Road transport: training of professional drivers for the carriage of goods or passengers

2001/0033(COD) - 05/12/2002 - Council position

The Council has introduced, in comparison with the Commission's initial proposal, a number of substantial new elements in its common position: As to scope, the draft Directive applies to all drivers engaged in road transport within the Community using vehicles for which a driving licence of certain categories is required. Nationals of a Member State as well as nationals of third countries who are employed or used by an undertaking established in a Member State fall within the scope of the Directive. Driving is subject to a compulsory initial qualification and compulsory periodic training. The common position provides for a dual system as regards the initial qualification. The Member State may choose whether the achievement of this initial qualification involves both the attendance of mandatory courses and the successful completion of the test or the successful completion of the test only. Furthermore, under certain conditions, Member States may also provide for a system of accelerated initial qualification. In such cases, the driver may follow an "accelerated mandatory initial training course" implying a shorter duration of courses but their compulsory attendance. A first session of the periodic training should be completed within five years following either the date of issue of the certificate concerning the initial training or the time limit set for certain drivers to claim their acquired rights. Following this first periodic training, the driver should undergo periodic training every five years. Grandfather rights provide that drivers who hold the relevant driving licence issued no later than two or three years-depending on the type of driving licence- after the final date for the transposition of this draft directive into national law, are exempted from the requirement to obtain an initial qualification. On the issue of training certificates, the Council proposes as an alternative to the marking on the driving licence, the certification may be marked on a new "driver training and qualification card." Thus time limits for training do not have to comply with the periodic renewal of the driving licence. Further changes introduced by the common position include terminology and definitions, the addition of exemptions from the scope of application for vehicles used in states of emergency or assigned to rescue missions and for vehicles used during driving lessons, the required minimum ages for drivers, dates of transposition and entry into force as well as corresponding dates of repeal of directive 76/914/EEC and the relevant articles of Regulation 85/3820/EEC. On the question of age, the common position states that for driving a bus or coach with an accelerated initial qualification, the minimum age is 23. A Member State can reduce the minimum age for drivers with an initial qualification from 21 to 20 for driving such vehicles on their territory and even to 18 for driving such vehicles without passengers. The minimum age is 21 with accelerated initial qualification for driving mini buses or buses on regular services where the route does not exceed 50 km. The age can be reduced to 18 subject to an initial qualification but only on the territory of the Member State making use of this option. With regards to Parliament's amendments at first reading, a largemajority is very similar to the Council's common position. Whilst a different approach was taken on some basic aspects (such as the dual system for the initial training), the Council feels that the aim of the amendments was achieved. The German delegation entered a note in the Council minutes, explaining its abstention from the vote on the grounds that: -it has not been possible to dispel general doubts concerning its compatibility with Article 150 of the EC Treaty, and -doubts also persist as to whether the Directive in its present form will have any positive economic effects, and in particular whether the burden which the Directive will impose on business, the citizen and the administration will be proportionate to the benefits the directive is expected to provide. The Council made the following statement: "The Council shall ensure, that as far as possible, the terminology used for the exemptions specified in Article 2of this directive coincides with that to be used for the same exemptions under the future Regulation on the harmonisation of certain social provisions in the road transport sector."