

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

(2001/C 154 E/23)

(Text with EEA relevance)

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(Submitted by the Commission on 2 February 2001)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure referred to in Article 251 of the Treaty,

Whereas:

- (1) Council Directive 76/914/EEC of 16 December 1976 on the minimum level of training for some road transport drivers ⁽¹⁾ and Council Regulation (EEC) No 3820/85 of 20 December 1985 on the harmonisation of certain social legislation relating to road transport ⁽²⁾ have enabled progress to be made in the harmonisation of rules on vocational training.
- (2) However, there are still basic differences between the laws of the Member States and so further harmonisation is necessary in this area in order to contribute to the achievement of Community policies on the freedom of movement of workers, freedom of establishment and freedom to supply services and on the common transport policy.
- (3) Compulsory vocational training within the meaning of Regulation (EEC) 3820/85 at the moment applies only to a minority of professional drivers. Most professional drivers work solely on the basis of their driving licence.
- (4) Full basic vocational training, adapted to the requirements of the road transport sector today, as provided for in Directive 76/914/EEC and Regulation 3820/85, remains the benchmark to be attained in the long term. In view of this, the benefits granted to those who have completed such training in terms of access to certain categories of vehicles at a younger age must be increased.

(5) However, the imposition of such a high standard on all new drivers is likely initially to distort the labour market. It is therefore advisable to provide for minimum basic training which will make it possible to demand a lower level of nonetheless adequate and effective training for all new drivers, irrespective of their age or the category of vehicle driven.

(6) The vocational training must, in accordance with a methodological approach, stress the safety rules to be observed when driving and during stops. The development of defensive driving — anticipating danger, making allowance for other road users — which goes hand in hand with rational fuel consumption, will have a positive impact both on society and on the transport sector itself. Compulsory vocational training must increase compliance with transport, traffic and work regulations, such as the rules on minimum rest periods and maximum driving and working periods. The vocational training must, lastly, also cover concepts which are essential and important for professional drivers, such as health, safety, service and logistics. The companies and sectors concerned should be associated with setting up and carrying out such a training programme.

(7) Professional drivers who are already working before the Directive enters into force must retain their acquired rights. Continuous training must be provided to enable them in particular, like new drivers later on, to update their knowledge and to improve their skills with regard to professional safety and regulations.

(8) This Directive applies irrespective of Council Directive 91/439/EEC on driving licences ⁽³⁾, as last amended by Commission Directive 2000/56/EC ⁽⁴⁾, Council Directive 94/55/EC with regard to the transport of dangerous goods by road ⁽⁵⁾, as last amended by Directive 2000/61/EC of the European Parliament and of the Council ⁽⁶⁾, and Council Directive 96/26/EC on access to the occupation of road haulage operator and road passenger transport operator ⁽⁷⁾, as amended by Council Directive 98/76/EC ⁽⁸⁾.

⁽¹⁾ OJ L 357, 29.12.1976, p. 36.

⁽²⁾ OJ L 370, 20.12.1985, p. 1.

⁽³⁾ OJ L 237, 24.8.1991, p. 1.

⁽⁴⁾ OJ L 237, 21.9.2000, p. 45.

⁽⁵⁾ OJ L 319, 12.12.1994, p. 7.

⁽⁶⁾ OJ L 279, 1.11.2000, p. 40.

⁽⁷⁾ OJ L 124, 23.5.1996, p. 1.

⁽⁸⁾ OJ L 277, 14.10.1998, p. 17.

- (9) So as not to prejudice the right of the representatives of employers and employees to specify, in particular by means of collective bargaining agreements, provisions which are more favourable to workers, the Annex to this Directive lays down minimum requirements for vocational training.
- (10) As the measures needed to adapt the Annex to this Directive to technical progress are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾, those measures must be adopted in accordance with the regulatory procedure provided for in Article 5 of that Directive.
- (11) Annexes I and Ia to Council Directive 91/439/EEC need to be amended in order to add the codes corresponding to the compulsory training followed.
- (12) Directive 79/914/EC must be revoked,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Scope

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.

Article 2

Definitions

For the purposes of this Directive:

- (a) 'professional driver for the carriage of goods by road' means a driver engaged in the transportation of goods for payment;
- (b) 'professional driver for the carriage of passengers by road' means a driver engaged in the transportation of passengers for payment;
- (c) 'C1, C1E, C, CE, D1, D1E, D, DE' means the categories of driving licences as defined in Directive 91/439/EEC;
- (d) 'normal residence' is residence as defined in Article 9 of Directive 91/439/EEC.

Article 3

Exemptions

1. This Directive shall not apply to carriage by:
- (a) vehicles with a maximum authorised speed not exceeding 30 kilometres per hour;
- (b) vehicles used by, or under the control of, the armed forces, civil defence, the fire service and forces responsible for maintaining public order;

- (c) vehicles undergoing road tests for technical development, repair or maintenance purposes, and new or rebuilt vehicles which have not yet been put into service;
- (d) vehicles used for non-commercial carriage of goods for personal use;
- (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.

2. The provisions of this Directive laying down requirements which are the same as those laid down by Directive 96/26/EC do not apply to applicants for basic training who have already met the requirements of Directive 96/26/EC on the date of entry into force of this Directive.

Article 4

Compulsory training

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.

The successful completion of such training shall lead to the issue of the document or certificate concerned on the basis of which the competent authorities shall mark the Community code for the training completed on the driving licence of the person concerned.

Article 5

Acquired rights

Professional drivers for the carriage of goods or passengers by road who have been working on the day of entry into force of this Directive or for three years out of a period of five years prior to the entry into force of this Directive shall be exempted from the requirement to undergo basic training without prejudice to Community and national provisions on minimum ages and categories of driving licences.

Article 6

Basic training

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.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

2. The basic vocational training shall consist of either full basic training or minimum basic training, depending directly on the minimum age and the categories of vehicles driven. These two types of basic training, which are defined in the Annex to this Directive, differ only as regards the length of training and the degree of detailed instruction given.

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.

4. Professional drivers for the carriage of goods by road may work:

(a) from the age of 18 years:

- (i) on a vehicle in categories C and CE, provided they have undergone full basic training;
- (ii) on a vehicle in categories C1 and C1E, provided they have undergone minimum basic training;

(b) from the age of 21 years: on a vehicle in categories C and CE, provided they have undergone minimum basic training.

5. Professional drivers for the carriage of passengers by road may work:

(a) from the age of 18 years:

- (i) on a vehicle in categories D and DE used for the carriage of passengers on regular services where the route does not exceed 50 kilometre provided they have undergone full basic training;
- (ii) on a vehicle in categories D1 and D1E, provided they have undergone full basic training;

(b) from the age of 21 years:

- (i) on a vehicle in categories D and DE, provided they have undergone full basic training;
- (ii) on a vehicle in categories D1 and D1E, provided they have undergone minimum basic training;

(c) from the age of 24 years:

- (i) on a vehicle in categories D and DE, provided they have undergone minimum basic training.

6. Professional drivers for the carriage of goods or passengers by road who have completed full basic training for one of the categories provided for in paragraphs 4 and 5 shall be exempted from undergoing basic training for any other of the categories of vehicles referred to in those paragraphs.

Professional drivers for the carriage of goods who broaden or modify their activities in order to carry passengers, or vice-versa, shall not be required to repeat the common parts of the specified training.

Article 7

Test of knowledge

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.

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.

Article 8

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.

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.

3. On completion of the training, a continuous training certificate is issued to the driver.

4. Professional drivers for the carriage of goods or passengers by road who have been working on the day of entry into force of this Directive or for three years out of the five years prior to the entry into force of this Directive shall undergo the continuous training during the first renewal of their driving licence and no later than five years following the entry into force of this Directive.

Article 9

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

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.

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.

Article 10

Community codes

The following codes shall be added to the list of harmonised Community codes as laid down in Annexes I and Ia to Directive 91/439/EEC:

- 95. Holder of the minimum basic training document
- 96. Holder of the certificate of professional competence
- 97. Holder of the continuous training certificate.

Article 11

Adaptation to scientific and technical progress

The amendments necessary to adapt the Annex to scientific and technical progress shall be adopted in accordance with the procedure laid down in Article 12.

Article 12

Committee

1. The Commission shall be assisted by the Committee on Driving Licences set up by Article 7 of Directive 91/439/EEC on driving licences.

2. Where reference is made to this paragraph, the regulatory procedure provided for in Article 5 of Decision 1999/468/EC shall apply, in compliance with the provisions of Article 7(3) and Article 8 of that Decision.

3. The period provided for in Article 5(6) of Decision 1999/468/EC shall be three months.

Article 13

Entry into force

Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 2004. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

Article 14

Repeal

Directive 76/914/EEC is hereby repealed as of 1 January 2004.

Article 15

Entry into force

This Directive shall enter into force on the twentieth day following its publication in the *Official Journal of the European Communities*.

Article 16

Addressees

This Directive is addressed to the Member States.

ANNEX

MINIMUM VOCATIONAL TRAINING REQUIREMENTS

SECTION 1 — TRAINING PROGRAMME

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

1.2. *Application of regulations*

- 1.2.1. 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;
- 1.2.2. 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;
- 1.2.3. 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;

1.3. *Health, safety, service, logistics*

- 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;
- 1.3.6. 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.

SECTION 2 — STRUCTURE OF BASIC TRAINING

The basic vocational training shall consist of two parts: a common part for all professional drivers, with variations for the carriage of goods or the carriage of passengers, and specific training given within a company in the sector in which the professional driver will work or in an approved training centre.

The common part must in particular cover advanced training in rational driving based on safety rules, the observance of all transport, traffic and work regulations, and the concepts of health, safety, service and logistics, as defined in the Annex to this Directive.

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.

SECTION 3 — LENGTH OF TRAINING

The length of the minimum basic vocational training is 140 hours for the common part and 70 hours for the specific part.

The length of the full basic vocational training is 420 hours for the common part and 210 hours for the specific part.

During each of the basic training periods, at least 30 % of the time available will be devoted to each of the paragraphs 1.1, 1.2 and 1.3, the remainder being used according to the profile of the driver concerned.

At least half of the basic training in paragraph 1.1 will be carried out under real driving conditions, in a vehicle of the category concerned which meets the requirements for test vehicles as defined in Directive 91/439/EEC. In view of the possibility that several persons may take part in the driving under real conditions in one and the same vehicle, it must be specified that each driver must drive for at least ten hours on their own.

The continuous vocational training is 35 hours every five years. The training varies according to the profile of the driver concerned.

SECTION 4 — TEST OF KNOWLEDGE

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 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 and 1.3.

SECTION 5 — APPROVAL OF THE TRAINING

5.1. The training courses for the common part of the basic training and for the continuous training must be approved by the competent authority. Approval may only be given following a written application. The application for approval must be accompanied by the following documents:

- 5.1.1. a detailed training programme specifying the subjects taught and setting out the proposed implementing plan and teaching methods;
- 5.1.2. the instructors' qualifications and fields of activity;
- 5.1.3. information about the premises where the courses are given, the teaching materials, the resources made available for the practical work, and the vehicle fleet used;
- 5.1.4. the conditions regarding participation in the courses (number of participants).

5.2. The competent authority must give approval in writing subject to the following conditions:

- 5.2.1. the training must be given in accordance with the documents accompanying the application;
- 5.2.2. the competent authority reserves the right to send authorised persons to assist in the training courses and examinations;
- 5.2.3. the competent authority must be informed in good time of the dates and places of each training course;
- 5.2.4. the approval may be withdrawn if the conditions of approval are not complied with.

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.
