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NEWSLETTER

THE VALIDITY OF A FOREIGN DRIVING LICENCE ON PORTUGUESE TERRITORY

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SUMMARY

The recent Decree-Law 46/2022 modified and simplified the enabling to drive motor vehicles for holders of driving licences issued by the Member States of the Community of Portuguese-speaking Countries and the Organisation for Economic Cooperation and Development.



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FRAMEWORK

Recently, the 23rd Constitutional Government modified the Highway Code, through the Decree-Law No. 46/2022 of 12 July, to relieve the conditions required to render valid in Portugal the driving license issued.

In the meantime, it should be remembered that at the present, if a driver establishes his residence in Portugal and the driving licence was issued by a country of the European Union or the European Economic Area (EEA - Norway, Iceland, Liechtenstein), it is mandatory that the driver has to register his driving licence with the IMT regional or district level service of his area of residence. The obligation to register, which is provided for, must be concluded within 60 days from the date corresponding to the change of residency, under penalty of infringement.

In addition, if the driving licence issued by other EU Member State is a lifetime licence or has no expiry date, its holder is obliged to exchange it for a Portuguese licence within a period of two years, counting from the date of establishment of its residence in the national territory.

If a foreign driver's licence is issued by a country that has a bilateral agreement with Portugal, the driver with residence in Portugal must exchange it for a Portuguese licence within a period of two years of having the residence herein.

However, if a driving licence is issued by a foreign country non-adherent of the international conventions on road traffic, the driver should proceed with the exchange of the licence immediately since such licence is not considered valid for driving in Portugal.

THE AMENDMENTS CONTAINED IN DECREE-LAW NO. 46/2022

The above-mentioned Decree-Law, recently published, calls for a simplification regime regarding the enabling to drive motor vehicles in Portugal for citizens whose qualification has been issued by Member States belonging to the OECD or the CPLP, overlooking the strengthening and improving the mobility of the citizens of these States.

The list of target countries includes Switzerland, Australia, Canada, the United States, France, Japan, Brazil, Angola, or Cape Verde, among others.

Consequently, driving licences issued by these Member States will henceforth

be valid in Portugal for driving motor vehicles when: (i) the State is a signatory of an international convention on road traffic or a bilateral agreement with the Portuguese State; (ii) no more than 15 years have elapsed since the licence was issued or last renewed; and (iii) since the holder is under 60 years of age.

In addition to the requirement of compliance with those conditions, it will also be necessary that the holders of the licences have the minimum age required by Portuguese law for the respective qualification - i.e. 18 years old - and, finally, that the said licences are not seized, suspended, expired or revoked by virtue of a legal provision, administrative decision or judicial sentence applied to the holder (in Portugal or in the issuing State).

On the other hand, if the holder of a title issued by a member state of the OECD or CPLP (and also of the European Union) wishes to exchange the foreign title for a Portuguese driving licence, this exchange will continue to be subject to the holder's compliance in regards to the requirements set out in the Regulation on the Legal Qualification to Drive (RHLC), without prejudice to the need to pass the driving test.

Finally, the new decree-law provides that if the foreign driving licence was obtained in exchange for an identical driving licence, it can only be accepted the exchange for a national driving licence if the original driving licence was issued by: (i) a Member State of the European Union or the European Economic Area; (II) a Member State of the OECD or the CPLP, provided that the issuing State is a signatory to one of the international conventions on road traffic or; (iii) a State with which Portugal has concluded an international convention or treaty requiring the mutual recognition of driving licences.

THE ENTRY INTO FORCE

The simplification measures contained in these amendments will enter into force on 1 August 2022.

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