

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2000/0297(COD) Procedure completed
Access to the market in the carriage of goods by road: uniform driver attestation (amend. Regulation (EEC) No 811/92)	
Subject 3.20.05 Road transport: passengers and freight	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	RETT Regional Policy, Transport and Tourism		24/01/2001
		EDD VAN DAM Rijk	
	Former committee responsible		
	RETT Regional Policy, Transport and Tourism		24/01/2001
		EDD VAN DAM Rijk	
	Former committee for opinion		
	BUDG Budgets	The committee decided not to give an opinion.	
	EMPL Employment and Social Affairs	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	2377	23/10/2001
	Transport, Telecommunications and Energy	2324	20/12/2000
European Commission	Commission DG	Commissioner	
	Energy and Transport		

Key events			
22/11/2000	Legislative proposal published	COM(2000)0751	Summary
11/12/2000	Committee referral announced in Parliament, 1st reading		
20/12/2000	Resolution/conclusions adopted by Council		Summary
25/04/2001	Vote in committee, 1st reading		Summary
25/04/2001	Committee report tabled for plenary, 1st reading	A5-0151/2001	

15/05/2001	Debate in Parliament		
16/05/2001	Decision by Parliament, 1st reading	T5-0262/2001	Summary
05/07/2001	Modified legislative proposal published	COM(2001)0373	Summary
23/10/2001	Council position published	10353/1/2001	Summary
25/10/2001	Committee referral announced in Parliament, 2nd reading		
19/12/2001	Vote in committee, 2nd reading		Summary
19/12/2001	Committee recommendation tabled for plenary, 2nd reading	A5-0469/2001	
17/01/2002	Decision by Parliament, 2nd reading	T5-0009/2002	Summary
01/03/2002	Final act signed		
01/03/2002	End of procedure in Parliament		
19/03/2002	Final act published in Official Journal		

Technical information

Procedure reference	2000/0297(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 071-p1
Stage reached in procedure	Procedure completed
Committee dossier	RETT/5/14752

Documentation gateway

Legislative proposal	COM(2000)0751 OJ C 096 27.03.2001, p. 0207 E	22/11/2000	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	A5-0151/2001	25/04/2001	EP	
Economic and Social Committee: opinion, report	CES0520/2001 OJ C 193 10.07.2001, p. 0028	25/04/2001	ESC	
Text adopted by Parliament, 1st reading/single reading	T5-0262/2001 OJ C 034 07.02.2002, p. 0166-0220 E	16/05/2001	EP	Summary
Modified legislative proposal	COM(2001)0373 OJ C 270 25.09.2001, p. 0231 E	05/07/2001	EC	Summary
Council position	10353/1/2001 OJ C 009 11.01.2002, p. 0017-0026	23/10/2001	CSL	Summary
Commission communication on Council's position	SEC(2001)1679	24/10/2001	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	A5-0469/2001	19/12/2001	EP	
Text adopted by Parliament, 2nd reading	T5-0009/2002 OJ C 271 07.11.2002, p.	17/01/2002	EP	Summary

Additional information

European Commission

[EUR-Lex](#)

Final act

[Regulation 2002/484](#)[OJ L 076 19.03.2002, p. 0001-0006](#) Summary

Access to the market in the carriage of goods by road: uniform driver attestation (amend. Regulation (EEC) No 811/92)

PURPOSE : to introduce a uniform Driver Attestation. **CONTENT** : the aim of this proposal is to amend Regulation 881/92/EEC in order to introduce a uniform document attesting that the driver of a vehicle engaged in international carriage of goods is entitled to drive that vehicle on behalf of the haulier. The Commission already announced this proposed amendment in its communication entitled "Towards a safer and more competitive high-quality road transport system in the Community". The proposal aims to ensure that the regularity of the employment status of the driver of a Community authorisation, can be checked efficiently by inspecting officers of all Member States by the introduction of a uniform document, the Driver Attestation, at Community level. The Regulation already makes international carriage by road subject to Community authorisation. The proposed amendment requires that the driver of the vehicle engaged in international carriage is in possession of a Driver attestation in addition to the Community authorisation. However, if the driver is identical with the holder of the Community authorisation, the case of so called "owner driver", community authorisation alone shall suffice. In doing so, the scope of the Driver attestation is clearly and unambiguously defined. Enforcement will be simple, as checks on international transport for compliance with the Regulation are well established. Lastly, the Driver attestation will simply certify that the relevant legislation and provisions of that Member State governing the employment of drivers have been respected, thus leaving details of implementation to a very large extent to the discretion of each Member State. Introduction of the Driver attestation at Community level can thus be swift since no harmonisation of social legislation or of provisions relating to the employment of third-country nationals is required.?

Access to the market in the carriage of goods by road: uniform driver attestation (amend. Regulation (EEC) No 811/92)

At the close of its discussions on the relevant proposal, the Council adopted the following conclusions: the Council, - believes it is necessary to adopt, as soon as possible, measures that would make it possible to combat effectively the employment, under conditions not complying with national rules on working conditions and the rules governing drivers in the Member State where the employer is established, of drivers carrying out intra-Community road transport, or transport between a Member State and a third State with vehicles used by an undertaking established in a Member State; - welcomes the Commission's presentation on 27 November 2000 of a proposal for a Regulation introducing a uniform driver attestation; - believes that it is appropriate to introduce a uniform attestation in the Community, of which the detailed content should be determined subsequently, to be issued by the competent authorities in the Member State of establishment, for each driver of a vehicle carrying out international transport subject to a Community authorisation, to the undertaking holding such authorisation. The attestation should certify that the driver meets the conditions of employment stipulated in the legislative and regulatory provisions applicable on the territory of the Member State in question; - considers that the scope of the Regulation should be limited to drivers who are nationals of third countries, and that its possible extension should be decided subsequently on the basis of an assessment by the Commission; - instructs the Permanent Representatives Committee actively to pursue its work along these lines, in order to enable the Council to give its agreement to this Regulation at its meeting on 5 and 6 April 2001, if possible adopting it definitively following the first reading by the European Parliament. ?

Access to the market in the carriage of goods by road: uniform driver attestation (amend. Regulation (EEC) No 811/92)

The committee adopted the report by Rijk VAN DAM (EDD, NL) amending the Commission proposal under the codecision procedure (1st reading). Although it acknowledged that an attestation system was important, the committee wanted the requirement for an attestation to be restricted initially to drivers from third countries working for EU firms. It pointed out that the Council of Ministers had also indicated a preference for this approach. The committee therefore proposed staggering the entry into force of the regulation, so that it would apply with immediate effect to non-EU drivers working in a Member State and two years after its entry into force to drivers who were EU nationals. In this way, the committee hoped to avoid placing an excessively high administrative burden on Member States, as fewer attestations would have to be issued at first. The committee also amended the provisions specifying the driver's personal data to be shown on the attestation. It argued that if driving licence numbers and social security numbers were also shown, this would help keep abuses to a minimum. ?

Access to the market in the carriage of goods by road: uniform driver attestation (amend. Regulation (EEC) No 811/92)

The European Parliament approved the report by Mr Rijk Van DAM (EDD, NL) with amendments calling for the directive to be aimed mainly (but not exclusively) at drivers from third countries. The House believes that, since the transport labour market is distorted mainly by drivers from third countries, the measures should apply immediately to third-country nationals. (Please refer to the previous document).?

Access to the market in the carriage of goods by road: uniform driver attestation (amend. Regulation (EEC) No 811/92)

Of the seven amendments adopted by the Parliament, the Commission agreed to accept one in full and one in part. Six months after entry into force of this measure it will apply to nationals of non-member countries and to all drivers after thirty months. During the first two years of its application, the scope of the regulation will be limited to drivers who are nationals of non-member countries in order to ease the administrative burden. Of the amendments not accepted, the Commission considered it inconsistent to distinguish between drivers of different nationalities in the recitals, given the scope of the measure after two years. ?

Access to the market in the carriage of goods by road: uniform driver attestation (amend. Regulation (EEC) No 811/92)

The Council shared the Commission's view that the absence of a similar uniform document certifying that the driver of a vehicle engaged in the carriage of goods subject to Community authorisation is legally employed in the territory of a Member State creates major problems of control for Member States and encourages recourse to the unlawful employment of drivers. However, the Council restricted the scope of the Regulation to drivers who are nationals of non-Member countries. Its basis for doing so was the survey carried out by the Commission in 1999, which revealed that drivers employed unlawfully to drive Community vehicles in international carriage operations often come from non-member countries and often work in poor conditions and are underpaid. Compared to the Commission's amended proposal, the Council's common position therefore provides that: - only drivers who are nationals of non-member countries must hold a driver attestation; - it will be decided subsequently, on the basis of an assessment by the Commission, whether or not the Regulation should be extended. The Council does not believe that this change in scope creates any discrimination between drivers of non-member countries and drivers who are Community nationals such as would be incompatible with the Europe Agreements. The Council's common position does not concern working conditions. The administrative burden on Member States is also eased. The Council's common position also provides for: - the introduction of a stricter control procedure, namely a yearly check of at least 20% of an undertaking's attestations; - an amendment relating to cabotage, making it compulsory for drivers who are nationals of non-member countries to hold a driver attestation in order to carry out cabotage operations. One amendment made by the Parliament is accepted by the Council. This adds the driving licence and social security numbers to the personal information relating to the driver. For practical reasons the Regulation is to apply one year after its entry into force. ?

Access to the market in the carriage of goods by road: uniform driver attestation (amend. Regulation (EEC) No 811/92)

The Commission's view of the Council's common position is that the text seems to be balanced except as regards the following points: - Community drivers should ultimately be included within the scope of the Regulation; - the Regulation should be applicable six months (and not twelve months) after its entry into force for third-country drivers and thirty months after its entry into force for all drivers, whatever their nationality. The Council has adopted a common position by unanimity, whereby it will be decided later whether or not to extend the scope of the Regulation on the basis of a Commission assessment. However, given that including all drivers within the scope of the Regulation is merely a possibility and not a certainty, at this stage in the procedure the Commission's position in its amended proposal and Parliament's position as expressed on first reading should be confirmed. The point concerning the scope of application is therefore rejected. ?

Access to the market in the carriage of goods by road: uniform driver attestation (amend. Regulation (EEC) No 811/92)

The committee adopted the report by Rijk van DAM (EDD, NL) approving the common position without amendment under the codecision procedure (2nd reading) as the Council had taken up Parliament's key amendments from 1st reading. ?

Access to the market in the carriage of goods by road: uniform driver attestation (amend. Regulation (EEC) No 811/92)

The European Parliament adopted the resolution by Mr Rijk van DAM (EDD, NL) which approves the common position. ?

Access to the market in the carriage of goods by road: uniform driver attestation (amend. Regulation (EEC) No 811/92)

PURPOSE: Introduction of a uniform driver attestation applicable to nationals of non-EU Member States. COMMUNITY MEASURE: Regulation 484/2002/EC of the European Parliament and of the Council amending Council Regulation 881/92/EEC and 3118/93/EEC for the purposes of establishing a driver attestation. CONTENT: The present Regulation introduces a uniform attestation to be authorised by the

Member States of the EU. It shall apply to drivers involved in international haulage but will be limited to drivers who are national of non-member countries. The Commission shall decide at a later stage whether or not to extend the scope of this Regulation. Driver attestations can be issued, via the Member States, to any haulier who is the holder of a Community authorisation and who lawfully employs drivers who are national of non-member countries. Other provisions include inter alia: - a driver attestation shall be issued for a period to be determined by the issuing Member States, subject to a maximum validity of five years; - Member States shall regularly verify the validity of attestation by covering at least 20% of the attestations issued; - rights of drivers relating to cabotage. ENTRY INTO FORCE: 19/03/2002. The Regulation will apply as from 19/03/2003.?