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REPORT

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
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Subject:	Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers and Directive 2006/126/EC on driving licences – Analysis of the final compromise text with a view to agreement

INTRODUCTION

1. On 1 February 2017, the Commission transmitted the above-mentioned proposal to the European Parliament and to the Council.
2. The proposal aims to
 - improve mutual recognition of obligatory training undergone by professional drivers,
 - modernise training requirements and clarify their relation to training requirements laid down in other EU law,
 - reduce ambiguity as regards exemptions to the Directive's obligations, and

- clarify minimum age requirements for driving that result from the application of Directives 2003/59/EC and 2006/126/EC, in order to ensure a harmonised application of EU rules.
- 3. Prior to the proposal under discussion, the Commission, on 14 December 2016, had proposed amendments regarding the regulatory procedure with scrutiny provided in this Directive and in Directive 2006/126/EC, as part of a horizontal proposal¹.
- 4. On 3 April 2017, the European Parliament's Committee on Transport and Tourism (TRAN) appointed Mr. Peter Lundgren (EFDD, SE) as rapporteur.
- 5. The Economic and Social Committee adopted its opinion on 31 May 2017². The Committee of the Regions decided not to issue an opinion on the proposal.
- 6. The Romanian Parliament Senate transmitted its opinion on the application of the principles of subsidiarity and proportionality by letter dated 26 April 2017³.
- 7. The Working Party on Land Transport examined the proposal between February and April 2017. The Council adopted a general approach on 8 June 2017⁴.
- 8. The European Parliament's TRAN Committee voted its report on 12 October 2017. The Plenary opened negotiations on a first reading agreement on 25 October 2017.

STATE OF PLAY

- 9. The Working Party on Land Transport examined the Parliament's amendments in November 2017. A first political trilogue meeting was organised on 27 November 2017, following two preparatory technical meetings which were held on 7 and 21 November 2017. Following the trilogue, the Presidency, through the working party, formulated a number of compromise proposals which were endorsed as a revised mandate by Coreper on 8 December 2017⁵.

¹ See doc. ST 5623/17 + ADD 1 REV 1.

² See doc. 10263/17.

³ See doc. ST 8562/17.

⁴ See doc. 8596/1/17 REV 1.

⁵ See doc. 13781/5/17 REV 5.

10. The second trilogue meeting on 12 December 2017 concluded with a provisional agreement among the institutions.

THE FINAL COMPROMISE

11. The final compromise consisted mainly in finding a balance in respect of amendments formulating exemptions to the two directives that the proposal intends to change. The Parliament agreed to a reformulation by the Council of an exemption for certain drivers from the training when they drive empty buses in the vicinity of a maintenance station, and dropped an amendment that aimed at increasing flexibility to drive small buses with an increased number of seats using a category D1 driving licence. The Council accepted an increased weight allowance for alternatively fuelled vehicles with a category B driving licence and agreed to reformulate its amendment to the exemption for drivers of agricultural and forestry vehicles in order to keep this exemption harmonised in principle, while keeping the possibility for a Member State to restrict the exemption by a distance of driving.
12. As regards another amendment requested by the Parliament that intended to exempt certain drivers from obligatory training if they operate in the area of an undertaking on own account, the compromise resulted in a more targeted exemption that focuses on drivers supplying their own businesses in rural areas.
13. The Parliament agreed to the compromises on the content and structure of special training, while the Council accepted the Parliament's request that periodic driver training expressly must contain certain practical elements, while leaving flexibility for Member States to define them.
14. Finally, the Council in principle agreed to develop a database among Member States for exchanging information on accomplished training, whereby the compromise formulation leaves sufficient leeway for the modalities of implementation and follows the Council's request for a 36-month transitional period.

CONCLUSION

15. The Permanent Representatives Committee is invited to:
- examine and approve the final compromise text set out in the addendum to this report with a view to reaching an agreement at first reading with the European Parliament;
 - mandate its Chair to send a letter to the Chair of the European Parliament's Committee on Transport and Tourism stating that should the European Parliament adopt its position at first reading in the form set out in the compromise contained in the annex to the letter (subject to revision by the legal linguists of both institutions), the Council would approve the European Parliament's position and the directive shall be adopted in the wording which corresponds to the European Parliament's position.
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