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*****II**

RECOMMENDATION FOR SECOND READING

on the Council common position with a view to the adoption of a Directive of the European Parliament and of the Council on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (8938/1/2002 – C5-0615/2002 – 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.

CONTENTS

	Page
PROCEDURAL PAGE	4
DRAFT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT	10

PROCEDURAL PAGE

At the sitting of 17 January 2002 Parliament adopted its position at first reading on the proposal for a Directive of the European Parliament and of the Council on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (COM(2001) 56 – 2001/0033 (COD)).

At the sitting of 19 December 2002 the President of Parliament announced that the common position had been received and referred to the Committee on Regional Policy, Transport and Tourism (8938/1/2002 – C5-0615/2002).

The committee had appointed Mathieu J.H. Grosch rapporteur at its meeting of 20 March 2001.

It considered the common position and draft recommendation for second reading at its meetings of 20 January 2003, 17 February 2003 and 19 March 2003.

At the latter meeting it adopted the draft legislative resolution by 42 votes to 4, with no abstentions.

The following were present for the vote: Luciano Caveri (chairman); Rijk van Dam and Gilles Savary (vice-chairmen); Mathieu J.H. Grosch (rapporteur); Emmanouil Bakopoulos, Rolf Berend, Philip Charles Bradbourn, Felipe Camisón Asensio, Luigi Cocilovo, Christine de Veyrac, Jan Dhaene, Den Dover (for James Nicholson), Garrelt Duin, Alain Esclopé, Giovanni Claudio Fava, Jacqueline Foster, Konstantinos Hatzidakis, Ewa Hedkvist Petersen, Roger Helmer (for Sérgio Marques), Juan de Dios Izquierdo Collado, Georg Jarzembowski, Dieter-Lebrecht Koch, Giorgio Lisi, Emmanouil Mastorakis, Erik Meijer, Rosa Miguélez Ramos, Francesco Musotto, Camilo Nogueira Román, Josu Ortuondo Larrea, Karla M.H. Peijs, Wilhelm Ernst Piecyk, Samuli Pohjamo, Bernard Poignant, Alonso José Puerta, Reinhard Rack, Carlos Ripoll y Martínez de Bedoya, Ingo Schmitt, Brian Simpson, Renate Sommer, Dirk Sterckx, Ulrich Stockmann, Margie Sudre, Ari Vatanen, Herman Vermeer, Mark Francis Watts and Brigitte Wenzel-Perillo (for Dana Rosemary Scallon).

The recommendation for second reading was tabled on 21 March 2003.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the common position of the Council with a view to the adoption of a Directive of the European Parliament and of the Council on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (8938/1/2002 – C5-0615/2002 – 2001/0033(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (8938/1/2002 – C5-0615/2002),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2001) 56²),
 - having regard to the Commission's amended proposal (COM(2002) 541/2³),
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 80 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Regional Policy, Transport and Tourism (A5-0083/2003),
1. Amends the common position as follows;
 2. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 271E, 7.11.2002, p. 65.

² OJ C 154E, 29.5.2001, p.258.

³ OJ C C 20E, 28.1.2003, p. 263.

Amendment by Giorgio Napolitano

Amendment 1

Recital 12

(12) **Only training centres which have been approved by the competent authorities of the Member States should be able to organise the training courses laid down for the initial qualification and the periodic training.** To ensure the quality of these approved centres, the competent authorities should set harmonised criteria for their approval.

(12) **The training courses laid down for the initial qualification and the periodic training must be organised by driving schools, collectively if need be. Apart from driving schools, only training centres which have been approved by the competent authorities of the Member States should be able to organise such courses.** To ensure the quality of these approved centres, the competent authorities should set harmonised criteria for their approval, **including a well-established high level of professionalism.**

Justification

Since there is no requirement for those undergoing the initial training to hold a driving licence already, and as the aim is to identify and draw on the precise professional skills required for the purpose of training drivers, it is essential not to ignore driving schools, which exist throughout the Community and outside it (and, in particular, in the accession countries), are already subject to public authority control, meet appropriate specific standards in point of technical knowledge and skills and form an integral strand of the social and economic fabric. This has been the case for well over half a century, during which driving schools have been responsible for teaching the highway code and training road-users. Moreover – as illustrated by the Commission's comments on the common position – the type of training prescribed contains in effect over 90% of the theoretical and practical knowledge required for the granting or renewal of driving licences (and specialised licences) for commercial and industrial vehicles, for which purpose the 'training centres' which are the only category of establishment specified in the directive would eventually replace 'driving schools'. This situation could easily lead to abuse, e.g. in relation to the dispensing of basic instruction, including refresher courses (for example to regain points that have been forfeited), which would obviously have serious implications for employment and for the SMEs in question. Finally, it is clear that the basic requirements laid down for training centres and their teaching staff are substantially the same as those already amply fulfilled by the driving schools and their established staff and instructors.

Amendment 2
Article 13

The Commission shall submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions a report making an initial evaluation of the implementation of this Directive, in particular with regard to the equivalence of the various initial qualification systems provided for in Article 3. The report shall be accompanied by appropriate proposals, if necessary.

The Commission shall submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions a report making an initial evaluation of the implementation of this Directive, in particular with regard to the equivalence of the various initial qualification systems provided for in Article 3, **and the efficiency thereof in achieving the target level of qualification.** The report shall be accompanied by appropriate proposals, if necessary.

Justification

The rapporteur wishes to ensure that the level of qualification achieved is also monitored in the assessment.

Amendment by Ewa Hedkvist Petersen

Amendment 3
Article 14, paragraph 1, footnote **

** **Three years** after the entry into force of this Directive.

** **Two years** after the entry into force of this Directive.

Justification

According to the Common Position of the Council this directive would apply only to new drivers entering the profession five years (passenger transport) or six years (freight transport) after the entry into force of this directive. Given current safety problems, the lack of recognition of the driver's profession and its consequent failure to attract recruits, this period is far too long.

Amendment by Ewa Hedkvist Petersen

Amendment 4
Article 14, paragraph 2, footnotes * and **

* **Five years** after the entry into force of this

* **Four years** after the entry into force of this

Directive.

**** Six years** after the entry into force of this Directive.

Directive.

**** Five years** after the entry into force of this Directive.

Justification

According to the Common Position of the Council this directive would apply only to new drivers entering the profession five years (passenger transport) or six years (freight transport) after the entry into force of this directive. Given current safety problems, the lack of recognition of the driver's profession and its consequent failure to attract recruits, this period is far too long.

Amendment by Rijk van Dam and Karla M.H. Peijs

Amendment 5

Annex I, Section 1, point 3.2 a (new)

3.2a. objective: ability to prevent criminality.

Prevention of criminality: general information, implication for drivers, technical and other preventive measures, check list, legislation on transport operator liability.

Justification

According to the decision taken by the EU Ministers of Justice and Home Affairs and Civil Protection on combating serious crime by criminal organisations (Luxembourg, 14/15 October 2002), drivers should not only be instructed in the prevention of illegal immigration but also in the prevention of (professional) crime as this is becoming a serious (pan-European) problem.

Amendment by Rijk van Dam

Amendment 6

Annex I, Section 4

Compulsory periodic training courses must be organised by an approved training centre. Their duration must be of 35 hours every 5 years, given in periods of at least seven hours.

Compulsory periodic training courses must be organised by an approved training centre. Their duration must be of 35 hours every 5 years, given in periods of at least seven hours. ***Such periodic training may be provided, in part, on top-of-the-range***

simulators.

Or. en

Justification

Brings the wording into line with the Common Position.

EXPLANATORY STATEMENT

This proposal for a directive will have a far-reaching impact on the training of goods-vehicles drivers. It introduces compulsory training for such drivers, training that has hitherto been a legal requirement only in France and the Netherlands, and is separate from training to qualify for a driving licence. It thus will of course require profound changes to be made in the other thirteen Member States.

It is already the case that in countries that have not hitherto laid down any legal requirement for goods-vehicle driver training, there are in-house training schemes in operation, although they tend to be confined to the better sort of firms that assign a high priority to safety.

The common position – amendments proposed by the European Parliament at first reading

The Council adopted the amendments that the Commission had incorporated into its amended proposal. That means that, of the 25 amendments tabled by Parliament, the Council has approved 5 of them, approved 8 in principle and 5 in part, and has rejected 7 of them.

The most significant addition by the Council is the introduction of a new means of complying with the requirements of the full basic training, viz. by way of a variant comprising examinations exclusively, and not requiring compulsory course attendance. The Member States have thus the choice of two options for complying with the basic training requirements, viz. the introduction of course attendance followed by an examination, or of an examination only. The latter examination will of, course, be harder than the examination sat following course attendance.

Although the rapporteur agrees with that change, he wishes at the same time to draw attention to the need for an evaluation of the equivalence of these two methods, and adds (*see Amendment 2*) that not only the equivalence of the different basic qualification systems must be monitored, but also the content of the training. The level of training must not be lost sight of in making the assessment.

The consequence of this rule change is that the common position is no longer concerned with full basic training but with a 'basic qualification'; the minimum basic training, which still includes course attendance, becomes the 'accelerated basic qualification'.

The common position provides for certain special exemptions, one for vehicles that are used in emergency situations or deployed in rescue operations, one for vehicles that are used for driving lessons leading to qualification for a driving licence, and one for non-commercial passenger transport.

The area of implementation continues to extend to nationals of third countries, who will also be required to undergo training if they wish to be employed as goods-vehicle drivers in the European Union.

In the matter of recognition of acquired rights (which will make it no longer compulsory to follow a basic course of training), the Council has opted for the flexible original Commission

proposal, which stipulates that any driver employed as such before the proposed directive entered into force may continue in employment. (Parliament had specified training for drivers with less than five years' experience.)

Authority for specifying the time-tabling of periodic training (during or after working hours) lies, according to the Council, with the Member States and the social partners themselves. That need not be regulated by this directive.

It is important to point out that drivers are not free to choose in what country they wish to undergo training, as Parliament would have preferred. The place of residence or the place where the employer is established is what will determine where training or the examination must be taken. The reasons for this are to be found in the fact that the certificate is to be linked to the driving licence, that differences in social-policy legislation across Member States are too great, and that some training is financed by national solidarity funds.

The European Parliament's amendments at second reading

Since the main thrust of Parliament's amendments has been incorporated into the common position, the rapporteur does not consider it necessary for major changes to be made to the latter. Although he would have preferred EU citizens to be free to choose where they wished to undergo training, he fully understands the reasons set out above.

The rapporteur also advocates a small change to Annex 1, Section 4 (*see Amendment 6*), with a view to stipulating that it should be possible for simulators to be used to some extent in periodic training, since that form of training blends harmoniously with new technical developments and is considered as a highly satisfactory training mechanism in other areas of transport.

In view of the importance of this training for drivers, for the industry and for national administrative authorities, the Committee on Regional Policy, Transport and Tourism would like to bring forward by one year the deadline for the transposition of this directive and other measures proposed in the text into national law.

Conclusion

The directive is a clear compromise between maintaining high standards of instruction and training, and recognising the situation on the labour market and the need for flexibility in the organisation of work by the employer.