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PROPOSAL

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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
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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

Delegations will find attached document COM(2017) 47 final.

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Brussels, 1.2.2017
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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

(Text with EEA relevance)

{SWD(2017) 26 final}

{SWD(2017) 27 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

Directive 2003/59/EC ('the Directive') lays down the initial qualification and periodic training requirements for professional drivers of trucks and buses, thus improving safety on European roads.

The purpose of the Directive is to raise standards among new drivers and to maintain and improve the professional skills of existing truck and bus drivers throughout the EU. The Directive aims specifically to increase drivers' awareness of the risks, with a view to reducing risks and increasing road safety. Moreover, the Directive lays down standards on professional skills to ensure fair competition throughout the EU.

Member States have been given significant flexibility in how they implement the Directive, for example on the specific content of driver training and on administrative procedures and the structure of the training system.

In July 2012, the European Commission published a Report on the implementation of the Directive which identified a number of shortcomings. The ex-post evaluation of the Directive, including a stakeholder consultation, was completed in October 2014.

The evaluation concluded that the Directive had been implemented without major problems. It had improved labour mobility and contributed to the free movement of drivers. The evaluation also confirmed that the Directive had made an effective contribution to its primary objective of ensuring road safety.

The evaluation also identified shortcomings that are hindering the effectiveness and consistency of the legal framework and undermining the original objectives of the Directive. These shortcomings are explained in section 3.

- **Consistency with existing policy provisions in the policy area**

This Directive is an integral part of the general framework of EU legislation concerning professional drivers of trucks and buses. It is also closely linked to road safety, and works alongside other EU legislation, such as the Directive on driving licences¹, the Directive on the transport of dangerous goods² and the rules on driving and resting times³. It also works alongside EU law on market access.

The evaluation identified several specific issues regarding consistency with other EU legislation. In this regard, the objective is to ensure the consistency of EU legislation.

Clarifying the mutual recognition of driver attestation for the purposes of the Directive would improve the internal consistency in the Directive between the provisions on the place of training and the administrative procedures for mutual recognition. Furthermore, it would

¹ Directive 2006/126/EC on driving licences.

² Directive 2008/68/EC on the inland transport of dangerous goods.

³ Regulation (EC) No 561/2006 on the harmonisation of certain social legislation on road transport.

improve consistency with Regulation 1072/2009, ensuring the mutual recognition of professional driver training, while also taking account of the recent evaluation of that Regulation.

All policy options contribute to better training and therefore to improved road safety. This is compatible with the objectives of the Directive, the 2011 Transport white paper and the 2010 Communication ‘Towards a European road safety area: policy orientations on road safety 2011-2020’, in particular the objective of reducing considerably the number of accidents and injuries and halving fatalities over this period. One of the main objectives of the latter is to improve the education, training and post-licence training of road users.

- **Consistency with other Union policies**

The White Paper on the future of transport policy promotes environmental sustainability through its target to reduce CO₂ transport emissions by 60 % by 2050. An even greater focus on training on fuel-efficient driving for professional drivers will reduce CO₂ emissions and fuel costs.

The initiative is coherent with the present Commission's priority to boost jobs and growth. Modernised provisions on training contributes to the objectives of smart growth with an economy based on knowledge and innovation, where life-long learning and the capacity to adapt to technological innovations play an important role, as well as sustainable growth by promoting a more resource efficient, greener and more competitive economy and inclusive growth by fostering a high-employment economy. Furthermore, improved mutual recognition of drivers' training is consistent with the improvement of the single market, in particular labour mobility.

Encouraging the use of ICT-tools is consistent with the policies under the Digital Single Market Strategy.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis for the Directive on training for professional drivers (2003/59/EC) and for the proposed amendment is Article 91(1)(c) of the Treaty on the Functioning of the EU (TFEU)⁴ (formerly Article 71 TEC). This article provides the basis for the adoption of EU legislation to improve transport safety, including road safety.

- **Subsidiarity (for non-exclusive competence)**

The EU shares competence with Member States to regulate in the field of transport pursuant to Article 4(2) (g) TFEU. The EU can only legislate as far as the Treaties allow it, with due consideration being accorded to the principles of necessity, subsidiarity and proportionality⁵.

Around 33% of all journeys made by heavy goods vehicles in the EU cross borders between Member States. Around 8 % of cross-border transport in the EU involves busses or coaches. These figures have been rising over the last few years.

⁴ Consolidated version of the Treaty on the Functioning of the European Union [2010] OJ C 83/47.

⁵ Consolidated version of the Treaty on European Union [2008] OJ C 115/13, Art 5(3) and (4).

The problem of the mutual recognition of periodic training followed in another Member State cannot be solved effectively by individual Member States acting alone. Although issuing driver qualification cards, as already provided for in the Directive, would resolve the situation, the current legislation makes this optional. Eight Member States have chosen not to use this option, despite the efforts made through the CPC (certificate of professional competence) committee to resolve the issue by non-legislative action. Thus, EU legislative action is necessary to ensure that administrative practices in the Member States enable the mutual recognition of training within the EU. Possible bilateral agreements between some Member States cannot effectively ensure mutual recognition EU-wide.

Different interpretations of the Directive and different practices applied by Member States negatively affect the functioning of the single market. Attempts already made to align understanding and application across Member States through non-legislative actions, such as issuing guidance notes or discussions at the CPC committee, have not yielded sufficient results. Only common EU rules can create a level playing field for road transport operators while ensuring a minimum level of road safety.

Furthermore, since specific training on dangerous goods, disability awareness and animal welfare are required by EU law, it is the EU's role to provide legal clarity and ensure consistency between the different instruments of EU law.

As regards periodic training, some Member States have deviated from the safety objectives by allowing the same course module to be taken several times or offering a full training course that does not cover safety issues. While it is and should remain primarily for the Member States to adapt training to national needs and priorities, it is for the EU to ensure that the minimum level of training content is consistent with the overall policy objectives.

- **Proportionality**

As indicated in point 7 of the impact assessment report, the problems identified are best addressed at EU level in the form of an amended Directive that provides clarity on certain elements and sets out better harmonised minimum requirements, while still offering Member States some flexibility.

A revised Directive is a proportionate measure because it would enable further harmonisation of training requirements to resolve some of the issues while still leaving flexibility for Member States to adapt the implementation of parts of the training to their economic and social environment and to the specific needs and characteristics of its road transport sector.

An EU directive would ensure that appropriate minimum training requirements are applied and that training is recognised EU-wide.

- **Choice of the instrument**

Considering the limited number of changes proposed, and taking into account that the original legal act is a directive, this is considered to be the most appropriate instrument.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

The evaluation concluded that the Directive was implemented in the Member States without major problems; it has improved labour mobility and contributes to ensuring free movement of drivers. The evaluation furthermore confirmed that the Directive effectively contributes to its main objective of ensuring the road safety together with the legislation mentioned above.

Furthermore, while the ex-post evaluation showed that the Directive has, overall, had a positive effect on the sector, it also identified shortcomings that hinder the effectiveness and consistency of the legal framework and undermine the objectives of the Directive.

The main shortcomings identified were:

- (1) difficulties for drivers to obtain recognition of completed/partially-completed training undergone in another Member State;
- (2) content of the training only partially relevant for drivers' needs;
- (3) difficulties and legal uncertainties in the interpretation of exemptions;
- (4) inconsistencies in minimum age requirements between the Directive on the training of professional drivers (2003/59/EC) and the Directive on driving licences (2006/126/EC), ambiguity regarding the possibility to combine professional driver training with other training courses required under EU law (i.e. hazardous goods (ADR), passenger rights and animal welfare training), and the lack of clarity regarding the use of ICT in training courses (e.g. e-learning/blended learning).

The objective of the proposal is to deal appropriately with the identified shortcomings.

- **Stakeholder consultations**

Before the legislative proposal was drafted, stakeholder consultations were conducted to gather as many comments and suggestions as possible from the individuals and bodies concerned. This exercise complied with the minimum standards for the consultation of interested parties set out in the Commission Communication of 11 December 2002 (COM(2002) 704 final).

The consultation process included two types of actions – opinion gathering and data collection. Open and targeted consultation methods and various consultation tools were used.

As for the ***open consultation***, an internet-based public consultation took place between 17 July and 25 October 2013. The Commission received 395 contributions, 203 respondents participated as private individuals 192 replied on behalf of institutions or interest representations. 58 respondents are registered in the Transparency Register of the European Parliament and of the European Commission.

Participants emphasised the importance of ongoing EU action in the field of qualifications and training for professional drivers. Stakeholders consider that the Directive contributed only insufficiently to achieving its objectives, namely increased road safety, developing the skills

of professional drivers, driver mobility and the creation of a level playing field for drivers and businesses. Opinion was divided, however, on the concrete measures needed to address these difficulties.

The consultation paper, the contributions received, a summary of these contributions and the report on the stakeholder conference of 6 March 2014 are available on the website of the road safety unit of DG MOVE and on the “Your voice in Europe” website⁶.

The *targeted consultation* process included the following elements:

- The Commission presented the initiative in the framework of the social dialogue with the road transport social partners on 24 June 2013 and with the urban public transport on 25 September 2013⁷. The main findings of the open public consultation were presented again to the road transport social partners on 25 April 2014. The key issues addressed in the proposal were presented to social partners on 19 November 2014. On that occasion, the social partners expressed their support for having legislation at EU level in this field and had no objections to the objectives proposed by the Commission.
- On 6 March 2014 a hearing of stakeholders was held in Brussels with the participation of delegations from around 100 organisations representing haulage operators, passenger transport operators, workers, training providers and national administrations. The conference confirmed the findings of the open public consultation (see above). The report on the conference is available on the website of the road safety unit of DG MOVE.
- On 23 January 2014 the Commission held an informal workshop with Member States to discuss minimum age requirements and the structure of the training in the context of a possible review of the Directive. At the meeting of the CPC committee on 23 October 2014 the last part of the meeting was dedicated to an informal discussion with Member States on how to improve mutual recognition. The CPC committee met again on the 9 October 2015, when the ongoing review of Directive was discussed. As regards mutual recognition of periodic training, the participants expressed concern about Member States applying different practices and generally saw the need for a harmonised approach. The importance of keeping the Directive up to date as regards technological progress was highlighted, as was the need for additional clarity on some aspects, such as e-learning.
- A questionnaire was sent to Member State authorities in December 2013 in the course of the support study to collect detailed information on the implementation of the Directive. The questionnaires were distributed among the DG MOVE CPC committee members. In April 2014, a follow-up data request was sent to collect additional quantitative information on specific points relating to the Directive.

In addition, the contractor together with the European Transport Workers Federation (ETF) developed a questionnaire about possible barriers to the free movement of drivers. This questionnaire was submitted to the EU members of ETF in April 2014.

⁶ Please see http://ec.europa.eu/transport/road_safety/take-part/public-consultations/cpc_en.htm and http://ec.europa.eu/transport/road_safety/events-archive/2014_03_06_cpc_review_en.htm

⁷ <http://ec.europa.eu/social/main.jsp?catId=521&langId=en&agreementId=5365>

Targeted interviews were carried out in the course of the support study to supplement the data obtained using the other methods, investigate certain specific issues, strengthen findings, or seek clarifications on the answers given by stakeholders to questionnaires. Interviews were held with a number of stakeholders, ranging from public entities to relevant transport associations.

The results of the consultation showed a general agreement on the need to improve the implementation of the Directive without substantial changes to its content. There was support for a cost effective solution to the problem of mutual recognition; however, the views on the most suitable measures to achieve it were diverging. Stakeholders also agreed that training could be better adapted to the driver's needs. Vulnerable road users were considered to be one of the priorities for the road safety content of training by some stakeholders. The clarification of the exemptions and its alignment in the CPC Directive and working time rules were generally welcomed, but not a change in its scope. On the issue of minimum age, stakeholder's opinions differ, the industry and Member States being generally in favour of the proposed modification. The possibility to use ICT tools or to combine mandatory trainings was also generally welcomed.

- **Collection and use of expertise**

An external contractor assisted with an ex-post evaluation report and a support study for the Impact Assessment⁸, which were concluded in October 2014.

- **Impact assessment**

The initiative is supported by an Impact Assessment, which has received a positive opinion from the Regulatory Scrutiny Board.

Given the independent nature of the three main problems identified, the Impact Assessment considers three sets of policy options according to three main fields of intervention: mutual recognition, training content, and legal clarity and consistency.

The preferred solution to ensure mutual recognition involves issuing driver qualification cards to foreigners. This solution was compared with the possibility of recognising training through the RESPER driving licence information system or a recognised certificate.

The preferred solution for addressing the training content is to strengthen content on road safety and fuel efficiency in the training courses and make it clear that it is possible to use e-learning/blended learning in the training courses. For legal clarity and consistency, the preferred solution is to clarify the lower age limit that applies and the scope of exemptions and to spell out to the national authorities that the training can be combined with other training courses required under EU law. All policy measures were compared to a baseline scenario.

⁸ Ex-post evaluation study report: Study on the effectiveness and improvement of the EU legislative framework on training of professional drivers, Panteia et al. (2014); http://ec.europa.eu/transport/facts-fundings/evaluations/doc/2014_ex_post_evaluation_study_training_drivers_en.pdf

The preferred option corrects the existing problem of mutual recognition which could affect around 46 700 drivers (2016). Given the repetitive nature of the training, in the next 15 years the total number of such cases could reach 100 000. Strengthening training content will have a positive impact on road safety and fuel efficiency. Due to the complementary nature of the Directive to a number of factors affecting road safety and fuel efficiency, the attributed expected effects are quite limited. The preferred option leads to consistent application of exemptions and minimum age to access the profession, which, as pointed out by the industry, could mitigate a growing shortage of drivers entering the profession.

The proposal is in line with the preferred option in the Impact Assessment.

- **Regulatory fitness and simplification**

The proposal is pursuing the following REFIT objective: By ensuring smoother administrative practices for mutual recognition administrative costs for business and administrations could be reduced. A revision would make it possible to resolve the issues related to mutual recognition at the lowest costs. This is estimated at EUR 6.3 million for the period of 2018 – 2030. This change will bring benefits to the industry in terms of the costs savings, which account over the period 2018 – 2030 for 2.3 million and 6.7 million euros for businesses and drivers respectively. Furthermore, it will make the training system more effective by revising the content of initial and periodic training to provide for further safety and environmental benefits. This will mitigate the transitional costs (in total EUR 14.1 million for 2018 – 2030) related to the change of the content.

A large share of transport businesses are microenterprises or small and medium-sized businesses (SMEs). Overall, 65-95 % of companies in this sector have fewer than ten employees. The Directive does not exempt microenterprises or SMEs from its scope and they will be affected, primarily through simplification of the mutual recognition process, changes of the training content and the more consistent application of exemptions.

- **Fundamental rights**

No absolute rights are to be affected and no non-absolute rights from the Charter for fundamental rights will be limited by the policy objectives. The general policy objective is to improve the implementation of the fundamental rights set in the Charter within the EU *acquis*, as supporting the safety of transport workers is one of the key objectives of the legislation.

4. BUDGETARY IMPLICATIONS

The proposal will have no implications on the Union budget.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

It is crucial to monitor the measures to ensure that the general and specific objectives are achieved in an effective and efficient manner. To this end the Commission set up a list of indicators that will help further evaluate the Directive.

The Commission will remain in close contact with the Member States and with the relevant stakeholders to monitor the effects of the new qualification and training requirements. The CPC committee represents an excellent forum for the exchange of information with the Member States. The Commission will also stay in contact with the social partners. The sectorial social dialogue committee can be used to exchange information with social partners.

The Commission will conduct a detailed transposition assessment after expiry of the deadline set in this Directive expires.

- **Explanatory documents (for directives)**

Considering the scope of the proposal, the fact that it only amends Directive 2003/59/EC and Directive 2006/126/EC, both of which all Member States have transposed in full, it does not seem justified or proportional to require explanatory documents.

- **Detailed explanation of the specific provisions of the proposal**

In addition to certain minor linguistic and editorial changes, as well as updates of reference to other EU legislation, the main elements of proposal are:

Article 2 of Directive 2003/59/EC – Exemptions

The wording of the exemptions is amended to make them clearer and consistent with those under Regulation (EC) 561/2006, as follows:

2(b) the amendment clarifies that the vehicles cannot be used for other purposes than the one they have been assigned as stated in the exemption. This means that e.g. if a fire truck is used as an attraction at a fun fair, the driver is not exempt. Adding this phrase also ensures consistency with the similar exemption in Article 3(c) of Regulation (EC) 561/2006.

2(d) the amendment clarifies that vehicles used for the non-commercial transport of humanitarian aid are also covered by the exemption when used in states of emergency or assigned to rescue missions; it ensures consistency with Article 3(d) of Regulation (EC) 561/2006.

2(e) two clarifications are made: firstly, that the vehicles can be used not only during driving lessons, but also during the driving examination; secondly, that the exemption covers driving solely for the purposes of training and instruction; it cannot be combined with commercial transport operations. These are consistent with similar exemptions under Articles 3(d) and 13(1)(g) of Regulation (EC) 561/2006 respectively.

2(f) the amendment clarifies that exempted non-commercial transport does not have to be for the ‘personal use’ of the driver (e.g. non-commercial transport for charities or non-profit organisations). This ensures consistency with similar exemptions under Articles 3(h) and 13(i) of Regulation (EC) 561/2006.

2(g) the word ‘machinery’ is added to clarify that also if the driver is carrying machinery to be used by the driver in the course of his or her work, the driver is covered by the exemption. It ensures consistency with a similar exemption under Article 3(aa) of Regulation (EC) 561/2006.

2(h) this exemption is intended for entrepreneurs within agricultural, horticultural, farming or fishery undertakings, who occasionally transport their products. This also ensures consistency with a similar exemption under Article 13(1)(b) of Regulation (EC) 561/2006.

Article 7 of Directive 2003/59/EC – Periodic training

The amendment results from the fact that the transition period in Article 4 has expired and that all holders of a CPC have to comply with the provisions on periodic training since 10 September 2016.

The new wording ensures that the periodic training includes at least one subject on road safety and that the same subjects are not repeated within the same training. It also provides that the training is relevant for the work carried out by the specific driver and that it is up to date and relevant.

Article 10 of Directive 2003/59/EC – Union code

Paragraph 1 is amended to include a reference to the harmonised code 95 which was included in Annex I to Directive 2006/126/EC.

The text is amended to ensure that all holders of a CPC are issued either with mutually recognised code 95 on their driving licence, or with a mutually recognised driver qualification card. This addresses mutual recognition difficulties when a driver obtains a CPC in a Member State which is not his place of normal residence and which issues only a code 95 on driving licences.

A reference is added to ensure the mutual recognition of the driver attestation provided for in Regulation (EU) 1072/2009, including if the relevant Union code is not marked on it.

Annex I to Directive 2003/59/EC – Minimum qualification and training requirements

The reference to Decision 85/368/EEC, which was repealed, is replaced with a reference to Recommendation 2008/C 111/01 and the European Qualifications Framework (EQF). Since it is based on a recommendation, the EQF gives Member States more flexibility.

Section 1 is updated to:

- better reflect the current state of technology and technical characteristics of vehicles, strengthen the focus on fuel efficient driving behaviour;
- reinforce safe driving by including the ability to anticipate, assess and adapt to risks in traffic;
- include references to the use of automatic transmission systems, to better reflect the current state of technology and the technical characteristics of vehicles;
- include the transport of dangerous goods, animal transport and disability awareness to provide a more comprehensive list of subjects, taking into account the different types of carriage of goods and passengers by road.

Section 2 is amended to allow Member States to use ICT tools in training and allow them to combine the training object of the Directive with other forms of training required under EU legislation.

Annex II to Directive 2003/59/EC – Arrangements for the European Union model for a driver qualification card

The amendment of Annex II is limited to updates concerning the reference to the Union model driver qualification card and to take into account the reference to the harmonised Union code 95 provided in the Directive.

Article 4 of Directive 2006/126/EC – Categories, definitions and minimum ages

The aim of this amendment is to eliminate legal uncertainty as regards the applicable minimum age requirements for certain vehicle categories, and provide for a harmonised EU-wide application of minimum ages.

References to Directive 2003/59/EC are deleted in Article 4(4)(e), (g), (i) and (k), and a new paragraph 7 is inserted in Article 4 of Directive 2006/126/EC with a clear reference to when and under which conditions the lower minimum ages provided under Directive 2003/59/EC apply.

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

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee⁹,

Having regard to the opinion of the Committee of the Regions¹⁰,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) In its White Paper of 28 March 2011¹¹ the Commission sets out a 'vision zero' objective in which the Union should move close to zero fatalities in road transport by 2050.
- (2) The Commission, in its Communication on policy orientations on road safety for 2011-2020¹², proposed to further halve the overall number of road fatalities in the Union by 2020, starting from 2010. With a view to reaching this goal, the Commission laid down seven strategic objectives, including improving the education and training of road users and the protection of vulnerable road users.

⁹ OJ C , , p. .

¹⁰ OJ C , , p. .

¹¹ White Paper of 28 March 2011 'Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system' (COM(2011) 144 final).

¹² Communication on 'Towards a European road safety area: policy orientations on road safety for 2011-2020' (COM (2010) 389 final)

- (3) Having evaluated the implementation of Directive 2003/59/EC of the European Parliament and of the Council¹³, the Commission identified a number of shortcomings. The main shortcomings identified were difficulties and legal uncertainty in the interpretation of exemptions; the content of the training, which was found to be only partially relevant for drivers' needs; difficulties for drivers in obtaining mutual recognition of completed or partially completed training undergone in another Member State; and inconsistencies of minimum age requirements between Directive 2003/59/EC and Directive 2006/126/EC of the European Parliament and of the Council¹⁴.
- (4) In order to improve legal clarity in Directive 2003/59/EC all references to repealed or replaced Union acts should be removed or amended.
- (5) In order to provide certainty and consistency with other Union acts, a number of changes should be made to the exemptions to Directive 2003/59/EC, taking into account similar exemptions under Regulation (EC) 561/2006 of the European Parliament and of the Council¹⁵.
- (6) Taking into account developments in training and education, and in order to enhance the contribution of Directive 2003/59/EC to road safety and the relevance of training for drivers, subjects relating to road safety, such as hazard perception, the protection of vulnerable road users, and fuel-efficient driving should be strengthened in the training courses.
- (7) Member States should be provided with a clear option to improve and modernise training practices with the use of ICT tools, such as e-learning and blended learning, for part of the training, while ensuring the quality of the training.
- (8) To ensure consistency between the different forms of training required under Union law, Member States should be provided with the possibility to combine different types of relevant training, such as training on the transport of dangerous goods, on disability awareness or on animal transport, with the training provided for in Directive 2003/59/EC.
- (9) To prevent differing practices between Member States from impeding mutual recognition and restricting the right of drivers to undergo the periodic training in the Member State where they work, Member State authorities should be required to issue the relevant document that will ensure mutual recognition for every driver who fulfils the requirements of Directive 2003/59/EC.
- (10) In order to provide legal clarity and ensure harmonised minimum age requirements for the purposes laid down in Directive 2003/59/EC, a clear derogation should be

¹³ 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 L 226, 10.9.2003, p. 4).

¹⁴ Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (OJ L 403, 30.12.2006, p. 18).

¹⁵ Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

provided in Directive 2006/126/EC, stipulating that driving licences may be issued at the minimum ages provided for in Directive 2003/59/EC.

- (11) Since the objective of this Directive, namely the improvement of the EU-wide standard of initial qualification and periodic training for drivers of certain road vehicles for the carriage of goods or passengers, cannot be sufficiently achieved by the Member States but can rather, by reason of the cross-border nature of road transport and of the issues this Directive is intended to address, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (12) Directives 2003/59/EC and 2006/126/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 2003/59/EC is amended as follows:

- (1) in the second paragraph of Article 1, the first and second indents are replaced by the following:

" — vehicles for which a driving licence of category C1, C1+E, C or C+E, as defined in Directive 2006/126/EC of the European Parliament and of the Council(*), 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 2006/126/EC, or a driving licence recognised as equivalent, is required.

(*) Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (OJ L 403, 30.12.2006, p. 18).";

- (2) Article 2 is amended as follows:

- (a) point (b) is replaced by the following:

"(b) vehicles used by, or under the control of, the armed forces, civil defence, the fire service and forces responsible for maintaining public order when the carriage is undertaken as a consequence of the tasks assigned to those services;"

- (b) points (d) to (g) are replaced by the following:

"(d) vehicles used in states of emergency or assigned to rescue missions, including vehicles used in the non-commercial transport of humanitarian aid;"

(e) vehicles used for driving instruction and examination for any person wishing to obtain a driving licence or a CPC, in accordance with Article 6 and

Article 8(1), provided that they are not being used for the commercial carriage of goods and passengers;

(f) vehicles used for non-commercial carriage of passengers or goods;

(g) vehicles carrying material, equipment or machinery to be used by the drivers in the course of their work, provided that driving the vehicles is not the drivers' principal activity;"

(c) the following point (h) is added:

"(h) vehicles used, or hired without a driver, by agricultural, horticultural, forestry, farming or fishery undertakings for carrying goods as part of their own entrepreneurial activity, provided that driving the vehicle is not the driver's principal activity.";

(3) Article 7 is amended as follows:

(a) the first paragraph is replaced by the following:

"Periodic training shall consist of training to enable holders of a CPC to update the knowledge which is essential for their work, with specific emphasis on road safety and the rationalisation of fuel consumption.";

(b) the third paragraph is replaced by the following:

"Periodic training shall be designed to expand on, and to revise, some of the subjects referred in section 1 of Annex I. It shall always include at least one road safety related subject and shall cover a variety of subjects. The training subjects shall take into account training needs specific to the transport operations carried out by the driver and developments in the relevant legislation and technology.";

(4) in Article 9, the first paragraph is replaced by the following:

"Drivers referred to in point (a) of Article 1 shall obtain the initial qualification referred to in Article 5 in the Member State in which they have their normal residence, as defined in Article 12 of Directive 2006/126/EC.";

(5) Article 10 is replaced by the following:

"Article 10

Union code

1. On the basis of the CPC referred to in Article 6 and the CPC referred to in Article 8(1), Member States' competent authorities shall mark, taking into account the provisions of Article 5(2) and (3) and Article 8, the harmonised European Union code 95 provided for in Annex I to Directive 2006/126/EC alongside the corresponding categories of licence:

- either on the driving licence,
- or on the driver qualification card drawn up in accordance with the model shown in Annex II.

If the Union code cannot be marked on the driving licence, the competent authorities of the Member State where the CPC was obtained shall issue the driver with a driver qualification card.

The driver qualification card issued by a Member State shall be mutually recognised. When the card is issued, the competent authorities shall check the validity of the driving licence number of which is mentioned on the card.

2. (a) A driver referred to in point (b) of Article 1 who drives vehicles used for the carriage of goods by road shall prove that he or she has the qualification and training provided for in this Directive by means of the driver attestation provided for in Regulation (EU) No 1072/2009 of the European Parliament and of the Council(*). That driver attestation shall be mutually recognised for the purposes of this Directive, even if the relevant Union code was not marked upon it.

(b) A driver referred to in point (b) of Article 1 who drives vehicles used for the carriage of passengers by road shall prove that he or she has the qualification and training provided for in this Directive by means of one of the following:

- the Union code marked on the Union model driving licence, where he or she is the holder of such a licence,
- the driver qualification card provided for in Annex II, marked with the relevant Union code,
- a national certificate whose validity on their territory is mutually recognised by the Member States.

(*) Regulation (EU) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).";

(6) Annexes I and II are amended in accordance with the Annex to this Directive.

Article 2

Article 4 of Directive 2006/126/EC is amended as follows:

(1) paragraph 4 is amended as follows:

(a) in point (e), the third indent is replaced by the following:

"— the minimum age for categories C1 and C1E is fixed at 18 years;"

(b) in point (g), the second indent is replaced by the following:

"— the minimum age for categories C and CE is fixed at 21 years;"

- (c) in point (i), the second indent is replaced by the following:

"— the minimum age for categories D1 and D1E is fixed at 21 years;"

- (d) in point (k), the second indent is replaced by the following:

"— the minimum age for categories D and DE is fixed at 24 years;"

- (2) the following paragraph 7 is added:

"7. By way of derogation from the minimum ages laid down in points (g), (i) and (k) of Article 4(4) of this Directive, the minimum age for issuing a driving licence in category C, CE, D1, D1E, D or DE shall be the minimum age prescribed for the driving of such vehicles for holders of a CPC laid down in Article 5(2), the first paragraph of Article 5(3)(a)(i), the first paragraph of Article 5(3)(a)(ii) or point (b) of Article 5(3) of Directive 2003/59/EC respectively.

Where in accordance with the second paragraph of Article 5(3)(a)(i) or the second paragraph of Article 5(3)(a)(ii) of Directive 2003/59/EC a Member State authorises driving within its territory from a lower age, the driving licence shall only be valid on the territory of the issuing Member State until the licence holder has reached the relevant minimum age referred to in the first paragraph of this Article and holds a CPC."

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [OP: please insert the DATE calculated 18 months following the entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 4

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 5

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President