Reports of Cases

JUDGMENT OF THE COURT (Eighth Chamber)

7 July 2016 *

(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)

In Case C-447/15,

REQUEST for a preliminary ruling under Article 267 TFEU from the Krajský soud v Ostravě (Regional Court, Ostrava, Czech Republic), made by decision of 16 July 2015, received at the Court on 18 August 2015, in the proceedings

Ivo Muladi

v

Krajský úřad Moravskoslezského kraje,

THE COURT (Eighth Chamber),

composed of D. Šváby (Rapporteur), President of the Chamber, M. Safjan and M. Vilaras, Judges,

Advocate General: Y. Bot,

Registrar: A. Calot Escobar,

having regard to the written procedure,

after considering the observations submitted on behalf of:

— the Czech Government, by M. Smolek and J. Vláčil, acting as Agents,

— the European Commission, by J. Hottiaux and Z. Malůšková, acting as Agents,

having decided, after hearing the Advocate General, to proceed to judgment without an Opinion,

gives the following

* Language of the case: Czech.

Judgment

1 This request for a preliminary ruling concerns the interpretation of Article 4 of Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ 2003 L 226, p. 4).

2 The request has been made in proceedings between Mr Ivo Muladi and the Krajský úřad Moravskoslezského kraje (Regional Authority, Moravia-Silesia Region, Czech Republic; 'the regional authority') concerning the issue of a driver's professional competence card.

Legal context

EU law

Directive 76/914/EEC

3 Article 1(1) and (3) of Council Directive 76/914/EEC of 16 December 1976 on the minimum level of training for some road transport drivers (OJ 1976 L 357, p. 36) provides:

'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 recognised 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.

...

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.'

4 In accordance with Article 15(2) of Directive 2003/59, Directive 76/914 was repealed with effect from 10 September 2009.

Directive 2003/59

5 Recitals 2, 4, 5, 7, 10, 11 and 14 of Directive 2003/59 state:

'(2) Given that the provisions of Regulation (EEC) No 3820/85 apply to a very small percentage of drivers and that currently the compulsory training of drivers is only required by a few Member States, the majority of drivers now driving on Community territory are carrying out their profession solely on the basis of a driving licence.

...

(4) The establishment of new Community rules is aimed at ensuring that, by means of his or her qualification, the driver is of a standard to have access to and carry out the activity of driving.

(5) More particularly, the obligation to hold an initial qualification and to undergo periodic training is intended to improve road safety and the safety of the driver, including during operations carried out by the driver while the vehicle is stopped. Furthermore, the modern nature of the profession of driver should arouse young people's interest in the profession, contributing to the recruitment of new drivers at a time of shortage.

...

(7) In order to establish that the driver complies with his or her obligations, Member States should issue the driver with a certificate of professional competence, hereinafter referred to as "CPC", certifying his or her initial qualification or periodic training.

...

(10) The minimum requirements to be met for the initial qualification and the periodic training concern the safety rules to be observed when driving and while the vehicle is stopped. 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 road transport sector itself.

(11) This Directive should not affect the rights acquired by a driver who has held the driving licence necessary to carry out the activity of driving since before the date laid down for obtaining a CPC certifying the corresponding initial qualification or the periodic training.

...

(14) Member States should prescribe that the first session of periodic training is to be completed and should issue the corresponding CPC, within the five years following either the date of issue of the CPC certifying the initial qualification or the expiry date of the time limit set for certain drivers to claim their acquired rights. It should also be possible for these time limits to be shortened or extended. Following the first periodic training, the driver should undergo periodic training every five years.'

6 Article 1 of Directive 2003/59, entitled 'Scope', provides:

'This Directive shall apply to the activity of driving carried out by:

(a) nationals of a Member State; and

(b) nationals of third countries who are employed or used by an undertaking established in a Member State;

hereinafter referred to as "drivers", engaged in road transport within the Community, on roads open to the public, using:

— vehicles for which a driving licence of category C1, C1+E, C or C+E, as defined in Directive 91/439/EEC, or a driving licence recognised as equivalent, is required,

— vehicles for which a driving licence of category D1, D1+E, D or D+E, as defined in Directive 91/439/EEC, or a driving licence recognised as equivalent, is required.'

7 Article 3(1) of Directive 2003/59 provides that 'the activity of driving as defined in Article 1 shall be subject to a compulsory initial qualification and compulsory periodic training'.

8 Article 4 of the directive, which is entitled ‘Acquired rights’, provides:

‘The following drivers shall be exempted from the requirement to obtain an initial qualification:

(a) drivers who hold a category D1, D1+E, D or D+E licence, or a licence recognised as equivalent, issued no later than two years after the final date for the transposition of this Directive;

(b) drivers who hold a category C1, C1+E, C or C+E licence, or a licence recognised as equivalent, issued no later than three years after the final date for the transposition of this Directive.’

9 Articles 5 and 6 of Directive 2003/59 concern the rules applicable to the initial qualification of drivers and to the CPC certifying that qualification.

10 Articles 7 and 8 of Directive 2003/59 concern the rules applicable to the periodic training of drivers and to the CPC certifying that training.

11 Paragraphs 1 to 4 of Article 8 of the directive, which is entitled ‘CPC certifying periodic training’, provide:

‘1. When a driver has completed the periodic training referred to in Article 7, the Member States’ competent authorities or the approved training centre shall issue him or her with a CPC certifying periodic training.

2. The following drivers shall undergo a first course of periodic training:

(a) holders of a CPC as referred to in Article 6, within five years of the issue of that CPC;

(b) the drivers referred to in Article 4, within five years of the respective dates referred to in Article 14(2), in accordance with a timetable decided on by the Member States.

Member States may reduce or extend the periods of time referred to in (a) and (b), inter alia, so that they coincide with the date of expiry of the driving licence or so as to ensure the gradual introduction of periodic training. The period may not, however, be shorter than three years or longer than seven years.

3. A driver who has completed a first course of periodic training as referred to in paragraph 2 shall undergo periodic training every five years, before the end of the period of validity of the CPC certifying periodic training.

4. Holders of the CPC as referred to in Article 6 or the CPC as referred to in paragraph 1 of this Article and the drivers referred to in Article 4 who have ceased pursuit of the occupation and do not meet the requirements of paragraphs 1, 2 and 3, shall undergo a course of periodic training before resuming pursuit of the occupation.’

12 Article 14 of Directive 2003/59 is worded as follows:

‘1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 10 September 2006. They shall inform the Commission thereof.

...

2. Member States shall apply these measures:

— from 10 September 2008 as regards the initial qualification required to drive vehicles in licence categories D1, D1+E, D and D+E;

— from 10 September 2009 as regards the initial qualification required to drive vehicles in licence categories C1, C1+E, C and C+E.

...'

13 Annex I to Directive 2003/59, which is entitled 'Minimum qualification and training requirements', states in the first paragraph of Section 1, which is headed 'List of subjects', that 'knowledge to be taken into account by Member States when establishing the driver's initial qualification and periodic training must include at least the subjects in this list. Trainee drivers must reach the level of knowledge and practical competence necessary to drive in all safety vehicles of the relevant licence category.'

14 Entitled 'Compulsory periodic training provided for in Article 3(1)(b)', Section 4 of Annex I provides that the duration of compulsory periodic training courses must be of 35 hours every five years, given in periods of at least seven hours.

Czech law

15 The Zákon č. 247/2000 Sb., o získávání a zdokonalování odborné způsobilosti k řízení motorových vozidel a změně některých zákonů (Law No 247/2000, concerning the obtaining and improving of professional competence with regard to the driving of motor vehicles, and amending earlier legislation) of 30 June 2000 ('the ZZOZ'), which entered into force on 1 January 2001, requires drivers to undergo 16 hours of further training per year to improve their professional competence and then to take a test.

16 Paragraphs 1 and 2 of Article 52c of the ZZOZ lay down a standard procedure for obtaining a driver's professional competence card, which is conditional upon demonstration of successful completion of the test in professional competence as a driver within a period of 6 months prior to the submission of the application.

17 For the purposes of the transposition of Directive 2003/59, the ZZOZ was amended by Law No 374/2007.

18 Article II of Law No 374/2007 provides:

'1. Drivers who are holders of a valid [CPC] as a driver as at the date of the entry into force of this law are required, within six months of such entry into force, but in any event not later than the expiry date of the driver's current [CPC], to submit to the municipal authority with enlarged jurisdiction a written application for the issue of a driver's professional competence card. The municipal authority with enlarged jurisdiction shall, on the basis of that application, issue to the driver a driver's professional competence card in accordance with [the ZZOZ], in the version in force as from the date of entry into force of this law.

2. Drivers' [CPCs] issued hitherto shall cease to be valid on the expiry [of a period] of 12 months from the date on which this law enters into force, but in any event not later than the date on which their validity expires.

3. Drivers who, before the entry into force of this law, have passed the test in accordance with the previous legislation, and to whom, as at the date of such entry into force, the municipal authority with enlarged jurisdiction has not issued a driver's [CPC], shall be issued, by the municipal authority with enlarged jurisdiction, with a driver's professional competence card in accordance with [the ZZOZ], in the version in force as from the date of the entry into force of this law.

4. Drivers who obtain driving licences for sub-category C1 by 10 September 2009, shall, on their written application, be issued, by the municipal authority with enlarged jurisdiction, with a driver's professional competence card in accordance with [the ZZOZ], in the version in force as from the date of the entry into force of this law.

5. Drivers who obtain driving licences in the period from the date of entry into force of this law up to 10 September 2008 for categories and sub-categories D1, D1+E, D or D+E, and up to 10 September 2009 for categories and sub-categories C1+E, C or C+E, shall, on their written application, be issued, by the municipal authority with enlarged jurisdiction, with a driver's professional competence card in accordance with [the ZZOZ], in the version in force as from the date of the entry into force of this law. This provision shall also apply to drivers who have obtained driving licences for the categories and sub-categories mentioned in the first sentence in the period ending six months before the date of entry into force of this law and who do not have a valid driver's [CPC] at the date of entry into force of this law.

...

7. Drivers to whom a driver's professional competence card is to be issued in accordance with points 1, 3, 4 and 5 shall undergo periodic training in accordance with [the ZZOZ], in the version in force as from the date of entry into force of this law. The obligation to undergo initial training in accordance with this law shall not apply to them.'

19 Paragraphs 4 and 5 of Article 48 of the ZZOZ, as amended on 1 August 2011 by Law No 133/2011, which was intended, inter alia, to ensure that Directive 2003/59 was fully transposed, provide:

'4. A driver who, having ceased to carry on his profession, returns to it without having completed the periodic training prescribed in Article 48, is required — if he intends once more to drive a vehicle whose driver is subject to the obligation to improve his professional competence as a driver — to undergo a course of periodic training of 35 hours duration ...

5. The provision made by paragraph 4 shall also apply, by analogy, to drivers who have not hitherto held a driver's professional competence card or a document certifying professional competence issued by another Member State of the European Union under EU legislation ..., but who were issued with a driving licence for category or sub-category C1, C1+E, C or C+E before 10 September 2009 or, in the case of a driving licence for category or sub-category D1, D1+E, D or D+E, before 10 September 2008.'

The dispute in the main proceedings and the question referred for a preliminary ruling

20 Mr Muladi has held a category C driving licence since 1984 and a category D driving licence since 1989.

21 Until 30 March 2008, Mr Muladi was an accredited examiner, with the right to give training and administer tests under the ZZOZ.

22 On 14 March 2010, Mr Muladi applied to the Magistrát (metropolitan authority) of the City of Ostrava (Czech Republic) for a driver's professional competence card, stating that, on 9 and 28 March 2008, he had himself been examined in the test for driving-licence categories A, C and D in accordance with the applicable legislation and that he had, in addition, undergone 16 hours of training which he had himself provided.

23 On 3 June 2010, his application was rejected on the ground that he had not demonstrated that he had, in the 6-month period prior to the lodging of the application, successfully completed the test prescribed by the legislation in force prior to Law No 374/2007.

24 Mr Muladi brought an appeal against that decision, which was dismissed by the regional authority on 13 August 2010.

25 By decision of 23 February 2012, the Krajský soud v Ostravě (Regional Court, Ostrava, Czech Republic) annulled the regional authority's decision of 13 August 2010. The regional authority subsequently annulled the decision of the metropolitan authority of the City of Ostrava on 3 June 2010 and referred the matter back to that authority so that a fresh decision might be adopted, directing it to consider whether the conditions for obtaining a driver's professional competence card by other means had been fulfilled.

26 On 27 September 2012, the metropolitan authority of the City of Ostrava again rejected Mr Muladi's application.

27 That decision was confirmed by a decision of the regional authority of 15 January 2013. The action brought against that decision is the action currently before the referring court.

28 In that context, the referring court considers that the CPC for which Mr Muladi has applied cannot be issued on any of the three legal bases provided for by national law, namely Article II, paragraph 3, of Law No 374/2007, Article 52c of the ZZOZ or Article 48(4) and (5) of the ZZOZ, as amended by Law No 133/2011.

29 As regards the first legal basis, the referring court takes the view that it is not applicable, since even trainers such as Mr Muladi had to take a test and thus could not themselves administer their own tests. As regards the second legal basis, it considers that Mr Muladi has not demonstrated that he successfully completed the professional competence test in the 6-month period preceding his application. As regards, lastly, the third legal basis, the referring court finds that Mr Muladi has not demonstrated that he underwent training of 35 hours duration.

30 The referring court has doubts, however, as to whether the last-mentioned legal basis complies with EU law. In that regard, it considers that, although neither Directive 2003/59 nor Article 91 TFEU enables the Member States to adopt stricter legislation, that power stems from the objective of the directive, which is intended to set the minimum requirements to be met for the initial qualification and the periodic training of drivers. It states, in that connection, that, even before Directive 2003/59 was transposed, a mere driving licence was not sufficient, in the Czech Republic, for the purpose of driving the vehicles concerned by the directive and that drivers were required to improve their professional competence in accordance with the rules referred to in paragraph 15 of this judgment. However, it notes that such rules could infringe the legitimate expectations of drivers and their freedom to choose a profession, which is laid down in Article 15 of the Charter of Fundamental Rights of the European Union (the Charter), and could also represent a possible obstacle to the free movement of persons and services within the European Union.

31 In view of the foregoing matters, the Krajský soud v Ostravě (Regional Court, Ostrava) decided to stay the proceedings and to refer the following question to the Court for a preliminary ruling:

'Do the provisions of Article 4 of Directive 2003/59 preclude national legislation which imposes additional conditions for exemption from the requirement on drivers of certain road vehicles for the carriage of goods or passengers to obtain an initial qualification?'

Consideration of the question referred

Admissibility

32 The Czech Government submits that the question raised by the Krajský soud v Ostravě (Regional Court, Ostrava) is inadmissible on the grounds (i) that the referring court does not identify the precise provisions of Czech law which are said to infringe Directive 2003/59 and gives only a sketchy picture of the facts without describing more specifically either the legal framework in which it is required to give a decision or the facts which are essential in that regard and (ii) that the question raised obviously has no bearing on the resolution of the dispute in the main proceedings in that it concerns the obligation to obtain an initial qualification, as referred to in Articles 5 and 6 of Directive 2003/59, whilst the dispute in the main proceedings relates to the obligation to undergo periodic training, as referred to in Articles 7 and 8 of the directive.

33 In that regard, it must be borne in mind that, in the context of the cooperation between the Court and the national courts provided for in Article 267 TFEU, it is solely for the national court before which a dispute has been brought, and which must assume responsibility for the subsequent judicial decision, to determine in the light of the particular circumstances of the case both the need for a preliminary ruling in order to enable it to deliver judgment and the relevance of the questions which it submits to the Court. Consequently, where the question put by the national court concerns the interpretation of EU law, the Court is, in principle, bound to give a ruling. The Court may refuse to rule on a question referred for a preliminary ruling by a national court only where it is quite obvious that the interpretation of EU law that is sought bears no relation to the actual facts of the main action or its purpose, where the problem is hypothetical, or where the Court does not have before it the factual or legal material necessary to give a useful answer to the questions submitted to it (judgment of 17 March 2016 in *Aspiro*, C-40/15, EU:C:2016:172, paragraph 17 and the case-law cited).

34 In the present case, the request for a preliminary ruling clearly shows the relationship between the interpretation of Article 4 of Directive 2003/59 that is sought and the resolution of the dispute before the referring court. Indeed, that court states that it is uncertain as to whether, at the time of the adoption of Law No 374/2007 transposing Directive 2003/59, the Czech legislature could lay down additional conditions for the retention of drivers' acquired rights — rights which are referred to in Article 4 of the directive and to which the applicant in the main proceedings claims he is entitled.

35 Similarly, as can be seen from paragraphs 15 to 23 of this judgment, the order for reference provides a sufficiently detailed description of both the factual and legal context of the case before the referring court.

36 It follows that the request for a preliminary ruling is admissible.

Substance

37 By its question the referring court asks, in essence, whether Article 4 of Directive 2003/59 must be interpreted as precluding national legislation, such as that at issue in the main proceedings, 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.

38 In that regard, it should be noted that, in accordance with point (b) of the first subparagraph of Article 8(2) of Directive 2003/59, read in the light of recital 14 of the directive, drivers who are exempted, under Article 4 of the directive, from obtaining an initial qualification are permitted, on that basis, to carry out the activity of driving for a period that runs until they undergo their first course of periodic training. That period is determined by the Member States, in accordance with the second subparagraph of Article 8(2) of Directive 2003/59, but it may not be shorter than three years or longer than seven years, starting from the dates referred to in Article 14(2) of the directive, namely (i) 10 September 2008 for holders of a driving licence of category D1, D1+E, D or D+E or a licence recognised as equivalent, or (ii) 10 September 2009 for holders of a driving licence of category C1, C1+E, C or C+E or a licence recognised as equivalent.

39 It is also clear from Annex I to Directive 2003/59 ('Minimum qualification and training requirements'), read in the light of recital 10 of the directive, that the directive 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.

40 The Member States are therefore not precluded from requiring the drivers referred to in Article 4 of Directive 2003/59 to fulfil additional conditions in order to carry out the activity of driving certain road vehicles for the carriage of goods or passengers.

41 As regards more particularly Article 4 of Directive 2003/59 — read with Article 14(2) thereof — under which, in order to safeguard acquired rights, the holders of certain categories of driving licence are granted, on a transitional basis, an exemption from the requirement to obtain an initial qualification, it must be regarded as limited to providing for a minimum level of harmonisation of national provisions.

42 Moreover, it would be contrary to the scheme of Directive 2003/59 if the Member States, whilst being able to impose additional requirements concerning the obligation to obtain an initial qualification, were not able to set additional conditions concerning exemption from the self-same obligation.

43 According to settled case-law of the Court, 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 (see, to that effect, judgment of 23 November 2006 in *Lidl Italia*, C-315/05, EU:C:2006:736, paragraph 48) and that they comply with the FEU Treaty (see, to that effect, judgments of 23 April 2009 in *Scarpelli*, C-509/07, EU:C:2009:255, paragraph 24; 10 September 2009 in *Commission* v *Belgium*, C-100/08, not published, EU:C:2009:537, paragraph 70; 1 March 2012 in *Akyüz*, C-467/10, EU:C:2012:112, paragraph 53; and 25 April 2013 in *Jyske Bank Gibraltar*, C-212/11, EU:C:2013:270, paragraph 60).

44 On the latter point, such measures may, notwithstanding their restrictive effect, be justified, provided that they meet an overriding requirement in the public interest, are appropriate for securing the attainment of the objective which they pursue and do not go beyond what is necessary in order to attain it (see, to that effect, judgment of 25 April 2013 in *Jyske Bank Gibraltar*, C-212/11, EU:C:2013:270, paragraph 60).

45 It is therefore necessary to determine whether there is justification for a condition, such as that laid down by the legislation at issue in the main proceedings, which, for the issue of a driver's CPC, requires — in addition to the holding (as provided for by Directive 2003/59) of a category D1, D1+E,

D or D+E licence or equivalent, issued before 10 September 2008, or a category C1, C1+E, C or C+E licence or equivalent, issued before 10 September 2009 — participation in a prior course of periodic training of 35 hours duration.

46 It is undisputed that 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.

47 Furthermore, an additional requirement of that kind cannot be regarded as going beyond what is necessary to attain those objectives.

48 In that regard, it should first of all be noted that the requirement applies only to persons who did not hold a driver's professional competence card or an equivalent certificate and therefore applies only to persons who were not working, or had ceased to work, as drivers and who, as a consequence, were not subject to the yearly obligation to improve their professional competence, for which the ZZOZ provided.

49 Next, as regards its subject matter, a provision such as that at issue in the main proceedings imposes a requirement similar to that contained in Article 8(2)(b) of Directive 2003/59 — read with Section 4 of Annex I to the directive — under which drivers who have obtained their CPC on the basis of Article 4 of Directive 2003/59 must undergo a first course of training of 35 hours duration, in principle, within five years of 10 September 2008 for holders of a category D1, D1+E, D or D+E licence or equivalent and 10 September 2009 for holders of a category C1, C1+E, C or C+E licence or equivalent.

50 Moreover, such a provision cannot be regarded as infringing the acquired rights of drivers, since (i) Directive 76/914, 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) as the referring court notes, the Czech legislation, even before the transposition of Directive 2003/59 by Law No 374/2007, provided, in the ZZOZ, that holding an appropriate driving licence was not sufficient for the purpose of driving the vehicles covered by the directive at issue and that, as is apparent from paragraph 15 of this judgment, the drivers of those vehicles were required to improve their driving skills by means of yearly training courses.

51 Lastly, an additional requirement, such as that imposed by the legislation at issue in the main proceedings, does not infringe Article 15 of the Charter. In fact, under Article 52(2) of the Charter, restrictions may be placed on the rights guaranteed by Article 15, provided that those restrictions genuinely meet objectives of general interest pursued by the European Union and do not constitute, with regard to the aim pursued, a disproportionate and intolerable interference which infringes upon the very substance of the rights so guaranteed (see, to that effect, judgments of 30 June 2005 in *Alessandrini and Others* v *Commission*, C-295/03 P, EU:C:2005:413, paragraph 86 and the case-law cited, and 4 July 2013 in *Gardella*, C-233/12, EU:C:2013:449, paragraph 39). As has been found in paragraph 47 of this judgment, legislation such as that at issue in the main proceedings meets those requirements.

52 In those circumstances, the answer to the question referred is that Article 4 of Directive 2003/59 must be interpreted as not precluding national legislation, such as that at issue in the main proceedings, 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.

Costs

53 Since these proceedings are, for the parties to the main proceedings, a step in the action pending before the national court, the decision on costs is a matter for that court. Costs incurred in submitting observations to the Court, other than the costs of those parties, are not recoverable.

On those grounds, the Court (Eighth Chamber) hereby rules:

Article 4 of Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC must be interpreted as not precluding national legislation, such as that at issue in the main proceedings, 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.

[Signatures]