

Transport operator: mutual recognition of diplomas, free establishment

1997/0029(SYN) - 01/10/1998 - Final act

OBJECTIVE: to continue the process of harmonisation concerning admission to the occupation of road haulage operator and mutual recognition of diplomas, certificates and other documents, by removing elements which distort competition. **COMMUNITY MEASURE:** Council Directive 98/76/EC amending Directive 96/26/EC **SUBSTANCE:** The main modifications to Directive 96/26/EC are as follows: (a) The Directive's field of application has been widened: the new Directive applies to enterprises using vehicles with a maximum authorised weight over 3.5 tonnes. The Member States may exempt enterprises using vehicles with an MAW between 3.5 and 6 tonnes from application of the directive, on condition that they are used only for local transport or have little impact on the transport market. (b) The provisions concerning the requirement of good repute provide that this condition is not or no longer satisfied if the operator has been convicted of serious offences against certain road transport regulations, pay and employment conditions in the profession, drivers' working and rest times, weight and dimensions of commercial vehicles, road safety and vehicle safety, environmental protection and professional liability. (c) The financial requirements have been simplified: the enterprise must have capital and reserves of at least EUR 9000 for one vehicle and EUR 5000 for each additional vehicle. (d) With regard to professional competence, the directive provides for: - a more detailed examination procedure, updating and extending the examination syllabus and introducing a harmonised minimum level of knowledge required for each subject; - maintaining different examinations for candidates wishing to carry out national or international transport; - permanent exemption from the examination for candidates with at least five years' practical experience, on condition that such candidates sit a test arranged by the Member States in accordance with the list of subjects at Annex 1 of the Directive; - establishment of a Community model attesting to professional competence, constituting sufficient proof for mutual recognition of professional competence; - the possibility of authorising the Member States, during a limited period and after consulting the Commission, to require people who hold a certificate of professional competence issued in a Member State other than the one where they are normally resident and intend to exercise the profession to undergo an additional examination, covering the specific areas in which the national aspects of the profession of road haulage operator differ from those of the Member State where they gained the certificate. (e) With regard to monitoring application of the directive, it provides for the Member States to carry out regular checks, at least every five years, on whether the conditions for access to the profession are being fulfilled. The Member States must impose penalties for infringements of the national provisions adopted pursuant to the directive. All road haulage operators covered by the field of application of the directive and engaged in the profession before 1 October 1999 will have to fulfil the new financial standing requirements by 1 October 2001. **ENTRY INTO FORCE:** 14/10/1998 **DEADLINE FOR TRANSPOSITION:** 1/10/1999