II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 16 December 1976

on the minimum level of training for some road transport drivers

(76/914/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Having regard to Council Regulation (EEC) No 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport (1), as last amended by Regulation (EEC) No 515/72 (2), and in particular Article (5) (1) (b), second indent, and (2) (c) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (3),

Having regard to the opinion of the Economic and Social Committee (4),

Whereas under Article 5 (1) (b), second indent, of Regulation (EEC) No 543/69, the driver of a vehicle intended for the transport of goods having an authorized maximum weight of over 7·5 metric tons and to which this Regulation applies, if he has not reached the age of 21 years, must hold a certificate of professional competence recognized by one of the Member States confirming that he has completed a training course for drivers of vehicles intended for the carriage of goods by road;

Whereas under Article 5 (2) of Regulation (EEC) No 543/69, the driver of a vehicle intended for the carriage of passengers and to which the Regulation applies must be at least 21 years old and must meet one of the conditions laid down by that paragraph; whereas one of these conditions stipulates that the driver must hold a certificate of professional competence recognized by one of the Member States confirming that he has completed a training course for drivers of vehicles intended for the carriage of passengers by road;

Whereas, to determine the minimum level of such training account should be taken, in particular, of the differences in the conditions for carrying out the transport of goods and the transport of passengers by road,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Any person who possesses the appropriate national driving licence and who has completed a course of vocational training covering at least the subjects listed in the Annex to this Directive shall be recognized as having the minimum level of training for drivers of vehicles intended for the carriage of goods by road, referred to in the second indent of Article 5 (1) (b) of Regulation (EEC) No 543/69 or for drivers of vehicles intended for the carriage of passengers by road, referred to in paragraph 2 (c) of the said Article.

2. The programme and organization of the course of vocational training referred to in paragraph 1 shall be laid down by the Member State. Proof that this training has been completed shall be furnished by means of an examination or a check carried out by the State or by the bodies designated to do so by the State acting under the direct supervision of the State.

(1) OJ No L 77, 29. 3. 1969, p. 49.
(2) OJ No L 67, 20. 3. 1972, p. 11.
(3) OJ No C 46, 9. 5. 1972, p. 8.
(4) OJ No C 88, 6. 9. 1971, p. 14.

3. A Member State may require drivers carrying out national transport within its territory and drivers carrying out international transport in vehicles registered in that State to undergo more extensive training than that provided for in the Annex. This may be training which is already established in a Member State or training which a Member State decides to introduce in the future.

Article 2

1. The certificate of professional competence referred to in the second indent of Article 5 (1) (b) and in Article 5 (2) (c) of Regulation (EEC) No 543/69 shall be issued by the State or the bodies designated to do so by the State acting under the direct supervision of the State to persons who meet the requirements laid down in Article 1 of this Directive.

2. Rights acquired pursuant to the provisions referred to in paragraph 1 prior to the entry into force of the national provisions adopted in implementation of this Directive shall remain valid in the same way as certificates issued pursuant to this Directive.

Article 3

1. After consulting the Commission, the Member States shall bring into force the measures necessary to comply with this Directive within two years following its notification.

2. Each Member State shall provide the Commission with specimens of the certificates or equivalent documents which it adopts with a view to implementing Article 2 (1). The Commission shall forthwith forward this information to the other Member States.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 16 December 1976.

For the Council

The President

Th. E. WESTERTERP