



## Reports of Cases

**Case C-447/15**

**Ivo Muladi**

**v**

**Krajský úřad Moravskoslezského kraje**

(Request for a preliminary ruling  
from the Krajský soud v Ostravě)

(Reference for a preliminary ruling — Transport — Directive 2003/59/EC — Obligation to obtain an initial qualification — Article 4 — Acquired rights — Holders of driving licences issued before the dates laid down in Article 4 — Exemption from the obligation to obtain an initial qualification — National legislation setting an additional requirement for periodic training of 35 hours duration in order to benefit from that exemption)

Summary — Judgment of the Court (Eighth Chamber), 7 July 2016

1. *Questions referred for a preliminary ruling — Admissibility — Limits — Clearly irrelevant questions and hypothetical questions put in a context not permitting a useful answer — Need to provide the Court with sufficient information on the factual and legislative context*

(Art. 267 TFEU)

2. *Transport — Road transport — Initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers — Directive 2003/59 — Exemption from the requirement to obtain an initial qualification for holders of driving licences issued before a certain date — National rules making the benefit of the exemption subject to a supplementary requirement that periodic training first be undergone — Lawfulness*

(Charter of Fundamental Rights of the European Union, Arts 15 and 52(2); European Parliament and Council Directive 2003/59, Recitals 4, 5 and 10, Art. 4 and Annex I; Council Directive 76/914, Art. 1(3) and Annex)

1. See the text of the decision.

(see para. 33)

2. Article 4 of Directive 2003/59 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers must be interpreted as not precluding national legislation under which, before the driving activity in question may be carried out, periodic training of 35 hours duration has to be completed by persons who are exempted, under Article 4, from the requirement that drivers of certain road vehicles for the carriage of goods or passengers obtain an initial qualification.

Directive 2003/59 provides for a minimum level of harmonisation with regard to national provisions concerning the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers. Minimum harmonisation does not prevent the Member States from retaining or adopting more stringent measures, provided, however, that the latter are not liable seriously to compromise achievement of the result prescribed by the directive in question. No such danger is entailed by a condition which, for the issue of a driver's certificate of professional competence (CPC), requires, in addition to the holding (as provided for by Directive 2003/59) of a driving licence for certain categories, participation in a prior course of periodic training of 35 hours duration. That condition contributes to ensuring the qualification of drivers and to improving road safety and the safety of drivers, objectives to which recitals 4 and 5 of Directive 2003/59 refer. Furthermore, an additional requirement of that kind cannot be regarded as going beyond what is necessary to attain those objectives. Moreover, it cannot be regarded as infringing the acquired rights of drivers, since (i) Directive 76/914 on the minimum level of training for some road transport drivers, which was repealed and replaced by Directive 2003/59, provided, in Article 1(3), that Member States should be able to require more extensive training than that provided for in the annex to Directive 76/914 in order for a person to obtain a CPC and (ii) the national legislation in question, even before the transposition of Directive 2003/59, provided that holding an appropriate driving licence was not sufficient for the purpose of driving the vehicles covered by the directive at issue and that the drivers of those vehicles were required to improve their driving skills by means of yearly training courses. Lastly, an additional requirement of that kind does not infringe Article 15 of the Charter of Fundamental Rights of the European Union.

(see paras 39, 43, 45-47, 50-52, operative part)