol or drugs.
	MEDICINES		
	/	/	Yes, only in special cases where individual is deemed medically unfit to drive through alcohol or drugs.

Table 11.6: Psychoactive substance use in general

Re-granting Procedure

Table 11.7 contains information on re-granting of the driving licence if it was withdrawn due to an alcohol or drug offence. In case of an alcohol offence, medical assessment is imposed in special cases, when the BAC threshold is above 200mg/100ml, in the case of repeat offending or failure to provide a specimen for analysis. In the case of drug driving, there is also a requirement for medical assessment, but only where the DVLA consider that a driver may have a condition requiring investigation as to fitness to drive. There are no other requirements for re-granting a driving licence.

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	Only in special cases for BAC above 200mg/100ml, repeat offences or failure to provide specimen for analysis.	Only in special cases where medical assessment is deemed necessary to determine fitness to drive.	Only in special cases where medical assessment is deemed necessary to determine fitness to drive.
Psychological assessment	No.	No.	No.
Screenings for substance markers in blood / urine /	No.	No.	No.

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
hair			
Driver rehabilitation	in special cases, Courts have discretion to offer to any drink drive offender (not mandatory condition for reinstatement)	No.	No.
Treatment programme	No.	No.	No.
Theoretical driving lessons	No.	No.	No.
Practical driving lessons	No.	No.	No.
Theoretical driving test	No.	No.	No.
Practical driving test	in special cases, if above BAC 200mg/100ml and repeated offences	No.	No.
Other			

Table 11.7: Re-granting procedure

14.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

The police do not have powers to stop randomly and check. They organise roadside checks for vehicle condition and other offence checks, and while doing this they test drivers they suspect to be above the legal alcohol limit. Numbers are not collated or available. Many police forces carry out intelligence-led, targeted testing at times and locations where drinking is known to take place.

There are no differences for drugs or alcohol. The search for drug use constitutes just one activity in general police roadside enforcement. Occasionally, specific checks for drugs are conducted. Checks for drivers under the influence of alcohol are conducted throughout the year, with special emphasis on the summer and Christmas periods.

Breath-testing and impairment tests are permitted where there has been a collision, a suspected moving traffic offence has been committed or alcohol consumption is suspected and can be conducted at the roadside. Blood and urine tests cannot be conducted at the roadside. Appropriate equipment for conducting saliva or sweat tests is not yet available, but legal powers are in force.

Systematic police control activities	
Strategies	The police do not have powers to stop randomly and check.
Annual frequency	Not available, but approximately 600.000 screening breath tests per year
Detection routines and procedures	
Breath test	Only in case of suspicion, conducted at roadside.
Blood test	Only in case of suspicion, not conducted at roadside.
Urine test	Only in case of suspicion, not conducted at roadside.
Saliva test	/

Sweat test	/
Impairment test	Only in case of suspicion, conducted at roadside.
Other test:	

Table 11.8: Police control activities and detection routines

Police officers' discretions and competences

Police receive training in the use of, and law on, screening breathalysers, use of evidential breath-testing equipment and in some cases drug recognition and Field Impairment Testing. Impairment is detected through observation and officers obtain this through experience at work.

Police decide whether to stop, test, arrest and charge/report offenders. Prosecutors then examine the evidence and decide on prosecution or not. An example of where a driver might not be reported would be if the police arrested an individual who was thought to be impaired and later the prosecutors or the police decision maker decided that there was no evidence of unfitness to drive.

If the driver is tested positive for psychoactive substances, the police officer does not have the power to confiscate the vehicle (or the licence plate) at the roadside. Vehicle forfeiture is possible for repeat offenders, though rarely used. If the driver is tested positive for psychoactive substances, the police officer does not have the power to confiscate the driving licence immediately at the roadside. But the police officer is able to arrest the driver and take him into custody in any case if the driver is tested positive.

Specific training programmes	Yes.
Deciding whether or not to report a driver detected for DUI to the administrative body or the prosecutor	Yes.
If the driver is tested positive for psychoactive substances, does the police officer have:	
competence to confiscate the driving licence immediately at the roadside	No.
competence to confiscate the vehicle (or the licence plate) at the roadside	No.
competence to arrest the driver and take him into custody	Yes, in any case if the driver is tested positive.

Table 11.9: Police officers' discretions

If the driver is involved in an accident, it is police policy to test for alcohol in any case and for illicit drug or medicines, if there was evidence of impairment. If the driver refuses to provide a breath / blood / saliva / sweat / urine sample there are the same consequences as for drivers who are found to have exceeded the legal alcohol limit or who are deemed to be unfit to drive due to drink or drugs. In addition, in the case of drink driving, someone failing to provide a specimen will be classified as a High Risk Offender and subject to medical procedures (see above). If the driver is tested positive for alcohol, he is required to provide two further specimens normally at a police station for "evidential" purposes, for use in court prosecution.

14.3 Psychoactive Substances and Driving: Sanctioning

In Great Britain driving under the influence of alcohol, illicit drugs and non-prescribed medicines is considered as criminal in any case.

CRIMINAL OFFENCES

In 2007 107.924 persons were prosecuted for drink and drug driving offences. Other data in this category was unknown. Of those prosecuted, 98.008 persons were convicted of these offences.

Total number of persons	YEAR	ALCOHOL	ILLCIT DRUGS	MEDICINES	COMBINED
Prosecuted for drink or drug driving	2007	/ ⁵²	/	/	107.924
Convicted for drink or drug driving	2007	/	/	/	98.008

Table 11.10: Statistics for criminal offences

Discretion rights of the criminal body

Prosecutors can decide not to prosecute a driver, where they do not consider there is evidence of unfitness to drive, or a breach of the rules by the police in the way in which specimens are obtained. The court (judge) can decide not to convict a driver, if it considers that the police have not followed the correct procedures for taking specimens and handling suspected drink or drug drivers generally, such as not issuing the correct warnings. The court (judge) determines the penalties to be imposed. All the principal penalties for drink/drug driving are discretionary subject to either a minimum or maximum level.

Driver detected for driving under the influence of psychoactive substances

Discretion of the prosecutor to prosecute	Yes, the prosecutor can decide to prosecute a driver.
Discretion of the court (judge) to convict	Yes, the court (judge) can decide to convict a driver.
Discretion of the court (judge) to determine the degree of penalty	Yes, the court (judge) can decide to determine the degree of penalty.

Table 11.11: Discretions of criminal bodies

The length of time between police detection of drink or drug driving and conviction by a court, where there is a guilty plea, is between 10 and 14 days (for alcohol in breath) and 8 weeks (alcohol in blood or urine). Where there is a not guilty plea, the period between detection and conviction is from 2 months to 1 year plus, and possibly longer if a collision was involved.

There are options to reduce the disqualification period after the driving licence has been withdrawn. The disqualification period will be reduced by up to 25 % if an approved drink drive rehabilitation course is completed successfully within a fixed deadline. There are no approved courses available for drug drivers.

Total number of persons	YEAR	ALCOHOL	ILLCIT DRUGS	MEDICINES	COMBINED
Detected driving under the influence by police	2006	106,000	/ ⁵³	/	/
Pursued by administrative body for driving under the influence	/	/	/	/	/
Sanctioned by administrative body for driving under the influence	/	/	/	/	/
Criminally prosecuted for driving under the influence	2007	/	/	/	107.924
Convicted by court for driving under the influence	2007	/	/	/	98.008

Table 11.12: Statistics together

⁵² Written, if there was no answer given.

⁵³ Written, if there was no answer given.

15 GREECE

15.1 Psychoactive Substances and Driving: Legislation

DRIVER	BAC threshold
Normal driver	0.50 g/l (0.25 mg/l - breath)
Novice driver	0.20 g/l (0.1 mg/l - breath)
Young driver	
Professional driver	0.20 g/l
Other:	

Table 12.1: BAC threshold for different groups of drivers

The official units in Greece are mg/l (measured by the breath sample method) and g/l (measured by blood sample method). The BAC for normal drivers is 0.25 mg/l (drivers of motorcycles and mopeds drivers as well), but for novice⁵⁴ drivers and professional⁵⁵ drivers it is 0.2 g/l (0.1 mg/l in breath).

There is no difference in Greek legislation whether or not it is the first time that the driver is detected driving under the influence of alcohol (illicit drugs, medicines). Different sanctions are applied only in specific circumstances for repeat offenders, when the BAC is above 0.6 mg/l or 1.1 g/l for the second time within two years of the last breach of the law. There are no usual police control events for illicit drugs or medicines. A driver is checked for illicit drugs and medicines only if he/she is involved in an accident with, at least, injuries.

In Greece, sanctions for a driver detected for the first time under the influence of alcohol, illicit drugs and medicines in a usual police control event are fine, driving ban and imprisonment. In alcohol cases, there are also demerit points.

In alcohol cases, there are more severe consequences for novice and professional drivers and for recidivists, but there is no such difference in illicit drug and medicines cases. For novice drivers, there is a 200 EUR administrative fine and 7 demerit points are imposed if their BAC is from 0.2 to 0.8 g/l (measured by the blood sample method), or from 0.1 to 0.4 mg/l (measured by the breath sample method). The consequences are the same for professional truck drivers whose trucks weigh over 3.5 tones, or carry dangerous goods, for professional bus or school bus drivers and ambulance drivers if their BAC is from 0.2 to 0.8 g/l (measured by the blood sample method) or from 0.1 to 0.4 mg/l (measured by the breath sample method). For recidivists, there is a 2.000 EUR administrative fine, 5 year licence withdrawal and 6 months imprisonment for drivers that have been detected driving under the influence of alcohol with a BAC over 1.1 g/l (measured by the blood sample method) or over 0.6 mg/l (measured by the breath sample method) for a second time within two years from the last breach of the law.

⁵⁴ Novice drivers are drivers who have the driving licence for less than 2 years.

⁵⁵ Professional drivers are truck drivers, drivers of public vehicles (lorries > 3,5 t, buses, ambulance vehicles and dangerous goods' vehicles).

For motorcycle drivers and bicyclists detected driving under the influence of alcohol with a BAC from 0.2 to 0.8 g/l (measured by the blood sample method) or from 0.1 to 0.4 mg/l (measured by the breath sample method) the sanctions are 200 EUR administrative fine and 7 demerit points.

Alcohol

In the case of driving under the influence of alcohol, a fine and driving ban can be imposed when the BAC is above 0.25 mg/l and up to 0.6 mg/l; demerit points can be applied when the BAC is higher than 0.25 mg/l. Imprisonment may be imposed for 2 months when the BAC is higher than 0.60 mg/l. The fine is from 200 to 1,200 € and a driving ban may last between 90 and 180 days. In addition, 5 to 9 demerit points may be imposed.

Illicit drugs

In the case of driving under the influence of illicit drugs, possible sanctions are a fine, driving ban and imprisonment. The minimum fine is 200 €, a driving ban from 3 to 6 months can be imposed and the minimum length of imprisonment is 2 months. More severe consequences are not envisaged for novice, professional drivers, recidivists or for making unsafe manoeuvres or accident involvement. There are no usual police control events for illicit drugs. Checking only takes place if the driver is involved in a severe accident with injuries.

Non-prescribed medicines

Driving under the influence of medicines is not specially regulated in law. A court (judge) has discretion to decide whether or not a driver is legally affected. In the case of non-prescribed medicines, a fine, driving ban and imprisonment may be imposed. The fine may be from 200 EUR upwards and driving ban from 3 to 6 months. The length of imprisonment is not specified. More severe consequences are not envisaged for novice, professional drivers, recidivists or for making unsafe manoeuvres or accident involvement. There are no usual police control events for non-prescribed medicines, checking is only done if a driver is involved in a severe accident with injuries or death.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver asses.	Driver rehab.	Treatment program	Community service	Other
ALCOHOL											
Minimum	200	5	90 days	no	2 months	no	no	no	no	no	no
Maximum	1.200	9	180 days	no	not specified	no	no	no	no	no	no
ILLICIT DRUGS											
Minimum	200	no	90 days	no	2 months	no	no	no	no	no	no
Maximum	not specified	no	180 days	no	not specified	no	no	no	no	no	no
NON-PRESCRIBED MEDICINES											
Minimum	200	no	90 days	no	not specified	no	no	no	no	no	no
Maximum	not specified	no	180 days	no	not specified	no	no	no	no	no	no

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver asses.	Driver rehab.	Treatment program	Community service	Other
MORE SEVERE CONSEQUENCES											
Recidivists	2.000	no	no	5 years	6 months	no	no	no	no	no	no
Accident	no	no	no	no	no	no	no	no	no	no	no
Unsafe manoeuvre	no	no	no	no	no	no	no	no	no	no	no

Table 12.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment) and more severe consequences for special circumstances

Background Information on Sanctions

Table 12.3 shows total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines. The information was available for alcohol cases only in 2007. There were 38,491 fines, 46,378 demerit points, 12,117 driving bans and 4,230 prison sentences imposed.

Sanctions	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
Fines	2007: 38,491	/ ⁵⁶	/	/
Demerit points	46,378	/	/	/
Driving bans	12,117	/	/	/
Licence withdrawals: - Administration-based - Court-based	/	/	/	/
Imprisonment	4,230	/	/	/
Other sanctions:	/	/	/	/

Table 12.3: Total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines

If a driving licence has been withdrawn or a driver is banned and is detected driving, sanctions in Greece are determined by the court, because driving without a driving licence is a criminal offence. At the moment, there is no information available on the total number of persons convicted of driving while suspended.

Driving while suspended

Consequences	If the driving licence has been <u>withdrawn</u> or the driver is <u>suspended</u> : court determines
Number of offences/offenders of driving while suspended per year	/

Table 12.4: Driving while suspended

No evaluation studies concerning the effectiveness of different sanctions have been carried out in past years. Drivers under the influence of psychoactive substances are recorded in a register for traffic offences in order to identify recidivists.

Availability of sanction-related issues	
Evaluation studies regarding effectiveness of different sanctions	no
Register for traffic offences in order to identify recidivists	yes
Conditional withdrawal or conditional licence	no
Imposing more than one sanction at the same time	Yes, fine + driving ban + licence withdrawal (in alcohol, illicit drug and medicine cases) + demerit points (only in alcohol cases)

Table 12.5: Availability of sanction-related issues

⁵⁶ Written, if there was no answer given.
DRUID 6th Framework Programme

There is no option of conditional withdrawal or conditional licence. Imposing more than one sanction at the same time is possible. In alcohol cases, this is a fine + demerit points + driving ban + imprisonment. In illicit drug and medicine cases, it is fine + driving ban + imprisonment. There are different BAC thresholds for imposing these sanctions, as described above. Greece has a demerit points system. If a driver reaches 25 demerit points (the demerit point system counts upwards), licence withdrawal follows.

Demerit point system

Number of points	Consequences
25	Licence withdrawal

Table 12.6: Demerit point system

Traffic Related Consequences of Psychoactive Substance Use in General

There is no legislative framework for selling, possessing and consuming of alcohol, illicit drugs and medicines outside traffic. Licence withdrawal follows in some cases of consuming illicit drugs outside road traffic, but there is no specific legislation on this issue.

	Selling	Possessing	Consuming
Legal consequences concerning the driving licence	ILLICIT DRUGS		
	/	/	Yes, in special cases: licence withdrawal
	ALCOHOL		
	/	/	/
	MEDICINES		
	/	/	/

Table 12.7: Psychoactive substance use in general

Re-granting Procedure

A driving licence is withdrawn only when the driver exceeds 25 demerit points independently of the violation. The procedure followed for re-granting the driving licence is standard and not related to the violation.

The applicant driver must join a driving school and pay a deposit for administrative documents. He is examined by a pathologist and oculist. If an important issue rises, the doctor sends the applicant for further examination to a group of experts. After the end of this procedure, the applicant gets an educational card from the driving school. He has to take 20 theoretical lessons and pass the theoretical exam. He has to take 20 practical lessons, too, and then pass the practical test. In the case of failure, the applicant can repeat the test after at least 7 days, if the examination authority is available. The applicant can repeat the examination, theoretical and practical, as many times until he/she passes the tests, for a time limit of three years. If the applicant has not successfully passed the theoretical and the practical examinations after three years, he/she must start the whole procedure from the beginning.

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	yes	yes	yes
Psychological assessment	⁵⁷ /	/	/
Screenings for substance	/	/	/

⁵⁷ Written, if there was no answer given.
DRUID 6th Framework Programme

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
markers in blood / urine / hair			
Driver rehabilitation	/	/	/
Treatment programme	/	/	/
Theoretical driving lessons	yes	yes	yes
Practical driving lessons	yes	yes	yes
Theoretical driving test	yes	yes	yes
Practical driving test	yes	yes	yes
Other	/	/	//

Table 12.8: Re-granting procedure

15.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

Strategies of police control activities are related to weekdays, daytime, specific locations and specific events and they relate only to alcohol. There is no complete information available regarding the annual frequency of systematic police control activities. The total number of persons detected driving under the influence of psychoactive substances per year is 46,378 for alcohol in 2007.

Detection routines used in police control activities are breath tests and blood tests. Urine tests, saliva tests, sweat tests and impairment tests are not used. Breath tests are permitted at random, conducted at the roadside; blood tests are permitted only in the case of suspicion.

Systematic police control activities	
Strategies	Yes, related to weekdays, daytime, specific locations, specific events
Annual frequency	No complete information available
Detection routines and procedures	
Breath test	Permitted at random, conducted at roadside
Blood test	Permitted only in case of suspicion
Urine test	No
Saliva test	No
Sweat test	No
Impairment test	No
Other test:	/

Table 12.9: Police control activities and detection routines

Police officers' discretions and competences

There are specific training programmes for police officers in the detection of drivers under the influence and the majority of them who participate in systematic control activities, attend these training programmes. Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor is not at the discretion of the police. A police officer has the competence to confiscate a driving licence immediately at the roadside if the driver is detected positive and the alcohol BAC exceeds 0.8 g/l in blood (or 0.4 mg/l in a breath sample). He has the competence to confiscate the vehicle if the BAC exceeds 1.1g/l in blood (or 0.6 mg/l in a breath sample). He also has the competence to arrest a driver and take him into custody for the same reason.

Specific training programmes	Yes
Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor	No
If a driver tests positive for psychoactive substances, does the police officer have:	
competence to confiscate the driving licence immediately at the roadside	Yes, for BAC beyond 0.8g/l in blood and 0.4 mg/l in breath
competence to confiscate the vehicle (or the licence plate) at the roadside	Yes, for BAC beyond 1.1g/l in blood and 0.6 mg/l in breath
competence to arrest the driver and take him into custody	Yes, for BAC beyond 1.1g/l in blood and 0.6 mg/l in breath

Table 12.10: Police officers' discretions

If a driver is involved in an accident, he/she is always tested for alcohol and for illicit drugs and medicines in the case of an accident with severe injuries or deaths. If the driver refuses to provide a breath/blood/saliva/sweat/urine sample, the highest consequences follow (as for drivers under the influence of illicit drugs). If the driver is tested positive for alcohol, an additional test follows in the case of suspicion of other psychoactive substances, or it depends on the situation. Most of the time, there are no further tests. Only in a case of a fatal accident are there also tests for other psychoactive substances.

15.3 Psychoactive Substances and Driving: Sanctioning

Driving under the influence of alcohol, illicit drugs or medicines is considered to be an administrative offence in Greece. It is also considered to be a criminal offence in alcohol cases for a BAC above 1.1 g/l and in the case of accident involvement; in illicit drugs cases and medicine cases it is always considered to be a criminal offence.

Administrative Offences

It is not at the discretion of the administrative body to decide whether or not to pursue or to sanction a driver detected of driving under the influence of psychoactive substances. The total number of pursued persons in 2007 was 1,596,036; the number of sanctioned persons in the same year was 50,608.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Pursued by administrative body for driving under the influence	2007	1.596.036	⁵⁸ /	/	/
Sanctioned by administrative body for driving under the influence	2007	50.608	/	/	/

Table 12.11: Statistics for administrative offences

⁵⁸ Written, if there was no answer given.
DRUID 6th Framework Programme

Criminal Offences

In 2006, there were 32,428 persons prosecuted for driving under the influence of alcohol in Greece. Other data for this category are unknown. In 2007, there were 27,958 persons convicted of driving under the influence of alcohol but here, too, other data for this category are unknown.

Total number of persons	YEAR	ALCOHOL	ILLCIT DRUGS	MEDICINES	COMBINED
Criminally prosecuted for driving under the influence	2007	4,230	⁵⁹	/	/
Convicted by court for driving under the influence	/	/	/	/	/

Table 12.12: Statistics for criminal offences

Discretionary rights of the criminal prosecution body

If a driver is detected driving under the influence of psychoactive substances, the prosecutor has no discretion to decide whether or not to prosecute this driver. On the other hand, the court (judge) can decide not to convict a driver in alcohol cases for BAC below 1.1 g/l. The court also has the discretion to determine the level of penalty. It depends on the BAC, previous convictions for similar behaviour, criminal file, etc.

Driver detected of driving under the influence of psychoactive substances

Discretion of the prosecutor to prosecute	No
Discretion of the court (judge) to convict	Yes, BAC below 1.1 g/l
Discretion of the court (judge) to determine the level of penalty	Yes

Table 12.13: Discretions of criminal bodies

The average period of time between detection of driving under the influence of psychoactive substance and conviction by a court is at least 1 year. There are no options to reduce the suspension period after the driving licence has been withdrawn.

Statistical overview

Total number of persons	YEAR	ALCOHOL	ILLCIT DRUGS	MEDICINES	COMBINED
Detected driving under the influence by police	2007	46.378	⁶⁰	/	/
Pursued by administrative body for driving under the influence	2007	1.596.036	/	/	/
Sanctioned by administrative body for driving under the influence	2007	50.608	/	/	/
Criminally prosecuted for driving under the influence	2007	4.230	/	/	/
Convicted by court for driving under the influence	/	/	/	/	/

Table 12.14: Overview of statistics

16HUNGARY

⁵⁹ Written, if there was no answer given.

⁶⁰ Written, if there was no answer given.

16.1 Psychoactive Substances and Driving: Legislation

DRIVER	BAC threshold
Normal driver	0.00 mg/l (in breath)
Novice driver	0.00 mg/l
Young driver	no
Professional driver	0.00 mg/l
Other: licence withdrawal	After reaching 18 demerit points

Table 13.1: BAC threshold for different groups of drivers

The official BAC (Breath Alcohol Concentration) unit in Hungary is mg/l. In Hungary the BAC threshold for normal drivers is 0.00 mg/l. The BAC thresholds are the same for all kinds of drivers (for normal drivers and for novice drivers). Possible sanctions for a driver detected for the first time under the influence of alcohol or illicit drugs in a usual police control event are a fine, demerit points, driving ban, licence withdrawal and imprisonment.

The offence with a BAC threshold under 0.51 mg/l is considered to be a foul (violation); if the BAC is above 0.51 mg/l then it is considered to be a crime. The regulations and possible legal consequences are different for a foul (violation) and for a crime.

Involvement in an accident is considered to be crime and the consequences are therefore more severe, the severity of an accident (for example, accident with injuries) also affects the final penalty. Depending on the number of injured persons, the maximum length of imprisonment is 10 years.

The regulation is the same for driving under the influence of alcohol, illicit drugs and medicines. The measurement of alcohol consumption is based on objective measurement (breath, urine or blood test). In the case of illicit drugs and medicines, the measurement of the influence can be done only by the subjective assessment of an expert. It is impossible to judge these cases by objective means.

Alcohol

In the case of alcohol, a fine can be imposed from 0.00 mg/l upwards and can be up to 400 €. A driver detected under influence of alcohol is also given 5 or 9 demerit points (if he receives 12 demerit points, he gets a warning, for reaching 18 demerit points or more his driving license is withdrawn⁶¹ for up to 6 months). For drivers with a BAC up to 0.50 mg/l a driving ban is imposed from 1 to 12 months. If the BAC threshold is higher than 0.51mg/l, the driving ban period is longer, from 1 year up to 10 years. Drivers detected with a BAC of 0.51 mg/l can be imprisoned for up to 12 months.

Illicit drugs

In the case of illicit drugs, fines can also be up to 400 €. A driver detected under the influence of illicit drugs also receives 9 demerit points (if he receives 12 demerit points he gets a warning, for reaching 18 demerit points or more his driving license is withdrawn for up to 6 months). An impaired driver can also get a driving

⁶¹ Licence withdrawal is only for reaching 18 demerit points (this applies to licence withdrawal due to alcohol, illicit drugs or medicines).
 DRUID 6th Framework Programme

ban from 1 year up to 10 years. For driving under influence of drugs imprisonment also follows, up to 12 months. However, if the impaired driver is involved in an accident, he or she can be imprisoned for up to 10 years (depending on the number of people injured or dead).

Non-prescribed medicines

There are no specific regulations for the different substances if these are prescribed as medicines. THC, amphetamines, methamphetamines, cocaine, methadone, benzodiazepines and others are treated as substances that negatively influence a driver's abilities and capabilities of driving.

In the case of driving under the influence of medicines the same sanctions are applied as in the case of driving under influence of illicit drugs. The fine can be up to 400 €. A person detected driving under the influence of non-prescribed medicines receives 9 demerit points and a driving ban from 1 year to 10 years. Imprisonment can be imposed for up to 12 months, but if an impaired driver is involved in an accident, imprisonment can be for up to 10 years (depending on the number of people injured or dead).

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprisonment	Probation	Driver assess.	Driver rehab.	Treatment program	Community service	Other
ALCOHOL											
Minimum	0	5	1 month	possible up		no	no	no	no	no	no
Maximum	400	9	10 years	to 6 months	1 year	no	no	no	no	no	no
ILLICIT DRUGS											
Minimum	0	9	1 year	possible up	1 year	no	no	no	no	no	no
Maximum	400	9	10 years	to 6 months	10 years	no	no	no	no	no	no
NON-PRESCRIBED MEDICINES											
Minimum	0	9	1 year	possible up	1 year	no	no	no	no	no	no
Maximum	400	9	10 years	to 6 months	10 years	no	no	no	no	no	no
MORE SEVERE CONSEQUENCES											
Recidivists	no	no	no	no	no	no	no	no	no	no	no
Accident	not specified	not specified	not specified	not specified	up to 10 years		no	no	no	no	no
Unsafe manoeuvre	no	no	no	no	no	no	no	no	no	no	no

Table 13.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment) and more severe consequences for special circumstances

Background Information on Sanctions

Table 13.3 presents total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines. The information listed below refers to 2008. In 2008, 20,239 impaired

drivers were fined (9,034 fines were for fouls (violations) and 11,205 fines were for crimes). In the same year, 5,571 demerit points were applied (2,981 for fouls (violations) and 2,590 for crimes). There were 8,637 driving licences withdrawn (administration-based withdrawals; there is no data for court-based licence withdrawals) and 315 impaired drivers were imprisoned.

Sanctions	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
Fines	⁶² /	/	/	20.239
Demerit points	/	/	/	5.571
Driving bans	/	/	/	
Licence withdrawals: - Administration-based - Court-based	/	/	/	8.637
Imprisonment	/	/	/	315
Other sanctions: _____				

Table 13.3: Total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines

If a driving licence has been withdrawn or the driver is banned but is nevertheless detected driving, the regular consequences in Hungary are a fine with a driving ban or just a fine. There is no data available on how many drivers per year have been detected driving while they have been banned or their licence withdrawn.

Driving while suspended

Consequences	
Number of offences/offenders of driving while suspended per year	fine; fine+driving ban no data

Table 13.4: Driving while suspended

There have been no evaluation studies in Hungary concerning the effectiveness of different sanctions for driving under the influence. Drivers under the influence of psychoactive substances are recorded in a register for traffic offences in order to identify recidivists. The general penal regulations are applied. Convicted drivers are registered for the length of the maximum possible period of imprisonment. It is 10 years if injuries have been caused in an accident. The legal system in Hungary does not provide an option of conditional withdrawal or conditional licence.

In Hungary it is possible to impose more than one sanction at the same time in the case of driving under the influence. In the case of a foul (violation) (BAC level 0.00-0.50 mg/l) it is possible to impose a fine and demerit points or fine, demerit points and driving ban. In the case of a crime (BAC level from 0.51 upwards or involvement in an accident) a fine in combination with imprisonment follows.

Availability of sanction-related issues	
Evaluation studies regarding	no

⁶² Written, if there was no answer given.
DRUID 6th Framework Programme

effectiveness of different sanctions	
Register of traffic offences in order to identify recidivists	Yes (for maximum 10 years)
Conditional withdrawal or conditional licence	no
Imposing more than one sanction at the same time	Yes (fine+demerit points, fine+demerit points+driving ban, fine+imprisonment)

Table 13.5: Availability of sanction-related issues

Hungary has a demerit point system. For 12 demerit points a driver gets a warning, for reaching 18 demerit points or more his licence is withdrawn.

Traffic Related Consequences of Psychoactive Substance Use in General

Selling, possessing or consuming illicit drugs in general, outside traffic, have no consequences on the driving licence. However, alcohol abuse or use of prescribed medicines outside traffic do have consequences for a driving licence. In the case of alcohol, a driver must apply for driver assessment. If a driver who consumes prescribed medicines fails a medical/psychological assessment, his driving license is withdrawn.

	Selling	Possessing	Consuming
Legal consequences concerning the driving licence	ILLCIT DRUGS		
	no	no	no
	ALCOHOL		
	no	no	Yes (driver assessment)
	MEDICINES		
	no	no	Yes (license withdrawal after failing medical/psychological assessment)

Table 13.6: Psychoactive substance use in general

Re-granting Procedure

The re-granting procedure in Hungary does not require medical assessment or screening for substance markers. Driver rehabilitation in Hungary follows in the case of an illicit drugs offence or medicines offence but not in the case of an alcohol offence. If a driving licence is withdrawn for more than 6 months, the driver must retake theoretical driving lessons. If a driving licence is withdrawn for more than 12 months, the driver must retake practical driving test and theoretical driving test. Other requirements for re-granting are not used in Hungary.

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	no	/	/
Psychological assessment	only in special cases	/	/
Screenings for substance markers in blood / urine / hair	no	no	no
Driver rehabilitation	in special cases	Only in special cases	Only in special cases
Treatment programme	/	/	/
Theoretical driving lessons	When licence was withdrawn for more than 6 months	When licence was withdrawn for more than 6 months	When licence was withdrawn for more than 6 months
Practical driving lessons	/	/	/
Theoretical driving test	When licence was withdrawn	When licence was withdrawn	When licence was

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
	for more than 12 months	for more than 12 months	withdrawn for more than 12 months
Practical driving test	When licence was withdrawn for more than 12 months	When licence was withdrawn for more than 12 months	When licence was withdrawn for more than 12 months
Other	/	/	/

Table 13.7: Re-granting procedure

16.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

In 2008, there were 4 systematic control activities conducted in relation to psychoactive substances in Hungary. Two of them were international, within the frame of TISPOL. In 2006, 40,721 drivers were detected driving under the influence of alcohol and 143 drivers detected under the influence of illicit drugs.

Police in Hungary have systematic police control strategies related to specific locations or areas and to specific events. Police control activities are more intensively conducted in summer and at the weekends in the vicinity of pleasure grounds (discos, bars etc. which are frequented by youth).

Police officers in random control events use breath tests and saliva tests. In the case of suspicion they can also use blood, urine and sweat tests. At the roadside, they conduct breathalyser tests and urine tests (however these are more rare because of the related costs).

Systematic police control activities	
Strategies	Yes, related to specific locations or areas and specific events
Annual frequency	4
Detection routines and procedures	
Breath test	Permitted at random, conducted at roadside
Blood test	Permitted in case of suspicion
Urine test	Permitted in case of suspicion, conducted at roadside (rarely)
Saliva test	Permitted at random
Sweat test	Permitted in case of suspicion
Impairment test	no
Other test:	no

Table 13.8: Police control activities and detection routines

Police officers' discretions and competences

Police officers are given specific training programmes for the detection of drivers under the influence. Their training programme includes theoretical lessons for detecting primary physical symptoms. They do not have

competence to decide whether or not to report to the administrative body or the prosecutor a driver detected of DUI.

Police officers in Hungary have the competence to confiscate a driving licence immediately at the roadside if a driver tests positive for psychoactive substances. However, they do not have the competence to confiscate the vehicle of an impaired driver at the roadside. The police can also arrest the driver and take him into custody for the purpose of driver identification and enforcement of blood test (if a driver refuses a test at the roadside).

Specific training programmes	Yes (theoretical lessons)
Deciding whether or not to report a driver detected for DUI to the administrative body or the prosecutor	no
If a driver tests positive for psychoactive substances, does the police officer have:	
competence to confiscate the driving licence immediately at the roadside	yes
competence to confiscate the vehicle (or the licence plate) at the roadside	no
competence to arrest the driver and take him into custody	Yes, in special cases

Table 13.9: Police officers' discretions

If a driver refuses to provide breath, blood, urine, saliva or sweat samples, a blood sample is enforced. If the driver tests positive for alcohol, an additional test for other psychoactive substances is taken in the case of suspicion and in the case of an accident. Drivers involved in accidents are always tested for alcohol and illicit drugs and sometimes for medicines (but only in the case of suspicion).

16.3 Psychoactive Substances and Driving: Sanctioning

Driving under the influence of alcohol, illicit drugs and medicines is an administrative and criminal offence in all cases.

Criminal Offences

It is not at the discretion of the prosecutor to decide whether or not to prosecute a driver detected of driving under the influence of psychoactive substances and it is not at the discretion of a judge to decide whether or not to convict a driver detected of driving under the influence of psychoactive substances.

Discretionary rights of the criminal body

A judge can determine the level of penalty within the framework of the penal findings. The period of time between detection of driving under the influence of psychoactive substances and conviction by a court is on average 6 months. There are options to reduce the suspension period after a driving licence has been withdrawn by participating in theoretical driving lessons (the collected demerit points can be reduced in this way).

Statistical overview

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
-------------------------	------	---------	---------------	-----------	----------

Detected driving under the influence by police	2006	40,721	143	/ ⁶³	/
Pursued by administrative body for driving under the influence		/	/	/	/
Sanctioned by administrative body for driving under the influence		/	/	/	/
Criminally prosecuted for driving under the influence		/	/	/	/
Convicted by court for driving under the influence		/	/	/	/

Table 13.10: Overall statistics

17 IRELAND

17.1 Psychoactive Substances and Driving: Legislation

DRIVER	BAC threshold
Normal driver	0.8 mg/ml
Novice driver	0.8 mg/ml
Young driver	0.8 mg/ml
Professional driver	0.8 mg/ml
Other:	

Table 14.1: BAC threshold for different groups of drivers

The official unit in Ireland is mg/100ml. The BAC for normal drivers is 80mg/100ml. There are 3 different BAC thresholds, 80mg/100ml, 100mg/100ml and 150mg/100ml. The sanctions for a driver detected for the first time under the influence of alcohol, illicit drugs or medicines in a usual police control event are a fine, driving ban and imprisonment.

Alcohol

In the case of an alcohol offence, a fine, driving ban and imprisonment can be imposed from 80mg/100ml upwards. The maximum fine is 5,000 EUR. A driving ban can be imposed for a maximum of 4 years. In the case of a BAC threshold of 80mg/100ml, a driving ban follows for one year. In the case of a BAC that is above 100mg/100ml, a 2-year driving ban is imposed. In the case of a BAC threshold of 150mg/100ml, the sanction is increased to 3 years. If the BAC threshold is higher than 80 mg/100ml, imprisonment can be imposed up to 6 months.

More severe consequences are not envisaged for young, novice or professional drivers, nor for making an unsafe manoeuvre or for involvement in an accident. There are more severe consequences for recidivists. The driving ban is doubled. For a BAC above 80 mg/ 100 ml it is 2 years, for a BAC above 100 mg/ 100 ml it is 4 years and for a BAC above 150 mg/ 100 ml it is 6 years.

⁶³ Written, if there was no answer given.
DRUID 6th Framework Programme

Illicit drugs

Impairment is an essential element of the DUID offence in Ireland. The offence in Ireland is driving under the influence of an intoxicant to such an extent as to be incapable of having proper control of the vehicle. Intoxicant includes alcohol and drugs and any combination of drugs or of drugs and alcohol. If found guilty, the sanctions in illicit drug cases are the same as in alcohol cases. The maximum fine is 5000 EUR. A driving ban for impaired driving is a maximum of 4 years. The maximum period of imprisonment is 6 months.

Non-prescribed medicines

There is no distinction made between illicit drugs and medicinal drugs. There are no special regulations for drivers detected under the influence of substances prescribed as medicines.

If found guilty, the sanctions in medicines cases are the same as in alcohol and illicit drugs cases. The maximum fine is 5,000 EUR. A driving ban for impaired driving is a maximum 4 years and the maximum period of imprisonment is 6 months.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver asses.	Driver rehab.	Treatment program	Community service	Other
ALCOHOL											
Minimum	0,00	no	1 year	no	0	no	no	no	no	no	no
Maximum	5.000,00	no	3 years	no	6 months	no	no	no	no	no	no
ILLICIT DRUGS											
Minimum	0,00	no	4years	no	0	no	no	no	no	no	no
Maximum	5.000,00	no	4 years	no	6 months	no	no	no	no	no	no
NON-PRESCRIBED MEDICINES											
Minimum	0,00	no	4years	no	0	no	no	no	no	no	no
Maximum	5.000,00	no	4 years	no	6 months	no	no	no	no	no	no
MORE SEVERE CONSEQUENCES											
Recidivists	no	no	Max. 6 years	no	no	no	no	no	no	no	no
Accident	no	no	no	no	no	no	no	no	no	no	no
Unsafe manoeuvre	no	no	no	no	no	no	no	no	no	no	no

Table 14.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment) and more severe consequences for special circumstances

Background Information on Sanctions

Table 14.3 presents the total numbers of the different sanctions for driving under the influence of alcohol, referring to 2007. In 2007, there were 11,899 fines, 12,639 driving bans and 572 imprisonments imposed. No other data were available regarding the number of sanctions in each of the categories for Ireland.

Sanctions	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
-----------	-------------------------	-------------------------------	--	--------------

Fines	2007: 11.899	/ ⁶⁴	/	/
Demerit points	/	/	/	/
Driving bans	2007: 12.639	/	/	/
Licence withdrawals: - Administration-based - Court-based	/	/	/	/
Imprisonment	572	/	/	/
Other sanctions:	/	/	/	/

Table 14.3: Total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines

If a driving licence has been withdrawn and the driver is detected driving anyway, sanctions that follow in Ireland are fine up to 5,000 EUR or imprisonment up to 6 months or both. There are no data of convicted offenders who were driving while suspended or of the number of such offences.

Driving while suspended

Consequences	If the driving licence is <u>withdrawn</u> : fine (up to 5,000 EUR) or imprisonment (up to 6 months) or both.
Number of offences/offenders of driving while suspended per year	/

Table 14.4: Driving while suspended

Legislation on a demerit point system in Ireland is not enacted yet and no date is set for the enactment of legislation. There have been no evaluation studies on the effectiveness of different sanctions. Drivers under the influence of psychoactive substances are recorded in a register for traffic offences in order to identify recidivists, since all court sentences are recorded. There is no option of conditional withdrawal or conditional licence. Imposing more than one sanction at the same time is possible in alcohol, illicit drug and in medicines cases, namely fine + driving ban + imprisonment.

Availability of sanction-related issues	
Evaluation studies regarding effectiveness of different sanctions	no
Register for traffic offences in order to identify recidivists	yes
Conditional withdrawal or conditional licence	no
Imposing more than one sanction at the same time	Yes, fine + driving ban + imprisonment

Table 14.5: Availability of sanction-related issues

Traffic Related Consequences of Psychoactive Substance Use in General

Selling, possessing or consuming illicit drugs outside road traffic has no legal consequences concerning the driving licence, nor do alcohol and medicine consumption. There are also no consequences for young, novice or professional drivers.

⁶⁴ Written, if there was no answer given.
DRUID 6th Framework Programme

Re-granting Procedure

In Ireland there is a provision in the Road Traffic Act to apply for the removal of disqualification by a judge once a person has been disqualified for more than 2 years. The person must have completed one half of the period specified. The judge may grant a reduction of disqualification having regard to the character of the applicant, his conduct after conviction and the nature of the offence. The disqualification will have effect for at least two thirds of the period specified in the order of disqualification.

17.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

There are no specific strategies regarding police control activities in Ireland and no complete information available regarding the annual frequency of systematic police control activities. The total number of persons detected driving under influence of alcohol in 2007 was 19,838, the number of psychoactive substances combined was 20,096.

Random breath screening for the presence of alcohol is permitted at the roadside. Evidentiary breath tests are permitted only at a police station. There are random checks at the roadside for alcohol and/or drugs, but blood or urine specimens are taken only at a police station or in a hospital. These follow in the case of suspicion of impairment by a police officer at the roadside or random checks at the roadside.

Systematic police control activities	
Strategies	no
Annual frequency	No complete information available
Detection routines and procedures	
Breath test	Permitted only in at a police station.
Blood test	Permitted only at a police station or in hospital.
Urine test	Permitted only at a police station or in hospital.
Saliva test	/
Sweat test	/
Impairment test	/

Other test:	/
-------------	---

Table 14.6: Police control activities and detection routines

Police officers' discretions and competences

There are no specific training programmes for police officers for detecting drivers under the influence. A police officer has no competence to confiscate a driving licence immediately at the roadside if the driver is detected positive. He does not have competence to confiscate the vehicle. Police officer has competence to arrest the driver and take him/her into custody on suspicion of drug driving.

The police have discretion to decide whether to obtain a specimen for analysis following an accident. The police do not have roadside test equipment to test for the presence of a drug or drugs at present. If a driver refuses to provide a breath / blood / saliva / sweat / urine sample the same consequences follow as for a person convicted of driving under the influence. The sanctions are set at the same level as the highest sanction for a person convicted of impaired driving. If the driver tests positive for alcohol, an additional test can follow in cases of suspicion of other psychoactive substances.

17.3 Psychoactive Substances and Driving: Sanctioning

Driving under the influence of alcohol, illicit drugs or medicines is considered to be a criminal offence in Ireland; in alcohol cases if the BAC is above 0.8 mg/mg and in cases of unsafe driving or in cases of obvious impairment. In illicit drugs cases and in medicine cases it is considered to be a criminal offence in the case of unsafe driving or in the case of obvious impairment.

Criminal Offences

In 2007, there were 16,560 persons prosecuted for driving under the influence of alcohol in Ireland and 12,639 persons convicted of driving under the influence of alcohol. The numbers of convictions and prosecutions are the numbers of offences and not the numbers of persons (some of these offences are carried out by the same person).

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Criminally prosecuted for driving under the influence	2007	16,560	⁶⁵ /	/	/
Convicted by court for driving under the influence	2007	12,639	/	/	/

Table 14.7: Statistics for criminal offences

Discretionary rights of the criminal prosecution body

Criminal prosecution bodies have different discretions. For example, if a driver is detected driving under the influence of psychoactive substances, the prosecutor has the discretion to decide whether or not to prosecute this driver. A reason for the latter might be if the evidence gathered had an obvious flaw. A court (judge) can also decide not to convict a driver based on the evidence before the court. The court also has discretion to determine the level of penalty, within the legal limits of fine, driving ban and imprisonment.

⁶⁵ Written, if there was no answer given.
DRUID 6th Framework Programme

Driver detected of driving under the influence of psychoactive substances

Discretion of the prosecutor to prosecute	Yes, the prosecutor can decide not to prosecute a driver
Discretion of the court (judge) to convict	Yes, the court can decide not to convict a driver
Discretion of the court (judge) to determine the level of penalty	Yes.

Table 14.8: Discretions of criminal prosecution bodies

The period of time between detection of driving under the influence of psychoactive substance and conviction by a court can vary greatly. However, the initial notification of intent to prosecute is usually given to a driver within 6 months.

Statistics overview

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Detected driving under the influence by police	2007	19.838	/ ⁶⁶	/	20.096
Pursued by administrative body for driving under the influence	/	/	/	/	/
Sanctioned by administrative body for driving under the influence	/	/	/	/	/
Criminally prosecuted for driving under the influence	2007	16.560	/	/	/
Convicted by court for driving under the influence	2007	12.639	/	/	/

Table 14.9: Statistics overview

18 ITALY**18.1 Psychoactive Substances and Driving: Legislation****Alcohol**

DRIVER	BAC threshold
Normal driver	0.5 g/l
Novice driver	0.5 g/l
Young driver	/
Professional driver	0.5 g/l
Other: licence withdrawal	0.5 g/l

Table 15.1: BAC threshold for different groups of drivers

The official BAC unit in Italy is in g/l. The BAC threshold⁶⁷ in Italy is 0.5 g/l for all drivers. According to the Italian Traffic Code possible sanctions for drivers detected for the first time under the influence of psychoactive substances in a normal police control event are a fine, demerit points, driving ban, licence withdrawal, imprisonment, medical driver assessment and confiscation of the vehicle. Thresholds for professional drivers and novice drivers (for the first 3 years after having obtained the driving licence) are the same as for normal drivers, but the penalty points are doubled and offenders are sentenced to driving licence review (medical

⁶⁶ Written, if there was no answer given.

⁶⁷ At the time of filling out the questionnaire, modifications of the BAC (towards zero tolerance) were under discussion.

assessment + theoretical and practical driving test). In the case of an accident caused by impaired driving, all sanctions are doubled.

In the case of alcohol, sanctions can be imposed from a BAC level of 0.5 g/l upwards. For a BAC level 0.5-0.8 g/l, a driver is penalised with a fine from 500 to 2,000 € and his driving licence is suspended for a period from 2-6 months. When the BAC threshold is between 0.8 and 1.5 g/l, the fine can vary from 800 to 3,200 € and the driver can be imprisoned for up to 6 months; his licence can be suspended for 6-12 months. For a BAC threshold higher than 1.5 g/l, the fine can vary from 1,500 to 6,000 €, the driving licence is suspended from 12-24 months, the vehicle is confiscated and the driver must undergo a medical assessment. If a driver detected with a BAC higher than 1.5 g/l is a professional driver, his driving licence is revoked. For driving under the influence of alcohol, a driver can receive 10 demerit points. In case of an accident caused by a driver under the influence of alcohol, all sanctions are doubled. Sanctions are also doubled for novice drivers detected under the influence of alcohol (drivers detected under the influence of alcohol within a period of three years after having gained their driving licence). In the case of being caught with a BAC over 1.5 g/l or under psychoactive substances driving a car that is not your own, the driving licence suspension period is doubled. All sanctions for driving under the influence of alcohol or psychoactive substances are increased by one third (1/3) to half (1/2) if the illicit act is committed between 22.00 and 07.00.

Illicit drugs

In the case of driving under the influence of illicit drugs, a fine can be imposed of 1,500 to 6,000 €. A driver can be imprisoned for 3 to 12 months and his licence can be suspended for 12 to 24 months. In addition, a driver receives 10 penalty points, penalised by confiscation of the vehicle and a compulsory medical assessment. If a driver detected under the influence of illicit drugs is a professional driver, his driving licence is revoked. In the case of an accident caused by a driver under the influence of drugs, all sanctions are doubled. Sanctions are also doubled for novice drivers (drivers within a period of three years of having gained their driving licence) detected under the influence of drugs. Novice drivers must also pass a medical assessment, and theoretical and practical driving tests in order to re-gain the driving licence. In the case of being caught with a BAC over 1.5 g/l or under psychoactive substances driving a car that is not your own, the driving licence suspension period is doubled. All sanctions for driving under the influence of alcohol or psychoactive substances are increased by one third (1/3) to half (1/2) if the illicit act is committed between 22.00 and 07.00.

Non-prescribed medicines

In the case of non-prescribed medicines, sanctions are the same as in case of illicit drugs.

An overview of sanctions for driving under influence under different conditions

Penalty	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver asses.	Driver rehab.	Treatment program	Community service	Other
ALCOHOL											
Minimum	500		2 months								confiscation of a vehicle
Maximum	6.000	10	24 months	yes	6 months		yes				
Penalty	Fine	Dem.	Driving	Licence	Imprison.	Probation	Driver	Driver	Treatment	Community	Other

	(€)	points	ban	withdrawal			asses.	rehab.	program	service	
ILLCIT DRUGS											
Minimum	1.500		12 months		3 months						confiscation of a vehicle
Maximum	6,000	10	24 months	yes	12 months		yes				
NON-PRESCRIBED MEDICINES											
Minimum	1.500		12 months		3 months						confiscation of a vehicle
Maximum	6,000	10	24 months	yes	12 months		yes				
MORE SEVERE CONSEQUENCES											
Recidivists											
Accident	double	double	double	double	double		double				
Unsafe manoeuvre											

Table 15.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a normal police control event (without obvious impairment) and more severe consequences for special circumstances

Background Information on Sanctions

In 2008, the Polizia Stradale and Carabinieri checked 1,393,467 drivers for psychoactive substances, 47,465 were detected under the influence of alcohol and 4,564 under the influence of illicit drugs. No data were available for non-prescribed medicines.

Sanctions	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
Fines	47.465	4.564	⁶⁸	/
Demerit points	/	/	/	/
Driving bans	/	/	/	/
Licence withdrawals: - administrative-based - court-based	/	/	/	/
Imprisonment	/	/	/	/
Other sanctions: _____				

Table 15.3: Total number of different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines

In relation to Articles 216-218 of the Traffic Code, a driver detected driving while his licence has been suspended can be fined 1,800-7,369 €, his driving licence can be withdrawn and his vehicle confiscated. No data were available on the number of drivers detected driving while suspended.

Driving while suspended	
Consequences	fine+driving licence withdrawal+confiscation of a vehicle
Number of offences/offenders of driving while suspended per year	no data available

Table 15.4: Driving while suspended

No evaluation studies have been carried out in Italy regarding the effectiveness of different sanctions. Driving violations are recorded in a register for traffic offences in order to identify recidivists. The legal system in Italy does not provide the option of conditional withdrawal of a driving license. It is possible to impose more than one

⁶⁸ Written, if there was no answer given.
DRUID 6th Framework Programme

penalty at the same time in the case of driving under the influence; this depends on the trial evaluation and conclusions.

Availability of data on sanction-related issues	
Evaluation studies regarding effectiveness of different sanctions	no
Register of traffic offences in order to identify recidivists	yes
Conditional withdrawal or conditional licence	no
Imposing more than one penalty at the same time	yes (trial evaluation+conclusions)

Table 15.5: Availability of data on sanction-related issues

If a driver reaches 20 demerit points, his driving licence is withdrawn. Re-examination is compulsory for re-granting the licence (a course in a driving school; exam/evaluation at the end not always compulsory).

Traffic Related Consequences for Psychoactive Substance Use in General

Selling, possessing and consuming of illicit drugs, alcohol or medicines outside a driving situation does not have any consequences on the driving licence.

Re-granting Procedure

Drivers detected with a BAC level higher than 1.5 g/l and drivers detected under the influence of illicit drugs or medicines have to fulfil the following requirements to re-grant their driving licence: medical assessment, psychological assessment and screening for substance markers. If a driver, who is detected under the influence of psychoactive substances, is a novice driver, he must retake practical driving lessons and pass theoretical and practical driving test.

Requirements for re-granting a driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	above BAC 1.5	always	always
Psychological assessment	above BAC 1.5	always	always
Screenings for substance markers in blood/urine/hair	above BAC 1.5	always	always
Driver rehabilitation	no	no	no
Treatment programme	no	no	no
Theoretical driving lessons	no	no	no
Practical driving lessons	novice drivers	novice drivers	novice drivers
Theoretical driving test	novice drivers	novice drivers	novice drivers
Practical driving test	novice drivers	novice drivers	novice drivers
Other	no	no	no

Table 15.6: Re-granting procedure

18.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

In Italy the police have strategies of systematic police control activities related to weekday, daytime, specific areas and locations and specific events. In 2008, the Polizia Stradale and Carabinieri checked 1,393,467 drivers for psychoactive substances.

Police can randomly check drivers at the roadside with breath, saliva, urine or sweat tests. All tests are conducted at the roadside. If a driver is caught in a pre-test (e.g., saliva, with the cozart test) drug positive, the police can withdraw his license for 10 days, within which time the health system must provide a confirmation of the pre-test, with urine or blood test. If the health system fails to provide such confirmation, the license is given back. The main campaign against drug driving (conducted in the Piedmont Region) caused a lot of public discussion at national level because 9 % of the total population pre-tested for drug driving were positive (142 subjects out of 1,659 checked for drug driving were detected positive) but only 4 % were confirmed by the health system. There could be many reasons for that: the pre-tests were perhaps false positive or the saliva test detects cannabis immediately, while it takes a while to be detected in the urine.

Systematic police control activities	
Strategies	yes, related to weekday, daytime, specific areas and locations and specific events
Annual frequency	no data available
Detection routines and procedures	
Breath test	permitted at random, conducted at roadside
Blood test	no
Urine test	conducted at roadside
Saliva test	permitted at random, conducted at roadside
Sweat test	permitted at random, conducted at roadside
Impairment test	no
Other test: _____	no

Table 15.7: Police control activities and detection routines

Police officers' discretions and competences

In Italy, police officers receive some specific training on the detection of drivers under the influence of psychoactive substances. Police officers have the competence to confiscate a driving licence and vehicle immediately at the roadside, but only in special cases. Police officers do not have the competence to arrest a driver and take him into custody. Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor is not at the discretion of police.

Specific training programmes	yes
Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor	no
If the driver tests positive for psychoactive substances, does the police officer have:	
the competence to confiscate the driving licence immediately at the roadside	yes, in special cases

the competence to confiscate the vehicle (or the licence plate) at the roadside	yes, in special cases
the competence to arrest the driver and take him into custody	no

Table 15.8: Police officers' discretions

If a driver refuses to provide breath/urine/saliva/sweat samples, he is sanctioned more severely, as drivers detected with BAC level higher than 1.5 g/l. If a driver tests positive for alcohol, an additional test for other psychoactive substances is performed in the case of suspicion. In the case of an accident, a driver is tested for psychoactive substances in the case of suspicion.

18.3 Psychoactive Substances and Driving: Sanctioning

Driving under the influence of alcohol is considered a criminal offence in Italy, but only in cases when the BAC threshold is above 0.5 g/l, in cases of unsafe driving or obvious impairment and in cases of accident involvement. Driving under the influence of illicit drugs or medicines is considered as a criminal offence in all cases.

Criminal Offences: Discretion rights of the criminal body

It is at the discretion of a prosecutor to decide whether or not to prosecute a driver. The prosecutor also has discretion in recommending appropriate penalties, once a case has been heard and decided.

The court has no discretion to decide whether or not to convict an impaired driver but it has discretion to decide on the level of punishment. The court's discretion in determining penalties ranges within minimum and maximum limits fixed by law. Judges' discretion can take several forms: they can postpone sentence for up to 2 years or reduce punishments for first offenders.

A lawyer may bargain between minimum and maximum sentences. In challenging the position of the prosecutor, an accused offender is allowed to bring a toxicologist to the proceeding to challenge the quality of the biological sampling procedure. The judge also has his own consultant on toxicology, with whom he can confer.

Driver detected of driving under the influence of psychoactive substances

Discretion of the prosecutor to prosecute	yes
Discretion of the court (judge) to convict	no
Discretion of the court (judge) to determine the level of penalty	yes

Table 15.9: Discretions of criminal bodies

There are no options in Italy to reduce the suspension period after a driving licence has been withdrawn.

Statistical overview

Total number of persons	YEAR	ALCOHOL	ILLCIT DRUGS	MEDICINES	COMBINED
Detected driving under the influence by police	2008	47,465	4,564	⁶⁹	/
Pursued by administrative body for	/	/	/	/	/

⁶⁹ Written, if there was no answer given.
DRUID 6th Framework Programme

driving under the influence					
Sanctioned by administrative body for driving under the influence	/	/	/	/	/
Criminally prosecuted for driving under the influence	/	/	/	/	/
Convicted by court of driving under the influence	/	/	/	/	/

Table 15.10: Overall statistics

19LATVIA

19.1 Psychoactive Substances and Driving: Legislation

DRIVER	BAC threshold
Normal driver	0.5 mg/g
Novice driver ⁷⁰ (experience up to 2 years)	0.2 mg/g
Professional driver	0.5 mg/g
Other: licence withdrawal	> 0.5 mg/g

Table 16.1: BAC threshold for different groups of drivers

The official unit in Latvia is mg/g. The BAC for normal drivers is 0.5 mg/g. In Latvia the sanctions for drivers detected for the first time under the influence of alcohol and illicit drugs in a usual police control event are a fine, demerit points, licence withdrawal and imprisonment.

There are more severe consequences for young, novice, professional drivers and recidivists. In the case of repeat offenders, if a person operates a vehicle, or gives instructions regarding practical operation of a vehicle, while under the influence of alcohol, or narcotic, psychotropic, toxic or other intoxicating substances, and if this offence is repeated within a one year period, the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage, with deprivation of the right to operate a vehicle for a term not exceeding five years and with or without confiscation of property. If a person who operates a vehicle, or gives instructions regarding practical operation of a vehicle, does not have a vehicle driving licence (the vehicle driving licence has not been acquired or has been taken away according to specific procedures) and if the driver is under the influence of alcohol, or narcotic, psychotropic, toxic or other intoxicating substances, the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage, with deprivation of the right to operate a vehicle for a term not exceeding five years and with or without confiscation of property.

In the case of driving a vehicle under the influence of a medicinal product that decreases the time reaction and awareness, being sick or being tired to the extent that it influences the driver's ability and road traffic safety, a fine shall be imposed on the driver of the vehicle in an amount from 43 € to 286 € (30 to 200 LS).

⁷⁰ Novice driver (it is not always young driver) is driver with experience up to 2 years, irrespective of age where the driver licenses is obtaining.

Alcohol

In the case of alcohol, a fine can be imposed from 0.5 mg/g upwards in an amount varying from 140 € (100 LS) to 715 € (500 LS). Licence withdrawal is possible from 3 months to 2 years. Imprisonment can last 5 to 15 days. Driving under the influence of alcohol is sanctioned with a minimum 6 penalty points and maximum 8 points.

Illicit drugs

In the case of driving under the influence of illicit drug, the maximum fine is 715 € (500 LS). Licence withdrawal is possible for a maximum of 2 years. Imprisonment can be imposed between 10 and 15 days. Driving under the influence of illicit drugs is sanctioned with 8 demerit points.

Non-prescribed medicines

If a driver is detected under the influence of non-prescribed medicines in a usual police control event, a fine can be imposed between 43 € (30 LS) and 286 € (200 LS). Driving under the influence of non-prescribed medicines is sanctioned with 3 demerit points.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver asses.	Driver rehab.	Treatment program	Community service	Other
ALCOHOL											
Minimum	140	6	no	3 months	5 days	no	no	no	no	no	no
Maximum	715	8		3 years	15 days						
ILLCIT DRUGS											
Minimum	/	/	no	/	10 days	no	no	no	no	no	no
Maximum	715	8		2 years	15 days						
NON-PRESCRIBED MEDICINES											
Minimum	43	/	no	no	no	no	no	no	no	no	no
Maximum	286	3									
MORE SEVERE CONSEQUENCES											
Recidivists	max 50 minimum monthly wages	no	max 5 years	no	max 2 years	no	no	no	no	yes	confiscation of property
Accident	no	no	no	no	no	no	no	no	no	no	no
Unsafe manoeuvre	no	no	no	no	no	no	no	no	no	no	no

Table 16.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment) and more severe consequences for special circumstances

Background Information on Sanctions

Table 16.3 shows total numbers of different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines. In 2008, there were 10,052 fines applied for driving under the influence of alcohol, 339 fines for driving under the influence of illicit drugs and 58 fines for driving under the influence of non-prescribed medicines. In the same year, there were 10,052 demerit points imposed for driving under the influence of alcohol, 339 demerit points imposed for driving under the influence of illicit drugs and 58 demerit points imposed for driving under the influence of non-prescribed medicines.

For driving under the influence of alcohol, 1,832 administration-based license withdrawals were imposed and 8,193 court-based license withdrawals. For driving under the influence of illicit drugs, 339 court-based license withdrawals were imposed. 8,193 prison sentences were imposed for driving under the influence of alcohol and 339 prison sentences for driving under the influence of illicit drugs.

Sanctions	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
Fines	10,052	339	58	
Demerit points	10,052	339	58	
Driving bans	/ ⁷¹	/	/	
Licence withdrawals:			/	
- Administration-based	1,832			
- Court-based	8,193	339		
Imprisonment	8,193	339	/	
Other sanctions: _____				

Table 16.3: Total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines

Selling, possessing or consuming of alcohol, illicit drugs or medicines outside traffic has no legal consequences for the driving licence.

In the case of driving a vehicle, if there is no driving licence (the driving licence has not been obtained according to the specified procedures or has been suspended) or if there is a ban on using the driving licence, which has been applied within the violation point system, a fine is imposed on the driver of the vehicle from 286 € to 428 € (200 to 300 LS). In 2008, there were 22,356 convictions for driving while suspended. In 2007, there were 19,983 such offenders.

Driving while suspended

Consequences	fine 286 € to 428 € (200 to 300 LS)
Number of offences/offenders of driving while suspended per year	2008: 22,356 offenders 2007: 19,983 offenders

Table 16.4: Driving while suspended

Table 16.5 represents data on background information on sanctions. There have been no evaluation studies in Latvia concerning the effectiveness of different sanctions. Drivers under the influence of psychoactive substances are recorded in a register for traffic offences in order to identify recidivists. There is no option of conditional withdrawal or conditional licence. Imposing more than one sanction at the same time in case of driving under the influence is possible. A possible combination is fine + demerit points + imprisonment.

Availability of sanction-related issues	
Evaluation studies regarding effectiveness of different sanctions	No.
Register for traffic offences in order to identify recidivists	Yes.
Conditional withdrawal or conditional licence	No.
Imposing more than one sanction at the same time	Yes, fine + demerit points + imprisonment.

Table 16.5: Availability of sanction-related issues

Latvia has a well developed demerit point system (counted upwards). For driving under the influence of non-prescribed medicines, 3 demerit points are applied. For driving under the influence of alcohol, 6 to 8 demerit points are applied; for driving under the influence of illicit drugs, 8 points are applied. When a driver reaches 4

⁷¹ Written, if there was no answer given.
DRUID 6th Framework Programme

points, he receives a warning - information is sent by post to a driver regarding the number of points registered for him/her. When the driver reaches 8 or 12 points, the consequences are training sessions on matters of road traffic safety. When he reaches 16 points, an examination on road traffic safety follows, with an examination of driving skills. The driver is prohibited to drive for one year if the maximum number of points has been reached or while the maximum number of points remains.

Demerit point system

Number of points	Consequences
3	for driving under the influence of non-prescribed medicines
4	warning
6-8	for driving under the influence of alcohol
8	for driving under the influence of drugs training sessions on matters of road traffic safety
12	training sessions on matters of road traffic safety
16	examination on matters of road traffic safety & of driving skills; driving ban for one year if the maximum number of points has been reached, or while the maximum number of points remain

Table 16.6: Demerit point system

Re-granting Procedure

If a driving licence has been withdrawn due to an alcohol and illicit drug offence, re-granting is possible. For alcohol and drugs offences, the requirements are a medical assessment, psychological assessment, screenings for substances markers in blood/urine/hair, theoretical and practical test and all these requirements are always imposed. There are no other requirements for re-granting the driving licence.

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	Always.	Always.	No.
Psychological assessment	Always.	Always.	No.
Screenings for substance markers in blood / urine / hair	Always.	Always.	No.
Driver rehabilitation	No.	No.	No.
Treatment programme	No.	No.	No.
Theoretical driving lessons	No.	No.	No.
Practical driving lessons	No.	No.	No.
Theoretical driving test	Always.	Always.	No.
Practical driving test	Always.	Always.	No.
Other			

Table 16.7: Re-granting procedure

19.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

In Latvia strategies of police control activities are related to weekdays, daytime, specific locations and areas and specific events. In 2008, systematic police control activities took place once a week. The total number of persons detected driving under the influence of psychoactive substances in 2008 was 300,000.

Detection routines in police control activities are breath test, blood test, urine test, saliva test and sweat test. A breath test is permitted at random, in the case of suspicion and can be conducted at the roadside. Blood test, urine test and sweat test are permitted only in the case of suspicion and cannot be conducted at the roadside. A saliva test is permitted only in the case of suspicion and can be conducted at the roadside.

Systematic police control activities	
Strategies	Yes, related to weekdays, daytime, specific locations and areas and specific events
Annual frequency	once a week
Detection routines and procedures	
Breath test	Permitted at random, only in case of suspicion, conducted at roadside
Blood test	Permitted only in case of suspicion, not conducted at roadside
Urine test	Permitted only in case of suspicion, not conducted at roadside
Saliva test	Permitted only in case of suspicion, conducted at roadside
Sweat test	Permitted only in case of suspicion, not conducted at roadside
Impairment test	/
Other test:	/

Table 16.8: Police control activities and detection routines

Police officers' discretions and competences

There are not specific training programmes for police officers regarding detection of drivers under the influence. Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor is at the discretion of the police. A police officer has the competence to confiscate a driving licence immediately at the roadside if the driver tests positive. He also has the competence to confiscate the vehicle (or the licence plate) at the roadside if the driver tests positive. He does not have the competence to arrest the driver and take him into custody.

Specific training programmes	No
Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor	Yes.
If a driver tests positive for psychoactive substances, does the police officer have:	
competence to confiscate the driving licence immediately at the roadside	Yes, in any case the driver is tested positive.
competence to confiscate the vehicle (or the licence plate) at the roadside	Yes, in any case the driver is tested positive.
competence to arrest the driver and take him into custody	No.

Table 16.9: Police officers' discretions

In the case of a refusal to submit to a test for alcohol concentration, or a test for narcotic or other intoxicating substances, a fine is imposed on the driver of a bicycle or moped amounting to 85 € (60 LS); for a driver who does not possess a driving licence (where the driving licence has not been obtained pursuant to the prescribed procedures or has been suspended), administrative detention is imposed for a period from 10 to 15 days, a fine of 715 € (500 LS) and a prohibition on obtaining a driving licence for a period of three years is imposed; for a driver of a bus, administrative detention is imposed for a period from 10 up to 15 days, a fine of 715 € (500 LS) is imposed with a suspension of the D category driving licence for a period of 5 years and a suspension of the driving licence for other vehicles for a period of 2 years, but for a driver of other vehicles, administrative detention is imposed for a period from 10 up to 15 days and a fine of 715 € (500 LS) with suspension of the driving licence for a period of 2 years.

If a driver tests positive for alcohol, no further test is taken or an additional test for other psychoactive substances is taken in the case of suspicion. If the driver is involved in an accident, he is tested for alcohol in every case.

19.3 Psychoactive Substances and Driving: Sanctioning

Driving under the influence of alcohol and illicit drugs is considered as an administrative offence in Latvia and a criminal offence in case of repeat violations.

Administrative Offences

In 2008, there were 10,052 persons pursued for driving under the influence of alcohol, 339 persons pursued for driving under the influence of illicit drugs and 58 persons pursued for driving under the influence of medicines in Latvia. Other data for this category are unknown.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Pursued by administrative body for driving under the influence	2008	10.052	339	58	⁷² /
Sanctioned by administrative body for driving under the influence	/	/	/	/	/

Table 16.10: Statistics for administrative offences

Discretionary rights of the administrative body

It is not at the discretion of the administrative body to decide whether or not to pursue or sanction a driver detected of driving under the influence of psychoactive substances. The length of time between police detection of driving under the influence of drugs and sanctioning by the administrative body is 3 days.

Criminal Offences

DRUID WP6 received no information on criminal offences. There are no options to reduce the suspension period after a driving licence has been withdrawn.

20 LITHUANIA

20.1 Psychoactive Substances and Driving: Legislation

DRIVER	BAC threshold
Normal driver	0.4 g/kg
Novice driver	0.2 g/kg
Young driver	no
Professional driver	0.2 g/kg
Other: licence withdrawal	> 0.4 g/kg

Table 17.1: BAC threshold for different groups of drivers

The official unit in Lithuania is g/kg. The BAC for normal drivers is 0.4 g/kg. The sanctions for a driver detected for the first time under the influence of alcohol in a usual police control event are a fine, driving ban, imprisonment, driver assessment and driver rehabilitation.

⁷² Written, if there was no answer given.
DRUID 6th Framework Programme

The sanctions for a driver detected for the first time under the influence of illicit drugs in a usual police control event are a fine, driving ban, licence withdrawal and imprisonment. The sanctions for a driver detected for the first time under the influence of medicines in a usual police control event are a fine, licence withdrawal, imprisonment, driver assessment and driver rehabilitation.

Alcohol

In the case of alcohol, a fine can be imposed from 0.2 g/kg upwards and it can be from 300 LT (87 EUR) to 3,000 LT (870 EUR). The driving ban and licence withdrawal can be imposed from 0.4 g/kg upwards and can last from 12 months to 36 months. Driver assessment and driver rehabilitation can be imposed from BAC 0.4 g/kg upwards. Imprisonment can be imposed from 1.51 g/kg upwards and can last from 10 days to 30 days. More severe consequences are not envisaged for young drivers, but they are for novice drivers, professional drivers, recidivists, for making an unsafe manoeuvre and for involvement in an accident.

Novice drivers in Lithuania are drivers with driving experience up to 2 years. When detected for the first time under the influence of alcohol in a usual police control event with BAC from 0.2 g/kg to 0.4 g/kg a fine from 800 LT (232 EUR) to 1,000 LT (290 EUR) can be imposed. Professional drivers, driving vehicles with a maximum allowed weight of 3.5 tones and with more than 9 seats, detected for the first time under the influence of alcohol in a usual police control event with BAC from 0.2 g/kg to 0.4 g/kg can be fined from 500 LT (150 EUR) to 1,000 LT (290 EUR). If a driving instructor is under the influence of alcohol, drugs or psychotropic substances during practical teaching or refuses a test for alcohol, drugs and psychotropic substances, fine from 500 LT (150 EUR) to 1,000 LT (290 EUR) can be imposed. Withdrawal of driving licence for 11 months to 13 months can be imposed. Drivers of juridical persons are regularly tested. If they are driving under the influence of alcohol or are intoxicated by drugs or psychotropic substances, they are removed from driving motor vehicles and sent for medical examination to identify insobriety or intoxication.

Recidivists detected driving under the influence of alcohol in a usual police control event can be sanctioned with licence withdrawal for 3 years to 4 years. The motor vehicle may also be confiscated.

For making an unsafe manoeuvre, a fine of 2,000 LT (580 EUR) to 5,000 LT (1,450 EUR) or licence withdrawal for 24 months to 60 months can be imposed. The motor vehicle may also be confiscated. A driver can be imprisoned for 10 days to 30 days in an administrative procedure.

All consequences of driving under the influence of alcohol are regulated by the Lithuanian Code of Administrative Offences (Law No X-4449 of 13 December 1984; Article No 126).

Illicit drugs

In the case of illicit drugs, a fine can be imposed. It can be from 1,000 LT (290 EUR) to 3,000 LT (870 EUR). A driving ban can last from 1 year to 3 years. Licence withdrawal can last from 2 years to 3 years. Imprisonment can last from 10 days to 30 days. Only one of the aforementioned sanctions is usually applied.

More severe consequences are not envisaged for young drivers, novice drivers, professional drivers, recidivists, for making an unsafe manoeuvre or for accident involvement.

All consequences of driving under the influence of illicit drugs and non-prescribed medicines are regulated by the Lithuanian Code of Administrative Offences (Law No X-4449 of 13 December 1984; Article No 126).

Non-prescribed medicines

In the case of non-prescribed medicines, a fine can be imposed of 1,000 LT (290 EUR) to 3,000 LT (870 EUR). Licence withdrawal can last from 2 years to 3 years. Imprisonment can be imposed for 10 days to 30 days. A driving ban is also possible and can last from 1 year to 3 years. Driver assessment or driver rehabilitation is additionally possible. More severe consequences are not envisaged for young drivers, novice drivers, professional drivers, recidivists, for making an unsafe manoeuvre or for involvement in an accident.

There are no special regulations for drivers detected under the influence of substances prescribed as medicines, such as THC, amphetamines, methamphetamines, cocaine, opioid analgesics, substitutes (e.g. methadone) or Benzodiazepines, since they are regulated as illicit drugs in the Lithuanian Code of Administrative Offences (Law No X-4449 of 13 December 1984; Article No 126). According to government regulations, the Road Traffic Rules, driving is forbidden for persons who have no driving licence, are drunk, under the influence of drugs or are tired, but there is no "direct" legal regulation in Lithuania of substances prescribed as medicines.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver asses.	Driver rehab.	Treatment program	Community service	Other
ALCOHOL											
Minimum	300 LT (87 EUR)	no	1 year	12 months	10 days	no	Not specified	Not specified	no	no	no
Maximum	3000 LT (870 EUR)	no	3 years	36 months	30 days	no	Not specified	Not specified	no	no	no
ILLICIT DRUGS											
Minimum	1000 LT (290 EUR)	no	1 year	2 years	10 days	no	no	no	no	no	no
Maximum	3000 LT (870 EUR)	no	3 years	3 years	30 days	no	no	no	no	no	no
NON-PRESCRIBED MEDICINES											
Minimum	1000 LT (290 EUR)	no	1 year	2 years	10 days	no	no	no	no	no	no

Maximum	3000 LT (870 EUR)	no	3 years	3 years	30 days						
MORE SEVERE CONSEQUENCES											
Recidivists	no	no	no	yes	no	no	no	no	no	no	no
Accident	Yes	no	no	yes	Yes (arrest)	no	no	no	no	no	Confiscate motor vehicle
Unsafe manoeuvre	yes	no	no	yes	no	no	no	no	no	no	Confiscate motor vehicle

Table 17.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment) and more severe consequences for special circumstances

Background Information on Sanctions

Table 17.3 shows the total numbers of different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines. The information is available for 2008. There were 21,201 fines imposed, 11,708 court-based licence withdrawals and 1,797 prison sentences imposed.

Sanctions	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
Fines	/ ⁷³	/	/	21.201
Demerit points	/	/	/	/
Driving bans	/	/	/	/
Licence withdrawals: - Administration-based - Court-based	/	/	/	11.708
Imprisonment	/	/	/	1.797
Other sanctions: _____	/	/	/	/

Table 17.3: Total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines

If a driving licence is withdrawn and the driver is detected driving, sanctions in Lithuania are the following: fine from 1,500 LT (435 EUR) to 2,000 LT (580 EUR) or the driver is arrested. In 2001, there were 1,579 such offences.

Driving while suspended

Consequences	If the driving licence is <u>withdrawn</u> : fine from 1,500 LT (435 EUR) to 2,000 LT (580 EUR), or arrest
Number of offences/offenders of driving while suspended per year	2001: 1,579 offences

Table 17.4: Driving while suspended

⁷³ Written, if there was no answer given.
DRUID 6th Framework Programme

There is no demerit point system in Lithuania. There have been no evaluation studies concerning the effectiveness of different sanctions in past years. Drivers under the influence of psychoactive substances are recorded in a register for traffic offences in order to identify recidivists. There is an option of conditional withdrawal for drug addicts, drug abusers and regular drug and alcohol using persons, severely mentally disordered or severely mentally handicapped persons and so on. Under the regulations of the Minister of Health, during the medical procedure it is determined whether the condition of a person satisfies the minimum mental and physical norms and if a person wants to drive an appropriate category of the vehicle. The DRUID WP6 group did not receive any information on possibilities of imposing more than one sanction at the same time.

Availability of sanction-related issues	
Evaluation studies regarding effectiveness of different sanctions	no
Register for traffic offences in order to identify recidivists	yes
Conditional withdrawal or conditional licence	Yes, drug or alcohol addicts/abusers
Imposing more than one sanction at the same time	/

Table 17.5: Availability of sanction-related issues

Traffic Related Consequences of Psychoactive Substance Use in General

In the case of consuming illicit drugs, a medical and psychological driver assessment follows and if this is failed, the licence is withdrawn. According to the Order of Control of Drivers' Health, approved by the Ministry of Health of Lithuania on 10 October 2008 (Žin., 2008, Nr. 121-4626) every driver must pass a health examination before receiving a driving licence. Further health controls are carried out periodically. A driving licence is not granted to drug addicts, drug abusers and regular drug users. After successful treatment of such drivers, an individual judgement is made on his or her driving licence. He or she may be allowed to drive again after receiving a positive medical commission conclusion. Any person with an addiction disorder must not have less than 3 years of remission. More severe consequences are not envisaged for young, novice or professional drivers.

In the case of alcohol addiction, a medical and psychological driver assessment is required. Licence withdrawal is imposed if such an assessment is failed. In the case of abuse, addiction and regular use of medicines which can have a negative impact on driving, a medical and psychological driver assessment is required and licence withdrawal follows if this is failed.

The same provision is applied here as above, according to the Order of Control of Drivers' Health, approved by the Ministry of Health of Lithuania on 10 October 2008 (Žin., 2008, Nr. 121-4626), every driver must pass a health examination before receiving a driving licence. Further health controls are carried out periodically. A driving licence is not granted to drug addicts, drug abusers and regular drug users. After successful treatment of such a driver, an individual judgement is made about his driving licence. He may be allowed to drive again after receiving a positive medical commission conclusion. Any person with an addiction disorder must not have less than 3 years of remission. An individual decision is made about motor vehicle categories, which are forbidden to be driven. More severe consequences are not envisaged for young, novice or professional drivers.

	Selling	Possessing	Consuming
--	---------	------------	-----------

	Selling	Possessing	Consuming
Legal consequences concerning the driving licence	ILLCIT DRUGS		
	/	/	Yes.
	ALCOHOL		
	/	/	Yes, in special cases, for example abuse.
	MEDICINES		
	/	/	Yes, in special cases, for example abuse.

Table 17.6: Psychoactive substance use in general

Re-granting Procedure

DRUID WP6 group received information regarding the procedure for re-granting of a licence if it had been withdrawn due to an alcohol, illicit drug or medicines offence. Medical assessment, driver rehabilitation, theoretical and practical driving test may be imposed. There is no treatment programme or theoretical or practical driving lessons.

A person whose licence has been withdrawn must have compulsory training about the harm caused by alcohol and drug consumption. This compulsory training includes "aid training programme, compulsory hygiene skills training programme and compulsory training about the harm of alcohol and drugs to human health and a training programme certificate." (Žin., 2008, Nr. 14 - 490). It was approved by the Minister of Health Care of the Republic of Lithuania on 28th January 2008, Nr. V – 69).

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	Always	Always	Always
Psychological assessment	/ ⁷⁴	/	/
Screenings for substance markers in blood / urine / hair	/	/	/
Driver rehabilitation	Always	Always	Always
Treatment programme	no	no	no
Theoretical driving lessons	no	no	no
Practical driving lessons	no	no	no
Theoretical driving test	Always	Always	Always
Practical driving test	Always	Always	Always
Other	Training about the harm of using alcohol and drugs	Training about the harm of using alcohol and drugs	Training about the harm of using alcohol and drugs

Table 17.7: Re-granting procedure

20.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

Strategies of police control activities are related to specific locations and specific events. Police control activities were conducted 9 times in 2008. There were 23,249 persons detected of driving under influence of

⁷⁴ Written, if there was no answer given.
DRUID 6th Framework Programme

psychoactive substances in 2008. Detection routines used in police control activities are breath tests, blood tests, urine tests, saliva tests and sweat tests. Of these, breath tests are permitted at random and are conducted at the roadside. Saliva tests are permitted only in the case of suspicion and are conducted at the roadside. Blood, urine and sweat tests are permitted only in the case of suspicion.

Systematic police control activities	
Strategies	Yes, related to specific locations, specific events
Annual frequency	2008: 23,249
Detection routines and procedures	
Breath test	Permitted at random, conducted at roadside
Blood test	Permitted only in case of suspicion
Urine test	Permitted only in case of suspicion
Saliva test	Permitted only in case of suspicion, conducted at roadside
Sweat test	Permitted only in case of suspicion
Impairment test	/
Other test:	/

Table 17.8: Police control activities and detection routines

Police officers' discretions and competences

There are specific training programmes for police officers for the detection of drivers under the influence. Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor is not at the discretion of the police. The police officer has the competence to confiscate a driving licence immediately at the roadside if the driver is detected positive. He has competence to confiscate the vehicle, too, for the same reason. He also has the competence to arrest a driver and take him into custody, but only in the special case of an accident with fatalities or injuries.

Specific training programmes	Yes
Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor	No
If the driver tests positive for psychoactive substances, does the police officer have:	
competence to confiscate the driving licence immediately at the roadside	Yes, when the driver tests positive
competence to confiscate the vehicle (or the licence plate) at the roadside	Yes, when the driver tests positive
competence to arrest the driver and take him into custody	Yes, but only in the case of an accident with fatalities or injuries

Table 17.9: Police officers' discretions

If a driver is involved in an accident, he is tested for alcohol, illicit drugs and medicines in the case of suspicion or accident with fatalities or injuries. If the driver refuses to provide a breath / blood / saliva / sweat / urine sample the same consequences follow as for a BAC of 1.5 g/kg or more and same consequences as for drivers under the influence of illicit drugs. If the driver tests positive for alcohol, no further test is taken.

20.3 Psychoactive Substances and Driving: Sanctioning

In Lithuania, driving under the influence of alcohol and illicit drugs is considered to be an administrative and also a criminal offence in the case of accident involvement.

Administrative Offences

The DRUID WP6 group received no information on the number of persons pursued for driving under the influence of psychoactive substances, but only information on the number of persons sanctioned for driving under the influence of psychoactive substances. In 2008, 25,968 persons were sanctioned for driving under the influence of psychoactive substances.

Discretionary rights of the administrative body

It is not at the discretion of the administrative body to decide whether or not to pursue a driver detected of driving under the influence of psychoactive substances. It is also not at the discretion of the administrative body to decide whether or not to sanction a driver detected of driving under the influence of psychoactive substances.

No information was given on the average period of time between detection of driving under the influence of psychoactive substances and sanctioning by the administrative body.

Criminal Offences

In 2008, 367 persons were prosecuted for driving under the influence of psychoactive substances and 246 persons convicted for driving under the influence of psychoactive substances.

Total number of persons	YEAR	ALCOHOL	ILLCIT DRUGS	MEDICINES	COMBINED
Criminally prosecuted for driving under the influence	2008	/ ⁷⁵	/	/	367
Convicted by court for driving under the influence	2008	/	/	/	246

Table 17.10: Statistics for criminal offences

Discretion rights of the criminal prosecution body

It is not at the discretion of the criminal prosecution body to decide whether or not to prosecute a driver detected of driving under the influence of psychoactive substances nor at the discretion of the court (judge) to decide whether or not to convict a driver detected of driving under the influence of psychoactive substances. However, the court can determine the level of penalty, namely fine, arrest, licence withdrawal and imprisonment.

Driver detected of driving under the influence of psychoactive substances

Discretion of the prosecutor to | no

⁷⁵ Written, if there was no answer given.
DRUID 6th Framework Programme

prosecute	
Discretion of the court (judge) to convict	no
Discretion of the court (judge) to determine the level of penalty	Yes, fine, arrest, licence withdrawal and imprisonment

Table 17.11: Discretions of criminal prosecution bodies

No information was received on the average period of time between detection of driving under the influence of psychoactive substances and conviction by the court. In Lithuania there is a possibility of reducing the suspension period after a driving licence has been withdrawn, after half of the licence withdrawal time.

Total number of persons	YEAR	ALCOHOL	ILLCIT DRUGS	MEDICINES	COMBINED
Detected driving under the influence by police	/ ⁷⁶	/	/	/	/
Pursued by administrative body for driving under the influence	/	/	/	/	/
Sanctioned by administrative body for driving under the influence	2008	/	/	/	25.968
Criminally prosecuted for driving under the influence	2008	/	/	/	367
Convicted by court for driving under the influence	2008	/	/	/	246

Table 17.12: Overall statistics

21 LUXEMBOURG

21.1 Psychoactive Substances and Driving: Legislation

DRIVER	BAC threshold
Normal driver	0.5 g/l
Novice driver	0.2 g/l
Young driver	0.2 g/l
Professional driver	0.2 g/l
Other:	

Table 18.1: BAC threshold for different groups of drivers

The official units in Luxembourg are g/l blood and mg/l air. The BAC for normal drivers is 0.5 g/l, but for novice, young and professional drivers it is 0.2 g/l. For recidivists and in the case of accident involvement or unsafe manoeuvre more severe sanctions can be imposed, but the BAC threshold stays the same.

Alcohol

In the case of alcohol, 3 types of sanctions can be imposed for a BAC from 0.5 g/l to 1.2 g/l: fine, driving ban and demerit points. Probation is possible. The fine can vary between 145 and 10,000 EUR. A driving ban of 8 days to 15 years can be imposed, as well as 2 to 4 demerit points. A prison sentence can be imposed for a BAC level of 1.2 g/l upwards. The minimum penalty is 8 days and the maximum 3 years. The level of penalty can be determined by the court.

⁷⁶ Written, if there was no answer given.
DRUID 6th Framework Programme

Illicit drugs

In the case of illicit drugs the regular consequences that follow when a driver is detected for the first time driving under the influence are a fine, driving ban, imprisonment and demerit points. The minimum fine is 500 €, the maximum 10,000 €. A driving ban can last from 3 months to 15 years. There is a possibility of imprisonment from 8 days to 3 years. Four demerit points can also be imposed. In the case of making an unsafe manoeuvre or accident involvement, the consequences are more severe, as they are for recidivists.

Non-prescribed medicines

In the case of non-prescribed medicines, the minimum fine is 500 €, the maximum 10,000 €. The driving ban can last from 3 months to 15 years and 4 demerit points can be imposed. There is also a possibility of imprisonment. In the case of making an unsafe manoeuvre, accident involvement or recidivism, the consequences are more severe.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver asses.	Driver rehab.	Treatment program	Community service	Other
ALCOHOL											
Minimum	145	2	8 days	no	8 days	yes	no	no	no	no	no
Maximum	10.000	4	15 years		3 years						
ILLCIT DRUGS											
Minimum	500		3 months	no	8 days	no	no	no	no	no	no
Maximum	10.000	4	15 years		3 years						
NON-PRESCRIBED MEDICINES											
Minimum	500		3 months	no	no	no	no	no	no	no	no
Maximum	10.000	4	15 years								
MORE SEVERE CONSEQUENCES											
Recidivists	yes	yes	yes	no	yes	no	no	no	no	no	no
Accident	yes	yes	yes	no	yes	no	no	no	no	no	no
Unsafe manoeuvre	yes	yes	yes	no	yes	no	no	no	no	no	no

Table 18.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment) and more severe consequences for special circumstances

Background Information on Sanctions

Table 18.3 shows the total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines. The information available is for 2008.

There were 2,399 fines imposed for drink driving and 92 for driving under the influence of drugs. Altogether, 2,491 fines were imposed.

For driving under the influence of alcohol, 8,532 demerit points were imposed, which represents 16.41 % of the total number of demerit points.

There were 1,828 driving bans imposed for drink driving. The police confiscated the driving licences at the roadside.

Sanctions	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
Fines	2,399	92	77	2,491
Demerit points	8,532	/	/	8,532
Driving bans	1,828	/	/	1,828
Licence withdrawals: - Administration-based - Court-based	/	/	/	/
Imprisonment	/	/	/	/
Other sanctions:	/	/	/	/

Table 18.3: Total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines

If a driving licence is withdrawn and the driver is detected driving, the sanctions are: fine from 500 to 10,000 EUR and/or imprisonment from 8 days to 3 years, a driving ban from 3 months to 15 years, and a maximum 4 demerit points. In 2007, there were 201 offences of driving while suspended and 211 offences in 2008. Drivers are not recorded in a specific register for traffic offences in order to identify recidivists; they are noted in the police record.

Driving while suspended

Consequences	Fine: 500 – 10,000 EUR and / or imprisonment: 8 days – 3 years, driving ban: 3 months – 15 years, demerit points: 4.
Number of offences/offenders of driving while suspended per year	2007: 201 2008: 211

Table 18.4: Driving while suspended

No evaluation studies regarding the effectiveness of different sanctions in Luxembourg have been undertaken in past years.

Availability of sanction-related issues	
Evaluation studies regarding effectiveness of different sanctions	no
Register for traffic offences in order to identify recidivists	no
Conditional withdrawal or conditional licence	Yes, mainly for professional use.
Imposing more than one sanction at the same time	Yes, fine and / or imprisonment.

Table 18.5: Availability of sanction-related issues

Drivers under the influence of psychoactive substances are not recorded in a register for traffic offences in order to identify recidivists. There are only records in the driving licence file and in the police record. There is an option of conditional withdrawal or conditional licence, but it is mainly for professional use. Imposing more

⁷⁷ Written, if there was no answer given.
DRUID 6th Framework Programme

than one sanction at the same time for driving under the influence of alcohol, illicit drugs or medicines is possible.

Demerit point system

Number of points	Consequences
12	12 months driving suspension

Table 18.6: Demerit point system

If a driver loses 12 demerit points, his driving licence is suspended for 12 months.

Traffic Related Consequences of Psychoactive Substance Use in General

If the driver consumes illicit drugs a legal consequence may be a medical assessment. In the case of failing the medical assessment or after a court procedure, licence withdrawal follows. Licence probation, driving ban, rehabilitation and treatment program are also possible. The consequences for young, novice or professional drivers are not more severe. The same consequences can be imposed in the case of alcohol and medical consumption, but they are related only to special cases, such as misuse.

	Selling	Possessing	Consuming
Legal consequences concerning the driving licence	ILLCIT DRUGS		
	/	/	Medical assessment; licence withdrawal if it is failed or after court procedure; licence probation; driving ban; rehabilitation; treatment program.
	ALCOHOL		
	/	/	Yes, but only in special cases: medical assessment; licence withdrawal if it is failed or after court procedure; licence probation; driving ban; rehabilitation; treatment program.
Legal consequences concerning the driving licence	MEDICINES		
	/	/	Yes, but only in special cases: medical assessment; licence withdrawal if it is failed or after court procedure; licence probation; driving ban; rehabilitation; treatment program.

Table 18.7: Psychoactive substance use in general

Re-granting Procedure

In the case of alcohol offences, a driving licence may be re-granted after a medical assessment. This requirement is used in the case of repeat offences. In such cases, screenings for substance markers in blood, urine or hair are also obligatory.

For re-granting a driving licence after an illicit drug offence, a medical assessment and screening for substance markers in blood, urine or hair are obligatory. Psychological assessment is required only in special cases, i.e., in the case of repeat offences.

If a licence has been withdrawn due to the medicine offence, a medical and psychological assessment and screening for substance markers in blood, urine or hair are always required.

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	Only in special cases, if repeat offences	Always	Always
Psychological assessment	no	Only in special cases, if repeat offences	Always
Screenings for substance markers in blood / urine / hair	Only in special cases, if repeat offences	Always	Always
Driver rehabilitation	no	no	no
Treatment programme	no	no	no
Theoretical driving lessons	no	no	no
Practical driving lessons	no	no	no
Theoretical driving test	no	no	no
Practical driving test	no	no	no
Other	/	/	/

Table 18.8: Re-granting procedure

21.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

The police only conduct control activities related to alcohol in traffic. In 2008, there were 206 alcohol controls in Luxembourg. These activities are performed in relation to weekdays, daytime, specific location or event.

Breath tests and impairment tests are not permitted at random but only in the case of suspicion and are conducted at the roadside. Saliva and sweat tests may also be conducted at the roadside. A blood test may be permitted only when person is not able to perform a breath test. A medical test may only be performed when no other tests can be used. Sweat or saliva tests may be used if the test of impairment is positive. Blood and urine tests may be performed if the sweat or saliva test is positive.

Systematic police control activities	
Strategies	Yes, related to weekdays, daytime, specific locations, specific events.
Annual frequency	Alcohol controls: 206 (in 2008)
Detection routines and procedures	
Breath test	Permitted only in case of suspicion, conducted at roadside.
Blood test	No (only if the sweat/saliva test is positive)
Urine test	No (only if the sweat/saliva test is positive)
Saliva test	Conducted at roadside.

Sweat test	Conducted at roadside.
Impairment test	Permitted only in case of suspicion, conducted at roadside.
Other test:	No

Table 18.9: Police control activities and detection routines

Police officers' discretions and competences

There are specific training programs for police officers for the detection of drivers under the influence. They are held during the instruction period. The police have no discretion to decide whether or not to report a driver detected of driving under the influence of psychoactive substances to the administrative body or the prosecutor.

The police may confiscate a driving licence at the roadside only in special cases, if the driver's BAC level is 1.2 g/l or above. The police may also confiscate the vehicle only in special cases, if the driver is a recidivist within 3 years of driving under the influence of alcohol 1.2 g/l or beyond or shows evident signs of drink-driving.

If the driver is considered to be a danger to himself or for another person he may be arrested and taken into custody until he is sober.

Specific training programmes	Yes, during the instruction period.
Deciding whether or not to report a driver detected for DUI to the administrative body or the prosecutor	no
If the driver tests positive for psychoactive substances, does the police officer have:	
competence to confiscate the driving licence immediately at the roadside	Yes, in special cases: BAC 1.2 g/l or beyond.
competence to confiscate the vehicle (or the licence plate) at the roadside	Yes, in special cases: the driver is recidivist within 3 years of driving with alcohol BAC 1.2 g/l or above or there are evident signs of drink driving.
competence to arrest the driver and take him into custody	Yes, in special cases: if the person is considered to be a danger to himself or to others, he can be taken into custody until he is sober.

Table 18.10: Police officers' discretions

If a driver tests positive for alcohol no further test is taken. If a driver refuses to perform any of the tests, the same consequences as for BAC 1.2 g/l or for driving while impaired follow. If the driver is involved in an accident, he is tested for alcohol and illicit drugs only in special cases. That is mandatory for accidents with injuries, but for accidents without injuries it is discretionary. A test for medicines is performed only in special cases, if there are evident signs that he or she has consumed medicines.

21.3 Psychoactive Substances and Driving: Sanctioning

In Luxemburg driving under the influence of alcohol, illicit drugs and medicines is considered to be a criminal offence in all cases.

Criminal Offences

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Criminally prosecuted for driving under the influence	2008	+/- 1500 cases	+/- 40	not available	
Convicted by court for driving under the influence	2008	+/- 1500 cases	+/- 40	not available	

Table 18.11: Statistics for criminal offences

In 2008, around 1500 persons were prosecuted in alcohol cases and the same number of people was convicted. In the same year there were approximately 40 persons prosecuted because of driving under the influence of illicit drug and the same number were convicted. In general, there should be no discrepancies between the number prosecuted and the number convicted. However, this might be the case if the court comes to the conclusion that a person should not be convicted for the reasons mentioned in the questionnaire. There is no information on medicines or combined use of alcohol, illicit drugs or medicines.

Discretionary rights of the criminal prosecution body

Driver detected of driving under the influence of psychoactive substances

Discretion of the prosecutor to prosecute	Yes, legal procedure for establishing the influence of psychoactive substances is not taken into account.
Discretion of the court (judge) to convict	Yes, legal procedure for establishing the influence of psychoactive substances is not taken into account.
Discretion of the court (judge) to determine the level of penalty	Yes, legal penalties include imprisonment penalty up to 3 years, fine up to 10,000 EUR and driving ban up to 15 years.

Table 18.12: Discretions of criminal bodies

A prosecutor has discretion to decide whether or not to prosecute. A judge also has discretion to decide whether to convict a driver. In both cases the legal procedure for establishing the influence of psychoactive substances is not taken into account. A judge may also determine the level of penalty for drivers convicted of being under the influence of psychoactive substances, since the legal penalties include imprisonment penalty up to 3 years, a fine up to 10,000 EUR and a driving ban up to 15 years.

The period of time between detection of driving under the influence of psychoactive substances and conviction by a court is 3 to 6 months.

There are options to reduce the suspension period after a driving licence has been withdrawn, but not if the driving licence has been withdrawn by court decision.

Statistics

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Detected driving under the influence by police	2008	2,209 reports / 190 fines (BAC less than 0.8 g/l)	// ⁷⁸	/	92 (illicit drugs and medicines)
Pursued by administrative body for driving under the influence	/	/	/	/	/
Sanctioned by administrative body for	/	/	/	/	/

⁷⁸ Written, if there was no answer given.

driving under the influence					
Criminally prosecuted for driving under the influence	2008	+/- 1500	+/- 40	not available	/
Convicted by court for driving under the influence	2008	+/- 1500	+/- 40	not available	/

Table 18.13: Overall statistics

22MALTA

22.1 Psychoactive Substances and Driving: Legislation

DRIVER	BAC threshold
Normal driver	0.80 mg/ml
Novice driver	0.80 mg/ml
Young driver	/
Professional driver	0.80 mg/ml
Other:	

Table 19.1: BAC threshold for different groups of drivers

The official unit in Malta is mg/ml. The BAC for normal drivers is 0.80 mg/ml (or 35 micrograms of alcohol in 100 millilitres of breath; or 80 milligrams of alcohol in 100 millilitres of blood; 107 milligrams of alcohol in 100 millilitres of urine). In Malta, sanctions for a driver detected for the first time under the influence of alcohol in a usual police control event are a fine, driving ban, licence withdrawal and imprisonment. There are more severe consequences envisaged for a novice driver detected for the first time under the influence of alcohol in a usual police control event, as well as recidivists and in the case of accident involvement.

In Malta, sanctions for drivers detected for the first time under the influence of illicit drugs or non-prescribed medicines in a usual police control event are demerit points, fine, licence withdrawal and imprisonment. There are more severe consequences envisaged for accident involvement and recidivists. Driving under the influence of alcohol or drugs is considered to be a criminal offence in Malta. Since the crime may include 'drugs', the case may be viewed as being more serious in nature, and other punishments can be imposed, which differ from traffic related punishments.

Alcohol

In the case of alcohol, all penalties can be imposed from 0.80 mg/ml upwards. The minimum fine is 465.87 €, the maximum fine 2,329.37 €. A driving ban and licence withdrawal can be imposed for a minimum of 1 year. Imprisonment can last from 3 to 6 months. The DRUID WP6 group received no information about other penalties.

Illicit drugs

Sanctions imposed for driving under the influence of illicit drugs are demerit points, fine, licence withdrawal and imprisonment but they are not defined more specifically.

Non-prescribed medicines

In the case of non-prescribed medicines, sanctions are also not specifically defined. Possible sanctions are fine, demerit points, licence withdrawal and imprisonment.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprisonment	Probation	Driver assessment	Driver rehabilitation	Treatment program	Community service	Other
ALCOHOL											
Minimum	465,87	no	1 year	1 year		no	no	no	no	no	no
Maximum	2.329,37	no	Not specified	Not specified	3-6 months	no	no	no	no	no	no
ILLICIT DRUGS											
Minimum	Not defined	Not defined	no	Not specified	Not specified	no	no	no	no	no	no
Maximum	Not defined	Not defined	no	Not specified	Not specified	no	no	no	no	no	no
NON-PRESCRIBED MEDICINES											
Minimum	Not defined	Not defined	no	Not specified	Not specified	no	no	no	no	no	no
Maximum	Not defined	Not defined	no	Not specified	Not specified	no	no	no	no	no	no
MORE SEVERE CONSEQUENCES											
Recidivists											
Accident											
Unsafe manoeuvre											

Table 19.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment) and more severe consequences for special circumstances

Table 19.3 shows substances prescribed as medicines and special regulations for drivers detected under the influence of these substances. When a driver is detected under the influence of methamphetamine, he may be charged with failure to have control of a vehicle and the licence may be revoked following consultation with ADT. There are no special regulations in the legislation concerning other substances.

Substances prescribed as medicines	Special regulations for drivers detected under the influence of these substances
THC (e.g., dronabinol)	/ ⁷⁹
Amphetamine (e.g., ritalin)	/
Methamphetamine (including MDA, MDMA, MDE)	May be charged with failure to have control of a vehicle and licence may be revoked following consultation with ADT.
Cocaine	/
Opioid analgesics (e.g., morphine)	/
Substitutes (e.g., methadone)	/
Others (e.g., licit drugs such as benzodiazepines)	/

Table 19.3: Substances prescribed as medicines and special regulations for drivers detected under influence of these substances

⁷⁹ Written, if there was no answer given.
DRUID 6th Framework Programme

Table 19.4 gives information about driving while suspended. If a driving licence has been withdrawn and the driver is detected driving anyway, the sanction in Malta is a fine. The fine is increased and the individual is charged with breaking the previous court ruling. There are around 60-80 offenders per annum who are convicted of driving while suspended.

Driving while suspended	
Consequences	Fine is increased and individual charged with breaking the previous court ruling.
Number of offences/offenders of driving while suspended per year	60/80

Table 19.4: Driving while suspended

Table 19.5 gives data of background information on sanctions. There have been evaluation studies in Malta regarding the effectiveness of different sanctions of fines, demerit points, driving ban, licence withdrawal and imprisonment. Drivers under the influence of psychoactive substances are not recorded in a register for traffic offences in order to identify recidivists. There is no option of conditional withdrawal or conditional licence. Imposing more than one sanction at the same time in the case of driving under the influence is possible. A possible combination is fine + imprisonment + withdrawal of driving licence. A penalty point system in Malta currently applies only to novice drivers, i.e., drivers with less than 3 years driving experience. Extension of the system to all drivers is under consideration.

Availability of sanction-related issues	
Evaluation studies regarding effectiveness of different sanctions	Yes, for fines, demerit points, driving bans, licence withdrawal and imprisonment.
Register for traffic offences in order to identify recidivists	No
Conditional withdrawal or conditional licence	No
Imposing more than one sanction at the same time	Yes, fine + imprisonment + withdrawal of driving licence.

Table 19.5: Availability of sanction-related issues

Traffic Related Consequences of Psychoactive Substance Use in General

Using illicit drugs in general (outside traffic) has legal consequences. For selling and consuming illicit drugs, the legal consequences are medical and psychological driver assessments, driving ban and licence withdrawal after a court procedure. For possessing illicit drugs, a medical or psychological driver assessment is imposed. In the case of consuming alcohol in general, the legal consequences concerning the driving licence are a driving ban and licence withdrawal after a court procedure. In the case of consuming medicine in general, the legal consequences concerning the driving licence is licence withdrawal after a court procedure. Alcohol, drug abuse and serious medical disorders may lead to driving licence revocation. The consequence for novice and young drivers here is losing the penalty points.

	Selling	Possessing	Consuming
Legal consequences concerning the driving licence	ILLCIT DRUGS		
	Medical and psychological driver assessment. Yes, driving ban and licence withdrawal after court procedure.	Medical and psychological driver assessment.	Driver assessment. Yes, driving ban and licence withdrawal after court procedure.
	ALCOHOL		

	Selling	Possessing	Consuming
	/	/	Yes, driving ban and licence withdrawal after court procedure.
MEDICINES			
	/	/	Yes, licence withdrawal after court procedure.

Table 19.6: Psychoactive substance use in general

Re-granting Procedure

Following the withdrawal of a driving licence (for a period of time decided by a court), drivers must apply to the ADT to regain the driving licence. However, there may be a more severe punishment if drugs under Chapter 101 are concerned and a more severe court punishment has been awarded. In this case, the Police must be consulted. The subject may submit a presidential plea or a request to a court for restoration of the driving licence. Police views are always consulted.

22.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

Table 19.7 shows data for police control activities and detection routines. Strategies regarding police control activities are related to daytime, specific locations and areas and specific events. Spot checks are increased in areas where alcohol consumption is known to be higher and during activities where alcohol consumption is known to be prevalent.

Detection routines in police control activities are breath test, blood test, urine test, saliva test, sweat test and impairment test. A breath test is permitted at random, in the case of suspicion and can be conducted at the roadside. A blood test is permitted only in the case of suspicion and can be conducted at the roadside. A urine test is permitted at random, in the case of suspicion. It cannot be conducted at the roadside, but they are performed at a clinic. Saliva test, sweat test and impairment test are permitted only in the case of suspicion and cannot be conducted at the roadside. There must be a reasonable suspicion to stop a driver.

Systematic police control activities	
Strategies	Yes, related to daytime, specific locations and areas and specific events
Annual frequency	/
Detection routines and procedures	
Breath test	Permitted at random, only in case of suspicion, conducted at roadside
Blood test	Not permitted at random, only in case of suspicion, conducted at roadside
Urine test	Permitted at random, only in case of suspicion, not conducted at roadside
Saliva test	Permitted only in case of suspicion, not conducted at roadside
Sweat test	Permitted only in case of suspicion, not conducted at roadside
Impairment test	Permitted only in case of suspicion, not conducted at roadside

Other test:	
-------------	--

Table 19.7: Police control activities and detection routines

Police officers' discretions and competences

Malta has no specific training programs for police officers regarding detection of drivers under the influence.

Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor is at the discretion of the police. The police officer does not have the competence to confiscate a driving licence immediately at the roadside. He has the competence to arrest a driver and take him into custody if a driver tests positive. However, he has not the competence to confiscate a vehicle (or the licence plate) at the roadside.

Specific training programmes	
Deciding whether or not to report a driver detected for DUI to the administrative body or the prosecutor	Yes
If the driver tests positive for psychoactive substances, does the police officer have:	
competence to confiscate the driving licence immediately at the roadside	No
competence to confiscate the vehicle (or the licence plate) at the roadside	Yes, if the driver tests positive; to carry out the necessary investigations
competence to arrest the driver and take him into custody	Yes, if a driver tests positive

Table 19.8: Police officers' discretions

If a driver is involved in an accident, he is tested for alcohol and illicit drug only in the case of suspicion of alcohol and drug impairment. If a driver refuses to provide a breath/blood/saliva/sweat/urine sample there are the same consequences as for drivers under the influence of illicit drugs and a sample is obtained following a court order. If a driver tests positive for alcohol no further test is taken.

22.3 Psychoactive Substances and Driving: Sanctioning

In Malta, driving under the influence of alcohol, illicit drugs and non-prescribed medicines is always considered to be a criminal offence.

Criminal Offences

It is not at the discretion of the prosecutor to decide whether or not to prosecute a driver detected of driving under the influence of psychoactive substances. Prosecution is ex-officio, a justice decision only.

In 2008, there were 61 persons prosecuted for driving under the influence of alcohol in Malta. In same year, there were 61 persons convicted of driving under the influence of alcohol.

Total number of persons	YEAR	ALCOHOL	ILLCIT DRUGS	MEDICINES	COMBINED
Criminally prosecuted for driving under the influence	2008	61	not available	not available	
Convicted by court of driving under the influence	2008	61	not available	not available	

Table 19.9: Statistics for criminal offences

Discretionary rights of the criminal prosecution body

The prosecutor cannot decide whether or not to prosecute a driver because a prosecution is ex-officio. The court (judge) can decide whether or not to convict a driver. It is at the court's discretion to determine the level of penalty.

Driver detected of driving under the influence of psychoactive substances

Discretion of the prosecutor to prosecute	No, prosecution is ex-officio.
Discretion of the court (judge) to convict	Yes, the court (judge) can decide whether or not to convict a driver.
Discretion of the court (judge) to determine the level of penalty	Yes.

Table 19.10: Discretions of criminal bodies

The length of time between police detection of driving under the influence of drugs and conviction by a court ranges between weeks and months. In cases of driving under the influence of alcohol it is decided within 2 years from the commission of the offence. Reducing the suspension period after a driving licence has been withdrawn is possible on request to a court or presidential plea.

23 NETHERLANDS

23.1 Psychoactive Substances and Driving: Legislation

DRIVER	BAC threshold
Normal driver	0.5 g/l
Novice driver	0.2 g/l
Young driver	/
Professional driver	0.5 g/l
Other: licence suspension	1.3 (novice)-1.5 (normal) g/l

Table 20.1: BAC threshold for different groups of drivers

The official BAC unit in The Netherlands is g/l. The legal BAC limit for novice drivers is 0.2 g/l, for other drivers 0.5 g/l. Sanctions are imposed on novice drivers from BAC 0.22 g/l upwards and for other drivers from 0.54 g/l upwards. Possible sanctions for drivers detected under the influence of psychoactive substances during normal enforcement activities by the police are: fines, licence suspension, community service, imprisonment (only imposed as an alternative to community service), assessment of fitness-to-drive, driver improvement (2 types) and licence revocation (withdrawal). The last three are administrative measures, the others are judicial sanctions.

Sanctions are more severe for professional (truck) drivers, drivers who make unsafe manoeuvres and drivers involved in an injury accident. If a driver under the influence of alcohol causes an injury accident due to reckless driving or a serious traffic offence, imprisonment may be imposed, varying from 3 weeks to 4 years. Recidivists are sanctioned severely and they have lower thresholds for driver improvement and medical examination. In the case of illicit drug use, the licence can be suspended up to 5 years. Thresholds are also lower for novice drivers. Unconditional licence suspension, licence revocation and driver assessment can be imposed on novice drivers from 1.31 g/l upwards; driver improvement from 0.5 g/l upwards.

Alcohol

If a driver is detected being under the influence of alcohol, a fine is possible from 0.22 g/l upwards for novice drivers and from 0.54 g/l upwards for other drivers. Fines can be imposed up to a BAC level of 2.35 g/l for drivers of motor vehicles and up to BAC levels > 2.50 g/l for bicyclists and moped drivers, light mopeds and special motor vehicles for handicapped people. Fines vary from 250 € to 1,100 €.

In The Netherlands, licence suspension is generally imposed by a court. However, at a BAC \geq 2.5 g/l the validity of the licence is also suspended by the Minister of Transport, preceding a possible administrative licence revocation (withdrawal) resulting from a medical assessment. A medical assessment is imposed on novice drivers from 1.30 g/l upwards and to other drivers from 1.8 g/l upwards. Multiple recidivists have to undergo a medical assessment at lower BAC levels. A driving licence will be revoked if the verdict of the medical assessment is "unfit-to-drive". The revocation will last until the driver is fit to drive again.

Unconditional licence suspension by a court is demanded by the public prosecutor from 1.31 g/l upwards for novice drivers and from 1.51 g/l upwards for other drivers. The duration may vary from 6 to 27 months (but for

drivers who cause a fatal accident by reckless driving while having a BAC > 1.30 g/l, the licence can be suspended for a period of up to 5 years).

Imprisonment is only imposed on non-accident-involved drivers who are over the legal limit, as an alternative to community service. The duration may vary between 14 and 30 days. Drivers who have caused an accident may have to serve much longer sentences; up to 4 years for a driver with a BAC > 1.30 g/l who has caused a fatal accident by reckless driving. There is no formal lower BAC limit for imprisonment but generally the prosecution limits will probably be applied: 0.22 g/l for novice drivers and 0.54 g/l for other drivers.

In the case of a first offence, administrative driver improvement is imposed on novice drivers with a BAC between 0.50 and 1.30 g/l and on other drivers with a BAC between 1.30 and 1.80 g/l. Community service is imposed by a court from a BAC threshold of 2.36 g/l upwards.

Illicit drugs

Possible sanctions for driving under the influence of illicit drugs are fines varying from 250 € to 1,100 €, licence suspension by a court from 6 to 27 months, community service, imprisonment from 14 to 30 days (when imposed as an alternative to a fine or community service; in the case of a fatal accident caused by reckless driving, imprisonment can be for up to 4 years), administrative licence suspension, assessment of fitness to drive, and licence revocation (until the driver is fit to drive again).

Non-prescribed medicines

For driving under the influence of non-prescribed medicines possible sanctions are similar to those imposed for driving under the influence of illicit drugs (See 1.1.2). However, this is mainly theory. Prescription drugs in The Netherlands include also THC and opioid analgesics. Cocaine and (meth)amphetamine are not prescription drugs.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Licence suspension	Licence revocation	Imprison.	Probation	Driver assess.	Driver improv.	Treatment program	Community service	Other
ALCOHOL											
Minimum	250		6 months		14 days					28 hrs	
Maximum	1.100	no	27 months	until fit to drive	30 days	no	yes	yes	no	60 hrs	no
ILLICIT DRUGS											
Minimum	250		6 months		14 days					28 hrs	
Maximum	1.100	no	27 months	until fit to drive	30 days	no	yes	no	no	60 hrs	no
NON-PRESCRIBED MEDICINES											
Minimum	250		6 months							28 hrs	
Maximum	1.100	no	27 months	until fit to drive	no	no	yes	no	no	60 hrs	no
Sanction	Fine (€)	Dem. points	Licence suspension	Licence revocation	Imprison.	Probation	Driver assess.	Driver improv.	Treatment program	Community service	Other
MORE SEVERE CONSEQUENCES											
Recidivists	higher		longer		longer						
Accident	higher		up to 5 yrs		up to 4 yrs						
Unsafe manoeuvre	higher		up to 4 yrs		up to 2 yrs						

Table 20.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment)

Background Information on Sanctions

Sanctions	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
Fines	32,000	800	0-10	33,000
Demerit points	0	0	0	0
Administrative licence revocations	5,000	800	0-10	6,000
Judicial licence suspensions	10,000	800	0-10	11,000
Imprisonment	0-5	0-5	/	0-10
Other sanctions: community service	150-200	0-5	0	150-200

Table 20.3: Total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines

In 2007, approximately 32,000 drivers were fined for driving under the influence of alcohol and 800 for driving under the influence of illicit drugs or non-prescribed medicines. In the same year, around 5,000 driving licences were revoked for driving under the influence of alcohol and 800 for driving under the influence of drugs or non-prescribed medicines. The courts imposed around 10,000 licence suspensions for drink driving and 800 for driving under the influence of drugs. Up to 5 people may have been sentenced to imprisonment for drink or drug driving; 150-200 people were sentenced to community service for driving under the influence of alcohol and up to 5 for driving under the influence of drugs. All these figures are estimates.

Driving while suspended

Consequences	fine, prosecution, confiscation of a vehicle, licence revocation
Number of offences/offenders of driving while suspended per year	2007: 1,500

Table 20.4: Driving while suspended

If a driver is detected driving while suspended, he will be sanctioned depending on his BAC. If sober, he will only be fined for driving without a licence. If not, he will be prosecuted for driving without a licence and as a drink-driving recidivist (more severe sanctions than for a first offender). His licence may be revoked and his car may be confiscated (in the case of multiple recidivism). In 2007, 1,500 drivers were detected driving while suspended.

Background information on sanctions	
Evaluation studies regarding effectiveness of different sanctions	yes, regarding administrative measures (licence revocation, driver assessment and driver improvement)
Register for traffic offences in order to identify recidivists	yes
Conditional revocation	no
Conditional suspension	yes
Imposing more than one sanction at the same time	yes, judicial and administrative

Table 20.5: Background information on sanctions

There have been a few evaluation studies in The Netherlands in relation to licence revocation, driver assessment and driver rehabilitation. The conclusions of the studies are that driver assessment, licence withdrawal and driver rehabilitation decrease the recidivism rate by 50 %. They were conducted in 2004 on behalf of the Ministry of Transport and Waterways.

Drink-driving violations are recorded in a register for traffic offences and made available to the court in order to identify recidivists. The Dutch administrative system does not provide for conditional revocation of a driving licence. Conditional licence suspension by the court exists, however, for novice drivers with a BAC between 0.81 and 1.30 g/l and for other drivers with a BAC between 1.31 and 1.50 g/l. Conditional suspension is also possible at higher BAC levels, e.g., when an offender's job is dependent on being able to drive a car.

Imposing more than one sanction at the same time in the case of driving under the influence of psychoactive substances is possible. Fines can be combined with suspension and judicial sanctions can be combined with administrative measures (e.g., licence revocation).

Traffic Related Consequences of Psychoactive Substance Use in General

Selling, possessing and consuming drugs in general do not have traffic related consequences. If drugs are consumed and/or found in the car, driver assessment takes place. Consumption of alcohol in the case of dependence and consumption of certain medicines have consequences on the driving licence - the licence is revoked until the driver is fit to drive again. For alcohol addicts, the licence is withdrawn after failing a medical assessment, for certain medicines the licence is withdrawn immediately.

	Selling	Possessing	Consuming
Legal consequences concerning the driving licence	ILLCIT DRUGS		
	no	no	no
	ALCOHOL		
	no	no	yes, if addicted
	MEDICINES		
	no	no	yes, in special cases

Table 20.6: Psychoactive substance use in general

Re-granting Procedure

Requirements for re-granting the driving licence are always a medical assessment and in the case of alcohol and illicit drug offences, also screenings for substance markers. In the near future, recidivists will have to sit theoretical and practical driving tests in order to have their revoked driver's licence regranted.

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	always	always	always
Psychological assessment	no	no	no
Screenings for substance markers in blood / urine / hair	always	always	no
Driver rehabilitation	no	no	no
Treatment programme	no	no	no
Theoretical driving lessons	no	no	no
Practical driving lessons	no	no	no
Theoretical driving test	no	no	no
Practical driving test	no	no	no
Other			

Table 20.7: Re-granting procedure

23.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police enforcement activities

In 2007, there were around 1,500 systematic police enforcement activities in relation to driving under the influence of alcohol and illicit drugs. Most of them concerned driving under influence of alcohol; only a few (around 25) concerned driving under the influence of drugs. The police have detection strategies related to weekdays and daytime. Most activities are focused on weekend nights. In 2007, the police detected approximately 38,000 drivers under the influence of alcohol, 800 under the influence of drugs and up to 100 under the influence of medicines.

The police can randomly check drivers at the roadside by breath or impairment testing. In the case of suspicion, they can also order the driver to take blood or urine tests, which are not conducted at roadside.

Systematic police enforcement activities	
Strategies	yes, related to weekdays and daytime
Annual frequency	2007: 1,500
Detection routines and procedures	
Breath test	At random, conducted at roadside
Blood test	in case of suspicion
Urine test	in case of suspicion
Saliva test	no
Sweat test	no
Impairment test	Permitted at random, conducted at roadside
Other test:	no

Table 20.8: Police control activities and detection routines

Police officers' discretions and competences

Police officers do not complete any specific training programmes in order to detect drivers under the influence of psychoactive substances. Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor is not at the discretion of the police.

The police have the competence to confiscate a vehicle at the roadside if a driver has been detected with a BAC level higher than 1.3 g/l, if he refuses a test for psychoactive substances or if he has been detected under the influence of alcohol for the 3rd time within a period of 5 years. The police also have the competence to confiscate a driving licence immediately at the roadside if a driver has been detected with a BAC level higher than 1.3 g/l or if he was driving recklessly under the influence of psychoactive substances. The police do not have the competence to arrest the driver and take him into custody.

Specific training programmes	no
------------------------------	----

Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor	no
If a driver tests positive for psychoactive substances, does the police officer have:	
competence to confiscate the driving licence immediately at the roadside	yes, if the BAC level is higher than 1.3 g/l or reckless driving
competence to confiscate the vehicle (or the licence plate) at the roadside	yes, if the BAC level is higher than 1.3 g/l, refusal, recidivist
competence to arrest the driver and take him into custody	no

Table 20.9: Police officers' discretions

If a driver refuses to take a breath, blood, urine or impairment test, he is faced with the same consequences as drivers detected with a BAC from 2.0 g/l up to 2.15 g/l. If there is no suspicion of driving under the influence of alcohol but the driver nevertheless refuses random testing, he is only fined.

If the driver tests positive for alcohol, an additional test for other psychoactive substances is taken in the case of suspicion. In the case of an accident, a driver is tested for alcohol mainly in the case of suspicion (deceased drivers are not tested) and for illicit drugs in the case of suspicion (he is tested for medicines only if he is tested for illicit drugs).

23.3 Psychoactive Substances and Driving: Sanctioning

Driving under the influence of psychoactive substances is always a criminal offence in The Netherlands (even at a relatively low BAC, when payment of a fine may prevent a suspect from having to appear in court). Administrative measures can be imposed in addition to judicial sanctions, but that does not mean that the offence is administrative (or minor).

Criminal Offences

In 2007, there were approximately 22,000 people prosecuted and 32,000 convicted for driving under the influence of alcohol, up to 1,000 people prosecuted and 800 convicted for driving under the influence of illicit drugs and up to 100 prosecuted and convicted for driving under the influence of medicines.

Total number of persons	YEAR	ALCOHOL	ILLCIT DRUGS	MEDICINES	COMBINED
Prosecuted for driving under the influence	2007	22,000	up to 1,000	up to 100	⁸⁰
Convicted of driving under the influence	2007	32,000	800	up to 100	/

Table 20.10: Statistics for criminal offences

Discretionary rights of the criminal body

It is at the discretion of the prosecutor to decide whether or not to prosecute a driver. Dutch criminal law is based on the principle of prosecutor's discretion. The prosecutor's decision to proceed with a case depends on the quality and quantity of the evidence. In low BAC cases and minor drug offences, the prosecutor has the power to avoid bringing the case to court by imposing a fine (and possible other sanctions). These are termed "transaction offers". Transaction offers can also be issued by the police, but with less discretion and only under a prosecutor's control. In practice, however, it is unusual for prosecutors to decide not to proceed with a case if a police report for drug driving exists.

⁸⁰ Written, if there was no answer given.
DRUID 6th Framework Programme

The court does not have the discretion to decide whether or not to convict an impaired driver but it has discretion to decide on the level of punishment. The court's sentencing discretion ranges between a conviction "without punishment" to the maximum penalties specified by law.

Driver detected of driving under the influence of psychoactive substances

Discretion of the prosecutor to prosecute	yes
Discretion of the court (judge) to convict	no
Discretion of the court (judge) to determine the level of penalty	yes

Table 20.11: Discretions of criminal bodies

Period of time between detection of driving under the influence of psychoactive substances and conviction by a court is on average 3 months. Plea bargaining is not possible.

Statistics

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Detected driving under the influence	2007	38,000	800	up to 100	/ ⁸¹
Pursued driving under the influence	/	/	/	/	/
Sanctioned driving under the influence	/	/	/	/	/
Prosecuted driving under the influence	2007	22,000	up to 1,000	up to 100	/
Convicted driving under the influence	2007	32,000	800	up to 100	/

Table 20.12: Statistics together

24POLAND

24.1 Psychoactive Substances and Driving: Legislation

DRIVER	BAC threshold
Normal driver	0.2 mg/dm ³
Novice driver	0.2 mg/dm ³
Young driver	0.2 mg/dm ³
Professional driver	0.2 mg/dm ³
Other: licence withdrawal	0.2 mg/dm ³

Table 21.1: BAC threshold for different groups of drivers

The official BAC unit in Poland is mg/dm³. In Poland the BAC threshold for all drivers is 0.2 mg/dm³. Possible sanctions for the drivers of motor vehicle detected for the first time under the influence of alcohol and illicit drugs in a normal police control event are fine, demerit points, driving ban, licence withdrawal, imprisonment or community service. It is also possible for the sentence to be made public. Penalties are milder for those driving other vehicles than motor vehicles. Penalties are higher for repeat offenders and drivers involved in an accident.

⁸¹ Written, if there was no answer given.
DRUID 6th Framework Programme

Driving under the influence of illicit drugs is a new problem in Poland. So far, drug driving has been treated just like drink driving, with the same penalties. Poland still does not have specific drug regulations to distinguish between consumption and influence. In practice, judges rely on court expert opinions in imposing penalties.

Unless there is obvious impairment, traffic police officers are not interested in the problem of non-prescribed medicines. If there is some impairment, they will first check for alcohol, next for drugs and finally for medicines. In practice, however, after alcohol and drugs are ruled out, the police do not continue with the check.

The Sobriety and Alcoholism Prevention Act of 1982 introduced two terms: condition after alcohol consumption and condition of insobriety (Article 46). A person is considered to be in a condition of having consumed alcohol when the alcohol concentration in their system amounts to a BAC from 0.2 ‰ to 0.5 ‰ alcohol or breath alcohol content from 0.1 mg to 0.25 mg of alcohol per 1 dm³. Drivers are considered to be in a condition of insobriety when the alcohol concentration in their system amounts to a BAC above 0.5 ‰ alcohol or breath alcohol content above 0.25 mg alcohol per 1 dm³. Under the Polish Traffic Law Act of 1997 you are not allowed to drive, lead groups of pedestrians or ride a horse if in a condition of insobriety, after consumption of alcohol or an alcohol-like substance. Until 2000 driving under the influence of alcohol was considered a traffic violation, irrespective of the BAC. Since April 14th 2000, driving in a condition of insobriety (above 0.5 ‰) has been considered a crime and the courts are required to impose more severe penalties.

Alcohol

In the case of alcohol, a fine can be imposed for a blood alcohol content of 0.2 mg/dm³ upwards. Fines for a BAC level of 0.2 mg/dm³ to 0.5 mg/dm³ vary from 50 PLN (11.04 €) to 5,000 PLN (1,104.17 €). For a BAC level up to 0.5 mg/dm³, fines vary from 100 PLN (22.08 €) to 720,000 PLN (159,000 €). A driver detected driving under the influence of alcohol can also get up to 10 demerit points (if he reaches 24 demerit points, his licence is withdrawn). A licence can be withdrawn for a BAC of 0.5 mg/dm³ upwards. A driving ban for a BAC level of 0.2 mg/dm³ to 0.5 mg/dm³ varies from 6 months to 3 years, for a BAC level up to 0.5 mg/dm³, the driving ban varies from 1 to 10 years. If a driving ban is longer than 1 year, the driver must take a driving exam before his driving license can be re-granted. A driver reaching a BAC level of 0.2 mg/dm³ to 0.5 mg/dm³ can be imprisoned for 5 to 30 days, for a BAC level higher than 0.5, he or she can be imprisoned for up to 2 years. Other consequences of driving under the influence of alcohol are community service and that the sentence is made public.

Illicit drugs

Drug driving carries the same penalties as drink driving. Poland still does not have specific drug regulations to distinguish between consumption and influence. In practice, judges rely on court expert opinions in imposing penalties. Possible sanctions for driving under the influence of illicit drugs are a fine, demerit points, driving ban, licence withdrawal, imprisonment or community service. It is also possible for the sentence to be made public.

Non-prescribed medicines

As mentioned above, unless there is an obvious impairment, traffic police officers are not interested whether a driver is under the influence of non-prescribed medicines. If there is some impairment, they will first check for alcohol, next for drugs and finally for medicines. In practice there is no information on „non-prescribed medicines”, whether such cases ever reach the courts and how they are penalised.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver assess.	Driver rehab.	Treatment program	Community service	Other
ALCOHOL											
Minimum	11		6 months	yes	5 days	no	yes	no	no	possible	Sentence is made public
Maximum	159000	10	10 years	yes	2 years	no	yes	no	no		
ILLCIT DRUGS											
Minimum	11		6 months		5 days	no	yes	no	no	possible	Sentence is made public
Maximum	159000	10	10 years	If 10 dem. points reached	2 years	no	yes	no	no		
NON-PRESCRIBED MEDICINES											
Minimum	⁸² /	/	/	/	/	/	/	/	/	/	/
Maximum	/	/	/	/	/	/	/	/	/	/	/
MORE SEVERE CONSEQUENCES											
Recidivists	higher		longer		longer						
Accident	higher		longer		longer						
Unsafe manoeuvre											

Table 21.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment) and more severe consequences for special circumstances

A driving licence is withdrawn because of drink driving. A person detained for drink driving (>0.5 ‰) or after taking a substance producing similar symptoms to alcohol, is referred for a compulsory medical and psychological examination.

Background Information on Sanctions

Table 21.3 shows the total numbers of different sanctions for driving under the influence of psychoactive substances. In 2008, there were 41,658 drivers fined, 109,163 penalty points were given, 82,695 drivers received a driving ban and 29,253 drivers were imprisoned for driving under the influence of psychoactive substances.

Sanctions	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
Fines	⁸³ /	/	/	41,658
Demerit points	/	/	/	109,163
Driving bans	/	/	/	82,695

⁸² Unless there is an obvious impairment, road police are not interested in the problem of non-prescribed medicines.

⁸³ Written, if there was no answer given.

Licence withdrawals: - administrative-based - court-based	/	/	/	no data available
Imprisonment	/	/	/	29,253
Other sanctions: _____				

Table 21.3: Total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines

If a driver in Poland is detected driving while his licence has been suspended, the penalties imposed are harsher or new ones are imposed.

Driving while suspended	
Consequences	harsher or new penalties
Number of offences/offenders of driving while suspended per year	no data

Table 21.4: Driving while suspended

No evaluation studies have yet been carried out in Poland in relation to the effectiveness of different sanctions. Poland's system for dealing with drinking and driving is fairly restrictive (low BAC, high penalties) and has achieved a consistent reduction in alcohol related traffic risks over recent years, despite some of the prevention measures not having been fully used. Poland's liberal courts and a lack of a common penalty policy are some of the reasons. The penalties differ from court to court and from region to region. Reoffending is a major problem (there are no programmes to address this problem), as is the reluctance of the justice system to introduce new prevention measures (e.g. alcohol locks, rehabilitation programmes, car seizure, etc.).

Availability of data on sanction-related issues	
Evaluation studies regarding the effectiveness of different sanctions	no
Register of traffic offences in order to identify recidivists	yes
Conditional withdrawal or conditional licence	no
Imposing more than one sanction at the same time	yes: driving ban+another penalty (fine, custody, imprisonment etc.)

Table 21.5: Availability of data on sanction-related issues

In terms of illicit drugs, Poland is still developing special programmes to deal with this problem. There has been no interest in the problem of medication yet. Driving violations are recorded in a register of traffic offences and made available to the court in cases involving traffic violations and crimes. The legal system in Poland does not provide the option of conditional withdrawal of driving license. It is possible to impose more than one penalty at the same time in the case of driving under the influence. The most common combination is a driving ban + another penalty (it could be a fine, custody, imprisonment etc.).

If a driver reaches 24 demerit points, his driving licence is withdrawn. The driver must take psychological assessment and must retake the driving license exam in order to regain his or her license.

Traffic Related Consequences for Psychoactive Substance Use in General

When using alcohol, illicit drugs or medicines in general (outside traffic situations), selling, possessing or consuming does not have any consequences on the driving licence.

Re-granting Procedure

Requirements for re-granting the driving licence in Poland (if withdrawn due to an alcohol or illicit drugs' offence) are always a medical and psychological assessment. If the driving licence was withdrawn due to an alcohol or illicit drugs' offence for more than a year, a theoretical and practical driving test are also obligatory.

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	always	always	⁸⁴ /
Psychological assessment	always	always	/
Screening for substance markers in blood / urine / hair	no	no	/
Driver rehabilitation	no	no	/
Treatment programme	no	no	/
Theoretical driving lessons	no	no	/
Practical driving lessons	no	no	/
Theoretical driving test	If license is withdrawn for more than 1 year	If license is withdrawn for more than 1 year	/
Practical driving test	If license is withdrawn for more than 1 year	If license is withdrawn for more than 1 year	/
Other			

Table 21.6: Re-granting procedure

24.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

In 2008, there were 4 national operations related to driving under the influence of alcohol. The national operation is called POMIAR and drivers are stopped at random. Such an operation usually lasts one week. One of its main objectives is highlighting the dangers of alcohol use when driving and reminding drivers that the traffic police are determined to eradicate drunken driving from the roads. They are accompanied in their actions by journalists of the press, radio and television. Combating alcohol in road traffic is conducted on an everyday basis and the police are prepared to carry out alcohol tests at any time. During operation POMIAR, traffic officers may also monitor for illegal drugs. Alcohol and illegal drugs are also monitored during routine police activities, too. For example, in 2008 there were 48,944 drug controls. However, the data do not give a true picture of the Polish situation. In mid-2007 traffic police officers were issued with 70,000 RapidStat drug testers and they had to use them while the warranty lasted.

The police have strategies in relation to systematic police control activities related to weekday, specific areas and locations and specific events. In 2008, the police detected 96,984 drivers under the influence of alcohol and 2,139 drivers under the influence of illicit drugs.

Police can randomly check drivers at the roadside with breath, saliva or sweat tests. In the case of suspicion, they can also order the driver to take a blood or urine test, which are not conducted at the roadside. In the case

⁸⁴ Written, if there was no answer given.
DRUID 6th Framework Programme

of alcohol, breath test results are treated by the court as evidence and drivers will only be referred for a blood test at their own request (e.g., if they question the breathalyser results) or if they cannot be tested using a breathalyser because they refuse to do so and the police officer has a reasonable suspicion that the driver is under the influence of psychoactive substances.

In the case of drugs, the driver is asked to take a blood test if the police officer has reasonable suspicion of drug-driving (e.g., because the drug tester shows it or based on driver behaviour). Blood is sampled at the nearest health centre (the police take the driver there) and the toxicology test is conducted by a specialist unit.

Systematic police control activities	
Strategies	Yes, related to weekday, daytime, specific areas and locations and specific events
Annual frequency	2008: 4 times a year; alcohol test on a daily basis
Detection routines and procedures	
Breath test	Permitted at random, conducted at roadside
Blood test	in case of suspicion
Urine test	in case of suspicion
Saliva test	Permitted at random, conducted at roadside
Sweat test	Permitted at random, conducted at roadside
Impairment test	no
Other test:	no

Table 21.7: Police monitoring activities and detection routines

A police officer can also order a driver to take a blood or urine test as well as toxicology tests, when the driver's behaviour seems suspicious. Methods of observing a driver's behaviour have been determined in a decree of the Head of the Police, but have never been evaluated. The DRUID project allowed the collection of data enabling the evaluation of that procedure.

Police officers' discretions and competences

Police officers in Poland discuss the detection of drivers under the influence of psychoactive substances during their basic road police training and occasionally when new control equipment is introduced. Deciding whether or not to report a driver detected for DUI to the administrative body or the prosecutor is not at the discretion of the police, the police officer is obliged to refer the case to the appropriate court.

Police officers have the competence to confiscate a driving licence immediately at the roadside in any case in which the driver tests positive for psychoactive substances. Police officers do not have the competence to confiscate a vehicle (or the licence plate) at the roadside or to arrest a driver and take him into custody. In the case of detaining a drunken driver, the police do not allow the driver to continue to drive. The driver has the right to call family (acquaintances) and ask for someone to drive him or her and the car back home. If such a possibility does not exist, the police organise transport of the driver either home or to a detoxification centre (local government health institution, working 24 hours a day supporting public order services. Detoxification

centres are maintained by local regional governments and are only in the larger cities. The stay in a detoxification centres is paid for) and the car is towed to the police car pound. It can be collected by a sober driver or somebody from his family. For the moment there are no regulations in Poland enabling confiscation of the car, but there is a debate on this currently in progress.

Specific training programmes	Yes (basic police training and in case of new equipment)
Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor	no
If the driver tests positive for psychoactive substances, does the police officer have:	
the competence to confiscate the driving licence immediately at the roadside	yes, in any case
the competence to confiscate the vehicle (or the licence plate) at the roadside	no
the competence to arrest the driver and take him into custody	no

Table 21.8: Police officers' discretions

If a driver refuses to provide a breath/blood/urine/saliva/sweat sample, taking of a blood sample is enforced. If a driver tests positive for alcohol, additional test for other psychoactive substances are made in the case of suspicion. In the case of an accident, a driver is always tested for alcohol and illicit drugs.

24.3 Psychoactive Substances and Driving: Sanctioning

Driving under the influence of psychoactive substances is an administrative offence in Poland and also a criminal offence, but only in some cases: for drivers under the influence of alcohol with BAC level higher than 0.5 mg/dm³, in the case of involvement in an accident; for drivers under the influence of illicit drugs in the case of involvement in an accident, on the basis of an expert's opinion.

Administrative Offences

In 2008 the administrative body pursued 16,402 offenders and 15,948 were sanctioned.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Pursued driving under the influence	2008	/ ⁸⁵	/	/	16,402
Sanctioned driving under the influence	2008	/	/	/	15,948

Table 21.9: Statistics for administrative offences

Discretionary rights of the administrative body

It is within the discretion of the administrative body to decide whether or not to pursue or sanction a driver detected of driving under the influence of psychoactive substances, on the basis of the administrative body's own opinion on how the event was caused.

Driver detected of driving under the influence of psychoactive substances

Discretion to pursue	yes, administrative body's opinion
Discretion to sanction	yes

Table 21.10: Discretions of administrative bodies

⁸⁵ Written, if there was no answer given.
DRUID 6th Framework Programme

Criminal Offences

In 2008, there were 71,608 people prosecuted for driving under the influence of psychoactive substances and 70,347 people convicted in the same year of driving impaired.

Total number of persons	YEAR	ALCOHOL	ILLCIT DRUGS	MEDICINES	COMBINED
Prosecuted driving under the influence	2008	/ ⁸⁶	/	/	71.608
Convicted driving under the influence	2008	/	/	/	70.347

Table 21.11: Statistics for criminal offences

Discretionary rights of the criminal body

It is not within the discretion of prosecutor to decide whether or not to prosecute a driver. If the driver voluntary accepts liability, the court will organise a closed sitting even without the defendant and accept the proposed penalty. The court has discretion to decide whether or not to convict an impaired driver and to decide on the level of punishment.

Driver detected of driving under the influence of psychoactive substances

Discretion of the prosecutor to prosecute	no
Discretion of the court (judge) to convict	yes
Discretion of the court (judge) to determine the level of penalty	yes

Table 21.12: Discretions of criminal bodies

There are no options in Poland of reducing the suspension period after a driving licence has been withdrawn.

Statistics

Total number of persons	YEAR	ALCOHOL	ILLCIT DRUGS	MEDICINES	COMBINED
Detected driving under the influence by police	2008	96,984	2,139	/ ⁸⁷	/
Pursued by administrative body for driving under the influence	2008	/	/	/	16,402
Sanctioned by administrative body for driving under the influence	2008	/	/	/	15,948
Criminally prosecuted for driving under the influence	2008	/	/	/	71,608
Convicted by court of driving under the influence	2008	/	/	/	70,347

Table 21.13: Overall statistics

25PORTUGAL

25.1 Psychoactive Substances and Driving: Legislation

⁸⁶ Written, if there was no answer given.

⁸⁷ Written, if there was no answer given.

DRIVER	BAC threshold
Normal driver	0.5 g/l
Novice driver	0.5 g/l
Young driver	
Professional driver	0.5 g/l
Other: licence withdrawal	0.5 g/l

Table 22.1: BAC threshold for different groups of drivers

The official unit in Portugal is g/l. The BAC threshold is the same for all drivers: 0.5 g/l. Sanctions for a driver detected for the first time under the influence of alcohol or illicit drugs are: fine, driving ban, licence withdrawal, imprisonment, driver rehabilitation and treatment programme.

There are special provisions for novice drivers. Drivers have the status of a novice driver for the first three years after having gained a driving licence. If a novice driver is considered guilty of a road crime (considered to be a very serious offence), or of two serious offences, his driving licence is annulled (cassation). Repeat offenders are not exempt from auxiliary penalties, namely, driving licence suspension for a minimum period of one month. Involvement in an accident or making an unsafe manoeuvre might be considered to be a serious or very serious offence, depending on the circumstances, involving a driving licence suspension; it can even be considered to a road crime.

Driving under the influence of drugs is considered a criminal offence. The driver is therefore subject to a court trial. Driving under the influence of prescribed medicines is legally not considered as driving under the influence of forbidden substances; in other words, it is not punishable or considered to be an offence.

Alcohol

In the case of alcohol, a fine can be imposed from 0.5 g/l upwards. For 0.5-0.8 g/l, the minimum fine that can be imposed is 250 € and the maximum fine is 1,250 €. For 0.8-1.2 g/l, the minimum fine that can be imposed is 500 € and the maximum fine is 2,500 €. A driving ban can be imposed from 1 to 6 months if the BAC level is between 0.5 and 0.8 g/l. If the BAC threshold is between 0.8-1.2 g/l, then a driving ban can be imposed from 2 months to 12 months. Licence withdrawal can be applied after an accumulation of penalties, which can involve DUI of alcohol. A driver caught for the first time with alcohol in his blood (0.5 g/l) can have his licence withdrawn for a minimum period of one month. If he has 0.5-0.8 g/l the withdrawal period may be from 1 month to one year. If he has 0.8-1.2 g/l the withdrawal period may be from 2 months to 2 years. Imprisonment is legally possible if the offence is judged to be a crime (when the BAC level is ≥ 1.2 g/l). The sanctions of a fine and driving ban are also used in cases when the BAC is higher than 1.2 g/l. In addition, driver rehabilitation and a treatment programme can also be imposed as a sanction.

Illicit drugs

If a driver is detected driving under the influence of drugs for the first time, the following are the sanctions: fine, minimum 500 € and maximum 2,500 €. A driving ban can be imposed from 2 months to 24 months. Licence withdrawal is imposed under the same conditions as in the case of alcohol. Imprisonment, driver rehabilitation and treatment programmes are also possible here. As mentioned above, driving under the influence of drugs is considered a criminal offence.

Non-prescribed medicines

Driving under the influence of prescribed medicines is legally not considered to be driving under the influence of forbidden substances, so no sanctions are envisaged.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver asses.	Driver rehab.	Treatment program	Community service	Other
ALCOHOL											
Minimum	250 or 500	no	1 month or 2	1 month or 2	yes	no	no	yes	yes	no	no
Maximum	1.250 or 2.500	no	6 months or 12	1 year or 2							
ILLCIT DRUGS											
Minimum	500	no	2 months	not specified	yes	no	no	yes	yes	no	no
Maximum	2.500	no	24 months	not specified							
Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver asses.	Driver rehab.	Treatment program	Community service	Other
NON-PRESCRIBED MEDICINES											
Minimum	⁸⁸ /	/	/	/	/	/	/	/	/	/	/
Maximum											
MORE SEVERE CONSEQUENCES											
Recidivists			yes								
Accident			yes								
Unsafe manoeuvre			yes								

Table 22.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment) and more severe consequences for special circumstances

Background Information on Sanctions

If a driving licence is withdrawn or the driver is banned but nevertheless detected driving, the regular consequence is criminal prosecution. There are no traffic related consequences of psychoactive substance use in general. Drivers under the influence of psychoactive substances are recorded in a register for traffic offences in order to identify recidivists, including alcohol and drug related offences. Portugal does not have a system of conditional withdrawal, only driving ban and licence withdrawal for a certain period of time, and the licence is then given back. Imposing more than one sanction at the same time is possible; the most common combination is a fine and driving ban.

Availability of sanction-related issues	
Evaluation studies regarding effectiveness of different sanctions	not specified
Register for traffic offences in order to identify recidivists	yes, all serious infractions are recorded.
Conditional withdrawal or conditional licence	no, only driving ban and licence withdrawal
Imposing more than one sanction at the same time	yes, fine and driving ban

⁸⁸ As already mentioned, driving under influence of prescribed medicines is legally not considered as driving under influence of forbidden substances.

Table 22.3: Availability of sanction-related issues

Re-granting Procedure

If a licence is withdrawn due to an alcohol offence, the requirements for re-granting the licence are: medical assessment, psychological assessment and driver rehabilitation. All three are imposed in special cases, in the case of repeated offences. The same requirements apply for illicit drugs' offences. Treatment programmes, theoretical driving lessons, practical driving lessons, theoretical driving test and practical driving test are not used in Portugal.

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	in special cases, repeated offences	in special cases, repeated offences	/ ⁸⁹
Psychological assessment	in special cases, repeated offences	in special cases, repeated offences	/
Screenings for substance markers in blood / urine / hair	no	no	/
Driver rehabilitation	in special cases, repeated offences	in special cases, repeated offences	/
Treatment programme	not used in Portugal	not used in Portugal	/
Theoretical driving lessons	not used in Portugal	not used in Portugal	/
Practical driving lessons	not used in Portugal	not used in Portugal	/
Theoretical driving test	not used in Portugal	not used in Portugal	/
Practical driving test	not used in Portugal	not used in Portugal	/
Other			/

Table 22.4: Re-granting procedure

25.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

Systematic police control activities in connection with driving under the influence of psychoactive substances are related to weekday, daytime, specific locations and specific events. Breath and saliva test can be conducted randomly, at the roadside and in the case of suspicion. Blood tests and impairment tests can be conducted only in the case of suspicion. Urine test and sweat test techniques are not in use in Portugal. In 2008 there were 26,153 persons detected driving under the influence of psychoactive substances.

Systematic police control activities	
Strategies	Yes, related to weekday, daytime, specific locations, specific events
Annual frequency	not specified
Detection routines and procedures	
Breath test	random, on suspicion, roadside

⁸⁹ As already mentioned, driving under influence of prescribed medicines is legally not considered as driving under influence of forbidden substances.

Blood test	on suspicion
Urine test	no
Saliva test	random, on suspicion, roadside
Sweat test	no
Impairment test	on suspicion
Other test:	

Table 22.5: Police control activities and detection routines

Police officers' discretions and competences

Police are provided with regular training programs regarding the equipment in use or to be used by police officers. Deciding whether or not to report a driver detected of DUI to the administrative body is not at the discretion of the police officer. The police in Portugal do not have the competence to confiscate a driving licence immediately at the roadside or to confiscate a vehicle at the roadside. On the other hand, the police have the competence to arrest a driver and take him into custody if the driver tests positive.

Specific training programmes	Yes, regular training programs regarding the equipment in use
Deciding whether or not to report a driver detected for DUI to the administrative body or the prosecutor	No
If the driver tests positive for psychoactive substances, does the police officer have:	
competence to confiscate the driving licence immediately at the roadside	No
competence to confiscate the vehicle (or the licence plate) at the roadside	No
competence to arrest the driver and take him into custody	Yes, if the driver tested positive

Table 22.6: Police officers' discretions

If a driver is involved in an accident, he is always tested for alcohol and illicit drugs. If the driver tests positive for alcohol, further procedure depends on the situation. If the driver does not provide a breath/blood/urine/sweat sample, this constitutes the crime of disobedience.

25.3 Psychoactive Substances and Driving: Sanctioning

Driving under the influence of alcohol is an administrative offence as well as a criminal offence, but it is criminal only in special cases: if the drivers BAC threshold is above 1.2 g/l, in the case of unsafe driving/obvious impairment and in the case of accident involvement. Driving under the influence of illicit drugs is also both an administrative offence and a criminal offence, but criminal only in special cases: in the case of unsafe driving/obvious impairment and in the case of accident involvement.

Administrative Offences: Discretionary rights of the administrative body

The administrative body does not have the discretion to decide whether or not to pursue a driver detected of driving under the influence of psychoactive substances, nor to decide whether or not to sanction such a driver. The average period of time between detection of driving under the influence of psychoactive substances and sanctioning by the administrative body is 17 months.

Criminal Offences: Discretionary rights of the criminal prosecution body

In Portugal it is not at the prosecutor's discretion to decide whether or not to prosecute a driver detected of driving under the influence of psychoactive substances. However, a court (judge) has discretion to decide whether or not to convict a driver detected of and prosecuted for driving under the influence. The court (judge) can also determine the level of penalty for drivers convicted for driving under the influence.

26 ROMANIA

26.1 Psychoactive Substances and Driving: Legislation

DRIVER	BAC threshold
Normal driver	0.00 g/l
Novice driver	0.00 g/l
Young driver	/
Professional driver	0.00 g/l
Other: licence withdrawal	0.00 g/l

Table 23.1: BAC threshold for different groups of drivers

The official BAC unit in Romania is g/l. In Romania the BAC threshold for all drivers is 0.00 g/l. Possible sanctions for drivers detected for the first time under the influence of alcohol in a usual police control event are a fine, driving ban, licence withdrawal, imprisonment or driver assessment.

The consumption of drugs and non-prescribed medicines is a criminal offence in Romania, drivers detected impaired are sentenced to imprisonment, their licence is withdrawn and they must attend driver assessment. The rehabilitation period and the treatment programme are decided by the court.

Penalties are higher for drivers involved in an accident (aggravating circumstance) and professional drivers, if they are detected with BAC threshold higher than 0.8 g/l on and they can be imprisoned from 2-7 years.

Alcohol

In the case of alcohol, a fine can be imposed from a BAC threshold 0.01 g/l upwards. For a BAC level of 0.01 g/l up to 0.8 g/l, the fine varies from 130 € to 285 €. The driving licence can be cancelled or withdrawn for 90 days and the driver can be sent to attend a driver assessment. A BAC level of 0.8 g/l or over is a criminal offence and a detected driver can be imprisoned (professional drivers for a period between 2 and 7 years). His driving licence can be annulled by court order, so the driver must pass theoretical and practical tests for a new license. In the case of a violation, the driver is subjected to a theoretical test only.

Aggravating circumstances in sentencing are involvement in an accident or the status of a professional driver.

Illicit drugs

Drivers detected driving under the influence of illicit drugs are sentenced to imprisonment, their licence is withdrawn and they must attend driver assessment. The rehabilitation period and the treatment programme are decided by the court. Involvement in an accident and being a professional driver are aggravating circumstances in sentencing.

Non-prescribed medicines

By an Order of the Health Ministry, a person is not allowed to drive under the influence of psychoactive medicines (such as THC, amphetamines, methadone etc). Drivers detected driving under the influence of non-prescribed medicines are sentenced to imprisonment, their licence is withdrawn and they must attend driver assessment. The rehabilitation period and the treatment programme are decided by the court. Involvement in an accident and being a professional driver are aggravating circumstances in sentencing.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver asses.	Driver rehab.	Treatment program	Community service	Other
ALCOHOL											
Minimum	130										
Maximum	285	no	90 days	90 days	yes	no	yes	no	no	no	no
ILLCIT DRUGS											
Minimum											
Maximum	no	no	no	yes	yes	no	yes	possible	possible	no	no
NON-PRESCRIBED MEDICINES											
Minimum											
Maximum	no	no	no	yes	yes	no	yes	possible	possible	no	no
MORE SEVERE CONSEQUENCES											
Recidivists											
Accident	aggravated circum.			aggravated circum.	aggravated circum.						
Unsafe manoeuvre											

Table 23.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment) and more severe consequences for special circumstances

Background Information on Sanctions

In the first 8 months of 2009, there were 16,892 drivers fined and sentenced with a driving ban and licence withdrawal for driving under the influence of alcohol.

Sanctions	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
Fines	16,892	no data	no data	16,894
Demerit points	no data	no data		
Driving bans	16,892	2	no data	16,894
Licence withdrawals:				
- Administration-based	16,892	2	no data	16,894
- Court-based	no data	no data	no data	no data
Imprisonment	no data	no data	no data	no data
Other sanctions: _____				

Table 23.3: Total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines

If a driver in Romania is detected driving while his licence has been suspended, this is considered to be a criminal offence, so the driver will be judged by a court and will receive a criminal record.

Driving while suspended	
Consequences	criminal record
Number of offences/offenders of driving while suspended per year	not recorded

Table 23.4: Driving while suspended

For the time being, there have been no evaluation studies in Romania relating to the effectiveness of different sanctions. Driving violations are recorded in a register for traffic offences and are available in order to identify recidivists.

Availability of sanction-related issues	
Evaluation studies on the effectiveness of different sanctions	no
Register of traffic offences in order to identify recidivists	yes
Conditional withdrawal or conditional licence	no
Imposing more than one sanction at the same time	yes (fine+driving ban or fine+license withdrawal or prison+license annulment)

Table 23.5: Availability of sanction-related issues

The legal system in Romania does not provide the option of conditional withdrawal of a driving licence. It is possible to impose more than one sanction at the same time in the case of driving under the influence of alcohol. Possible combinations are fine + driving ban or fine + license withdrawal or prison + license annulment. In the case of illicit drugs or medicines, a possible combination with other sanctions is driving licence annulment.

In Romania, a penalty point system exists, but not in case of drink driving. If a driver reaches 15 demerit points, his driving licence is withdrawn for 30 days.

Traffic Related Consequences of Psychoactive Substance Use in General

Selling, possessing or consuming of alcohol, illicit drugs or medicines outside traffic have no consequences for a driving licence.

Re-granting Procedure

If the driver is detected with a BAC higher than 0.80 g/l, it is considered a criminal offence and the license is annulled by court order. The driver must pass theoretical and practical tests for a new license. If a violation is concerned, the driver is subjected to a theoretical test only. After annulment, a one year waiting period follows. No driving school is required, only the theoretical driving test and the practical driving test.

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	no	no	no
Psychological assessment	no	no	no

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Screenings for substance markers in blood / urine / hair	no	no	no
Driver rehabilitation	no	no	no
Treatment programme	no	no	no
Theoretical driving lessons	no	no	no
Practical driving lessons	no	no	no
Theoretical driving test	yes	yes	yes
Practical driving test	For BAC higher than 0.8 g/l	yes	yes
Other	no	no	no

Table 23.6: Re-granting procedure

26.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

Police in Romania have strategies of systematic police control activities related to weekdays, specific areas and locations and specific events. In the first 8 months of 2009, there were 2,300 police control activities. The police have detected 16,892 drivers under the influence of alcohol and 2 drivers under the influence of illicit drugs this year.

Police can randomly check drivers at the roadside only with a breath test. In the case of suspicion, they can also order a driver to take a saliva test at roadside. Blood and urine tests are permitted in the case of suspicion but are not conducted at the roadside.

Systematic police control activities	
Strategies	yes, related to weekdays, daytime, specific areas and locations and specific events
Annual frequency	2009: 2,300 checks
Detection routines and procedures	
Breath test	Permitted at random, conducted at roadside
Blood test	in case of suspicion
Urine test	in case of suspicion
Saliva test	in case of suspicion, conducted at roadside
Sweat test	no
Impairment test	no
Other test:	no

Table 23.7: Police control activities and detection routines

Police officers' discretions and competences

Police officers periodically discuss the detection of drivers under the influence of psychoactive substances in specialized schools. Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor is not at the discretion of the police.

The police in Romania have the competence to confiscate a driving licence immediately at the roadside if the driver tests positive for psychoactive substances. Police officers have the competence in special cases to immobilize or lock up a vehicle at the roadside. They can also arrest a driver and take him into custody in the case of an accident (involving casualties) or in the case of criminal offences.

Specific training programmes	yes
Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor	no
If a driver tests positive for psychoactive substances, does the police officer have:	
competence to confiscate the driving licence immediately at the roadside	yes
competence to confiscate the vehicle (or the licence plate) at the roadside	yes, the police officer immobilizes or locks up the vehicle
competence to arrest the driver and take him into custody	yes, in special cases

Table 23.8: Police officers' discretions

If a driver in Romania refuses to provide breath, blood, urine, saliva or sweat samples, the consequences are more severe, as for drivers detected with a BAC level higher than 0.8 g/l. A driver will be also judged by a court and will receive a criminal record. If driver tests positive for alcohol, an additional test for other psychoactive substances is taken in the case of suspicion and in the case of an accident. In the case of an accident, a driver is always tested for alcohol and in case of suspicion for illicit drugs and medicines.

26.3 Psychoactive Substances and Driving: Sanctioning

Driving under the influence of illicit drugs or non-prescribed medicines is in every case a criminal offence in Romania, it is also criminal offence if a driver is detected with a BAC level higher than 0.8 g/l. Driving under the influence of alcohol with a BAC level of 0.01g/l to 0.79 g/l is considered to be an administrative offence.

Administrative Offences

In 2009, the administrative body sanctioned 16,892 offenders for driving under the influence of alcohol. There is no data available of how many drivers were pursued during impaired driving.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Pursued by administrative body for driving under the influence		no record	no record	no record	no record
Sanctioned by administrative body for driving under the influence	2009	16,892	⁹⁰	/	16,892

Table 23.9: Statistics for administrative offences

⁹⁰ Written, if there was no answer given.
DRUID 6th Framework Programme

Discretionary rights of the administrative body

It is not at the discretion of the administrative body to decide whether or not to pursue and sanction a driver detected of driving under the influence of psychoactive substances.

Driver detected of driving under the influence of psychoactive substances	
Discretion to pursue	no
Discretion to sanction	no

Table 23.10: Discretions of administrative bodies

The period of time between detection of driving under the influence of psychoactive substances and sanctioning by the administrative body is 5 to 15 minutes (police at the roadside sanction as the administrative body).

Criminal Offences: Discretionary rights of the criminal prosecution body

It is at the discretion of the prosecutor to decide whether or not to prosecute a driver and it is at the discretion of a judge whether to convict a driver. The court can also determine the level of penalty. There is no data available of how many people were prosecuted and convicted for driving under the influence of psychoactive substances in previous years.

Driver detected of driving under the influence of psychoactive substances	
Discretion of the prosecutor to prosecute	yes
Discretion of the court (judge) to convict	yes
Discretion of the court (judge) to determine the level of penalty	yes

Table 23.11: Discretions of criminal bodies

The period of time between detection of driving under the influence of psychoactive substances and conviction by a court is between 6 months and 2 years. There are no options to reduce the suspension period after a driving licence has been withdrawn.

27SLOVAKIA

27.1 Psychoactive Substances and Driving: Legislation

DRIVER	BAC threshold
Normal driver	0.0 mg/l
Novice driver	0.0 mg/l
Young driver	0.0 mg/l
Professional driver	0.0 mg/l
Other: licence withdrawal	> 0.00 mg/l

Table 24.1: BAC threshold for different groups of drivers

The official unit in Slovakia is mg/l. The BAC for all drivers is 0.00 mg/l. In Slovakia the sanctions for a driver detected for the first time under the influence of alcohol, illicit drugs or non-prescribed medicines in a usual police control event are a fine, driving ban, licence withdrawal, imprisonment, driver assessment, treatment

programme. There are more severe consequences envisaged for recidivists, accident involvement or unsafe manoeuvre.

In alcohol, drug and medicine cases the consequences are the same. For recidivists who have committed 3 serious infringements of DUI during a 12-month period, a driver assessment⁹¹ and a psychological examination are required. In the case of making unsafe manoeuvres and committing 3 serious infringements during a 12-month period, an examination of mental and physical fitness and of driving attitude is imposed, as well as a psychological examination. The same is required in the case of involvement in an accident and committing 3 serious infringements during a 12-month period.

For all three cases, endangering others by driving under the influence of alcohol or other psychoactive substances is considered to be a crime and sanctioned with imprisonment up to 5 years.

If a person has not been allowed to drive for less than 2 years (due to a driving ban or driving licence/right withdrawal), a theoretical exam follows, testing his/her driving attitude. However, if a person has not been allowed to drive for more than 2 years (due to a driving ban or driving licence/right withdrawal), an examination of mental and physical fitness, a psychological examination and a test of driving attitude (both practical and theoretical exam) are imposed.

For illicit drugs and non-prescribed medicines, in each case of DUI or if a driver refuses to be tested, an examination of mental and physical fitness and psychological examination can be ordered.

Alcohol

In the case of alcohol, a fine can be imposed of 150 to 1,000 EUR. A driving ban can be imposed for a maximum of 5 years. Licence withdrawal is called driving right withdrawal in Slovakia and it can be imposed due to a loss of driving attitude, lack of mental and physical or psychological fitness to drive, for example because of health reasons (obligation to use spectacles) or obligation to make some technical modification of the vehicle (if requirements under Annex II to Directive 91/439 on the driving licence are not met). It is not time-limited. It can be re-granted under certain conditions, such as driving tests, medical or psychological examination. In the case of endangering others while driving under the influence of alcohol or other psychoactive substances⁹² imprisonment up to 5 years is possible. There is also the possibility of driver assessment and treatment programme.

Illicit drugs

In the case of illicit drugs, the minimum fine is 200 EUR, the maximum 1,000 EUR. The driving ban can last a maximum of 5 years. Licence withdrawal can be imposed for the same reasons as in alcohol cases mentioned above and it is not time-limited. In the case of endangering others while driving under the influence of alcohol

⁹¹ Examination of mental and physical fitness and driving attitude.

⁹² This is considered to be a crime.

or other psychoactive substance⁹³ imprisonment up to 5 years is possible. There is also the possibility of driver assessment and treatment programme.

Non-prescribed medicines

Driving under the influence of psychactive substance is not allowed regardless of whether it is part of a prescribed or non-prescribed medicine. If a substance from the list of psychoactive substances is detected, the consequences are the same as in illicit drug cases.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver assess.	Driver rehab.	Treatment program	Community service	Other
ALCOHOL											
Minimum	150	no	not specified	no time limit	not specified	no	yes	no	yes	no	no
Maximum	1000	no	5 years	no time limit	5 years	no	yes	no	yes	no	no
ILLICIT DRUGS											
Minimum	200	no	not specified	no time limit	not specified	no	yes	no	yes	no	no
Maximum	1000	no	5 years	no time limit	5 years	no	yes	no	yes	no	no
NON-PRESCRIBED MEDICINES											
Minimum	200	no	not specified	no time limit	not specified	no	yes	no	yes	no	no
Maximum	1000	no	5 years	no time limit	not specified	no	yes	no	yes	no	no
MORE SEVERE CONSEQUENCES											
Recidivists	no	no	no	no	no	no	yes	no	no	no	yes
Accident	no	no	no	no	no	no	yes	no	no	no	yes
Unsafe manoeuvre	no	no	no	no	no	no	yes	no	no	no	yes

Table 24.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment) and more severe consequences for special circumstances

Background Information on Sanctions

Table 24.3 gives total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines. The information available is for 2008 and only for drivers of motor vehicles, including motorcycles and mopeds. In alcohol cases, there were 13,245 fines and the same number of driving bans imposed. In illicit drug cases, there were 54 fines and also the same number of driving bans imposed. There is no information on medicine cases. The total number of fines is the same as the total number of driving bans and that is 13,299. Information on licence withdrawals and imprisonments is not available.

Sanctions	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
Fines	2008: 13,245	54	⁹⁴	13,299

⁹³ This is considered to be a crime.
DRUID 6th Framework Programme

Demerit points	/	/	/	/
Driving bans	2008: 13,245	54	/	13,299
Licence withdrawals: - Administration-based - Court-based	no data available	no data available	/	no data available
Imprisonment	no data available	no data available	/	no data available
Other sanctions: _____	/	/	/	/

Table 24.3: Total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines

If a driving licence has been withdrawn and the driver is detected driving, it is a criminal offence and the sanction is imprisonment for up to 2 years. No information regarding the number of these offences or offenders is available. A driving ban can last for several years. After half of the driving ban period expires, the driver can ask to be released from the ban.

Driving while suspended

Consequences	If the driving licence has been withdrawn or the driver is suspended: imprisonment up to 2 years
Number of offences/offenders of driving while suspended per year	/

Table 24.4: Driving while suspended

There is no demerit point system in Slovakia. There have been no evaluation studies regarding the effectiveness of different sanctions in past years. Drivers under the influence of psychoactive substances are recorded in a register for traffic offences in order to identify recidivists.

There is an option of conditional licence for health or technical reasons. The conditional licence does not correspond with the definition of conditional withdrawal stated in the questionnaire. The legal system in Slovakia provides⁹⁵ for a restriction of driving licence for health reasons, e.g. obligation to use spectacles or to make some technical modifications of the vehicle. The minimum requirements for mental and physical fitness as stipulated in Annex II to Directive 91/439 on driving licences must be met.

Imposing more than one sanction at the same time is possible in alcohol and illicit drug cases, namely a fine (penalty) + driving ban + imprisonment in criminal proceedings. There are the same possibilities in medicine cases, if a substance from the list of psychoactive substances is detected.

Availability of sanction-related issues	
Evaluation studies regarding effectiveness of different sanctions	No
Register for traffic offences in order to identify recidivists	Yes
Conditional withdrawal or conditional licence	Yes, for health or technical reasons.
Imposing more than one sanction at the same time	Yes, fine (penalty) + driving ban + imprisonment in criminal proceedings

Table 24.5: Availability of sanction-related issues

⁹⁴ Written, if there was no answer given.

⁹⁵ In accordance with Appendix 1a of Directive 91/439 on driving licenses.
DRUID 6th Framework Programme

Traffic Related Consequences of Psychoactive Substance Use in General

Selling, possessing and consuming illicit drugs outside road traffic have legal consequences on the driving licence, i.e., licence withdrawal after failing a medical/psychological assessment. In the case of consuming illicit drugs, the consequence is also a medical and psychological driver assessment. There are the same consequences for alcohol addicts. The rules are the same for young, novice and professional drivers.

Driving licences (for whatever category) cannot be issued to or renewed for applicants or drivers who are addicted to psychoactive substances or who are not addicted to them but regularly abuse them. It also cannot be issued to or renewed for applicants or drivers who regularly use psychoactive substances, in whatever form, which can hamper the ability to drive safely where the quantities absorbed are such as to have an adverse effect on driving. Driving licences cannot be issued to or renewed for applicants or drivers who are dependent on alcohol or unable to refrain from drinking and driving. A driving licence can be renewed for an addicted person only when the person is subject to regular medical examination, on the basis of an authorized medical opinion and regular medical check-ups and has been abstinent for at least 2 years. All providers of healthcare must report persons mentioned above to the competent authority.

	Selling	Possessing	Consuming
Legal consequences concerning the driving licence	ILLICIT DRUGS		
	licence withdrawal (after failing medical/psychological assessment)	licence withdrawal (after failing medical/psychological assessment)	Medical and psychological driver assessment, licence withdrawal (after failing medical/psychological assessment)
	ALCOHOL		
	/	/	Yes, in special cases, for addiction: medical and psychological driver assessment, licence withdrawal (after failing medical/psychological assessment)
	MEDICINES		
/	/	Yes, in special cases, when having an impact on the fitness to drive	

Table 24.6: Psychoactive substance use in general

Re-granting Procedure

The DRUID WP6 group received information regarding the procedure for re-granting a licence if it was withdrawn due to an alcohol or illicit drug offence. Medical and psychological assessments are required only in special cases, if the person was not allowed to drive for more than 2 years due to a driving ban or driving licence/right withdrawal. Examination of mental and physical fitness, a psychological exam and a test of driving attitude, practical and theoretical exam, medical and psychological assessment and special training or examination may also be imposed.

Driver rehabilitation is only required in special cases for illicit drug offences. A treatment programme in Slovakia is a preventive measure imposed by a court. It includes elements of driver rehabilitation.

Theoretical and practical driving lessons may be ordered by the competent authority in alcohol and in illicit drug cases. A theoretical driving test is always imposed. On the other hand, a practical driving test is imposed only in special cases, if the person was not allowed to drive for more than 2 years due to a driving ban or driving licence/right withdrawal. In such cases, examination of mental and physical fitness, a psychological examination and test of driving attitude, and both practical and theoretical exams may be imposed.

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	Only in special cases, if the person was not allowed to drive for more than 2 years	Only in special cases, if the person was not allowed to drive for more than 2 years	⁹⁶
Psychological assessment	Only in special cases, if the person was not allowed to drive for more than 2 years	Only in special cases, if the person was not allowed to drive for more than 2 years	/
Screenings for substance markers in blood / urine / hair	/	/	/
Driver rehabilitation	No	Yes, in special cases	/
Treatment programme	Yes, if ordered by a court	Yes, if ordered by a court	/
Theoretical driving lessons	Yes, if ordered by a competent authority	Yes, if ordered by a competent authority	/
Practical driving lessons	Yes, if ordered by a competent authority	Yes, if ordered by a competent authority	/
Theoretical driving test	Always	Always	/
Practical driving test	Only in special cases, if the person was not allowed to drive for more than 2 years	Only in special cases, if the person was not allowed to drive for more than 2 years	/
Other			/

Table 24.7: Re-granting procedure

27.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

Strategies regarding police control activities are related to weekdays, daytime, specific locations and specific road user groups. There is no complete information available regarding the annual frequency of systematic police control activities. However, random checks, checks in case of suspicion and in the case of an accident are daily routine. The total number of persons detected driving under the influence of psychoactive substances in 2008 was 13,245 motor vehicles drivers under the influence of alcohol and 54 motor vehicles drivers under the influence of illicit drugs, i.e., 13,299 drivers altogether.

The only detection routine that is used in police control activities at the roadside is breath tests. A blood test can only be conducted by a medical authority in a laboratory. No other tests are used.

Systematic police control activities	
Strategies	Yes, related to weekdays, daytime, specific locations and specific road users groups.
Annual frequency	No complete information available.

⁹⁶ Written, if there was no answer given.
 DRUID 6th Framework Programme

Detection routines and procedures	
Breath test	Permitted at random, conducted at roadside
Blood test	no
Urine test	no
Saliva test	no
Sweat test	no
Impairment test	no
Other test:	no

Table 24.8: Police control activities and detection routines

Police officers' discretions and competences

There are specific training programmes for police officers concerning the detection of drivers under the influence, since this is a subject of training at police schools and follow-up trainings.

Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor is not at the discretion of the police. A police officer has the competence to confiscate a driving licence immediately at the roadside if the driver tests positive. However, he has no competence to confiscate the vehicle or to arrest the driver and take him into custody in any case.

Specific training programmes	Yes
Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor	No
If the driver tests positive for psychoactive substances, does the police officer have:	
competence to confiscate the driving licence immediately at the roadside	Yes, if the driver tests positive
competence to confiscate the vehicle (or the licence plate) at the roadside	No
competence to arrest the driver and take him into custody	No

Table 24.9: Police officers' discretions

If a driver is involved in an accident, he is always tested for alcohol and for illicit drugs in the case of suspicion. If a driver refuses to provide a breath sample, he can be ordered to take a blood test. At the same time, a driver can also himself ask to have his blood tested. A refusal to submit to testing is fined from 300 to 1,300 EUR and a driving ban from 1 to 5 years. If a driver tests positive for alcohol, an additional test follows in the case of suspicion of other psychoactive substances.

27.3 Psychoactive Substances and Driving: Sanctioning

In Slovakia driving under the influence of alcohol and illicit drugs is considered to be an administrative offence and also a criminal offence in the case of endangerment.

Administrative Offences

In 2008, there were 13,245 drivers sanctioned for driving under the influence of alcohol and 54 for driving under the influence of illicit drugs. Altogether, 13,299 drivers were sanctioned. The numbers corresponded for pursued drivers.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Pursued driving under the influence	2008	13.245	54	/ ⁹⁷	13.299
Sanctioned driving under the influence	2008	13.245	54	/	13.299

Table 24.10: Statistics for administrative offences

Discretionary rights of the administrative body

It is not at the discretion of the administrative body to decide whether or not to pursue a driver detected driving under the influence of psychoactive substances, nor to decide whether or not to sanction a driver for the same reasons.

Driver detected driving under the influence of psychoactive substances

Discretion to pursue	No
Discretion to sanction	No

Table 24.11: Discretions of administrative bodies

On average, the period of time between detection of a person driving under the influence of psychoactive substances and sanctioning by the administrative body is from 30 to 60 days.

Criminal Offences

There was no data given regarding criminal offences.

In Slovakia, there are some options to reduce the suspension period after a driving licence has been withdrawn. After expiration of half of the driving ban period, the person can ask for a release from the remainder of the driving ban period.

Statistics

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Detected driving under the influence by police	2008	13,245	54	/ ⁹⁸	13,299
Pursued by administrative body for driving under the influence	2008	13,245	54	/	13,299
Sanctioned by administrative body for driving under the influence	2008	13,245	54	/	13,299
Criminally prosecuted for driving under the influence	/	/	/	/	/
Convicted by court for driving under the influence	/	/	/	/	/

* Punished in administrative proceedings.

Table 24.12: Statistics together

⁹⁷ Written, if there was no answer given.

⁹⁸ Written, if there was no answer given.

28SLOVENIA

28.1 Psychoactive Substances and Driving: Legislation

DRIVER	BAC threshold
Normal driver	0.24 mg/l (breath) or 0.5 g/kg (blood)
Novice driver	0.00 mg/l
Young driver	
Professional driver	
Other: licence withdrawal	0.52 mg/l (1.1 g/kg)

Table 25.1: BAC threshold for different groups of drivers

The official units in Slovenia are mg/l (breath) and g/kg (blood). The BAC for normal drivers is 0.24 mg/l or 0.5 g/kg. There are 4 different BAC thresholds: 0.24 mg/l (0.5 g/kg), 0.38 mg/l (0.8 g/kg), 0.52 mg/l (1.1 g/kg) and 0.71 mg/l (1.5 g/kg).

In Slovenia, the sanctions for a driver detected for the first time under the influence of alcohol in a usual police control event are: fine, demerit points, driving ban, licence withdrawal, imprisonment and driver rehabilitation. Medical assessment is also possible in some cases. There are more severe consequences envisaged for novice drivers, professional drivers, recidivists and for accident involvement.

Sanctions for a driver detected for the first time under the influence of illicit drugs or non-prescribed medicines in a usual police control event are: fine, demerit points, driving ban, and also medical assessment in some cases. There are more severe consequences envisaged for novice drivers, professional drivers, recidivists and in case of accident involvement.

Alcohol

In the case of alcohol, a fine and demerit points can be imposed from 0.24 mg/l upwards. The minimum fine is 450 EUR and the maximum is 950 EUR. There can be a minimum of 7 and a maximum of 18 demerit points imposed. A driver must take a course of driver rehabilitation if he reaches 13-17 demerit points. The police, court or prosecutor may propose medical assessment of the driver who has been detected 3 times over the legal BAC limit within 2 years from 0.24 mg/l upwards.

A driving ban, licence withdrawal and imprisonment can be imposed from 0.52 mg/l upwards. A driving ban can last a minimum of 1 month and maximum of 12 months. The length of punishment is at the discretion of the judge, depending on the circumstances. License withdrawal also follows if a driver refuses to take a breath test or medical examination and if he disregards the instructions of the police officer. If the driver is detected over the BAC level, withdrawal for 24 hours follows in any case. Imprisonment can last from 6 hours to 12 hours.

Driver rehabilitation can be imposed from 0.71 mg/l upwards. The length of punishment is at the discretion of the judge, depending on the circumstances.

There are more severe consequences envisaged for novice drivers, professional drivers, recidivists and for accident involvement. Novice drivers are subject demerit points and a fine also for BAC below 0.24 mg/l, since the legal limit for them is 0.0 mg/l. At a BAC level of 0.24 mg/l, the fine is 400 EUR. The court imposes a maximum of 7 demerit points on a novice driver. Seven demerit points represent withdrawal of the driving licence for a novice driver. There is an automatic suspension in such cases. A novice driver needs to regain his driving licence already after the first offence of driving under the influence of alcohol. For professional drivers the fine is lower than for other drivers at the same BAC threshold. A driving ban and imprisonment can be imposed from 0.38 mg/l upwards. Conditional withdrawal is also possible for professional drivers. If a driver is detected committing an administrative offence in road traffic with his personal (not business) vehicle, a judge can order a conditional withdrawal, depending on the social circumstances of the driver. This means that he can only drive his business vehicle or has a driving license for C, D and E categories only.

There are also stricter sanctions for recidivists. In the case of a second offence, additional demerit points are imposed if the demerit points from the first offence have not been deleted. In most cases this means that the limit of 18 demerit points is surpassed and the consequence is withdrawal of the driving licence. In such cases, conditions for the confiscation of the vehicle are very often fulfilled. If a driver is punished 3 or more times within a space of 2 years for driving under the influence of drugs, alcohol or psychoactive substances, he is sent for a control medical examination. However, this is only possible on the proposal of the police or court or prosecutor (Article 184, Road Traffic Safety Act). In addition, if a driver has already been convicted for a road traffic offence 3 times in 2 years, confiscation of the vehicle follows (Article 238a, Road Traffic Safety Act). If the driver is detected under the influence of alcohol above the BAC level, withdrawal for 24 hours follows in any case. If the driver continues to drive during this period, imprisonment follows.

In the case of involvement in an accident, the driver receives 18 demerit points (if the BAC level is 0.52 mg/l or more). There is an automatic suspension for drivers who cause an accident at a BAC level of 0.52 mg/l. In the case of an accident, the insurance companies can claim for the damages from the offender in the traffic accident.

Illicit drugs

In the case of illicit drugs, the minimum fine is 950 EUR. The minimum number of demerit points is 10 and the maximum is 18. A driving ban can last a minimum of 1 month and maximum of 12 months. The length of the punishment depends is at the discretion of the judge, depending on the circumstances. If a driver is punished 3 or more times during a 2-year period for driving under the influence of drugs, alcohol or other psychoactive substances, he is sent for a control medical examination. This is, however, only possible only on the proposal of the police or court or prosecutor. License withdrawal also follows if a driver refuses to take a breath test or medical examination or if he disregards the instructions of a police officer.

In the case of novice drivers, the first offence is already penalised by the withdrawal of the driving licence. A conditional withdrawal is possible for professional drivers. If a driver is detected committing an administrative offence in road traffic with his personal (not business) vehicle, the judge can order a conditional withdrawal,

depending on the social circumstances of the driver. This means that he can only drive his business vehicle or has a driving license for C, D and E categories only.

Additional demerit points are imposed on recidivists in the case of a second offence, which means that if the demerit points from the first offence have not been deleted, the limit is probably surpassed and the consequence is withdrawal of the driving licence. If a driver is punished 3 or more times within a 2-year period for driving under the influence of drugs, alcohol or other psychoactive substances, he is sent for a control medical examination. If driver is detected under the influence of drugs, withdrawal of the driving licence for 24 hours follows in any case. If driver continues to drive during this period, imprisonment follows.

In the case of involvement in an accident, there is automatic suspension of a driving licence. In the case of an accident, insurance companies can claim for the damages from the offender in the traffic accident. The Penal Code also applies in the case of an accident. Additionally, there are special regulations relating to the severity of the accident.

Non-prescribed medicines

Psychoactive medicines are detected only in connection with drugs, which means only if a test for the detection of drugs is done. In the case of illicit drugs, the minimum fine is 950 EUR. The minimum number of demerit points is 10 and the maximum is 18. The driving ban can last a minimum of 1 month and maximum of 12 months. The length of the punishment is at the discretion of the judge, depending on the circumstances. If a driver is punished 3 or more times during a 2-year period for driving under the influence of drugs, alcohol or psychoactive substances, he is sent for a control medical examination. This is only possible on the proposal of the police or court or prosecutor.

In the case of novice drivers, the first offence already carries the penalty of withdrawal of the driving licence. Conditional withdrawal is also possible for professional drivers here, as in the case of illicit drugs. The same provisions for recidivists in the case of non-prescribed medicines apply as in the case of illicit drugs.

In the case of involvement in an accident, licence withdrawal and driver rehabilitation follow. Driver rehabilitation could be connected to demerit points, since a driver must take this course if he reaches 13-17 demerit points. License withdrawal also follows if a driver refuses to take a breath test or medical examination or if he disregards the instructions of a police officer.

There are no special regulations for drivers detected under the influence of substances prescribed as medicines, for example THC, amphetamines, methamphetamines, cocaine, opioid analgesics, substitutes (e.g. methadone) or benzodiazepines. A special problem with medicines is that cooperation between personal doctors and those conducting the case to proceedings is not intensive enough.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver assess.	Driver rehab.	Treatment program	Community service	Other
----------	----------	-------------	-------------	--------------------	-----------	-----------	----------------	---------------	-------------------	-------------------	-------

ALCOHOL											
Minimum	450	7	1 month	3 months	6 hours	no	no	yes	no	no	no
Maximum	950	18	12 months	6 months	12 hours	no	no	yes	no	no	no
ILLICIT DRUGS											
Minimum	950	10	1 month	no	no	no	no	no	no	no	no
Maximum	Not specified	18	12 months	no	no	no	no	no	no	no	no
NON-PRESCRIBED MEDICINES											
Minimum	950	10	1 month	no	no	no	no	no	no	no	no
Maximum	Not specified	18	12 months	no	no	no	no	no	no	no	no
Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver assess.	Driver rehab.	Treatment program	Community service	Other
MORE SEVERE CONSEQUENCES											
Recidivists	no	no	no	yes	no	no	no	no	no	no	Medical assessment, conditional withdrawal
Accident	no	no	no	yes	no	no	no	yes	no	no	no
Unsafe manoeuvre	no	no	no	no	no	no	no	no	no	no	no

Table 25.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment) and more severe consequences for special circumstances

Background Information on Sanctions

Table 25.3 shows total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs or non-prescribed medicines for 2008. In 2008, there were 26,701 fines imposed, 11,847 driving bans, 66 court-based licence withdrawals and 7,944 imprisonments imposed in alcohol cases. In illicit drug cases, there were 47 court-based licence withdrawals imposed in 2008. There were 1,037 fines imposed for driving under the influence of drugs or medicines in r 2008. The total number of fines was 27,738, which also include fines imposed for refusal to undertake an expert examination.

Sanctions	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
Fines	2008: 26,701	/ ⁹⁹	2008: 1,037	2008: 27,738
Demerit points	/	/	/	/
Driving bans	2008: 11,847	/	539	/
Licence withdrawals: - Administration-based - Court-based	2008:66	2008: 47	/	/
Imprisonment	2008: 7,944	/	/	/
Other sanctions:	/	/	/	/

⁹⁹ Written, if there was no answer given.
DRUID 6th Framework Programme

Table 25.3: Total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines

If a driving licence has been withdrawn and the driver is detected driving, a fine of 500 EUR is imposed in Slovenia and confiscation of the motor vehicle is also possible (Road Traffic Safety Act, Article 238a). There is no information available on the number of offences of driving while suspended.

Driving while suspended

Consequences	If the driving licence is <u>withdrawn</u> : fine (500 EUR), confiscation of the motor vehicle
Number of offences/offenders of driving while suspended per year	Not available

Table 25.4: Driving while suspended

There is a demerit point system in Slovenia (counting upwards). For novice drivers, there is automatic suspension of a driving licence when 7 demerit points are reached. From 13 to 17 demerit points, there is an obligatory driver improvement course, which deducts 4 points. It is provided by driving schools. At 18 demerit points there is automatic suspension for all drivers.

Demerit point system

Number of points	Consequences
7	automatic suspension for novice drivers
13 - 17	obligatory driver improvement course (which deducts 4 points) - provided by driving schools.
18	automatic suspension for all drivers

Table 25.5: Demerit point system

There have been no evaluation studies in past years concerning the effectiveness of different sanctions. Drivers under the influence of psychoactive substances are recorded in a register for traffic offences in order to identify recidivists. A record of offences and offenders is kept for a specified period. It is for 2 years in the case of confiscation of a vehicle, otherwise 4 years. There is currently an amendment in preparation that will prolong this period.

There is an option of conditional withdrawal or conditional licence for professional drivers. If the driver is detected committing an administrative offence in road traffic with his personal (not business) vehicle, the judge can order a conditional withdrawal, depending on the social circumstances of the driver. This means that he can drive only his business vehicle or only has a driving license for C, D and E categories. He can also have a driving licence of category B if he did not commit the offence with a vehicle of a B category and if he is a B category professional driver .

Imposing more than one sanction at the same time is possible. In alcohol cases below BAC 0.52 mg/l: fine + demerit points. For BAC above 0.52 mg/l and below 0.71 mg/l: fine + demerit points + imprisonment + driving ban. For BAC above 0.71 mg/l: fine + demerit points + imprisonment + driving ban + licence withdrawal.

Availability of sanction-related issues	
Evaluation studies regarding	no

effectiveness of different sanctions	
Register for traffic offences in order to identify recidivists	yes
Conditional withdrawal or conditional licence	yes, for professional drivers.
Imposing more than one sanction at the same time	yes, fine + demerit points + imprisonment + driving ban + licence withdrawal.

Table 25.6: Availability of sanction-related issues

Traffic Related Consequences of Psychoactive Substance Use in General

In Slovenia it is still not settled what the traffic related consequences of psychoactive substance use in general should be. However, any addiction to alcohol, illicit drugs or medicines is a contra-indication for granting a driving licence.

	Selling	Possessing	Consuming
Legal consequences concerning the driving licence	ILLICIT DRUGS		
	/	/	/
	ALCOHOL		
	/	/	/
	MEDICINES		
	/	/	/

Table 25.7: Psychoactive substance use in general

Re-granting Procedure

The procedure for re-granting a driving licence is the same no matter whether it was withdrawn due to an alcohol or illicit drugs or medicines offence. A medical assessment, theoretical driving lessons, practical driving lessons, theoretical driving test and practical driving test are always required. A psychological assessment is required only in special cases for professional drivers if the doctor decides they must take it. Screening for substance markers in blood/urine/hair is only required in special cases. Again, if the doctor makes such a decision a driver must pass it. Driver rehabilitation is needed only in special cases, for drivers who have reached from 13 - 17 demerit points. There is no treatment programme.

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	Always	Always	Always
Psychological assessment	Only in special cases, professional drivers can take a psychological assessment if the doctor decides they need it.	Only in special cases, professional drivers can take a psychological assessment if the doctor decides they need it.	Only in special cases, professional drivers can take a psychological assessment if the doctor decides they need it.
Screenings for substance markers in blood / urine / hair	Only in special cases, the doctor decides.	Only in special cases, the doctor decides.	Only in special cases, the doctor decides.
Driver rehabilitation	Only in special cases, from 13 - 17 demerit points.	Only in special cases, from 13 - 17 demerit points.	Only in special cases, from 13 - 17 demerit points.
Treatment programme	no	no	no
Theoretical driving lessons	always	always	always

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Practical driving lessons	always	always	always
Theoretical driving test	always	always	always
Practical driving test	always	always	always
Other			no

Table 25.8: Re-granting procedure

28.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

Strategies regarding police control activities are related to weekdays, daytime, specific locations and specific events. Especially in December, control activities are very intensive. There is no complete information available regarding the annual frequency of systematic police control activities. The police have a strategy of work, in line with which it gives particular attention to this issue. Approximately 65 % of all measures relate to three major elements of risk (alcohol, speeding and security belt). In addition, there are 3 major actions per year (June, November and December), when systematic controls are especially intensive.

We received information on the total number of persons detected driving under the influence of psychoactive substances for 2007 and 2008. In 2007, there were 391,337 persons detected driving under the influence of alcohol and 1,150 persons detected driving under the influence of illicit drugs. In 2008, 407,724 persons were detected driving under the influence of alcohol and 814 persons detected driving under the influence of illicit drugs.

Detection routines used in police control activities are breath tests, blood tests, urine tests and impairment tests. Saliva tests and sweat tests are not in use in Slovenia. Breath tests and impairment tests are permitted at random and conducted at the roadside. A police officer conducts an Alco-test (pre-test with an indicator) at the roadside. If the driver accepts the result, he signs the record. However, if the driver does not agree with the result of the pre-test indicator and does not sign it, an expert examination is ordered. It is ordered even if the driver does not show any obvious signs of impairment. Impairment tests are conducted only for illicit drugs and medicines. The procedure is defined in Regulations on the procedure for recognition of signs or symptoms that are a consequence of drugs, psychoactive medicines or other psychoactive substances in the organism. The first phase is gaze nystagmus (horizontal and vertical), second phase is assessment of the size of pupils and reaction of pupils to light and the third phase (if suspicion is confirmed from the first two phases) is ordering of a professional examination. Blood tests and urine tests are permitted only in the case of suspicion.

Systematic police control activities	
Strategies	Yes, related to weekdays, daytime, specific locations, specific events.
Annual frequency	3 bigger actions per year (June, November, December)
Detection routines and procedures	

Breath test	Permitted at random, conducted at roadside
Blood test	Permitted only in case of suspicion
Urine test	Permitted only in case of suspicion
Saliva test	The detection routine is not used in Slovenia
Sweat test	The detection routine is not used in Slovenia
Impairment test	Permitted at random, conducted at roadside
Other test:	/

Table 25.9: Police control activities and detection routines

Police officers' discretions and competences

There are specific training programmes for police officers for the detection of drivers under the influence.. The procedure for recognition of drugs is specified in the Regulations on the procedure for recognition of signs or symptoms that are a consequence of drugs, psychoactive medicines or other psychoactive substances in the organism. Deciding whether or not to report a driver detected for DUI to the administrative body or the prosecutor is not at the discretion of the police. The police officer has the competence to confiscate a driving licence immediately at the roadside if a driver tests positive. He has the competence to confiscate the vehicle if a driver has been detected and convicted 3 times for a road traffic offence in a 2- year period (Article 238a, Road Traffic Safety Act). He also has the competence to arrest a driver and take him into custody, but only in special cases when the driver reaches a specific BAC limit. For professional drivers the limit is 0.38 mg/l and for all other drivers it is 0.52 mg/l.

Specific training programmes	Yes
Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor	No
If the driver tests positive for psychoactive substances, does the police officer have:	
competence to confiscate the driving licence immediately at the roadside	Yes, in any case in which a driver tests positive
competence to confiscate the vehicle (or the licence plate) at the roadside	Yes, if the driver has been convicted 3 times for a road traffic offence in a 2-year period
competence to arrest a driver and take him into custody	Yes, but only in special cases, above certain BAC limit (professional drivers: 0.38 mg/l, all other drivers: 0.52 mg/l)

Table 25.10: Police officers' discretions

If the driver is involved in an accident, he is always tested for alcohol and for illicit drugs and medicines only in special cases. An obligatory professional examination is done in case of an accident¹⁰⁰ of 3rd and 4th categories, in which bodily fluids are taken and analysis and detection are performed for all substances and also for psychoactive medicines. In the case of an accident of 1st and 2nd categories, the police officer can order a medical examination in which bodily fluids are taken. However, that is only possible after the procedure for recognition of symptoms. The police do not at present use quick tests in Slovenia.

If a driver refuses to provide a breath/blood/saliva/sweat/urine sample the same consequences follow as for a BAC of 0.71 mg/l. Refusal of a police pre-test or medical examination (if a driver has less than 0.71 mg/l) leads

¹⁰⁰ A traffic accident of first category is an accident with material damage only. A traffic accident of second category means that there was at least one person physically injured. A traffic accident of third category is an accident in which at least one person was severely physically injured. A traffic accident of fourth category is an accident, in which someone died or died because of consequences of the accident within 30 days of the accident.

to more severe consequences, since the highest level of BAC is assumed. The consequences are withdrawal of driving licence, 18 demerit points, prison from 6 to 12 hours and fine of 950 EUR.

If a driver tests positive for alcohol, no further tests are taken. There are additional tests for other psychoactive substances in the case of suspicion or in the case of endangering others or in the case of an accident.

28.3 Psychoactive Substances and Driving: Sanctioning

In Slovenia, driving under the influence of alcohol, illicit drugs and medicines is considered to be an administrative offence but also a criminal offence in the case of accident involvement.

Administrative Offences

In 2008 there were 407,724 persons pursued for driving under the influence of alcohol and 15,796 sanctioned for the same reason. In the same year there were 814 persons pursued for driving under the influence of illicit drugs and 280 were sanctioned for the same reason. In 2007 there were 391,337 persons pursued for driving under the influence of alcohol and 1.150 persons were pursued for driving under the influence of illicit drugs.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Pursued by administrative body for driving under the influence	2008	407,724	814	/ ¹⁰¹	/
	2007	391,337	1,150		
Sanctioned by administrative body for driving under the influence	2008	15,796	280	/	/

Table 25.11: Statistics for administrative offences

Discretionary rights of the administrative body

The decision about legal regulations and specific consequences for a driver under the influence of alcohol is made by the administrative organ (the police) for a BAC level up to 0.38 mg/l. The procedure is conducted in accordance with the Road Traffic Safety Act and General Offences Act. For road accidents of the 1st or 2nd category (material damage, minor physical injuries) and random road traffic checkpoints, the administrative body (the police) makes a decision in accordance with the Road Traffic Safety Act and the General Offences Act. For road accidents of the 3rd or 4th category (severe physical injury or death) the procedure is conducted in accordance with the Penal Code and the sanctions are different (fine, prison). The police also have the legal right to decide whether or not to sanction a driver for driving under the influence of psychoactive substances, but they do not use it.

Driver detected for driving under the influence of psychoactive substances

Discretion to pursue	yes
Discretion to sanction	yes, but not in use

Table 25.12: Discretions of administrative bodies

The period of time between detection of driving under the influence of psychoactive substances and sanctioning by the administrative body is about a few minutes, since sanctioning is done by the police at the place of the detection.

¹⁰¹ Written, if there was no answer given.
DRUID 6th Framework Programme

Criminal Offences

In 2007, there were 10,544 persons prosecuted for driving under the influence of alcohol and 167 persons were prosecuted for driving under the influence of illicit drugs. Combined, there were 13,070 persons prosecuted for driving under the influence of psychoactive substances. In 2008, there were 15,293 persons convicted for driving under the influence of alcohol and 236 persons convicted for driving under the influence of illicit drugs.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Criminally prosecuted for driving under the influence	2007	10,544	167	/ ¹⁰²	13,070
Convicted by court for driving under the influence	2008	15,293	236	/	/

Table 25.13: Statistics for criminal offences

Discretionary rights of the criminal prosecution body

The prosecutor has no discretion to decide whether or not to prosecute a driver. The court (judge) can decide not to convict a driver, but only in the case of a procedural mistake. The court also has the discretion to determine the level of penalty. Under the new Penal Code, the judge has more "freedom of choice" when determining the level of penalty. If the charge is based on the General Offences Act, he also has freedom of choice and can impose lower fines (than listed in the Road Traffic Safety Act) and a smaller number of demerit points. In accordance with General Offences Act, a judge can also give only a warning. There are no possibilities of reducing the suspension period after a driving licence has been withdrawn.

Driver detected of driving under the influence of psychoactive substances

Discretion of the prosecutor to prosecute	no
Discretion of the court (judge) to convict	yes, the court can decide not to convict a driver – a procedural mistake.
Discretion of the court (judge) to determine the level of penalty	yes

Table 25.14: Discretions of criminal bodies

The average period of time between detection of driving under the influence of psychoactive substance and conviction by a court is up to 1 year in 80 % of cases and more than 1 year in 20 % of cases.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Detected driving under the influence by police	2008	26,660	2,002	/ ¹⁰³	/
Pursued by administrative body for driving under the influence	2008	407,724	814	/	/
	2007	391,337	1,150	/	/
Sanctioned by administrative body for driving under the influence	2008	15,796	280	/	/
Criminally prosecuted for driving under the influence	2007	10,544	167	/	13,070
Convicted by court for driving under the influence	2008	15,293	236	/	/

Table 25.15: Overall statistics

¹⁰² Written, if there was no answer given.

¹⁰³ Written, if there was no answer given.

29 SPAIN

29.1 Psychoactive Substances and Driving: Legislation

DRIVER	BAC threshold
Normal driver	0.5 g/l
Novice driver	0.3 g/l
Young driver	
Professional driver	0.3 g/l
Other: licence withdrawal	

Table 26.1: BAC threshold for different groups of drivers

The official unit in Spain is g/l. The BAC for normal drivers is 0.5 g/l, but for novice drivers (first 2 years) and for professional drivers it is 0.3 g/l.

In Spain, the sanctions for a driver detected for the first time under the influence of alcohol in a usual police control event are a fine, demerit points, driving ban, imprisonment and community service. The consequences are the same in illicit drug and non-prescribed medicine cases. There are no more severe consequences envisaged for recidivists, accident involvement or unsafe manoeuvre, nor for young, novice or professional drivers.

Alcohol

Sanctions of a fine, driving ban and demerit points can be imposed from 0.5 g/l on for normal drivers and from 0.3 g/l for novice and professional drivers. The minimum fine is 300 € and the maximum is 600 €. For an alcohol offence, a minimum 4 and maximum 6 demerit points can be imposed. A driving ban may be enforced from 1 to 3 months. Community service may last from 31 to 90 days. For BAC above 1.2 g/l (or obvious influence) a driving ban may be imposed of 1 to 4 years and imprisonment from 3 to 6 months.

Illicit drugs

In the case of illicit drugs, the minimum fine is 300 € and the maximum 600 €. Demerit points can be imposed from 4 points to 6 points, the same as in alcohol cases. A driving ban may be imposed for 1 month minimum to 3 months maximum. Only in cases of obvious influence, a driving ban of 1 to 4 years and imprisonment from 3 to 6 months may be imposed. However, in practice, imprisonment for driving under the influence of drugs other than alcohol is unusual at the moment. There is also a possibility of community service, but its length is not specified.

Non-prescribed medicines

In the case of non-prescribed medicines the consequences are the same as in illicit drug cases. Spain has the same rules for illicit drugs or medicines whatever psychoactive substance it is, but at the moment they only check for Benzodiazepines.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdr.	Imprison.	Probation	Driver asses.	Driver rehab.	Treatment program	Community service	Other
ALCOHOL											
Minimum	300	4	1 month	no	3 months	no	no	no	no	31 days	no
Maximum	600	6	3 months	no	6 months	no	no	no	no	90 days	no
ILLCIT DRUGS											
Minimum	300	4	1 month	no	3 months	no	no	no	no	not specified	no
Maximum	600	6	3 months	no	6 months	no	no	no	no	not specified	no
NON-PRESCRIBED MEDICINES											
Minimum	300	4	1 month	no	3 months	no	no	no	no	not specified	No
Maximum	600	6	3 months	no	6 months	no	no	no	no	not specified	No
MORE SEVERE CONSEQUENCES											
Recidivists	no	no	no	no	no	no	no	no	no	no	no
Accident	no	no	no	no	no	no	no	no	no	no	no
Unsafe manoeuvre	no	no	no	no	no	no	no	no	no	no	no

Table 26.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment)

Background Information on Sanctions

Table 26.3 gives the total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines. The information is available for year 2008. There were 102,628 fines imposed for driving under the influence of alcohol and 1,013 fines for driving under the influence of illicit drugs. There were also 489,006 demerit points imposed in alcohol cases and 6,078 demerit points in illicit drug cases. The total number of persons detected driving under the influence of alcohol in 2008 was 116,409.

Sanctions	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
Fines	2008: 102.628	1.013	/ ¹⁰⁴	/
Demerit points	2008: 489.006	6.078	/	/
Driving bans	/	/	/	/
Licence withdrawals: - Administration-based - Court-based	/	/	/	/
Imprisonment	/	/	/	/
Other sanctions: _____	/	/	/	/

Table 26.3: Total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines

If the driving licence has been withdrawn and the driver is detected driving, the sanction in Spain is a new withdrawal of driving licence. There is no information available on the number of drivers driving while suspended in the previous years.

¹⁰⁴ Written, if there was no answer given.
DRUID 6th Framework Programme

Driving while suspended

Consequences	If the driving licence has been <u>withdrawn</u> or the driver is <u>suspended</u> : a new withdrawal of driving licence.
Number of offences/offenders of driving while suspended per year	/

Table 26.4: Driving while suspended

There have been no evaluation studies in Spain in past years regarding the effectiveness of different sanctions. Drivers under the influence of psychoactive substances are recorded in a register for traffic offences in order to identify recidivists. There is no option of conditional withdrawal or conditional licence. Imposing more than one sanction at the same time is possible in alcohol, illicit drugs and medicine cases.

Availability of sanction-related issues	
Evaluation studies regarding effectiveness of different sanctions	no
Register for traffic offences in order to identify recidivists	yes
Conditional withdrawal or conditional licence	no
Imposing more than one sanction at the same time	yes

Table 26.5: Availability of sanction-related issues

Traffic Related Consequences of Psychoactive Substance Use in General

Consuming alcohol outside road traffic has legal consequences concerning the driving licence only in special cases. According to the Spanish Road Traffic Act a driving licence may be refused to any person who is not temperate in the use of alcohol. If a licence has already been granted, it may be confiscated under the same circumstances.

There are no consequences concerning the driving licence if selling, possessing or consuming illicit drugs and medicines outside traffic.

	Selling	Possessing	Consuming
Legal consequences concerning the driving licence	ILLCIT DRUGS		
	/	/	/
	ALCOHOL		
	/	/	Licence may be refused / confiscated
	MEDICINES		
	/	/	/

Table 26.6: Psychoactive substance use in general

Re-granting Procedure

The procedure for re-granting a licence is the same for all psychoactive substances, no matter whether it was withdrawn due to an alcohol or illicit drug or medicine offence. Theoretical driving lessons are only required in special cases, in order to recover removed licence points. A theoretical driving test is also required only in special cases, after removing all licence points. It is in addition to theoretical driving lessons.

When all licence points have been lost, a standard medical and psychological examination is mandatory. However, there is no specific evaluation for substance disorders or for recidivists.

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	Yes, when losing all licence-points	Yes, when losing all licence-points	Yes, when losing all licence-points
Psychological assessment	Yes, when losing all licence-points	Yes, when losing all licence-points	Yes, when losing all licence-points
Screenings for substance markers in blood / urine / hair	no	no	no
Driver rehabilitation	no	no	no
Treatment programme	no	no	no
Theoretical driving lessons	Only in special cases, to recover removed licence points.	Only in special cases, to recover removed licence points.	Only in special cases, to recover removed licence points.
Practical driving lessons	no	no	no
Theoretical driving test	Only in special cases, in addition to theoretical driving lessons.	Only in special cases, in addition to theoretical driving lessons.	Only in special cases, in addition to theoretical driving lessons.
Practical driving test	no	no	no
Other	no	no	no

Table 26.7: Re-granting procedure

29.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

Strategies regarding police control activities are related to weekday, daytime, specific locations and specific events. There were 5,475,467 alcohol controls in 2008 provided at checkpoints outside built-up areas.

Detection routines used in police control activities are breath tests, blood tests, urine tests, saliva tests and impairment tests. Of these, blood tests and urine tests are permitted only in the case of suspicion. Sweat tests are not used in Spain. Breath tests and impairment tests are permitted at random and also in the case of suspicion. They are conducted at the roadside. Saliva tests are permitted at random. There are no other tests in use in Spain.

Systematic police control activities	
Strategies	Yes, related to weekday, daytime, specific locations, specific events
Annual frequency	2008: 5475467 (alcohol at checkpoints outside build-up areas)
Detection routines and procedures	

Breath test	Permitted at random and in case of suspicion, conducted at roadside
Blood test	Permitted only in case of suspicion, conducted at roadside
Urine test	Permitted only in case of suspicion.
Saliva test	Permitted at random
Sweat test	The detection routine is not used in Spain.
Impairment test	Permitted at random and in case of suspicion.
Other test:	/

Table 26.8: Police control activities and detection routines

Police officers' discretions and competences

There are specific training programmes for police officers regarding detection of drivers under the influence, especially for alcohol cases. However, they are not extensive and are not specifically keyed to enforcement of drug driving.

Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor is not at the discretion of the police. A police officer has no competence to confiscate a driving licence immediately at the roadside, if the driver is detected positive. On the other hand, he has competence to confiscate the vehicle at the roadside, if the driver is tested positive. He also has the competence to arrest a driver and take him into custody, but only in special cases. There are three ways for police to stop a person suspected of drug abuse in road traffic: (1) via observation of erratic driving behaviour, (2) if an accident has occurred, or (3) at a police control point. Spanish law permits testing. A driver is obliged to submit to a police test. Spanish policemen have 72 hours to complete their reports following an arrest. During that time, they can request a medical examination order from a judge.

Specific training programmes	Yes
Deciding whether or not to report a driver detected for DUI to the administrative body or the prosecutor	No
If a driver tests positive for psychoactive substances, does the police officer have:	
competence to confiscate the driving licence immediately at the roadside	No
competence to confiscate the vehicle (or the licence plate) at the roadside	Yes, in any case the driver is tested positive.
competence to arrest the driver and take him into custody	Yes, but only in special cases.

Table 26.9: Police officers' discretions

If a driver is involved in an accident, he is tested for alcohol and for illicit drugs only in special cases, i.e., when he appears to be responsible for it. If the driver refuses to provide a breath / blood / saliva / sweat / urine sample, body samples may not be taken by physical force. Refusing a legally required sample for the purpose of alcohol/drug detection is a criminal offence under Art. 383 of the Penal Code (severe disobedience) and will lead to criminal sanctions. If a driver tests positive for alcohol, an additional test follows in the case of suspicion of other psychoactive substances.

29.3 Psychoactive Substances and Driving: Sanctioning

In Spain, driving under the influence of alcohol and illicit drugs is considered to be an administrative offence and as a criminal offence if the BAC is above 1.2 g/l, in the case of unsafe driving and in the case of obvious impairment.

Administrative Offences

Total number of persons sanctioned for driving under the influence of alcohol in 2008 was 98,674 and for illicit drug cases there were 993 persons sanctioned.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Pursued by administrative body for driving under the influence	no data available	no data available	no data available	no data available	no data available
Sanctioned by administrative body for driving under the influence	2008	98.674	993	/ ¹⁰⁵	/

Table 26.10: Statistics for administrative offences

Discretion rights of the administrative body

It is not at the discretion of the administrative body to decide whether or not to pursue or sanction a driver detected of driving under the influence of psychoactive substances.

Criminal Offences: Discretionary rights of the criminal prosecution body

If a driver is detected driving under the influence of psychoactive substances, the prosecutor has no discretion to decide whether or not to prosecute this driver. A court (judge) can decide not to convict a driver and also has the discretion to determine the sentence of a person found guilty of various drug and traffic offences. The range of penalties is wide. However, there is no possibility of reducing the suspension period after a driving licence has been withdrawn.

Driver detected of driving under the influence of psychoactive substances

Discretion of the prosecutor to prosecute	No
Discretion of the court (judge) to convict	Yes, the court can decide not to convict a driver
Discretion of the court (judge) to determine the level of penalty	Yes, range of penalties is wide.

Table 26.11: Discretions of criminal bodies

The estimated period of time between detection of driving under the influence of psychoactive substance and conviction by a court is between 2 weeks and 2 years. It depends on the procedure.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Detected driving under the influence by police	2008	116,409	/ ¹⁰⁶	/	/
Pursued by administrative body for driving under the influence	no data available	no data available	no data available	no data available	no data available
Sanctioned by administrative body for	2008	98,674	993	/	/

¹⁰⁵ Written, if there was no answer given.

¹⁰⁶ Written, if there was no answer given.

driving under the influence					
Criminally prosecuted for driving under the influence	no data available	no data available	no data available	no data available	no data available
Convicted by court for driving under the influence	/	/	/	/	/

Table 26.12: Overview of statistics

30SWEDEN

30.1 Psychoactive Substances and Driving: Legislation

DRIVER	BAC threshold
Normal driver	0.02 %
Novice driver	No
Young driver	0.02 %
Professional driver	0.02 %
Licence withdrawal	0.02 %

Table 27.1: BAC threshold for different groups of drivers

The official unit in Sweden is % in blood or mg/l in a breath test. The legal limit is 0.02 % or 0.1 mg/l. In Sweden, possible sanctions for drivers detected under the influence of alcohol in a usual police control event are a fine, imprisonment, licence withdrawal, voluntary alco-lock programme or driver assessment. Sanctions for drivers under the influence of other psychoactive substances than alcohol are a fine, licence withdrawal, imprisonment or driver assessment.

The Swedish police do not test for psychoactive substances except alcohol. If a test is positive for alcohol and if they suspect that the driver is driving under influence of other psychoactive substances, an additional test is required. If he or she refuses to take a urine, breath or blood test, a blood sample is enforced. Driving under the influence of alcohol, driving under influence of illicit drugs or non-prescribed medicines are regarded as the same offence.

Alcohol

With a BAC from ≥ 0.02 % or 0.1 mg/l, a driver may be fined and/or imprisoned for a maximum of 6 months. Licence withdrawal for drivers can vary from 1 month up to 12 months. With a BAC of 0.1 % to 0.5 mg/l, a driver can be sanctioned with imprisonment for a maximum of 2 years and/or licence withdrawal varying from 1 year to 3 years. It is also possible to sign up to an alco-lock programme on a voluntary basis and in that case the driving licence is only conditionally withdrawn. There was no data available about total number of fines for driving under the influence of alcohol.

Illicit drugs

In the case of driving under the influence of illicit drugs, the sanctions can be a fine, imprisonment and licence withdrawal. There is no data available about the total number of fines for driving under the influence of illicit drug.

Non-prescribed medicines

In the case of driving under the influence of non-prescribed medicines, sanctions can be a fine, imprisonment and licence withdrawal. There is no data available about the total number of fines for driving under the influence of non-prescribed medicines. If you follow the prescribed dose and are able to drive safely, you are allowed to drive.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal		Imprisonment		Probation	Driver assess.	Driver rehab.	Treatment program	Comm. service	Other
ALCOHOL													
				≥ 0.02 %	≥ 0.1 %								
Minimum	not defined	no	no	1 month	1 year			no	yes	no	no	no	Voluntary alcohollock programme
Maximum	not defined			1 year	3 years	6 months	2 years						
ILLICIT DRUGS													
Minimum	not defined	no	no	1 year				no	yes	no	no	no	
Maximum	not defined			3 years		6 months	2 years						
NON-PRESCRIBED MEDICINES													
Minimum	not defined	no	no	1 year				no	yes	no	no	no	
Maximum	not defined			3 years		6 months	2 years						
MORE SEVERE CONSEQUENCES													
Recidivists	no	no	no	no		no		no	no	no	No	no	no
Accident	/ ¹⁰⁷	/	/	/		/		/	/	/	/	/	/
Unsafe manoeuvre	/	/	/	/		/		/	/	/	/	/	/

Table 27.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment) and more severe consequences for special circumstances

Background Information on Sanctions

In Sweden, there were 7,000 administration-based licence withdrawals due to driving under influence of psychoactive substances, and 2,500 people were imprisoned for driving under the influence of alcohol. In addition, there were 2,400 other sanctions imposed for driving under the influence of alcohol and 500 other sanctions for driving under the influence of illicit drugs.

Sanctions	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
Fines	/ ¹⁰⁸	/	/	no data available
Demerit points	/	/	/	/
Driving bans	/	/	/	/
Licence withdrawals: - Administration-based - Court-based	/	/	/	7,000
Imprisonment	2,500	/	/	/
Other sanctions:	2,400	500	/	/

¹⁰⁷ Written, if there was no answer given.

¹⁰⁸ Written, if there was no answer given.
DRUID 6th Framework Programme

Table 27.3: Total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines

If a driver in Sweden is detected driving while his licence has been withdrawn, he will be fined or sentenced to imprisonment for up to 6 months.

Driving while suspended	
Consequences	fine or imprisonment
Number of offences/offenders of driving while suspended per year	no data available

Table 27.4: Driving while suspended

In Sweden there have been some evaluation studies conducted concerning the effectiveness of licence withdrawal and alco-lock programme. The conclusions of the studies were that the effects of alco-lock programmes are good (concluded by Bo Bjerre) and that licence withdrawal has no effect on recidivism but some effect on reducing accidents in traffic.

Availability of sanction-related issues	
Evaluation studies regarding effectiveness of different sanctions	yes (concerning licence withdrawal and alco-lock programme)
Register for traffic offences in order to identify recidivists	yes
Conditional withdrawal or conditional licence	yes (if a driver participates in an alco-lock programme)
Imposing more than one sanction at the same time	no data

Table 27.5: Availability of sanction-related issues

Drivers detected under the influence of psychoactive substances are recorded in a register for traffic offences in order to identify recidivists. If a driver participates in an alco-lock programme, his licence is withdrawn only conditionally. There is no data on whether imposing more than one sanction at the same time is possible under Swedish legislation.

Traffic Related Consequences of Psychoactive Substance Use in General

The legal consequences of possessing and consuming illicit drugs outside traffic can, after a court procedure, be a fine, imprisonment and licence withdrawal. Possessing and consuming alcohol and medicines outside traffic have legal consequences for the driving licence if a driver misuses them. A driver who misuses alcohol or medicines can have the licence withdrawn. For re-granting the driving licence, he or she must attend a medical assessment, including laboratory examinations. If the assessment fails, the permission to take a driving licence can be refused.

Re-granting Procedure

If a driving licence is withdrawn due to alcohol, illicit drugs or non-prescribed medicines, re-granting of the licence is possible. If the licence was withdrawn due to an alcohol offence (with BAC \geq 0.1 %), it is mandatory for the driver to attend medical assessment, including blood tests and screenings for substance markers in urine or hair. In the case of illicit drugs - medical assessment and screenings for substance markers are required only in special cases for re-granting.

If the driving licence has been withdrawn for a longer period than 12 months the driver must retake theoretical and practical driving tests,

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	above BAC 0.1 %	Only in special cases	Only in special cases
Psychological assessment	No	No	No
Screenings for substance markers in blood / urine / hair	above BAC 0.1 %	Only in special cases	Only in special cases
Driver rehabilitation	No	no	No
Treatment programme	No	no	No
Theoretical driving lessons	No	no	No
Practical driving lessons	no	no	No
Theoretical driving test	Only in special cases Depends on the duration of withdrawal	Only in special cases Depends on the duration of withdrawal	Only in special cases. Depends on the duration of withdrawal
Practical driving test	Only in special cases Depends on the duration of withdrawal	Only in special cases. Depends on the duration of withdrawal	Only in special cases. Depends on the duration of withdrawal
Other	no	no	No

Table 27.6: Re-granting procedure

30.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

In 2007, there were 2,500,000 police control activities concerning driving under the influence of alcohol. The police have strategies regarding systematic police control activities related to weekdays, daytime, specific areas and locations and specific events. In 2008, the police detected 18,800 drivers under the influence of alcohol and 12,300 drivers under the influence of illicit drugs. There are no data regarding drivers under the influence of medicines.

Police can randomly and in the case of suspicion check drivers at the roadside with breath tests. In the case of suspicion, they can also order the driver to take blood, urine or saliva tests, which are not conducted at roadside.

Systematic police control activities	
Strategies	yes, related to weekdays, daytime, specific areas and locations and specific events
Annual frequency	2007: 2,500,000
Detection routines and procedures	
Breath test	permitted at random; and in case of suspicion, conducted at roadside
Blood test	in case of suspicion
Urine test	in case of suspicion

Saliva test	in case of suspicion
Sweat test	no
Impairment test	no
Other test:	no

Table 27.7: Police control activities and detection routines

Police officers' discretions and competences

Police officers in Sweden receive specific training programmes on the detection of impaired drivers. The police must report a driver detected of DUI to the administrative body or the prosecutor. The police can confiscate a driving licence immediately at the roadside if the BAC level is above the legal limit.

Specific training programmes	Yes
Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor	No
If a driver tests positive for psychoactive substances, does the police officer have:	
competence to confiscate the driving licence immediately at the roadside	yes, if BAC level is higher than the legal limit
competence to confiscate the vehicle (or the licence plate) at the roadside	no data
competence to arrest the driver and take him into custody	no data

Table 27.8: Police officers' discretions

If a driver refuses to provide breath, blood, urine or saliva sample, a blood sample is enforced. If there is a suspicion that the driver is driving under the influence of drugs, then he or she has to take a urine test or, if he refuses, give a blood sample. If a driver tests positive for alcohol, an additional test for other psychoactive substances is taken in the case of suspicion. There are no data on whether a driver is tested for alcohol, illicit drugs or psychoactive substances in the case of an accident.

30.3 Psychoactive Substances and Driving: Sanctioning

Driving under the influence of psychoactive substances is an administrative offence in Sweden and a criminal offence as well in some cases. Driving under the influence of alcohol with a BAC level ≥ 0.02 % is considered to be a criminal offence. Driving under the influence of illicit drugs is a criminal offence in all cases. In addition, Sweden has an administrative system in the form of licence withdrawal.

Administrative Offences

In 2008, there were 18,915 drivers pursued for driving under the influence of alcohol and 12,289 for driving under the influence of illicit drugs. No data are available on sanctioning.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Pursued by administrative body for driving under the influence	2008	18,915	12,289	¹⁰⁹	/
Sanctioned by administrative body for driving under the influence	/	/	/	/	/

Table 27.9: Statistics for administrative offences

¹⁰⁹ Written, if there was no answer given.
DRUID 6th Framework Programme

Discretionary rights of the administrative body

It is not at the discretion of the administrative body to decide whether or not to sanction a driver detected of driving under the influence of psychoactive substance.

Driver detected of driving under the influence of psychoactive substances	
Discretion to pursue	no data available
Discretion to sanction	no

Table 27.10: Discretions of administrative bodies

Criminal Offences: Discretionary rights of the criminal prosecution body

It is at the discretion of the prosecutor to decide whether or not to prosecute the driver. Prosecution proceeds when the prosecutor determines that sufficient grounds exist for finding the suspect guilty of a crime. In such a case the prosecutor has an absolute duty to bring the matter to court. However, if the prosecutor does not believe the suspect could be found guilty, the prosecutor is not likely to proceed with the case.

The court has the discretion to decide on the level of punishment. The court first has to determine the type of punishment (imprisonment, fine, or alternative sanctions such as probation, treatment, etc.). The applicable principle in this decision is that imprisonment is considered a more severe punishment than fines, conditional sentences, or probation. The court must then determine the punishment level. The applicable principle is that the penalty should be in proportion to the gravity of the crime and the person's culpability, and not with regard to a general preventive consideration.

Driver detected of driving under the influence of psychoactive substances	
Discretion of the prosecutor to prosecute	yes
Discretion of the court (judge) to convict	no data available
Discretion of the court (judge) to determine the level of penalty	yes

Table 27.11: Discretions of criminal prosecution bodies

31 CROATIA

31.1 Psychoactive Substances and Driving: Legislation

DRIVER	BAC threshold
Normal driver	0.5 g/kg
Novice driver	/
Young driver	0.0 g/kg
Professional driver	0.0 g/kg
Other: licence withdrawal	0.5 g/kg
Other: involvement in an accident	/

Table 28.1: BAC threshold for different groups of drivers

The official BAC unit in Croatia is g/kg alcohol in breath. In Croatia the BAC threshold for normal drivers is 0.5 g/kg, for young and professional drivers zero tolerance (0.0 g/kg). Zero tolerance is also applied for drivers responsible for an accident.

Possible sanctions for a driver detected for the first time under the influence of alcohol or illicit drugs in a usual police control event are a fine, demerit points, driving ban, license withdrawal or imprisonment. The court can also sentence impaired driver to probation, driver assessment, driver rehabilitation, treatment programme or community service.

By way of exception a driver of a vehicle in categories A1, A2, A, B, B+E, F, G and M having a concentration of alcohol of up to 0.50 g/kg in his or her body, or equivalent amount in milligrams per litre of exhaled air, is fined concurrently for each offence defined by law, whereby operating a vehicle with a concentration of alcohol of up to 0.50 g/kg, or equivalent amount of milligrams per litre of exhaled air, is considered a separate offence.

Possible sanctions for a driver detected for the first time under the influence of non-prescribed medicines in a usual police control event are a fine, demerit points, driving ban or license withdrawal; it is a court decision.

Alcohol

Possible sanctions for a driver detected under the influence of alcohol in a usual police control event are a fine, demerit points, driving ban, license withdrawal or imprisonment. Fines for driving under the influence of alcohol vary from 95 € (threshold 0.5 g/kg) up to 2,000 €. A driver detected under the influence of alcohol can also receive from 1 to 3 demerit points, a driving ban for up to 8 days, licence withdrawal from 3-12 months and imprisonment for up to 60 days.

The court can also sentence an impaired driver to probation, driver assessment, driver rehabilitation, treatment programme or community service.

Illicit drugs

Sanctions for a driver detected under the influence of illicit drugs in a usual police control event are a fine, demerit points, driving ban, license withdrawal or imprisonment. Fines for driving under the influence of illicit drugs vary from 700 € up to 2,000 €. A driver detected under the influence of illicit drugs can also receive 3 demerit points, a driving ban for up to 8 days, licence withdrawal for 12 months and imprisonment for up to 60 days.

The court can also sentence an impaired driver to probation, driver assessment, driver rehabilitation, treatment programme or community service.

Young drivers, professional drivers and drivers responsible for an accident are not more severely punished in the case of illicit drugs.

Non-prescribed medicines

Sanctions possible for a driver detected under the influence of non-prescribed medicines in a usual police control event, are a fine, demerit points, driving ban or license withdrawal. Fines for driving under the influence of non-prescribed medicines vary from 700 € up to 2,000 €. A driver detected under the influence of non-

prescribed medicines can also get 1 demerit point, a driving ban for up to 8 days or licence withdrawal (court decision).

Young drivers, professional drivers and drivers responsible for an accident are not more severely punished in the case of non-prescribed medicines.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdr.	Imprison.	Probation	Driver asses.	Driver rehab.	Treat. program	Commun. service	Other
ALCOHOL											
Minimum	95	1		3 months							
Maximum	2000	3	8 days	12 months	60 days	possible	possible	possible	possible	possible	
ILLCIT DRUGS											
Minimum	700										
Maximum	2000	3	8 days	12 months	60 days	possible	possible	possible	possible	possible	
NON-PRESCRIBED MEDICINES											
Minimum	700										
Maximum	2000	1	8 days	possible	no	no	no	no	no	no	
MORE SEVERE CONSEQUENCES											
Recidivists	no	no	no	no	no	no	no	no	no	no	no
Accident	not specified	not specified	not specified	not specified	not specified	not specified	not specified	not specified	not specified	not specified	not specified
Unsafe manoeuvre	no	no	no	no	no	no	no	no	no	no	no

Table 28.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment) and more severe consequences for special circumstances

Background Information on Sanctions

Table 28.3 shows total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines. The information listed below refers to 2008. In 2008, there were 51,241 persons fined for driving under the influence. No other data was provided.

Sanctions	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
Fines	No data	No data	No data	51,241
Demerit points	No data	No data	No data	No data
Driving bans	No data	No data	No data	No data
Licence withdrawals: - Administration-based - Court-based	No data	No data	No data	No data
Imprisonment	No data	No data	No data	No data
Other sanctions:				No data

Table 28.3: Total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines

Persons detected driving while their licence has been banned or withdrawn are fined 700-2,200 € or imprisoned for up to 60 days. In 2008, the police detected 6,847 such drivers.

Driving while suspended	
Consequences	Fine or imprisonment
Number of offences/offenders of driving while suspended per year	6.847

Table 28.4: Driving while suspended

No evaluation studies concerning the effectiveness of different sanctions for driving under the influence have yet been conducted in Croatia. Studies are planned for the future. Drivers under the influence of psychoactive substances are recorded in a register for traffic offences in order to identify recidivists. Conditional withdrawal or conditional licence is not possible in the Croatian legal system.

Availability of sanction-related issues	
Evaluation studies regarding effectiveness of different sanctions	no
Register for traffic offences in order to identify recidivists	yes
Conditional withdrawal or conditional licence	no
Imposing more than one sanction at the same time	Yes (driving ban+fine+demerit points+licence withdrawal; driving ban+demerit points+licence withdrawal+imprisonment; driving ban+fine+demerit points)

Table 28.5: Availability of sanction-related issues

In Croatia, there can be more than one sanction imposed at the same time. For drivers under the influence of alcohol or illicit drugs possible combinations of sanctions are driving ban + fine + demerit points + licence withdrawal or driving ban + demerit points + licence withdrawal + imprisonment. For drivers under the influence of medicines possible combination is driving ban + fine + demerit points.

Number of points	Consequences
9 in 2 years	9 months of licence withdrawal in one category (minor offences)
9 in 2 years	12 months of licence withdrawal in all categories (major offences)

Table 28.6: Demerit point system

A driver who has built up nine penalty offence points within a period of two years, mostly for offences for which less than three penalty points are provided, is banned by decision from driving a vehicle in the category in which he or she mostly built up the penalty points, for a period of 9 months. A driver who has built up nine penalty offence points within a period of two years only or mostly for offences for which three penalty points are provided is banned by decision from driving all vehicles of all categories for a period of 12 months.

Traffic Related Consequences of Psychoactive Substance Use in General

The use of alcohol, illicit drugs or medicines in general (not traffic related) and the actions of selling, possessing or consuming do not have any consequences for the driving licence.

Re-granting Procedure

If a driving licence has been withdrawn due to an alcohol offence it can be re-granted in special cases. The requirement is a medical assessment, which must be undertaken if the driver was detected driving with BAC above 1.5 g/kg. A medical assessment always follows if the driver was detected driving under the influence of illicit drugs.

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	above BAC 1.5 g/kg	always	no
Psychological assessment	no	no	no
Screenings for substance markers in blood / urine / hair	no	no	no
Driver rehabilitation	no	no	no
Treatment programme	no	no	no
Theoretical driving lessons	no	no	no
Practical driving lessons	no	no	no
Theoretical driving test	no	no	no
Practical driving test	no	no	no
Other			

Table 28.7: Re-granting procedure

31.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

In 2008, there were 1,200 police control activities relating to psychoactive substances in traffic, most of them for alcohol (1,000), some of them for illicit drugs (200). There is no data of how many people were detected under the influence of psychoactive substances.

The Croatian police force has strategies of systematic control activities related to weekdays, daytime, specific locations and specific events. Police officers can randomly take breath or saliva tests, which are conducted at the roadside. In the case of suspicion, they can also order blood or urine tests, which are not conducted at the roadside.

Systematic police control activities	
Strategies	Yes, related to weekdays, daytime, specific locations or areas and specific events
Annual frequency	1,200 (1,000 alcohol and 200 drugs)
Detection routines and procedures	
Breath test	Permitted at random and in case of suspicion, conducted at roadside
Blood test	Permitted in case of suspicion
Urine test	Permitted in case of suspicion
Saliva test	Permitted at random and in case of suspicion, conducted at roadside
Sweat test	no
Impairment test	no
Other test:	no

Table 28.8: Police control activities and detection routines

Police officers' discretions and competences

Croatian police officers have special courses on how to detect drivers under the influence of alcohol, illicit drugs or medicines. If a driver tests positive for psychoactive substances, the police officer can immediately confiscate his or her driving licence at the roadside. In the case of an accident, a police officer can also arrest a driver and take him or her into custody.

Specific training programmes	Yes (special courses)
Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor	no
If a driver tests positive for psychoactive substances, does the police officer have:	
competence to confiscate the driving licence immediately at the roadside	Yes
competence to confiscate the vehicle (or the licence plate) at the roadside	no
competence to arrest the driver and take him into custody	Yes (in case of accident)

Table 28.9: Police officers' discretions

If a driver refuses to provide breath, blood, urine or saliva for testing, a blood sample is enforced. The driver is also subject to the same consequences as for a BAC of 1.5 g/kg.

In the case of an accident, a driver is always tested for alcohol. If the driver tests positive for alcohol in the case of an accident, an additional test for other psychoactive substances is taken in the case of suspicion.

31.3 Psychoactive Substances and Driving: Sanctioning

Driving under the influence of psychoactive substances is always an administrative offence.

Administrative Offences

In 2008, 51,241 persons were pursued for driving under the influence of alcohol, illicit drugs and medicines. There was no data for the number of people who were sanctioned.

Total number of persons	YEAR	ALCOHOL	ILLCIT DRUGS	MEDICINES	COMBINED
Pursued by administrative body for driving under the influence	2008	/ ¹¹⁰	/	/	51,241
Sanctioned by administrative body for driving under the influence		No data	No data	No data	No data

Table 28.10: Statistics for administrative offences

Discretionary rights of the administrative body

It is not at the discretion of the administrative body to decide whether or not to pursue a driver detected of driving under the influence of psychoactive substances. However, it is discretionary whether to sanction an impaired driver (court decision).

Driver detected of driving under the influence of psychoactive substances	
Discretion to pursue	
Discretion to sanction	police, court

¹¹⁰ Written, if there was no answer given.
DRUID 6th Framework Programme

Table 28.11: Discretions of administrative bodies

The period of time between detection of driving under the influence of psychoactive substances and sanctioning by the administrative body depends whether the driver is sanctioned by the police or by the court. There are no options to reduce the suspension period after a driving licence has been withdrawn.

Statistics

Total number of persons	YEAR	ALCOHOL	ILLCIT DRUGS	MEDICINES	COMBINED
Detected driving under the influence by police	2008	no data	no data	no data	no data
Pursued by administrative body for driving under the influence	2008	/	/	/	51.241
Sanctioned by administrative body for driving under the influence	2008	no data	no data	no data	no data
Criminally prosecuted for driving under the influence	/	/	/	/	/
Convicted by court for driving under the influence	/	/	/	/	/

Table 28.12: Overall statistics

32 NORWAY

32.1 Psychoactive Substances and Driving: Legislation

DRIVER	BAC threshold
Normal driver	0.2 mg/g
Novice driver	0.2 mg/g
Young driver	0.2 mg/g
Professional driver	0.2 mg/g
Other: licence withdrawal	0.5 mg/g

Table 29.1: BAC threshold for different groups of drivers

In Norway, the BAC threshold is 0.2 mg/g for all drivers. A violation of this threshold is considered a criminal offence. First time offences based on a BAC of 0.4 mg/g or higher normally lead to a driving ban.

However, a working group appointed by the Ministry of Transport and Communications has proposed that novice drivers should also be banned from driving for offences based on BAC levels of 0.2 mg/g to 0.4 mg/g. The aforementioned working group has also proposed the introduction of *per se* based legislation through the introduction of very low limits for various illicit drugs. For some illicit drugs (THC, benzodiazepines, zopiklon and probably some amphetamines) the proposal also includes the introduction of other higher limits (in addition to the basic *per se* limit) which, if violated, may lead to stricter criminal penalties and licence withdrawal. This and other proposals from the working group were presented for public consultation in mid-2008.

Possible sanctions for a driver detected for the first time under the influence of alcohol and illicit drugs in a normal police control event are a fine, driving ban, licence withdrawal, imprisonment, probation (conditional

imprisonment), treatment programme or community service (alternative to imprisonment or conditional imprisonment).

There are some special regulations for professional drivers. Professional drivers transporting persons may have their special national authorisation (which they need in addition to a CPC under Directive 2003/59/EC) withdrawn for a longer time than their driving licence or, if the offence is conducted when working, have their special authorisation withdrawn even if the BAC level in question is lower than levels normally leading to a driving ban or licence withdrawal.

Stricter punishments (higher fines, longer imprisonment periods or longer licence withdrawal periods) are applied for repeat offenders (recidivists), drivers making unsafe manoeuvres and drivers involved in an accident.

At the moment, the Norwegian Road Traffic Act does not distinguish between illicit drugs, prescribed and non-prescribed medicines. The main point is whether the person who had taken the drug is considered impaired. It should, however, be added that the aforementioned working group proposes that the *per se* based legislation should not apply for prescribed medicines/drugs. Under the working group's proposal, prescribed drugs would continue to be subject to an individual impairment assessment.

Alcohol

In the case of alcohol, a fine can be imposed above the BAC threshold of 0.2 mg/g, a driving ban can be imposed from 0.4 mg/g to 0.5 mg/g, driving licence withdrawal and probation (conditional imprisonment) from 0.5 mg/g upwards, unconditional imprisonment from 1.0 mg/g upwards, a treatment programme above 1.2 mg/g and community service around the BAC threshold of 1.0 mg/g (according to case law).

Fines vary according to the BAC threshold: from 0.2 mg/g to 0.4 mg/g they are around 5,000 NOK (565.41 €); from 0.4 mg/g to 0.5 mg/g the fine amounts to around 10,000 NOK (1,130 €); above 0.5 mg/g the fine is 1.5 times the monthly gross income. A driving ban can be imposed for 6 months (when the BAC level is from 0.4 mg/g to 0.5 mg/g). Above the BAC threshold of 0.5 mg/g, the driving licence is normally withdrawn for 12 to 24 months.

A court (on the basis of the Road Traffic Act) has discretion to impose imprisonment from 14 to 36 days when the person charged has a BAC level above 1.0 mg/g. It follows, however, from the case law of the Supreme Court that imprisonment is normally imposed when the person charged has BAC levels over 1.2 mg/g to 1.3 mg/g. The duration of imprisonment is decided by courts on the basis of the degree of impairment and other relevant factors. A driver is also subject to probation (also called conditional imprisonment), which in Norway means that he or she will not have to serve the time sentenced, if he or she does not commit a similar crime during a two-year period of probation. Such conditional imprisonment may be imposed for BAC levels above 0.5 mg/g to around 1.2 mg/g or 1.3 mg/g (according to case law).

Community service may be imposed as an alternative to imprisonment (both conditional and unconditional imprisonment). It is thus not linked to any specific BAC levels (although it may only be applied for BAC levels above 0.5 mg/g), but is subject to an individual assessment conducted by the court in each case. However,

case law shows that it is mostly applied for offences committed with BAC levels between 1.0 mg/g and 1.5 mg/g. A treatment programme may be applied both for those convicted for the first time and for recidivists. The use of a driver rehabilitation programme is subject to conditions. It is only offered to those who have an alcohol abuse problem and only with their consent to undergo such programme.

The aforementioned criminal and administrative penalties may be applied in most situations in combination, except for a treatment programme and community service, which can be imposed instead of imprisonment.

Illicit drugs

Drivers detected under the influence of illicit drugs may be penalised with a fine amounting to around 1.5 times the monthly gross income (according to case law), their driving licence can be withdrawn for 12 to 24 months and they can be imprisoned for 14 to 36 days. According to case law, imprisonment may be imposed when the person charged, on the basis of a medical assessment, has a level of impairment equivalent to BAC levels above 1.2 mg/g to 1.3 mg/g. The severity of the penalty is decided by courts on the basis of the degree of impairment and other relevant factors.

Community service and treatment programme may be imposed as an alternative to imprisonment. However, according to received data, community service has not yet been applied in cases in which the driver has been under the influence of illicit drugs.

Non-prescribed medicines

For driving under the influence of non-prescribed medicines, the same consequences follow as in the case of driving under the influence of illicit drugs: a fine, licence withdrawal, imprisonment, probation, community service and treatment programme (for a detailed explanation of these sanctions: see above). As mentioned before, the Norwegian Road Traffic Act does not at the moment distinguish among illicit drugs, prescribed and non-prescribed medicines.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdrawal	Imprison.	Probation	Driver asses.	Driver rehab.	Treatment program	Community service	Other
ALCOHOL											
Minimum	5.000 NOK	no		12 months	14 days						
Maximum	1,5 x monthly gross income	no	6 months	24 months	36 days	2 years	no	no	yes (with driver's concordance)	yes	no
ILLCIT DRUGS											
Minimum	1,5 x monthly gross income	no	no	12 months	14 days	yes	no	no	yes	yes (according to law)	no
Maximum		no		24 months	36 days						
NON-PRESCRIBED MEDICINES											
Minimum	1,5 x monthly gross income	no	no	12 months	14 days	yes	no	no	yes	yes (according to law)	no
Maximum		no		24 months	36 days						
MORE SEVERE CONSEQUENCES											
Recidivists	higher	no	no	longer	longer	no	no	no	no	no	no
Accident	higher	no	no	longer	longer	no	no	no	no	no	no

Unsafe manoeuvre	higher	no	no	longer	longer	no	no	no	no	no	no
------------------	--------	----	----	--------	--------	----	----	----	----	----	----

Table 29.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a normal police control event (without obvious impairment) and more severe consequences for special circumstances

Background Information on Sanctions

Table 29.3 shows the total number of the different sanctions for driving under the influence of alcohol, illicit drugs or non-prescribed medicines. The information listed below refers to 2007. There were 5,271 drivers sentenced to imprisonment and a fine, 477 drivers only fined (but not imprisoned) and 476 drivers only imprisoned (but not fined); 248 drivers received other sanctions. A combined sanction of both fine and conditional or unconditional imprisonment is by far the most common punishment imposed in Norway for driving under the influence of alcohol and/or other psychoactive substances.

Sanctions	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
Fines	/ ¹¹¹	/	/	5,748
Demerit points	/	/	/	
Driving bans	/	/	/	
Licence withdrawals: - Administration-based - Court-based	/	/	/	
Imprisonment	/	/	/	5,747
Other sanctions:				248

Table 29.3: Total numbers of different sanctions for driving under the influence of alcohol, illicit drugs or non-prescribed medicines

Drivers who are caught driving while banned or with their licence withdrawn are fined around 9,000 NOK (1,017.75 €). The fine is higher for recidivists. If a driver is detected driving while his licence has been suspended four times or more, he will be imprisoned.

Driving while suspended	
Consequences	fine, fine + imprisonment
Number of offences/offenders of driving while suspended per year	no data available

Table 29.4: Driving while suspended

One evaluation study has been conducted in Norway regarding the effectiveness of treatment programmes. According to the Parliament Act of 23rd June 1995, courts were given the power for a trial period to impose an alcohol treatment programme as an alternative to unconditional imprisonment for certain groups of drink drivers. The pilot project was established in five of the country's counties by Royal Decree of 28th June 1996 with a trial period of two years. The trial period was extended by a further two years by Royal Decree of 17th April 1998 and expired on 28th June 2000. The Norwegian Correctional Service evaluated the alcohol education programmes, which had shown good results (KRUS. Nr. 1/1999). The trial period has been renewed and from 1st November 2008 there is also a program for drugs drivers.

Feedback from participants in the interview survey were generally positive, and they considered that participation was more demanding than ordinary prison. The Justice- and Police Authorities consider the rather low relapse rata as positive, especially taking into account that the participants have recognized alcohol

¹¹¹ Written, if there was no answer given.
DRUID 6th Framework Programme

problems. The participants had BAC thresholds above 1.5 mg/g and/or had been previously convicted of drink driving.

Availability of data on sanction-related issues	
Evaluation studies regarding effectiveness of different sanctions	yes (regarding treatment programme)
Register for traffic offences in order to identify recidivists	yes
Conditional withdrawal or conditional licence	no
Imposing more than one sanction at the same time	Yes (fine+imprisonment+driving ban or licence withdrawal)

Table 29.5: Availability of data on sanction-related issues

Drivers sentenced to a criminal penalty for driving impaired in Norway are recorded in a criminal penalty register, in order to identify recidivists. The Norwegian legal system does not provide the option of conditional license withdrawal, but in special cases a conditional driving license may be issued based on medical reasons, e.g. limiting its validity to a year based on a physician's assessment. The law also allows the authorities to impose other restrictions, e.g., to limit the validity of the licence to a specific geographical area. As mentioned above, current legislation does not allow conditional withdrawal. It should, however, be noted that the Ministry of Transport and Communications is considering a conditional withdrawal scheme with the installation of alcohol ignition interlocks as an alternative offered to recidivists. An expert working group has discussed and assessed the potential consequences by such a scheme and is expected to submit its report to the Ministry soon. Norwegian law allows the imposition of more than one sanction at the same time if a driver is detected under the influence of psychoactive substances. Such a driver can receive a fine, imprisonment and a driving ban or licence withdrawal.

Traffic Related Consequences for the Use of Psychoactive Substance in General

Consumption of alcohol, illicit drugs or medicines does not *per se* lead to licence withdrawal, but the police may administratively withdraw a licence when it is considered likely that the person in question abuses intoxicating substances. In practice, such abuse has to be documented through the person's own statements or actions, for example, when a licence holder has been arrested for intoxication several times. According to Norwegian law no driving licence holder should abuse intoxicating substances. This rule is similar for both professional and other drivers but administrative practice shows that this rule has been applied more strictly for professional drivers.

The working group appointed by the Ministry of Transport and Communications proposed in the above mentioned report giving the police a clear legal basis for obliging licenceholders, on reasonable grounds of suspicion of abuse, to undergo a medical examination in order to assess their possible abuse. According to the Norwegian Road Traffic Act, abuse of intoxicating substances, i.e., alcohol, illicit drugs or medicines, is not compatible with possessing a driving license.

	Selling	Possessing	Consuming
Legal consequences concerning a driving licence	ILLCIT DRUGS		
	no	no	possible licence withdrawal
	ALCOHOL		
	no	no	possible licence withdrawal
MEDICINES			

	Selling	Possessing	Consuming
	no	no	possible licence withdrawal

Table 29.6: Psychoactive substance use in general

Re-granting Procedure

Possible requirements for re-granting the driving license are a medical assessment¹¹² (including screening for substance markers in blood or urine, which a physician may require in connection with the medical assessment referred to above), theoretical driving test, practical driving test. These penalties are normally imposed on drivers detected under the influence of alcohol higher than 0.5 mg/g or under the influence of illicit drugs or medicine with blood concentrations higher than the equivalent of 0.5 mg/g. In some cases, re-granting may be subject to a practical driving test when the offender had a BAC level of between 0.4 and 0.5 mg/g, and the driving licence has been withdrawn for more than 6 months.

In relation to the impairment levels mentioned above, it should be added that those levels, under a Norwegian Regulation, are the normal thresholds leading to such consequences. However, the courts decide every case individually, taking into account the concrete circumstances of the case.

Requirements for re-granting a driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	Only in special cases (optional)	Only in special cases (optional)	Only in special cases (optional)
Psychological assessment	no	no	no
Screening for substance markers in blood/urine/hair	Only in special cases	Only in special cases	Only in special cases
Driver rehabilitation	no	no	no
Treatment programme	no	no	no
Theoretical driving lessons	no	Only in special cases	Only in special cases
Practical driving lessons	no	no	no
Theoretical driving test	Above BAC 0.5 mg/g	Only in special cases	Only in special cases
Practical driving test	Above BAC 0.39 mg/g	Only in special cases	Only in special cases
Other			

Table 29.7: Re-granting procedure

32.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

The National Police Directorate has said that their goal is to test with an alcohol screening device every driver stopped in a traffic control. The goal for the police is to stop and check 1.8 million drivers each year.

The police can randomly use breath-based alcohol tests in order to indicate alcohol impairment. Current legislation does not allow random testing to indicate impairment of other drugs than alcohol. It should, however, be mentioned that the working group appointed by the Ministry of Transport and Communications has

¹¹² Relevant public authorities, in connection with re-granting, have optional competence to require a medical assessment when they consider it necessary.

proposed the introduction of a legal basis for random roadside saliva testing to detect driving under the influence of other substances than alcohol.

In case of suspicion, the Police may order blood or urine tests, which are not conducted at the roadside. The following procedures are conducted at the roadside: observation of general appearance, breath test, presence in the car of syringes, pills, or other equipment connected with drug use, observation of pupils and other special signs.

In 2008, there were 5,475 drivers detected under the influence of alcohol and 4,525 detected under the influence of illicit drugs.

Systematic police control activities	
Strategies	Yes, goal for the police is to stop and check every driver each year
Annual frequency	1.8 million drivers were checked in 2008
Detection routines and procedures	
Breath test	permitted at random, conducted at roadside
Blood test	permitted only in case of suspicion
Urine test	permitted only in case of suspicion
Saliva test	no
Sweat test	no
Impairment test	yes
Other test:	yes

Table 29.8: Police control activities and detection routines

Police officers' discretions and competences

There are specific training programmes for police officers regarding the detection of impaired drivers. Police students at the Police Academy receive some education on drug enforcement (10 – 20 hours) on a systematic basis. For other police officers (with earlier education) special courses are offered on a voluntary/mandatory basis.

Police in Norway cannot decide whether or not to report a driver detected for DUI to the administrative body or the prosecutor; all offences must be reported. If the driver tests positive for psychoactive substances, the police officer has the competence to confiscate the driving licence immediately at the roadside on reasonable suspicion of an offence/level of impairment which may lead to a driving ban or a licence withdrawal. When the driver has previously received a criminal penalty for driving under the influence of psychoactive substances or his driving has been considerably reckless, a police officer has the competence to confiscate the vehicle at the roadside. It will normally only be the licence plate which is temporarily confiscated, although the vehicle may be temporarily confiscated when the police officer considers it is necessary. A police officer may in any case arrest a driver and take him or her into custody (to conduct blood testing and medical assessment) if the driver is suspected of DUI.

Specific training programmes	yes (police students and older officers)
Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor	no
If the driver tests positive for psychoactive substances, does the police officer have:	
the competence to confiscate the driving licence immediately at the roadside	only in special cases
the competence to confiscate the vehicle (or the licence plate) at the roadside	only in special cases
the competence to arrest the driver and take him into custody	yes

Table 29.9: Police officers' discretions

If a driver refuses to provide breath, blood or urine samples, a blood sample is enforced. If the driver tests positive for alcohol, an additional test for other psychoactive substances is carried out in the case of suspicion. If the driver is involved in an accident, he is tested for alcohol or other psychoactive substances in the case of suspicion.

32.3 Psychoactive Substances and Driving: Sanctioning

Driving under the influence of alcohol and illicit drugs is considered a criminal offence in Norway in the following cases: if a driver is detected driving under the influence of alcohol above a BAC level of 0.2 mg/g or if a driver is detected driving impaired by illicit drugs or medicines to such extent that his ability to drive is considered reduced.

CRIMINAL OFFENCES

In 2007 there were 9,000 persons prosecuted and 6,555 persons convicted of driving under the influence of psychoactive substances.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Prosecuted driving under the influence	2007	/ ¹¹³	/	/	9,000
Convicted driving under the influence	2007	/	/	/	6,555

Table 29.10: Statistics for criminal offences

Discretion rights of the criminal body

In Norway, it is at the discretion of the prosecutor to decide whether or not to prosecute a driver detected of driving under the influence of psychoactive substances only if (based on clinical examination, analytical results, opinion of expert toxicologist and possible witness statements) impairment has not been sufficiently documented. No plea bargaining is possible in Norway.

The prosecuted person will not be convicted if the court, on the basis of a physician's clinical examination, analytical results, opinion of expert toxicologist and other relevant circumstances in the case (e.g., witness statements) concludes that it cannot be proven beyond reasonable doubt that the prosecuted person was impaired to such extent that his ability to drive was reduced. The court has discretion to determine the degree of penalty for convicted drivers but its discretion is considerably limited. The Road Traffic Act gives the court a

¹¹³ Written, if there was no answer given.
DRUID 6th Framework Programme

framework for their discretion, e.g., through legally binding guidelines for court discretion when deciding the penalty.

Driver detected of driving under the influence of psychoactive substances

Discretion of the prosecutor to prosecute	only in special cases
Discretion of the court (judge) to convict	only in special cases
Discretion of the court (judge) to determine the degree of penalty	only within the framework of the Road Traffic Act

Table 29.11: Discretions of criminal bodies

Conviction for driving under the influence of alcohol will normally take place within 6 months of detection of the crime. For driving under the influence of other drugs, it normally takes up to 12 months. There are no options to reduce the suspension period after the driving licence has been withdrawn.

Statistics

Total number of persons	YEAR	ALCOHOL	ILLCIT DRUGS	MEDICINES	COMBINED
Detected driving under the influence by police	2008	5,475	4,525	/ ¹¹⁴	/
Pursued by administrative body for driving under the influence	/	/	/	/	/
Sanctioned by administrative body for driving under the influence	/	/	/	/	/
Criminally prosecuted for driving under the influence	2007	/	/	/	9,000
Convicted by court of driving under the influence	2007	/	/	/	6,555

Table 29.12: Overall statistics

33 SWITZERLAND

33.1 Psychoactive Substances and Driving: Legislation

DRIVER	BAC threshold
Normal driver	0.5 g/kg
Novice driver	0.5 g/kg
Young driver	0.5 g/kg
Professional driver	0.0 g/kg
Other:	

Table 30.1: BAC threshold for different groups of drivers

The official unit in Switzerland is g/kg. The BAC for normal drivers is 0.5 g/kg. Possible sanctions for driver detected for the first time under the influence of alcohol, illicit drugs or medicines in a usual police control event are a fine, driving ban, probation, driver assessment and driver rehabilitation. There are no more severe

¹¹⁴ Written, if there was no answer given.
DRUID 6th Framework Programme

consequences envisaged for young and professional drivers, but there are for novice drivers, recidivists, in the case of accident involvement and for making an unsafe manoeuvre.

Alcohol

In the case of driving under the influence of alcohol, the sanctions of a fine, driving ban and driver rehabilitation can be imposed from 0.5 g/kg upwards; probation can be imposed from 0.8 g/kg upwards and driver assessment can be applied from 2.5 g/kg on. If the BAC level is from 0.5 up to 0.79 g/kg the maximum fine is 10,000 CHF (6,641 EUR); if the BAC level is above 0.8 g/kg the maximum fine is 1,080,000 CHF (717,274 EUR). When the BAC level ranges from 0.5 to 0.79 g/kg then a driving ban can be applied minimally for 1 month if another minor offence has been committed. In such cases, only a warning can be imposed, too. From 0.8 g/kg upwards, a driving ban is imposed for a minimum 3 months.

Driver rehabilitation is voluntary and can be proposed in the case of alcohol offences with a BAC level above 0.5 g/kg. If a novice driver commits an alcohol offence with a BAC ranging from 0.5 to 0.79 g/kg and commits another minor offence, or if his BAC is more than 0.8 g/kg, the sanction is a prolongation of novice status for 1 year. For recidivists, a prolongation of the driving ban is imposed. Higher fines or imprisonment also follow, up to 3 years. Community service, licence withdrawal or a treatment programme can be imposed instead of imprisonment. If a recidivist is also a novice driver, his driving licence can be annulled. In the case of making unsafe manoeuvres or for involvement in an accident the same sanctions can be imposed as for recidivists.

Illicit drugs

In the case of driving under influence of illicit drugs, the maximum fine is 1.080.000 CHF (717,274 EUR). A driving ban can be imposed for a minimum 3 months. Imprisonment can last from 6 months to 3 years. Probation and driver assessment can also be imposed. In the case of probation, the fine is generally suspended. It depends on the case whether driver assessment and perhaps also licence withdrawal are imposed. The police can control these substances only if there are indications of impairment.

In the case of illicit drugs, there are more severe consequences for young and professional drivers. For novice drivers, prolongation of novice status can be imposed for 1 year. For recidivists, in the case of making an unsafe manoeuvre or in the case of involvement in an accident, a prolongation of the driving ban can be imposed. There is also a possibility of a higher fine or imprisonment for up to 3 years. Community service, licence withdrawal or treatment programme are also possible instead of imprisonment. If a recidivist is also a novice driver, his or her driving licence can be annulled.

Non-prescribed medicines

In the case of driving under the influence of medicines, the maximum fine is 1.080.000 CHF (717,274 EUR). A driving ban can be imposed for a minimum of 3 months. Imprisonment, probation and driver assessment can also be imposed. In the case of probation, the fine is generally suspended. It depends on the case whether a driver assessment and perhaps also licence withdrawal and imposed. The police can control these substances only if there are indications of impairment.

Here, too, there are more severe consequences for young and professional drivers. For novice drivers a prolongation of novice status can be imposed for 1 year. For recidivists and in the case of making an unsafe manoeuvre or involvement in an accident a prolongation of the driving ban can be imposed. There is also a possibility of a higher fine or imprisonment for up to 3 years. Community service, licence withdrawal or treatment programme are also possible instead of imprisonment. If a recidivist is also a novice driver, his or her driving licence can be annulled.

An overview of sanctions for driving under influence under different conditions

Sanction	Fine (€)	Dem. points	Driving ban	Licence withdr.	Imprison.	Probation	Driver asses.	Driver rehab.	Treat. program	Com. service	Other
ALCOHOL											
Minimum	not specified	no	1 month	no	no	not specified	not specified	not specified	no	no	no
Maximum	1.080.000 CHF (717.274,00 EUR)	no	not specified	no	no	not specified	not specified	not specified	no	no	no
ILLICIT DRUGS											
Minimum	not specified	no	3 months	no	6 months	not specified	not specified	no	no	no	no
Maximum	1.080.000 CHF (717.274,00 EUR)	no	not specified	no	3 years	not specified	not specified	no	no	no	no
NON-PRESCRIBED MEDICINES											
Minimum	not specified	no	3 months	no	not specified	not specified	not specified	no	no	no	no
Maximum	1.080.000 CHF (717.274,00 EUR)	no	not specified	no	not specified	not specified	not specified	no	no	no	no
Sanction	Fine (€)	Dem. points	Driving ban	Licence withdr.	Imprison.	Probation	Driver asses.	Driver rehab.	Treat. program	Com. service	Other
MORE SEVERE CONSEQUENCES											
Recidivists	higher	no	prolongation	not specified	Max. 3 years	no	no	no	not specified	not specified	no
Accident	higher	no	prolongation	not specified	Max. 3 years	no	no	no	not specified	not specified	no
Unsafe manoeuvre	higher	no	prolongation	not specified	Max. 3 years	no	no	no	not specified	not specified	no

Table 30.2: The regular consequences for a driver detected for the first time under the influence of ALCOHOL, ILLICIT DRUGS OR NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment) and more severe consequences for special circumstances

Switzerland has special regulations for drivers detected under influence of THC, amphetamines, methamphetamines, cocaine and opioid analgesics (for example, morphine), if these are prescribed as

medicines. The police can control these substances only if there are indications of impairment. If these substances have been prescribed as medicines, special investigations are necessary.

Background Information on Sanctions

The following table shows total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines. The information available is for 2008.

There were 25,170 fines imposed for driving under the influence of alcohol. For driving under the influence of illicit drugs the number of fines was 1,877 and for driving under the influence of medicines the number of fines was 212. Altogether there were 27,259 fines imposed in 2008.

For driving under the influence of alcohol there were 18,902 driving bans imposed, for driving under the influence of illicit drugs the number of bans was 1,877 and for driving under the influence of medicines there were 212 bans imposed. Altogether there were 20,991 driving bans imposed. The number of licence withdrawals was smaller; for driving under influence of alcohol, there were 1,102 administrative-based licence withdrawals and for driving under the influence of illicit drugs, 1,976 administrative-based licence withdrawals. No data were available about licence withdrawals for driving under the influence of medicines. Altogether, 3,078 administrative-based licence withdrawals were imposed.

For driving under the influence of alcohol, there were 18,902 prison sentences imposed, for driving under the influence of illicit drugs 1,877 prison sentences and for driving under the influence of medicines 212. Altogether, 20,991 prison sentences were imposed.

Sanctions	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
Fines	2008: 25.170	1.877	212	27.259
Demerit points	¹¹⁵ /	/	/	/
Driving bans	2008: 18.902	1.877	212	20.991
Licence withdrawals: - Administration-based - Court-based	2008: 1.102	1.976	/	3.078
Imprisonment	2008: 18.902	1.877	212	20.991
Other sanctions: warning	unknown	unknown	unknown	6.268

Table 30.3: Total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines

If a driving licence is withdrawn or the driver is banned and is detected driving, sanctions are the following: driving ban for a minimum 3 months, imprisonment for a minimum 6 months and maximum 3 years and a fine. In 2008, there were 1,490 offenders, who were driving while suspended.

¹¹⁵ Written, if there was no answer given.
DRUID 6th Framework Programme

Driving while suspended

Consequences	If the driving licence is <u>withdrawn</u> or the driver is <u>suspended</u> : driving ban (min. 3 months), imprisonment (min. 6 months, max. 3 years) and fine
Number of offences/offenders of driving while suspended per year	2007: 1,490 offenders

Table 30.4: Driving while suspended

There is no demerit point system in Switzerland. In previous years, some evaluation studies were undertaken regarding the effectiveness of driver rehabilitation. The conclusions were that those attending the course have a reduced risk of alcohol behaviour problems by about 50 % in comparison to those who did not participate in any such courses. Drivers under the influence of psychoactive substances are recorded in a register for traffic offences in order to identify recidivists.

There is an option of conditional withdrawal, in the case of alcohol or drug abstinence. There is no conditional withdrawal of a driving licence in the case of alcohol or drug abuse. However, a licence can be re-granted, if abstinence over a certain period of time is proven. This procedure is often used with drivers detected with a very high alcohol concentration. Imposing more than one sanction at the same time in alcohol, illicit drugs and medicine cases is possible.

Availability of sanction-related issues	
Evaluation studies regarding effectiveness of different sanctions	Yes, driver rehabilitation
Register for traffic offences in order to identify recidivists	Yes
Conditional withdrawal or conditional licence	Yes
Imposing more than one sanction at the same time	Yes

Table 30.5: Availability of sanction-related issues

Traffic Related Consequences of Psychoactive Substance Use in General

There are no special consequences on the driving licence in the case of selling or possessing illicit drugs, alcohol or medicines outside traffic. Only consuming has consequences for the licence. In the case of consuming alcohol or medicines, there are only legal consequences for the driving licence in special cases, such as misuse. The legal consequences are: medical and psychological assessment, driving ban and licence withdrawal after failing a medical/psychological assessment or after a court procedure. A driving ban and licence withdrawal depend on the results of the driver assessment. The kind of driver assessment (medical or psychological) depends on the case. In such cases, legal consequences for the driving licence are possible, but not necessary. In alcohol cases, rehabilitation is also possible. In the case of illicit drugs the legal consequences for the driving licence are: medical and psychological assessment of the driver, immediate licence withdrawal or licence withdrawal after failing a medical/psychological assessment. The consequences differ from case to case and depend on the circumstances in an individual case. For example, consuming hard drugs (heroin, cocaine) leads to a precautionary driving ban. Consequences are not more severe for young, novice or professional drivers.

	Selling	Possessing	Consuming
Legal consequences	ILLCIT DRUGS		

	Selling	Possessing	Consuming
concerning the driving licence	/	/	Yes, medical and psychological assessment of the driver, driving ban and licence withdrawal
ALCOHOL			
	/	/	Yes, in special cases, for example misuse; medical and psychological assessment of the driver, driving ban and licence withdrawal, rehabilitation.
MEDICINES			
	/	/	Yes, in special cases, for example misuse; Yes, medical and psychological assessment of the driver, driving ban and licence withdrawal

Table 30.6: Psychoactive substance use in general

Re-granting Procedure

The procedure for re-granting a licence that has been withdrawn due to an alcohol offence is almost the same in illicit drugs and medicine cases. In alcohol cases, a medical assessment is always obligatory, but a psychological assessment may be imposed only in special cases (depends on the case). Screening for substance markers in blood, urine or hair is always imposed. Driver rehabilitation is proposed only in special cases, depending on the BAC level. Treatment programme, theoretical and practical driving lessons are imposed only in special cases for repeat offences. Theoretical and practical driving tests are imposed only in special cases, if there are doubts concerning the aptitude to drive.

The only difference between illicit drugs or medicine cases and alcohol cases concerns imposing driver rehabilitation: there is no driver rehabilitation required in the case of re-granting a driving licence due to illicit drugs or medicines offences.

For novice drivers (less than 2 years) a judge is obliged to impose theoretical and practical tests if the offender was convicted of an offence which led to the suspension of the driving licence. There are no other requirements.

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	Always	Always	Always
Psychological assessment	Only in special cases, depends on the case.	Only in special cases, depends on the case.	Only in special cases, depends on the case.
Screening for substance markers in blood / urine / hair	Always	Always	Always
Driver rehabilitation	Only in special cases, depends on the BAC level.	no	no
Treatment programme	Only in special cases, repeated offences.	Only in special cases, repeated offences.	Only in special cases, repeated offences.
Theoretical driving lessons	Only in special cases, repeated offences.	Only in special cases, repeated offences.	Only in special cases, repeated offences.
Practical driving lessons	Only in special cases, repeated offences.	Only in special cases, repeated offences.	Only in special cases, repeated offences.
Theoretical driving test	Only in special cases, aptitude to drive.	Only in special cases, aptitude to drive.	Only in special cases, aptitude to drive.
Practical driving test	Only in special cases, aptitude to drive.	Only in special cases, aptitude to drive.	Only in special cases, aptitude to drive.
Other			

Table 30.7: Re-granting procedure

33.2 Psychoactive Substances and Driving: Detection and Police Enforcement

Systematic police control activities

Strategies regarding police control activities are related to weekday, daytime, specific locations and specific events. There are no data available regarding the annual frequency of systematic police control activities. The total number of persons detected driving under the influence of psychoactive substances in 2008 was 25,170 for alcohol, 3,877 for illicit drugs and 212 for medicines.

Detection routines used in police control activities are breath tests, blood tests, urine tests, saliva tests, sweat tests and impairment tests. Breath tests are permitted at random and conducted at the roadside. Blood tests are permitted only in the case of suspicion. Urine tests, saliva tests, sweat tests and impairment tests are permitted only in the case of suspicion and are conducted at the roadside. However, detection routines and procedures depend on cantonal legislation.

Systematic police control activities	
Strategies	Yes, related to weekday, daytime, specific locations, specific events
Annual frequency	No complete information available
Detection routines and procedures	
Breath test	Permitted at random, conducted at roadside
Blood test	Permitted only in case of suspicion
Urine test	Permitted only in case of suspicion, conducted at roadside
Saliva test	Permitted only in case of suspicion, conducted at roadside
Sweat test	Permitted only in case of suspicion, conducted at roadside
Impairment test	Permitted only in case of suspicion, conducted at roadside
Other test:	/

Table 30.8: Police control activities and detection routines

Police officers' discretions and competences

There are specific training programmes for police officers regarding detection of drivers under the influence. Every policeman engaged in traffic enforcement receives regular education courses in recognizing signs of drug and medication influence. Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor is not at the discretion of the police. A police officer has the competence to confiscate a driving licence immediately at the roadside but only in special cases, if the driver is obviously tipsy or he has a BAC level of 0.8 g/kg or over or he seems not to be able to drive for other reasons. He also has the competence to arrest a driver and take him into custody, but only in special cases, if without custody the driver

would be a danger to other people. Individual cases depend on cantonal legislation. A policeman does not have the competence to confiscate a vehicle.

Specific training programmes	Yes
Deciding whether or not to report a driver detected of DUI to the administrative body or the prosecutor	No
If a driver tests positive for psychoactive substances, does the police officer have:	
competence to confiscate the driving licence immediately at the roadside	Yes, but only in special cases, if the driver is obviously tipsy or he has a BAC level of 0.8 g/kg or over or he seems not to be able to drive for other reasons.
competence to confiscate the vehicle (or the licence plate) at the roadside	No
competence to arrest the driver and take him into custody	Yes, but only in special cases, if without custody the driver would be a danger to other people.

Table 30.9: Police officers' discretions

If a driver is involved in an accident, he is tested for alcohol in any case and for illicit drugs and medicines in the case of suspicion. If a driver refuses to provide a breath/blood/saliva/sweat/urine sample, a blood sample is enforced and the same consequences follow as for drivers under the influence of illicit drugs. If a driver tests positive for alcohol, an additional test follows in the case of suspicion of other psychoactive substances.

33.3 Psychoactive Substances and Driving: Sanctioning

Driving under the influence of alcohol and illicit drugs is considered to be an administrative offence in Switzerland but also as a criminal offence under some circumstances, for example accident involvement, unsafe driving, obvious impairment and driving above a certain threshold.

Administrative Offences

It is not at the discretion of the administrative body to decide whether or not to pursue a driver detected of driving under the influence of psychoactive substances. In 2008 there were 25,170 persons pursued for driving under the influence of alcohol, 1,877 for driving under the influence of illicit drugs and 212 for driving under the influence of medicines.

It is also not at the discretion of the administrative body to decide whether or not to sanction a driver detected of driving under the influence of psychoactive substances. In 2008, there were 25,170 persons sanctioned for driving under the influence of alcohol, 1,877 for driving under the influence of illicit drugs and 212 for driving under the influence of medicines.

Total number of persons	YEAR	ALCOHOL	ILLICIT DRUGS	MEDICINES	COMBINED
Pursued by administrative body for driving under the influence	2008	25,170	1,877	212	/ ¹¹⁶
Sanctioned by administrative body for driving under the influence	2008	25,170	1,877	212	/

Table 30.10: Statistics for administrative offences

¹¹⁶ Written, if there was no answer given.
DRUID 6th Framework Programme

Discretion rights of the administrative body

There is no information on the average period of time between detection of driving under the influence of psychoactive substances and sanctioning by the administrative body, since it varies from canton to canton.

Criminal Offences

There are no data on the number of prosecuted persons in any year, but there are data on convicted drivers. The numbers are the same as in the case of sanctions, since each driver is first convicted by law and afterwards sanctioned in an administrative proceeding.

Total number of persons	YEAR	ALCOHOL	ILLCIT DRUGS	MEDICINES	COMBINED
Criminally prosecuted for driving under the influence	/ ¹¹⁷	/	/	/	/
Convicted by court for driving under the influence	2008	25,170	1,877	212	

Table 30.11: Statistics for criminal offences

Discretionary rights of the criminal body

If a driver is detected driving under the influence of psychoactive substances, the prosecutor has the discretion to decide whether or not to prosecute, but only in very petty cases (e.g. no demonstrable impairment) or if the driver shows he has suffered extraordinary hardship from the incident and additional penalties would not serve any further useful purpose (e.g., a driver caused an accident and his children were killed).

A court (judge) can decide not to convict a driver. Sentencing discretion ranges within the sanction levels of the relevant provisions. The court's discretion is guided by the mitigating circumstances and aggravating conditions specified in the Penal Code. If the offender is addicted to drugs, the court can order a commitment to an appropriate medical facility. The court also has the discretion to determine the level of penalty. The maximum imprisonment may be 3 years and the maximum fine may be 1,080,000 CHF (717,274.00 EUR).

Driver detected of driving under the influence of psychoactive substances

Discretion of the prosecutor to prosecute	Yes, the prosecutor can decide not to prosecute a driver
Discretion of the court (judge) to convict	Yes, the court can decide not to convict a driver
Discretion of the court (judge) to determine the level of penalty	Yes, imprisonment (max. 3 years), fine (max.1,080,000 CHF = 717,274.00 EUR).

Table 30.12: Discretion rights of criminal prosecution bodies

The average period of time between detection of driving under the influence of psychoactive substances and conviction by a court is not specified and can vary from canton to canton. There are no options to reduce the suspension period after a driving licence has been withdrawn.

Statistics

Total number of persons	YEAR	ALCOHOL	ILLCIT DRUGS	MEDICINES	COMBINED
Detected driving under the influence by police	2008	25.170	1.877	212	/ ¹¹⁸

¹¹⁷ Written, if there was no answer given.

¹¹⁸ Written, if there was no answer given.

Pursued by administrative body for driving under the influence	2008	25.170	1.877	212	/
Sanctioned by administrative body for driving under the influence	2008	25.170	1.877	212	/
Criminally prosecuted for driving under the influence	/	/	/	/	/
Convicted by court for driving under the influence	2008	25.170	1.877	212	/

Table 30.13: Overview of statistics

SIXTH FRAMEWORK PROGRAMME
Priority 1.6 Sustainable Development, Global Change and Ecosystem
1.6.2: Sustainable Surface Transport



DRUID

Driving under the Influence of Drugs, Alcohol and Medicines

Deliverable 6.1

State of the Art on Withdrawal of Driving Licence – Results of Questionnaires and Interviews

ANNEX III – Questionnaire

Authors	Simone Klipp (BAST), Eva Schnabel (UWuerz)
Status and date	Final Deliverable 26/10/2009
Dissemination level	
Work Package	WP 6 Withdrawal
Task	Task 6.1 State of the Art regarding Withdrawal of Driving License in connection to Sanctions for impaired Driving
Project start date and duration	15 October 2006, 48 Months
File Name:	

EU-Project DRUID: Driving under the Influence of Drugs, Alcohol and Medicines

QUESTIONNAIRE for the European Countries on Laws and their Enforcement

DRUID has the objective to gain a deeper insight into the degree of impairment caused by psychoactive substances and their actual impact on road safety. The project will provide a solid base to generate harmonised, EU-wide regulations for driving under the influence of alcohol, illicit drugs and medicines.

This questionnaire is part of DRUID Work Package 6: Withdrawal. The aim is to collect and evaluate practices in all Member States of the European Union, Switzerland and Norway, and to develop recommendations based on a comprehensive view on the entire problem.

Please contribute to the improvement of traffic safety by answering this questionnaire for your country!

If you need any further information, please feel free to contact:

Bojan Zlender and Klavdija Godler
Ministry of Transport
Slovenian Roads Agency
Road Safety Council
Trdinova 8
SI-1000 Ljubljana

tel: + 386 (0)1 300 91 70
fax: + 386 (0)1 300 91 71
e-mail: druidwp6@gmail.com

If you will have any trouble accessing this e-mail, you can also write to one of these:
bojan.zlender@gov.si or klavdija.godler@gov.si

DEFINITIONS: Please familiarise yourself with the following definitions before proceeding with the questionnaire!

PSYCHOACTIVE SUBSTANCES: Any substance that affects or alters the central nervous system. These are divided into three categories:

- **Alcohol:** In Europe the commonly used unit for blood alcohol concentration (BAC) is per mill, which is equivalent to mg/g (=g/kg) or mg/ml (=g/l). *Please, do always indicate the unit used in your country!*
- **Medicines:** These are substances either prescribed by physicians or sold without need for prescription at pharmacies (“over the counter”). In case of misuse of medicines which should be prescribed, different regulations may exist. Some will fall under the control of narcotic drug laws, such as opioids, benzodiazepines, amphetamines.
- **Illicit drugs:** Substances that are not generally legally available, and with no or very limited medical use, such as cannabis, cocaine, heroin, MDMA (ecstasy), amphetamine. Their use and/or possession will be addressed by the narcotic drug laws and will be punished by criminal or civil/administrative penalties.

LAWS AND REGULATIONS: Legal issues regarding driving after consuming psychoactive substances may be regulated within:

- A specific law or set of laws regarding driving activities (e.g. “Road Traffic Act”).
- A specific law or set of laws regarding drugs which is separated from a general legal code (e.g. „Law against drug use“ or „Narcotic Substance Law“).
- A general legal code (such as the penal code).

SANCTIONS: Besides fines, imprisonment and community work, sanctions for driving under the influence of psychoactive substances may include:

- **Driving ban:** The licence is kept in legal custody for several weeks or months and is handed out back to the offender automatically after the ban period has expired.
- **Licence withdrawal:** The licence is withdrawn for several months or years and is re-granted only under certain conditions.
- **Conditional withdrawal:** The driving licence is not completely withdrawn, but the remaining driving privileges are connected to certain conditions, e.g. to specific daytimes or to specific types of motor vehicles. Conditions can be related to any kinds of obligations, e.g. driving is only allowed with alcohol ignition interlock equipped vehicles or to any kinds of restrictions, e.g. driving to work and back home is solely permitted.
- **Driver rehabilitation:** A collective term for specific secondary interpersonal prevention measures that focus on attitudinal and behavioural changes of alcohol, illicit drug or medicine offenders.
- **Treatment programme:** This term refers to any kind of addiction treatment or service. In contrast to driver rehabilitation, treatment programmes are most often part of the health care systems and aim at changing more severe substance use problems. Accordingly, the treatments are more intense and extended compared to driver rehabilitation measures.
- **Probation:** The offender found guilty of driving under the influence is released by court without imprisonment but is subject to conditions imposed by the court.

1. Psychoactive Substances and Driving: Legislation

ALCOHOL

1.1. What are the regular consequences for a driver detected for the first time under the influence of ALCOHOL in a usual police control event (without obvious impairment)?

Please mark the possible sanctions and indicate from which BAC level on they may be imposed! Please remember to indicate the unit!

Sanction	BAC level [unit]
<input type="checkbox"/> Fine (please specify min.-max.):	
<input type="checkbox"/> Demerit points (please specify min.-max.):	
<input type="checkbox"/> Driving ban (please specify min.-max.):	
<input type="checkbox"/> Licence withdrawal (please specify min.-max.):	
<input type="checkbox"/> Imprisonment (please specify min.-max.):	
<input type="checkbox"/> Probation	
<input type="checkbox"/> Driver assessment	
<input type="checkbox"/> Driver rehabilitation	
<input type="checkbox"/> Treatment programme	
<input type="checkbox"/> Community service	
<input type="checkbox"/> Other consequences:	
Comments:	

1.2. Are there other BAC thresholds or more severe consequences under the following circumstances?

- Young drivers (please specify):
- Novice drivers (please specify):
- Professional drivers (please specify):
- Repeat offenders / recidivists (please specify):
- Making an unsafe manoeuvre (please specify):
- Involvement in an accident (please specify):

Comments:

ILLICIT DRUGS

1.3. What are the regular consequences for a driver detected for the first time under the influence of ILLICIT DRUGS in a usual police control event (without obvious impairment)?

- Fine (please specify min.-max.):
- Demerit points (please specify min.-max.):
- Driving ban (please specify min.-max.):
- Licence withdrawal (please specify min.-max.):
- Imprisonment (please specify min.-max.):
- Probation
- Driver assessment
- Driver rehabilitation
- Treatment programme
- Community service
- Other consequences:

Comments:

1.4. Are there more severe consequences under the following circumstances?

- Young drivers (please specify):
- Novice drivers (please specify):
- Professional drivers (please specify):
- Repeat offenders / recidivists (please specify):
- Making an unsafe manoeuvre (please specify):
- Involvement in an accident (please specify):

Comments:

MEDICINES

1.5. What are the regular consequences for a driver detected for the first time under the influence of NON-PRESCRIBED MEDICINES in a usual police control event (without obvious impairment)?

- Fine (please specify min.-max.):
- Demerit points (please specify min.-max.):
- Driving ban (please specify min.-max.):
- Licence withdrawal (please specify min.-max.):
- Imprisonment
- Probation
- Driver assessment
- Driver rehabilitation
- Treatment programme
- Community service
- Other consequences:

Comments:

1.6. Are there more severe consequences under the following circumstances?

- Young drivers (please specify):
- Novice drivers (please specify):
- Professional drivers (please specify):
- Repeat offenders / recidivists (please specify):
- Making an unsafe manoeuvre (please specify):
- Involvement in an accident (please specify):

Comments:

1.7. Are there special regulations for drivers detected under the influence of the following substances in a usual police control event (without obvious impairment) if these are PRESCRIBED AS MEDICINES?

- THC (e.g. Dronabinol) (please specify):
- Amphetamine (e.g. Ritalin) (please specify):
- Methamphetamine (including MDA, MDMA, MDE) (please specify):
- Cocaine (please specify):
- Opioid analgesics (e.g. Morphine) (please specify):
- Substitutes (e.g. Methadone) (please specify):
- Others (e.g. licit drugs like Benzodiazepines):

Comments:

BACKGROUND INFORMATION ON SANCTIONS

1.8. Please indicate the total numbers of the different sanctions for driving under the influence of alcohol, illicit drugs and non-prescribed medicines in the table! Please provide the most recent data! If there are distinct numbers for alcohol, illicit drugs and medicines, use the first three columns, if not use the fourth column!

Referring to year:

Sanctions	For alcohol and driving	For illicit drugs and driving	For non-prescribed medicines and driving	Total number
Fines				
Demerit points				
Driving bans				
Licence withdrawals: - Administration-based - Court-based				
Imprisonment				
Other sanctions:				
Comments:				

1.9. Are there any evaluation studies in your country regarding the effectiveness of the different sanctions / consequences for driving under the influence?

No

Yes, regarding:

- Fines
- Demerit points
- Driving bans
- Licence withdrawal
- Imprisonment
- Probation
- Driver assessment
- Driver rehabilitation
- Treatment programme
- Community service
- Other consequence (please specify):

IF YES: Please outline the conclusions of the evaluation(s), name references and if possible include an abstract of the study!

Conclusions:

References / Abstract:

IF NO: How do you as an expert assess the effectiveness of the different sanctions in your country?

Conclusions:

References / Abstract:

1.10. Are drivers under the influence of psychoactive substances recorded in a register for traffic offences in order to identify recidivists?

No

Yes

Comments:

1.11. Does the legal system in your country provide the option of conditional withdrawal or conditional licence (driving licence granted only under certain conditions)?

No

Yes (please specify the conditions):

1.12. Is it possible to impose more than one sanction at the same time in case of driving under the influence?

Alcohol

No

Yes (please specify possible combinations):

Illicit Drugs

No

Yes (please specify possible combinations):

Medicines No Yes (please specify possible combinations):

1.13. If your country applies a demerit point system, please indicate the consequences connected to certain limits (especially the limit for licence withdrawal)!

Number of points: Consequences:
 Number of points: Consequences:
 Number of points: Consequences:
 Number of points: Consequences:

1.14. If the driving licence is withdrawn or the driver is suspended, but nevertheless is detected driving, what are the regular consequences?

1.15. Please indicate the (estimated) number of offences of driving while suspended per year and / or the number of offenders!

Referring to year: Number of offences:
 Referring to year: Number of offenders:

TRAFFIC RELATED CONSEQUENCES OF PSYCHOACTIVE SUBSTANCE USE IN GENERAL

1.16. Does selling, possessing, or consuming of ILLICIT DRUGS outside road traffic have any legal consequences CONCERNING THE DRIVING LICENCE?

	<input type="checkbox"/> Selling	<input type="checkbox"/> Possessing	<input type="checkbox"/> Consuming
Legal consequences concerning the driving licence	<input type="checkbox"/> Driver assessment If yes: <input type="checkbox"/> Medical <input type="checkbox"/> Psychological	<input type="checkbox"/> Driver assessment If yes: <input type="checkbox"/> Medical <input type="checkbox"/> Psychological	<input type="checkbox"/> Driver assessment If yes: <input type="checkbox"/> Medical <input type="checkbox"/> Psychological
	<input type="checkbox"/> Driving ban	<input type="checkbox"/> Driving ban	<input type="checkbox"/> Driving ban
	<input type="checkbox"/> Licence withdrawal If yes: <input type="checkbox"/> Immediately <input type="checkbox"/> After failing medical/ psychological assessment <input type="checkbox"/> After court procedure	<input type="checkbox"/> Licence withdrawal If yes: <input type="checkbox"/> Immediately <input type="checkbox"/> After failing medical/ psychological assessment <input type="checkbox"/> After court procedure	<input type="checkbox"/> Licence withdrawal If yes: <input type="checkbox"/> Immediately <input type="checkbox"/> After failing medical/ psychological assessment <input type="checkbox"/> After court procedure

	<input type="checkbox"/> Selling	<input type="checkbox"/> Possessing	<input type="checkbox"/> Consuming
	<input type="checkbox"/> Other consequences: (please specify: probational licence, rehabilitation etc.)	<input type="checkbox"/> Other consequences: (please specify: probational licence, rehabilitation etc.)	<input type="checkbox"/> Other consequences (please specify: probational licence, rehabilitation etc.)
Comments:			

1.17. Are there more severe consequences under the following circumstances?

- Young drivers (please specify):
- Novice drivers (please specify):
- Professional drivers (please specify):

Comments:

1.18. Does the consumption of ALCOHOL or MEDICINES outside road traffic have any legal consequences CONCERNING THE DRIVING LICENCE?

	<input type="checkbox"/> Consumption of alcohol <input type="checkbox"/> Only in special cases (e.g. misuse) Please specify:	<input type="checkbox"/> Consumption of medicines <input type="checkbox"/> Only in special cases (e.g. misuse) Please specify:
Legal consequences concerning the driving licence	<input type="checkbox"/> Driver assessment If yes: <input type="checkbox"/> Medical <input type="checkbox"/> Psychological	<input type="checkbox"/> Driver assessment If yes: <input type="checkbox"/> Medical <input type="checkbox"/> Psychological
	<input type="checkbox"/> Driving ban	<input type="checkbox"/> Driving ban
	<input type="checkbox"/> Licence withdrawal If yes: <input type="checkbox"/> Immediately <input type="checkbox"/> After failing medical/psychological assessment <input type="checkbox"/> After court procedure	<input type="checkbox"/> Licence withdrawal If yes: <input type="checkbox"/> Immediately <input type="checkbox"/> After failing medical/psychological assessment <input type="checkbox"/> After court procedure
	<input type="checkbox"/> Other consequences: (please specify: probational licence, rehabilitation etc.)	<input type="checkbox"/> Other consequences: (please specify: probational licence, rehabilitation etc.)
Comments:		

1.19. Are there more severe consequences under the following circumstances?

- Young drivers (please specify):
- Novice drivers (please specify):
- Professional drivers (please specify):

Comments:

RE-GRANTING**1.20. What is the procedure for re-granting the licence if it was withdrawn due to an alcohol, illicit drug or medicine offence?**

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
Medical assessment	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Above BAC <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers <input type="checkbox"/> Other: <input type="checkbox"/> Always	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers <input type="checkbox"/> Other: <input type="checkbox"/> Always	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers <input type="checkbox"/> Other: <input type="checkbox"/> Always
Psychological assessment	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Above BAC <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers <input type="checkbox"/> Other: <input type="checkbox"/> Always	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers <input type="checkbox"/> Other: <input type="checkbox"/> Always	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers <input type="checkbox"/> Other: <input type="checkbox"/> Always
Screenings for substance markers in blood / urine / hair	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Above BAC <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers <input type="checkbox"/> Other: <input type="checkbox"/> Always	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers <input type="checkbox"/> Other: <input type="checkbox"/> Always	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers <input type="checkbox"/> Other: <input type="checkbox"/> Always
Driver rehabilitation	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Above BAC <input type="checkbox"/> Repeated	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
	offences <input type="checkbox"/> Novice drivers <input type="checkbox"/> Other: <input type="checkbox"/> Always	<input type="checkbox"/> Other: <input type="checkbox"/> Always	<input type="checkbox"/> Other: <input type="checkbox"/> Always
Treatment programme	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Above BAC <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers <input type="checkbox"/> Other: <input type="checkbox"/> Always	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers <input type="checkbox"/> Other: <input type="checkbox"/> Always	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers <input type="checkbox"/> Other: <input type="checkbox"/> Always
Theoretical driving lessons	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Above BAC <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers <input type="checkbox"/> Other: <input type="checkbox"/> Always	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers <input type="checkbox"/> Other: <input type="checkbox"/> Always	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers <input type="checkbox"/> Other: <input type="checkbox"/> Always
Practical driving lessons	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Above BAC <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers <input type="checkbox"/> Other: <input type="checkbox"/> Always	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers <input type="checkbox"/> Other: <input type="checkbox"/> Always	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers <input type="checkbox"/> Other: <input type="checkbox"/> Always
Theoretical driving test	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Above BAC <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers <input type="checkbox"/> Other: <input type="checkbox"/> Always	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers <input type="checkbox"/> Other: <input type="checkbox"/> Always

Requirements for re-granting the driving licence	Alcohol offence	Illicit drug offence	Medicine offence
	<input type="checkbox"/> Other: <input type="checkbox"/> Always		
Practical driving test	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Above BAC <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers <input type="checkbox"/> Other: <input type="checkbox"/> Always	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers <input type="checkbox"/> Other: <input type="checkbox"/> Always	<input type="checkbox"/> No <input type="checkbox"/> Only in special cases: <input type="checkbox"/> Repeated offences <input type="checkbox"/> Novice drivers <input type="checkbox"/> Other: <input type="checkbox"/> Always
Other	Please specify:	Please specify:	Please specify:
Comments:			

We would like to ask you to **comment on this questionnaire** and possibly **give additional information** that you consider to be relevant for your country. Please use an extra sheet of paper if necessary!

Comments:

This questionnaire was answered by (Name, Job title, Ministry/Institution, E-Mail):

Date:

Thank you very much for your cooperation and participation in this survey!

2. Psychoactive Substances and Driving: Detection and Police Enforcement

2.1. Approximately how many systematic police control activities (checkpoints etc.) regarding psychoactive substances in traffic are conducted in your country per year? Please provide the most recent data! If there are differences for alcohol, illicit drugs and medicines, please give comments!

Referring to year:

Annual frequency:

Comments:

2.2. Are there any strategies regarding systematic police control activities concerning psychoactive substances in traffic? If there are differences for alcohol, illicit drugs and medicines, please give comments!

No

Yes

- Related to weekday
 Related to daytime
 Related to specific locations or areas
 Related to specific events

Comments:

2.3. What is the total number of persons detected driving under the influence of psychoactive substances per year? Please provide the most recent data! If there are distinct numbers for alcohol, illicit drugs and non-prescribed medicines, use the first three rows, if not use the fourth row!

Referring to year:

For alcohol:
 For illicit drugs:
 For medicines:
 OR Combined:

2.4. Which detection routines and procedures used in police control activities for testing at random or only in case of suspicion are legally regulated, and which procedures are conducted at roadside?

Detection routine	Permitted at random	Permitted only in case of suspicion	Conducted at roadside
Breath test	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes

Detection routine	Permitted at random	Permitted only in case of suspicion	Conducted at roadside
Blood test	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes
Urine test	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes
Saliva test	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes
Sweat test	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes
Impairment test	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes
Other test:	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes
Comments:			

2.5. Are there any specific training programmes for police officers regarding detection of drivers under the influence?

- No Yes (please specify):

2.6. Is it at the discretion of the police to decide whether or not to report a driver detected for driving under the influence of psychoactive substances to the administrative body or the prosecutor?

- No Yes (please specify the principle reasons or conditions for not reporting):

2.7. What happens if the driver refuses to provide a breath / blood / saliva / sweat / urine sample?

- Blood sample is enforced
 Same consequences as for a BAC of _____
 More severe consequences as for a BAC of _____ (please specify: _____)
 Same consequences as for drivers under the influence of illicit drugs
 Other consequences (please specify):

2.8. What happens if the driver is tested positive for alcohol?

- No further test is taken
 Additional test for other psychoactive substances is taken in any case
 Additional test for other psychoactive substances in case of suspicion
 Additional test for other psychoactive substances in case of endangering others
 Additional test for other psychoactive substances in case of accidents
 Depends on the situation (please specify):

2.9. Do the police officers have the competence to confiscate the driving licence immediately at the roadside if the driver is tested positive for psychoactive substances?

- No
- Yes, in any case the driver is tested positive
- Yes, but only in special cases (please specify circumstances and substances):

2.10. Do the police officers have the competence to confiscate the vehicle (or the licence plate) at the roadside if the driver is tested positive for psychoactive substances?

- No
- Yes, in any case the driver is tested positive
- Yes, but only in special cases (please specify circumstances and substances):

2.11. Do the police officers have the competence to arrest the driver and take him into custody if he is tested positive for psychoactive substances?

- No
- Yes, in any case the driver is tested positive
- Yes, but only in special cases (please specify circumstances and substances):

2.12. If the driver is involved in an accident, is he tested for psychoactive substances?

- No
- Yes, for
 - Alcohol in any case
 - Alcohol, but only in special cases (please specify):
 - Illicit drugs in any case
 - Illicit drugs, but only in special cases (please specify):
 - Medicines in any case
 - Medicines, but only in special cases (please specify):

We would like to ask you to comment on this questionnaire and possibly give additional information that you consider to be relevant for your country. Please use an extra sheet of paper if necessary!

Comments:

This questionnaire was answered by (Name, Job title, Ministry/Institution, E-Mail):

Date:

Thank you very much for your cooperation and participation in this survey!

3. Psychoactive Substances and Driving: Toxicology

Please mark the **substances** which are **regularly tested** in a laboratory in case of substance suspicion and indicate the **toxicological test procedure!** Additionally please indicate the **legal approach** related to driving and give comments in case of different approaches in criminal or administrative law! Moreover please specify the **analytical threshold!**

Substance	Toxicological method	Legal approach related to driving
<input type="checkbox"/> Tetrahydrocannabinol (THC)	<input type="checkbox"/> Whole blood <input type="checkbox"/> Serum/plasma	<input type="checkbox"/> Impairment <input type="checkbox"/> Zero tolerance Analytical threshold: ng/ml
<input type="checkbox"/> THC-COOH	<input type="checkbox"/> Whole blood <input type="checkbox"/> Serum/plasma	<input type="checkbox"/> Impairment <input type="checkbox"/> Zero tolerance Analytical threshold: ng/ml
<input type="checkbox"/> Amphetamine	<input type="checkbox"/> Whole blood <input type="checkbox"/> Serum/plasma	<input type="checkbox"/> Impairment <input type="checkbox"/> Zero tolerance Analytical threshold: ng/ml
<input type="checkbox"/> Metamphetamine	<input type="checkbox"/> Whole blood <input type="checkbox"/> Serum/plasma	<input type="checkbox"/> Impairment <input type="checkbox"/> Zero tolerance Analytical threshold: ng/ml
<input type="checkbox"/> Methylenedioxyamphetamine	<input type="checkbox"/> Whole blood <input type="checkbox"/> Serum/plasma	<input type="checkbox"/> Impairment <input type="checkbox"/> Zero tolerance Analytical threshold: ng/ml
<input type="checkbox"/> Methylenedioxyethylamphetamine	<input type="checkbox"/> Whole blood <input type="checkbox"/> Serum/plasma	<input type="checkbox"/> Impairment <input type="checkbox"/> Zero tolerance Analytical threshold: ng/ml
<input type="checkbox"/> Methylenedioxyamphetamine	<input type="checkbox"/> Whole blood <input type="checkbox"/> Serum/plasma	<input type="checkbox"/> Impairment <input type="checkbox"/> Zero tolerance Analytical threshold: ng/ml
<input type="checkbox"/> Cocaine	<input type="checkbox"/> Whole blood <input type="checkbox"/> Serum/plasma	<input type="checkbox"/> Impairment <input type="checkbox"/> Zero tolerance Analytical threshold: ng/ml
<input type="checkbox"/> Benzoylcegonin	<input type="checkbox"/> Whole blood <input type="checkbox"/> Serum/plasma	<input type="checkbox"/> Impairment <input type="checkbox"/> Zero tolerance Analytical threshold: ng/ml
<input type="checkbox"/> Morphine	<input type="checkbox"/> Whole blood <input type="checkbox"/> Serum/plasma	<input type="checkbox"/> Impairment <input type="checkbox"/> Zero tolerance Analytical threshold: ng/ml
<input type="checkbox"/> Others (please specify):	<input type="checkbox"/> Whole blood <input type="checkbox"/> Serum/plasma	<input type="checkbox"/> Impairment <input type="checkbox"/> Zero tolerance Analytical threshold: ng/ml
Comments:		

This questionnaire was answered by (Name, Job title, Ministry/Institution, E-Mail):

Date:

Thank you very much for your cooperation and participation in this survey!

4.4. Is it at the discretion of the administrative body to decide whether or not to sanction a driver detected for driving under the influence of psychoactive substances?

- No Yes (please specify the principle reasons or conditions for not sanctioning):

4.5. What is the total number of persons sanctioned for driving under the influence of psychoactive substances per year? Please provide the most recent data! If there are distinct numbers for alcohol, illicit drugs and non-prescribed medicines, use the first three rows, if not use the fourth row!

Referring to year: For alcohol:
For illicit drugs:
For medicines:
OR Combined:

4.6. On average, what is the period of time between detection of driving under the influence of psychoactive substances and the sanctioning by the administrative body? Please specify the time in days, weeks or months!

The following questions concern details about the practices of prosecutors and courts regarding driving under the influence of psychoactive substances.

IN CASE OF ADMINISTRATIVE OFFENCE ONLY, PLEASE PROCEED TO QUESTION NUMBER 0!

4.7. Is it at the discretion of the prosecutor to decide whether or not to prosecute a driver detected for driving under the influence of psychoactive substances?

- No Yes (please specify the principle reasons or conditions for not prosecuting):

4.8. What is the total number of persons prosecuted for driving under the influence of psychoactive substances per year? Please provide the most recent data! If there are distinct numbers for alcohol, illicit drugs and non-prescribed medicines, use the first three rows, if not use the fourth row!

Referring to year: For alcohol:
For illicit drugs:
For medicines:
OR Combined:

4.9. Is it at the discretion of the court (judge) to decide whether or not to convict a driver detected and prosecuted for driving under the influence of psychoactive substances?

- No Yes (please specify the principle reasons or conditions for not convicting):

4.10. What is the total number of persons convicted for driving under the influence of psychoactive substances per year? Please provide the most recent data! If there are distinct numbers for alcohol, illicit drugs and non-prescribed medicines, use the first three rows, if not use the fourth row!

Referring to year:

For alcohol:
For illicit drugs:
For medicines:
OR Combined:

4.11. Is it at the discretion of the court (judge) to determine the degree of penalty for drivers convicted for driving under the influence of psychoactive substances?

- No Yes (please specify):

4.12. On average, what is the period of time between detection of driving under the influence of psychoactive substances and the conviction by court? Please specify the time in days, weeks or months!

4.13. Are there any options to reduce the suspension period after the driving licence has been withdrawn (e.g. voluntary rehabilitation measure)?

- No Yes (please specify the conditions):

We would like to ask you to comment on this questionnaire and possibly give additional information that you consider to be relevant for your country. Please use an extra sheet of paper if necessary!

Comments:

This questionnaire was answered by (Name, Job title, Ministry/Institution, E-Mail):

Date:

Thank you very much for your cooperation and participation in this survey!