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Answer given by Mr Tzitzikostas
on behalf of the European Commission
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Under the Charter of Fundamental Rights of the European Union, non-discrimination is a core principle. However, for the Charter to be applicable, the measure in question must involve the implementation of EU law¹.

In general, traffic rules remain primarily a matter of national competence, and the situation described involves a national rule, specifically Article 122(2) of the current Italian Highway Code².

Accompanied driving schemes usually involve drivers below the standard minimum age for a certain driving licence category who are accompanied by an experienced driver. Article 4(6)(d) of Directive 2006/126/EC³ grants Member States the discretion to lower the minimum age for certain driving privileges, however without requiring an accompanied driving scheme. As there are currently no EU rules on accompanied driving schemes, the national rule in question does not implement EU law and hence the Charter does not apply.

It is the responsibility of national authorities and courts to ensure that national measures adhere to fundamental rights, potentially under Italian law or the Italian Constitution.

That said, things will change in the future. During the recent negotiations on the upcoming fourth Driving Licence Directive, the co-legislators endorsed the Commission's proposal to mandate an EU-wide accompanied driving scheme for Category B. However, they chose not to extend this obligation to Category C, leaving the implementation of the scheme optional for both Categories C and C1. The planned introduction of accompanied driving is expected to promote greater harmonisation across Member States in the future.

¹ Art. 51 (1) of the Charter of Fundamental Rights of the European Union.

² Law Decree 121/2021, as amended by Law 177/2024.

³ OJ L 403, 30.12.2006, p. 18.