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*****I**

REPORT

on the proposal for a directive of the European Parliament and of the Council
on the training of professional drivers for the carriage of goods or passengers
by road
(COM(2001) 56 – C5-0037/2001 – 2001/0033(COD))

Committee on Regional Policy, Transport and Tourism

Rapporteur: Mathieu J.H. Grosch

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

By letter of 2 February 2001 the Commission submitted to Parliament, pursuant to Article 251(2) and Article 71 of the EC Treaty, the proposal for a directive of the European Parliament and of the Council on the training of professional drivers for the carriage of goods or passengers by road (COM(2001) 56 – 2001/0033 (COD)).

At the sitting of 12 February 2001 the President of Parliament announced that she had referred this proposal to the Committee on Regional Policy, Transport and Tourism as the committee responsible and the Committee on Employment and Social Affairs for its opinion (C5-0037/2001).

The Committee on Regional Policy, Transport and Tourism appointed Mathieu J.H. Grosch rapporteur at its meeting of 20 March 2001.

It considered the Commission proposal and draft report at its meetings of 11 September 2001 and 20 and 21 November 2001.

At the last meeting it adopted the draft legislative resolution by 44 votes to 3.

The following were present for the vote: Konstantinos Hatzidakis, chairman; Helmuth Markov, Emmanouil Mastorakis and Rijk van Dam, vice-chairmen; Mathieu J.H. Grosch, rapporteur; Sir Robert Atkins, Emmanouil Bakopoulos, Rolf Berend, Theodorus J.J. Bouwman, Philip Charles Bradbourn, Felipe Camisón Asensio, Carmen Cerdeira Morterero, Danielle Darras, Giovanni Claudio Fava, Jacqueline Foster, Ewa Hedkvist Petersen, Marie Anne Isler Béguin (for Camilo Nogueira Román), Juan de Dios Izquierdo Collado, Georg Jarzembowski, Elisabeth Jeggle (for Francesco Musotto), Dieter-Lebrecht Koch, Giorgio Lisi, Sérgio Marques, Linda McAvan (for Mary Honeyball), Erik Meijer, Rosa Miguélez Ramos, Juan Ojeda Sanz, Josu Ortuondo Larrea, Karla M.H. Peijs, Wilhelm Ernst Piecyk, Giovanni Pittella (for Demetrio Volcic), Samuli Pohjamo, Alonso José Puerta, Reinhard Rack, Marieke Sanders-ten Holte, Gilles Savary, Agnes Schierhuber (for Margie Sudre), Ingo Schmitt, Elisabeth Schroedter (for Reinhold Messner), Brian Simpson, Renate Sommer, Dirk Sterckx, Hannes Swoboda (for Ulrich Stockmann), Ari Vatanen, Mark Francis Watts, Brigitte Wenzel-Perillo (for Carlos Ripoll i Martínez Bedoya) and Jan Marinus Wiersma (for John Hume)

The Committee on Employment and Social Affairs decided on 15 February 2001 not to deliver an opinion.

The report was tabled on 28 November 2001.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

LEGISLATIVE PROPOSAL

Proposal for a directive of the European Parliament and of the Council on the training of professional drivers for the carriage of goods or passengers by road (COM(2001) 56 – C5-0037/2001 – 2001/0033(COD))

The proposal is amended as follows:

Text proposed by the Commission ¹

Amendments by Parliament

Amendment 1 Article 1

The occupation of road transport driver shall be governed by the provisions which the Member States adopt in conformity with the common rules in this Directive.

This directive shall apply to the exercise in the EU of the occupation of road transport driver by:

- (a) nationals of a Member State,*
- (b) third-country nationals legally employed or used by an enterprise established in a Member State, hereinafter referred to as 'drivers', transporting goods or persons by road inside the Community on roads open to public traffic, using:*
 - vehicles for which a driving licence for category C1, C1+E, C, or C+E as defined in Directive 91/439/EEC, or a licence recognised as equivalent, is necessary,*
 - vehicles for which a driving licence for category D1, D1+E, D or D+E, as defined in Directive 91/439/EEC, or a licence recognised as equivalent is necessary.*

Justification

To clarify the scope of the directive.

Amendment 2

¹ OJ C 154, 29.5.2001, p. 258.

Article 3, paragraph 1, point (aa) (new)

(aa) vehicles, the use of which requires the driver to hold a driving licence of a category other than those specified in Article 2(c);

Justification

It must be made clear that this Directive does not apply to drivers of vehicles other than the categories specified in Article 2, such as taxi-drivers or drivers of delivery vans.

Amendment 3

Article 3, paragraph 1, point (e)

(e) vehicles carrying material or equipment to be used by the driver in the course of his work ***within a 50 kilometre radius from the place where the vehicle is normally based,*** provided that driving the vehicle is not the driver's principal activity and that the exemption does not prejudice the aims of this Directive. The Member States may make this exemption subject to an individual permit.

(e) vehicles carrying material or equipment to be used by the driver in the course of his work, provided that driving the vehicle is not the driver's principal activity and that the exemption does not prejudice the aims of this Directive. The Member States may make this exemption subject to an individual permit. ***The Member States may, by agreement with the Commission, grant an exemption from the 50 km limit in the light of the geographical features of the country.***

Justification

The 50 km radius is designed for densely populated areas. In any case it is practically impossible to enforce this rule.

Amendment 4

Article 4, paragraph 1

Exercise of the occupation of professional driver for the carriage of goods or passengers by road shall be subject to ***the successful completion of*** the basic training and ***the*** continuous training ***as provided for in this Directive.***

Exercise of the occupation of professional driver for the carriage of goods or passengers by road shall be subject to ***having passed*** the basic training ***examination and complied with the provisions of this directive regarding*** continuous training. ***If a person undergoing the training prescribed in this Directive has a driving licence, he may exercise the***

occupation of a professional driver for the carriage of goods or passengers by road as a trainee for a period stipulated by the Member State in question and in accordance with specified conditions.

Justification

The aim of the directive is to improve the quality of professional drivers in the EU. A driver should be examined on whether he has actually achieved this level. It is not the content of the training but the final knowledge and ability of the driver which are important. This amendment stresses the position of the examination. It is also unnecessary to commit new drivers to taking continuous training in addition to their basic training when parts of this are already contained in the basic training.

The training proposed in the Directive should also cover the practical aspects of driving and so enable holders to master the remaining subjects included in the basic vocational training in the course of a longer traineeship within an undertaking. This would give undertakings the possibility of bringing potential employees into employment at an earlier stage.

Amendment 5 **Article 6, paragraph 1**

Any person taking up the occupation of professional driver for the carriage of goods or passengers by road following the entry into force of this Directive shall undergo basic vocational training, as defined in the Annex to this Directive.

Any person taking up the occupation of professional driver for the carriage of goods or passengers by road following the entry into force of this Directive shall undergo basic vocational training, as defined in the Annex to this Directive.

Basic vocational training shall not be required of persons who have worked as professional drivers during the five years preceding the entry into force of this directive. This exception shall apply to drivers who return to professional driving no more than a year after the entry into force of the directive.

Justification

The basic vocational training requirement should not prevent drivers who have already worked in this area from doing so again

Amendment 6
Article 6, paragraph 3

To be accepted for the basic training, the applicant shall hold the relevant driving licence. However, access to full basic training, which is given to young people under the age of 18 years as part of vocational training, does not require the driving licence concerned to be held in advance.

a. The basic training may be structured as vocational training leading directly to the award of a driving licence.

b. The training objectives and corresponding periods specified in the Annex may be omitted from the context of the minimum basic vocational training and the full basic training provided those objectives have already been encompassed in the training leading up to the award of the driving licence.

c. Member States shall agree any such curtailment with the Commission in the light of their respective programmes of instruction for the award of driving licences.

Justification

The underlying principle and main aim of this Directive is to ensure that the occupation of goods vehicle driver or bus driver is upgraded and drivers are taught to an obligatory minimum standard. It is not important whether this basic knowledge is imparted during the basic vocational training proposed here or while undergoing instruction prior to obtaining a driving licence. For economic and social reasons, however, every effort must be made to ensure that drivers are not obliged to cover the same ground in the basic vocational training as in the instruction imparted for the purpose of obtaining a driving licence.

Amendment 7
Article 6, paragraph 5, point (b), sub-point (i a) (new)

(ia) on a vehicle in categories D and DE used for the carriage of passengers on regular services where the route does not exceed 50 kilometres, provided they have

undergone minimum basic training;

Justification

For local public transport using fixed routes in the same area an age-limit of 21 years, instead of 24 years, should apply.

Amendment 8
Article 7, paragraph 1

1. The common part for the minimum basic training shall be subject to a final examination. After this examination, those wishing to become professional drivers shall undergo specific training in a company or an approved training centre. On completion of the two parts of the training, the common part and the specific training, a ***minimum basic training document*** shall be issued to the driver.

1. The common part for the minimum basic training shall be subject to a final examination ***of professional competence***. After ***passing*** this examination, those wishing to become professional drivers shall undergo specific training in a company or an approved training centre. On completion of the two parts of the training, the common part and the specific training, a ***minimum basic training document*** shall be issued to the driver.

Justification

Passing an examination of professional competence is the most crucial element of training in terms of ensuring an adequate level of training of professional drivers.

Amendment 9
Article 7, paragraph 2

2. The common part for the full basic training shall be subject to a final examination. After the examination, those wishing to become professional drivers shall undergo specific training in a company or an approved training centre. On completion of the two parts of the training, the common part and the specific training, a certificate of professional competence shall be issued to the driver.

2. The common part for the full basic training shall be subject to a final examination ***of professional competence***. After ***passing*** the examination, those wishing to become professional drivers shall undergo specific training in a company or an approved training centre. On completion of the two parts of the training, the common part and the specific training, a certificate of professional competence shall be issued to the driver.

Justification

Passing an examination of professional competence is the most crucial element of training in terms of ensuring an adequate level of training of professional drivers.

Amendment 10 Article 8, paragraph 1 *Continuous training*

1. Continuous training shall consist of training to enable persons already working as professional drivers on the date of entry into force of this Directive to update the knowledge which is essential for their work, with a specific emphasis on road safety and rationalisation of fuel consumption.

Continuous training shall be given ***over a continuous period.***

1. Continuous training shall consist of training to enable persons already working as professional drivers on the date of entry into force of this Directive to update the knowledge which is essential for their work, with a specific emphasis on road safety and rationalisation of fuel consumption.

Continuous training shall be given ***during working hours as defined in the law of each Member State.***

Justification

The continuous training should be structured differently, so as to strike a balance between effective training and unavailability for work.

Continuous training must obviously form an integral part of working hours and should not be given during rest periods or statutory holidays. Continuous training by definition, benefits not only drivers but also employers, as it enhances employees' professional skills. This should be clearly stated in the Directive itself to prevent employees from bringing pressure to bear on employers.

Amendment 11 Article 8, paragraph 1 a (new)

1 a. The duration of the continuous training shall be 35 hours every five years. This training programme shall be arranged so that each course lasts at least 7 hours.

Justification

Participation in training must be made as flexible as possible.

Amendment 12 Article 8, paragraph 2

2. Professional drivers for the carriage of goods or passengers by road shall undergo continuous training as defined in the Annex to this Directive. The continuous training shall vary according to the **profile of the driver concerned** and be based on an assessment interview. It is intended to expand on and to revise certain points covered during the basic training programme, **the points to be covered being identified during the interview.**

2. The *further* training shall vary according to the **demands placed on** the driver and be based on an assessment interview. It is intended to expand on and to revise certain points covered during the basic training programme, the points – **to be identified during the interview** – covered during the basic training programme **as well as aspects specific to the sector in question.**

Justification

This sentence should be deleted from the article, because the provisions on further training from Section 3 of the Annex appear in Article 8(1).

The continuous training of a driver must not cover only general topics but also topics which relate very directly to the specific sector of the transport market in which he works. For example, further training for a driver who mainly works with natural raw materials will differ from that for a driver who is involved in the transport of chemicals. Accordingly some drivers will only need a refresher course on basic elements. It is thus desirable – for practical reasons among others – to be able to vary the length of the continuous training. A course length of 21 to 35 hours is therefore a compromise between the desirability of continuous training and the time pressure to which the industry is subject. With a view to guaranteeing the necessary flexibility of the sector it is appropriate that the time of the continuous training should be fixed by mutual agreement

Amendment 13 Article 9, paragraph 1 Place of training and validity of training documents

1. Professional drivers undergo the basic and continuous vocational training in **the** Member State **in which they are normally**

1. Professional drivers **may** undergo the basic and *further* vocational training in **any** Member State.

resident or in which they are able to provide proof of having been a student for a period of at least six months.

Justification

Drivers should be able to undergo the training in the Member State of their choice, e.g. to prevent unnecessary language barriers posing a possible threat to the exercise of their occupation.

Amendment 14
Article 9, paragraph 1 a (new)

1a. Drivers from third countries working for an undertaking with an establishment in one or more Member States and who are not normally resident in the Community within the meaning of paragraph 1, shall complete all the relevant training in a single one of the Member States in which the undertaking has an establishment.

Justification

Since drivers from third countries are also covered by this directive, provisions need to be included relating to the place of training, since such drivers will not always be normally resident (within the meaning of Article 1) in the Community. In the light of possible language problems it is sensible for them to take their training course or courses in a single Member State. From a social security point of view it makes sense for this to be a Member State in which the undertaking which employs them has an establishment.

Amendment 15
Article 9, paragraphs 2 and 3

2. The minimum basic training document, the certificate of professional competence and the continuous training document shall be recognised by all the Member States. The period of validity of the continuous training document shall not exceed five years.

3. The documents and certificates issued by

2. The minimum basic training document, the certificate of professional competence and the continuous training document shall be recognised by all the Member States. The period of validity of the continuous training document shall not exceed five years. ***If a driver moves to another undertaking the further training already undergone must be taken into account.***

3. The documents and certificates issued by

the Member States on the basis of existing national provisions up to the date on which this Directive enters into force shall be recognised as training documents **and certificates** within the meaning of this Directive.

the Member States on the basis of existing national provisions up to the date on which this Directive enters into force shall be recognised as **certificates of professional competence and** training documents within the meaning of this Directive.

Justification

It would be regrettable, both for the driver concerned and for the undertaking, if further training hours already completed when the driver moved to another undertaking were not taken into account. See justification to the rapporteur's Amendment 6.

Amendment 16

Annex, Section 1, point 1.1.

Advanced training in rational driving based on safety regulations

1.1.1 technical characteristics: transmission system, curves relating to torque, power, and specific consumption of an engine, area of optimum use of revolution counter, gearbox ratio cover diagrams;

1.1.2 braking, ABS, retarder, speed governor: operating principles, specific features of hydraulic vacuum servobrake circuit, limits to the use of brakes and retarder, combined use of brakes and retarder, use of braking systems on different types of road and under different atmospheric conditions, stopping and braking distance, making better use of speed and gear ratio, making use of vehicle inertia, using ways of slowing down and braking on downhill stretches, effects of weights and dimensions, controls and

All licences

1.1.1 **objective:** *to know the characteristics of the transmission system so as to optimise its use*

guidelines: technical characteristics: transmission system, curves relating to torque, power, and specific consumption of an engine, area of optimum use of revolution counter, gearbox ratio cover diagrams;

1.1.2 **objective:** *to know the technical characteristics and operation of the safety systems so as to control the vehicle, minimise wear and prevent malfunctions*

guidelines: braking, ABS, retarder, speed governor: operating principles, specific features of hydraulic vacuum servobrake circuit, limits to the use of brakes and retarder, combined use of brakes and retarder, use of braking systems on different types of road and under different atmospheric conditions, stopping and braking distance, making better use of speed and gear ratio, making use of vehicle inertia, using ways of slowing down and braking on downhill stretches, effects of weights and dimensions, controls and

checks which are the responsibility of the driver, action in the event of failure;

1.1.3 accident prevention: hazard perception, behaviour and vigilance on the part of the driver, factors contributing to road accidents, aggravating factors as regards lorries, driving hazards due to the state of the road surface and in particular how they change with atmospheric conditions, the time of day or night, driving on undulating roads and in tunnels, parking, effect of speed on the vehicle;

1.1.4 consideration for other road users: awareness of other road users' intentions, specific factors as regards other road users (slow vehicles, light vehicles, two-wheeled vehicles, pedestrians), road safety measures;

1.1.5 professional manoeuvres: identifying obstacles, preparation for manoeuvring, visibility, blind spots, swept area, behaviour and safety when manoeuvring, performance of professional manoeuvres;

1.1.6 environment: optimisation of fuel consumption by applying know-how as regards each of the abovementioned points;

1.1.7 loading: forces affecting vehicles in motion, use of gearbox ratios according to vehicle load and road profile, calculation of payload of vehicle or assembly, calculation

checks which are the responsibility of the driver, action in the event of failure;

1.1.3 **objective:** *defensive driving*

guidelines: accident prevention: hazard perception, behaviour and vigilance on the part of the driver, factors contributing to road accidents, aggravating factors as regards lorries, driving hazards due to the state of the road surface and in particular how they change with atmospheric conditions, the time of day or night, driving on undulating roads and in tunnels, parking, effect of speed on the vehicle;

1.1.4 **objective:** *driving in relation to others*

guidelines: consideration for other road users: awareness of other road users' intentions, specific factors as regards other road users (slow vehicles, light vehicles, two-wheeled vehicles, pedestrians), road safety measures;

1.1.5 **objective:** *to control vehicle manoeuvres and make them understandable to other road users*

guidelines: professional manoeuvres: identifying obstacles, preparation for manoeuvring, visibility, blind spots, swept area, behaviour and safety when manoeuvring, performance of professional manoeuvres;

1.1.6 **objective:** *to optimise fuel consumption*

guidelines: environment: optimisation of fuel consumption by applying know-how as regards each of the abovementioned points;

C licences

1.1.7 **objective:** *to ensure loading with due regard for safety rules and proper use of the vehicle*

guidelines: loading: forces affecting vehicles in motion, use of gearbox ratios according to vehicle load and road profile, calculation of payload of vehicle or

of total volume, load distribution, consequences of overloading the axle, vehicle stability and centre of gravity, types of packaging and pallets, use of the tailgate lift (categories C1, C1E, C, CE only);

1.1.8 securing: main categories of goods needing securing, clamping and securing techniques, use of securing straps, checking of securing devices, use of handling equipment, placing and removal of tarpaulins (categories C1, C1E, C, CE only);

assembly, calculation of total volume, load distribution, consequences of overloading the axle, vehicle stability and centre of gravity, types of packaging and pallets, use of the tailgate lift (categories C1, C1E, C, CE only*);

securing: main categories of goods needing securing, clamping and securing techniques, use of securing straps, checking of securing devices, use of handling equipment, placing and removal of tarpaulins (categories C1, C1E, C, CE only*);

** may be deleted*

D licences

1.1.8 **objective:** *to know the regulations concerning the carriage of passengers*

1.1.9 passenger safety and comfort: the driver's responsibility, carriage of children, pre-departure checks (categories D1, D1E, D, DE only);

guidelines: passenger safety and comfort: the driver's responsibility, carriage of children, pre-departure checks (categories D1, D1E, D, DE only*);

** may be deleted*

Justification

It is preferable to reorganise Section 1 of the Annex so as to: 1) indicate clearly each time an objective to be attained, and 2) set out the content of each part of the training seeking to attain that objective, in the form of a series of objectives; and also so as to differentiate the training according to the licences to be awarded. Some parts of the training concern all licences, while others concern only D licences (carriage of passengers) or C licences (carriage of goods).

Points 1.1.7 and 1.1.8 of the Commission proposal have become point 1.1.7 in Parliament's amendment.

Amendment 17
Annex, Section 1, point 1.2
Application of regulations

1.2.1 Regulations on transport and related activities: administration of the occupation, transport operating licences,

All licences

obligations under standard contracts for the carriage of goods, drafting of documents which form the transport contract, international transport permits, obligations under the Convention on the Contract for the International Carriage of Goods by Road, drafting of the international consignment note, crossing borders, freight forwarders, special documents accompanying goods;

1.2.2 road traffic regulations: road signs, traffic restrictions and prohibitions, parking and stopping, use of special infrastructure, safety distance and stopping distance, specific speed limits for lorries/coaches, checks and penalties;

1.2.1 objective: to know the Highway Code

guidelines: road traffic regulations: road signs, traffic restrictions and prohibitions, parking and stopping, use of special infrastructure, safety distance and stopping distance, specific speed limits for lorries/coaches, checks and penalties;

1.2.2 objective: to know the social environment of road transport and its regulations

1.2.3 social regulations: maximum working periods specific to the transport industry, principles, application and consequences of Regulations 3820/85 et 3821/85, penalties for failure to use, improper use of and tampering with the

guidelines: social regulations: maximum working periods specific to the transport industry, principles, application and consequences of Regulations 3820/85 and 3821/85, penalties for failure to use, improper use of and tampering with the tachograph ***and national labour law***;

tachograph;

knowledge of the social and social security law environment of road transport: rights and obligations of drivers with regard to initial, further and vocational training;

C licences

1.2.3 objective: to know the regulations on the carriage of goods

guidelines: : regulations on transport and related activities : administration of the occupation, transport operating licences, obligations under standard contracts for the carriage of goods, drafting of documents which form the transport contract, international transport permits, obligations under the Convention on the Contract for the International Carriage of Goods by Road, drafting of the international consignment note, crossing borders, freight forwarders, special documents accompanying goods;

1.2.4 objective: to know the economic environment of road goods transport and the organisation of the market

guidelines: knowledge of the economic environment of road transport: goods transport sector in relation to other road transport sectors, road goods transport in relation to the different modes of goods transport (rail, air, sea), different road goods transport activities (transport for hire or reward, own account, auxiliary transport activities), organisation of the main types of road goods transport company and auxiliary transport activities, different transport specialisations (road tanker, controlled temperature, etc), changes in the industry (diversification of services provided, rail-road, subcontracting, etc);

business and standards: business and the business environment (competition, shippers), commercial and financial effects of a dispute, procedure for certification of transport companies;

D licences

1.2.5 **objective**: *to know the economic environment of road passenger transport and the organisation of the market*

guidelines: *knowledge of the economic environment of road transport: passenger transport sector in relation to other road transport sectors, road passenger transport in relation to other modes of passenger transport (rail, private cars), different road passenger transport activities, crossing borders (international transport), organisation of the main types of road passenger transport company;*

business and standards: business and the business environment (competition), commercial and financial effects of a dispute with a passenger, procedure for certification of road passenger transport companies;

Justification

It is preferable to reorganise Section 1 of the Annex so as: 1) to indicate clearly each time an objective to be attained, and 2) to set out the content of each part of the training seeking to attain that objective, in the form of a series of guidelines; and also so as to differentiate the training according to the licences to be awarded. Some parts of the training concern all licences, while other concern only D licences (carriage of passengers) or C licences (carriage of goods).

Points 1.2.1, 1.2.2 and 1.2.3 of the Commission proposal have become points 1.2.3, 1.2.1 and 1.2.2, respectively, in this amendment.

With regard to points 1.2.2, 1.2.3 and 1.2.4 of Parliament's amendment, see Amendment 18 on points 1.3.6, 1.3.7 and 1.3.8 of the Commission proposal

Drivers must also receive training in the labour law regulations of their own Member State.

Amendment 18
Annex, Section 1, point 1.3
Health, safety, service, logistics

1.3 Health, safety, service, logistics

1.3 Health, ***road and environmental***
safety, service, logistics

All licences

1.3.1 *awareness about accidents at work: types of accidents at work in the transport sector, road accident statistics, involvement of lorries/coaches, human, material and financial consequences;*

1.3.2 *trafficking in illegal immigrants and illegal immigration: general information, implications for drivers, preventive measures, check list, legislation on transport operator liability;*

1.3.3 *ergonomic principles; movements and postures which pose a risk, physical position of the body, physical fitness (importance of the work of the muscles), posture and coordination of movements, handling exercises, personal protection;*

1.3.4 *health: choice of food, effects of alcohol, drugs or any other substance likely to affect behaviour, symptoms, causes, effects of fatigue and stress, fundamental role of the basic work/rest cycle;*

1.3.5 *behaviour in an emergency situation: assessment of the situation, avoiding complications of an accident, summoning assistance, giving first aid to casualties, reaction in the event of fire, basic principles for the drafting of an accident report;*

1.3.1 *objective: to adopt good health practices;*

guidelines: health: choice of food, effects of alcohol, drugs or any other substance likely to affect behaviour, symptoms, causes, effects of fatigue and stress, fundamental role of the basic work/rest cycle;

1.3.2 *objective: to increase awareness about risks on the road and accidents at work*

guidelines: types of accidents at work in the transport sector, road accident statistics, involvement of lorries/coaches/buses, human, material and financial consequences;

1.3.3 *objective: to cope with emergency situations*

guidelines: behaviour in an emergency situation: assessment of the situation, avoiding complications of an accident, summoning assistance, giving first aid to casualties, reaction in the event of fire, basic principles for the drafting of an accident report;

1.3.4 *objective: to adopt behaviour to help to upgrade the image of a service company*

guidelines: behaviour of the driver and company image: importance for the company of the standard of service provided by the driver, the roles of the driver, people with whom the driver will be dealing, vehicle maintenance, work organisation, interpersonal aspects;

C licences

1.3.5 *objective: to prevent physical risks*

guidelines: ergonomic principles: movements and postures which pose a risk, physical position of the body, physical fitness (importance of the work of the muscles), posture and coordination of movements, handling exercises, personal protection;

1.3.6 *knowledge of the economic environment of road transport: transport sector in relation to other sectors of the economy, road transport in relation to other modes of transport, different road transport activities (transport for hire or reward, own account, auxiliary transport activities), organisation of the main types of transport company and auxiliary transport activities, different transport specialisations (road tanker, controlled temperature, etc), changes in the industry (diversification of services provided, rail-road, subcontracting, etc);*

1.3.7 *knowledge of the social environment of road transport: basic and continuous training for drivers, vocational training;*

1.3.8 *business and standards: business and the business environment (competition, shippers), commercial and financial effects of a dispute, procedure for certification of transport companies;*

1.3.9 *behaviour of the driver and company image: importance for the company of the standard of service provided by the driver, the roles of the driver, people with whom the driver will be dealing, vehicle maintenance, work organisation, interpersonal aspects.*

1.3.6 *objective: to prevent trafficking in illegal immigrants*

guidelines: trafficking in illegal immigrants and illegal immigration: general information, implications for drivers, preventive measures, check list, legislation on transport operator liability;

D licences

1.3.7 *objective: to prevent physical risks*

guidelines: ergonomic principles: movements and postures which pose a risk, position of the body when driving, physical fitness, posture and coordination of movements;

1.3.8 *objective: to be familiar with the situation in the local area and with the environment in which the undertaking operates*

guidelines: understanding of towns, the land, public spaces and passengers, behaviour of the driver of passengers as an actor on the urban scene.

Justification

It is preferable to reorganise Section 1 of the Annex so as to: 1) indicate clearly each time an objective to be attained, and 2) to set out the content of each part of the training seeking to

attain that objective, in the form of a series of guidelines; and also so as to differentiate the training according to the licences to be awarded. Some parts of the training concern all licences, while other concern only D licences (carriage of passengers) or C licences (carriage of goods).

Points 1.3.1, 1.3.2, 1.3.3, 1.3.4 and 1.3.9 of the Commission proposal have become points 1.3.2, 1.3.6, 1.3.7, 1.3.5, 1.3.1, 1.3.3 and 1.3.4, respectively, in Parliament's amendment. Point 1.3.3, which has become point 1.3.7, has also been modified.

With regard to points 1.3.6, 1.3.7 and 1.3.8 of the Commission proposal, see Amendment 17 on points 1.2.2, 1.2.3 and 1.2.5 of Parliament's amendment.

On the basis of Article 71 of the EC Treaty, the content of the directive should not extend beyond matters directly relevant to road safety

Amendment 19 Annex, Section 2, third paragraph

The specific training must enable what has been learnt in the identical parts of the training to be specifically applied in the immediate environment in which the professional driver works. The training covers the same subjects as are taught during the common part, but applies them to the specific situation in the company or sector concerned. In this way, new professional drivers will do part of their training on the type of vehicle they will be using afterwards; they will learn about specific regulations, contracts and documents; they will acquire knowledge about specific logistics chains. The specific training will therefore involve companies in the sector concerned in the basic training of professional drivers.

The specific training must enable what has been learnt in the identical parts of the training to be specifically applied in the immediate environment in which the professional driver works. The training covers the same subjects as are taught during the common part, but applies them to the specific situation in the company or sector concerned. In this way, new professional drivers will do part of their training on the type of vehicle they will be using afterwards; they will learn about specific regulations, contracts and documents; they will acquire knowledge about specific logistics chains. ***In particular, there should be a 'international transport option' to encourage travelling abroad to use several of the languages spoken in the Union and improve their awareness of common technical and geographical terms.*** The specific training will therefore involve companies in the sector concerned in the basic training of professional drivers.

Justification

Self-explanatory, given the rate which international transport is expanding.

Amendment 20
Annex, Section 4, first subparagraph

The minimum basic vocational training concludes with an examination of the knowledge acquired during the training. The examination must make it possible to check that participants have learnt the main points covered during the training.

The minimum basic vocational training concludes with an examination of ***professional competence, based on*** the knowledge acquired during the training. ***This examination shall be held by an organisation which is independent from the training body.*** The examination must make it possible to check that participants have learnt the main points covered during the training.

Only those drivers who attain a pass mark in the examination of professional competence will be issued with a minimum basic training document, upon completion of both the common part and the specific part of the training.

Justification

Passing an examination of professional competence is the most crucial element of training in terms of ensuring an adequate level of training of professional drivers.

The aim of the directive is to improve the quality of professional drivers in the EU. A driver should be examined on whether he has actually achieved this level. It is not the content of the training but the final knowledge and ability of the driver which are important. If an examination is held by the same organisation which has provided the training, this could lead to a conflict of interests (particularly if training bodies receive funding on the basis of the number of pupils who pass), and this does not help the credibility of the examination. This amendment seeks to guarantee the quality of the examination, and thus the level of knowledge of the driver.

Amendment 21
Annex, Section 4, second subparagraph

The full basic vocational training concludes with an examination of the knowledge acquired during the training. The examination must cover each of the main points dealt with and include at least one question on each of paragraphs 1.1, 1.2, 1.3.

The full basic vocational training concludes with an examination of ***professional competence, based on*** the knowledge acquired during the training. The examination must cover each of the main points dealt with and include at least one question on each of paragraphs 1.1, 1.2, 1.3. ***This examination shall be held by an***

organisation which is independent from the training body.

Only those drivers who attain a pass mark in the examination of professional competence will be issued with a certificate of professional competence, upon completion of both the common part and the specific part of the training.

Justification

Passing an examination of professional competence is the most crucial element of training in terms of ensuring an adequate level of training of professional drivers

The aim of the directive is to improve the quality of professional drivers in the EU. A driver should be examined on whether he has actually achieved this level. It is not the content of the training but the final knowledge and ability of the driver which are important. If an examination is held by the same organisation which has provided the training, this could lead to a conflict of interests (particularly if training bodies receive funding on the basis of the number of pupils who pass), and this does not help the credibility of the examination. This amendment seeks to guarantee the quality of the examination, and thus the level of knowledge of the driver.

Amendment 22 **Annex, Section 5.1.4(a) (new)**

5.1.4 (a) details of the marking criteria to be applied to the final examination of professional competence.

Justification

Passing an examination of professional competence is the most crucial element of training in terms of ensuring an adequate level of training of professional drivers. Standards of marking therefore need to be assured.

Amendment 23 **Annex, Section 5.2.4(a) (new)**

5.2.4(a) the competent authority may periodically audit the marking of examinations.

Justification

Passing an examination of professional competence is the most crucial element of training in terms of ensuring an adequate level of training of professional drivers. Standards of marking therefore need to be assured

Amendment 24 Annex, Section 5, last paragraph

The training body must guarantee that the instructors have a sound knowledge of regulations and training requirements for vocational training and that they will cover the latest changes. ***Instructors must have five years' experience as a professional driver, have completed full basic training and continuous training and have a knowledge of both education and teaching.*** The programme of instruction must be in accordance with the approval and must cover the subjects referred to in paragraphs 1.1, 1.2 and 1.3.

The training body must guarantee that the instructors have a sound knowledge of regulations and training requirements for vocational training and that they will cover the latest changes. ***They must demonstrate their knowledge of educational theories and teaching and an appropriate degree of capability and experience in driving the relevant vehicle.*** The programme of instruction must be in accordance with the approval and must cover the subjects referred to in paragraphs 1.1, 1.2 and 1.3.

Justification

This provision is intended to ensure that trainers have sufficient knowledge of educational theories and teaching. It is largely up to the Member States to determine what is an appropriate degree of capability and experience in driving the relevant vehicles.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a directive of the European Parliament and of the Council on the training of professional drivers for the carriage of goods or passengers by road (COM(2001) 56 – C5-0037/2001 – 2001/0033(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2001) 56)¹,
 - having regard to Article 251(2) of the EC Treaty and Article 71 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0037/2001),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Policy, Transport and Tourism (A5-0430/2001),
1. Approves the Commission proposal as amended;
 2. Asks to be consulted again should the Commission intend to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 154, 29.5.2001, p. 258.

EXPLANATORY STATEMENT

I. Introduction

Current EU legislation (Regulation (EEC) No 3820/85) provides for compulsory vocational training in only a very limited number of cases (following the award of an HGV/PSV licence):

- carriage of goods: for professional drivers who are under 21 years old wanting to drive vehicles of more than 7.5 tonnes;
- carriage of passengers: a certificate of professional competence is compulsory unless a driver has at least one year's experience in the carriage of goods on vehicles of more than 3.5 tonnes or in providing regular passenger services or in the carriage of passengers in vehicles carrying not more than 17 persons.

The prescribed training was laid down in a Directive dating back to 1976 (Directive 76/914/EEC), and is out of date. Only the Netherlands and France have made basic training for professional drivers compulsory.

Working conditions for drivers remain a serious problem, because they have direct economic and safety implications. Social dumping means that the market is being distorted in such a way that only large transport companies can survive in the medium term in conditions of unregulated competition, and independent small and medium-sized firms are increasingly struggling for survival. This unfair competitive pressure is inexorably leading to driving times, rest periods and also proper employment relationships being circumvented, and the safety of the drivers themselves and of other road users being put at risk.

The introduction of driver certification provides an initial response, but only a partial solution. Some transport firms operate out of neighbouring third countries and use ECTM licences or bilateral transport licences to exploit such candidate countries' low pay and social standards. The Commission is now being called upon to protect the transport sector in the Member States by linking the issue of bilateral and ECTM licences to conditions requiring such firms to follow proper standards. Uniform driver certification can therefore only be a first, important step towards resolving these problems. This proposal is a further step towards making the working conditions of professional drivers subject to uniform rules.

If the new tachograph-plus-card is introduced in the near future, consideration should be given to incorporating the information on the uniform driver certificate into an integrated system, entailing a single card which every driver has to carry with him, and which will show his identity, employment contract, social insurance number and driving times and rest periods in an easily checkable form, simply by pressing a button. Such an integrated monitoring system would make checks more effective and simultaneously be less of an administrative burden.

II. Purpose of this proposal for a directive – comments

(a) The main purpose of the Directive is to improve road traffic safety, increase the social protection enjoyed by professional drivers and reduce environmental pollution (by using rational driving to reduce fuel consumption).

(b) Given that in the current economic climate ever higher demands are being made of professional drivers, certain quality guarantees must be provided in the form of training certified by passing a test. This will benefit not only employees but also employers, as well as promoting road safety. However, your rapporteur does not wish to impose these training programmes on the Member States in too binding a form.

(c) As far as possible this Directive needs to avoid increasing still further the existing demand in the labour market. The status and recognition of this occupation should be substantively enhanced by the basic and further training.

(d) The Directive is intended to lead to a fundamental harmonisation of basic and further training, which should increase the mobility of workers; for this reason a worker's place of work or residence, and likewise his language, should not be criteria which might impede the exercise of the occupation following completion of the basic and further training.

(e) The Commission proposal envisages the further training taking place over a single five-day period. Calculations show that a five-day block reduces the workforce by 0.3%, while a three-day block reduces it by only 0.1%. In order to minimise the additional burden represented by a five-day block, the rapporteur proposes that the further training should include a compulsory 17-hour block. The remaining 21 hours can then be spread over the five years within the company.

(f) The training elements to be covered (listed in the Annex) must be shaped more as an objective enabling the authorities and training centres to apply their training approach.

(g) The undesirable developments and low prices in the road transport sector are partly attributable to the fact that loopholes in the legislation, or the absence of legislation in some countries, are used to ensure that, while professional drivers work at low prices, they do so in unacceptable conditions. The introduction of uniform driver certification, compulsory basic and further training and tighter controls will therefore have a positive economic effect on the entire sector. The controls should be simplified by means of more far-reaching codification, and thereby made more effective. The transport sector is aware that basic harmonisation, in conjunction with tighter controls, will bring the sector economic benefits.

(h) The Directive may also be an important instrument for preparing the transport sector for the forthcoming enlargement, in that these provisions will be incorporated by the candidate countries into their legislation at this stage as part of the *acquis communautaire*. However, it should be coordinated with the forthcoming proposal amending the driving licence Directive, but without allowing the driving licence Directive to be used as a reason for rejecting this proposal on the grounds that these provisions should form part of the driving licence Directive.

(i) The Directive is to be welcomed for introducing the concept of ongoing basic and further

training (which is also the aim of the new driving licence Directive) into this important economic sector. Given constant technological change, and increasingly stringent environmental and safety requirements, it would be unacceptable to leave goods and passenger transport drivers to their own devices. In a sector which is characterised by cross-border and transnational economic processes, it is important to harmonise the current inequalities in the provision of basic and further training in the Member States. In doing so, in the interests of the sector and those employed in it, it is important to introduce the highest possible degree of protection throughout Europe.