

Transport operator: mutual recognition of diplomas, free establishment

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PREVIOUS COMMUNITY LEGISLATION: there are several Directives governing this subject; the principal texts are mentioned in the lengthy title of Directive 89/438/EEC OJ L 212, 22.7.1989 of 21 June 1989 amending Directive 74/651/EEC OJ L 308, 19.11.1974 on admission to the occupation of road haulage operator in national and international transport operations, Directive 74/562/EEC on admission to the occupation of road passenger transport operator in national and international transport operations and Directive 77/796/EEC OJ L 334, 24.12.1977 aiming at the mutual recognition of diplomas, certificates and other evidence of formal qualifications for goods haulage operators and road passenger transport operators, including measures intended to encourage these operators effectively to exercise their right to freedom of establishment. These Directives make admission to the occupation of haulage operator subject to three conditions, namely good repute, appropriate financial standing, and professional competence. In December 1993 the Commission submitted a proposal for a Directive to codify the above provisions. PREVIOUS POSITION OF EP: when it considered the proposal corresponding to Directive 89/438/EEC, the EP adopted three amendments aimed at tightening up the three conditions specified in the preceding paragraph: it accordingly called for penalties imposed on employees for breaches of good repute in the exercise of their occupation to be deemed to apply to the firm for which those employees worked, for financial guarantees to be extended to cover hired vehicles, and for licence-holders whose professional competence has been established by the proper public authority to be employed on the permanent staff of the firms for which they work. The EP has endorsed the codifying proposal. SITUATION IN THE MEMBER STATES: according to Celex, Directive 74/561/EEC is enforced in all the Member States, Directive 74/562/EEC is enforced in all the Member States except Greece and Italy, and Directive 89/438/EEC is enforced in all the Member States except France and Ireland. Celex does not yet contain data relating to Austria, Finland, and Sweden; 'exceptions' as regards enforcement of a Directive must be taken to mean that no information is available in Celex on the countries concerned.