

CONTENTS

Background

- Introduction
- Existing situation
- Parliament's starting position

Proposal

- Preparation of the proposal
- The changes the proposal would bring

Views

- Advisory committees
- National parliaments
- Stakeholders' views

Legislative process

References

- EP supporting analysis
- Other sources

Training of professional drivers

The revision of existing provisions regarding the training of professional drivers was announced in the 2017 Commission Work Programme (in annex II covering REFIT initiatives).

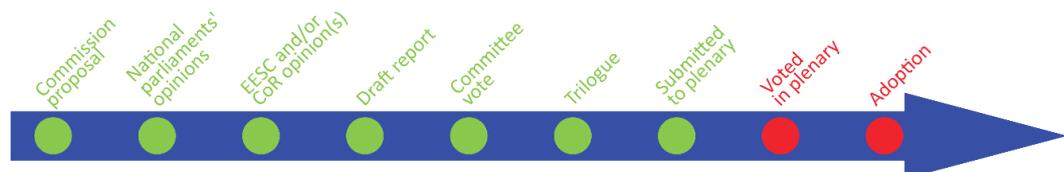
The initiative fits within the general framework regarding professional drivers of trucks and buses, and is closely related to road safety. It is also in line with the Commission's 2011 Transport white paper and the 2010 communication 'Towards a European road safety area: policy orientations on road safety 2011-2020', which notably sought to improve road safety through the education, training and post licence training of road users.

On 1 February 2017, the Commission adopted a legislative proposal to amend Directive 2003/59/EC and Directive 2006/126/EC, with the objective of tackling the main shortcomings identified in the implementation of the existing legislation.

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

COM(2017) 47, 1.2.2017, 2017/0015(COD), Ordinary legislative procedure (COD) (Parliament and Council on equal footing – formerly 'co-decision')

Committee responsible:	Transport and Tourism (TRAN)
Rapporteur:	Peter Lundgren (EFDD, Sweden)
Shadow rapporteurs:	Elżbieta Katarzyna Łukacijewska (EPP, Poland) Maria Grapini (S&D, Romania) Kosma Złotowski (ECR, Poland) Izaskun Bilbao Barandica (ALDE, Spain) Merja Kyllönen (GUE/NGL, Finland) Jakop Dalunde (Greens/EFA, Sweden) Marie-Christine Arnautu (ENF, France)
Next steps expected:	First-reading vote in plenary



8 March 2018
Third edition
The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure. Please note this document has been designed for on-line viewing.



[Introduction](#)[Existing situation](#)[Parliament's starting position](#)

Introduction

Existing provisions regarding the training of professional drivers are governed by [Directive 2003/59/EC](#), which lays down the initial qualification and periodic training requirements for professional drivers of trucks and buses, thus contributing to the improvement of road safety. They are part of the general framework regarding professional drivers of trucks and buses, and are closely related to the European Union (EU) acquis on driving licences ([Directive 2006/126/EC](#)), transport of dangerous goods ([Directive 2008/68/EC](#)), driving and rest times rules ([Regulation \(EC\) No 561/2006](#)) and EU rules on market access.

The revision of existing provisions was announced in [annex II](#) (covering REFIT initiatives¹) of the 2017 Commission Work Programme. In this annex, the Commission stated that revision of [Directive 2003/59/EC](#) on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers would be launched in the fourth quarter of 2016.

Moreover, the initiative is also in line with the Commission's 2011 Transport [white paper](#) and the 2010 [communication](#) 'Towards a European road safety area: policy orientations on road safety 2011-2020'. In particular, the initiative is consistent with the objectives of considerably reducing the number of accidents and injuries, halving fatalities over this period, and improving the education, training and post-licence training of road users.

While past [evaluation](#) and [implementation](#) reports concluded that [Directive 2003/59/EC](#) was implemented without major problems, had contributed to road safety, and improved labour mobility and the free movement of drivers, they also identified shortcomings affecting the effectiveness and consistency of the legal framework as well as undermining the directive's objectives.

On 1 February 2017, the Commission thus adopted a [legislative proposal](#) to amend Directive 2003/59/EC and Directive 2006/126/EC, with the objective of tackling the main shortcomings identified in the implementation of the existing legislation.

Existing situation

Directive 2003/59/EC [defines](#) the initial qualification and periodic training requirements for professional drivers of trucks and buses (i.e. driving licences of categories C and D). Its objective is to increase standards for new drivers, and to maintain and improve the professionalism of existing drivers by continuously updating their skills. In order to improve road safety, it also aims specifically at increasing drivers' awareness of risks and ways to reduce them, and aims 'to define standards of professional competence and improve the public's opinion of the profession. The aim of standardising regulations for training and qualification throughout the EU is to ensure equal conditions of competition'. Apart from the exemptions listed in Article 2 of the directive, drivers have to undergo compulsory initial qualification through training and a theory test, or through taking a theory and practical test with no prior mandatory training. The directive covers

1 [REFIT](#) is the Commission's Regulatory Fitness and Performance (REFIT) programme. The purposes of REFIT is to ensure 'that EU legislation delivers results for citizens and businesses effectively, efficiently and at minimum cost'. REFIT is incorporated in the preparation of the Commission work programmes.



Introduction

Existing situation

Parliament's starting position

nationals of a Member State and (nationals) of third countries who are employed or used by an undertaking established in a Member State. This implies that, in addition to holding a [driving licence](#), professional drivers covered by the directive have to obtain a certificate of professional competence (CPC) through completing initial qualification or periodic training. Once the CPC is obtained, the Member State's authorities mark code 95 either on the driving licence itself or on a distinct driver qualification card (DQC). With that code, which has to be mutually recognised, Member States confirm that the training obligations have been met.

Member States have great flexibility when it comes to implementing the directive, notably in terms of specific training content and administrative procedures. The directive does not cover training costs issues, nor does it determine the final payer of the training.

Despite the overall positive impact on the sector, the ex-post evaluation identified a series of [shortcomings](#) relating to the directive. These were the following:

- > Difficulties for drivers to obtain recognition of training undertaken in another Member State;
- > Training content only partially relevant to drivers' needs;
- > Difficulties and legal uncertainties regarding the interpretation of exemptions;
- > Inconsistencies between Directive 2003/59/EC and Directive 2006/126/EC when it comes to the minimum age requirements, ambiguity concerning the possibility to combine training under Directive 2003/59/EC with training courses required under other pieces of EU legislation (i.e. hazardous goods (ADR), passenger rights and animal welfare training), and lack of clarity concerning the use of ICT for training courses such as e-learning or blended learning.

The [difficulties](#) in terms of mutual recognition stem notably from the fact that national authorities can indicate code 95 (that confirms that a certificate of competence was obtained) either on the driving licence or on a separate driver qualification card (DQC). The directive prescribes the mutual recognition of code 95 but not of the training or the CPC. The implication is that, in the eight Member States which have chosen only to indicate code 95 on driving licences and not to issue DQCs (namely Germany, Greece, Latvia, Lithuania, Malta, the Netherlands, Austria and Poland), the authorities are unable to provide the mutually recognised code 95 for a resident in another Member State who has followed periodic training on their territory. This situation derives from the fact that only the Member State where the driver resides is entitled to issue a driving licence. In addition, for a driver returning to his or her country of residence, recognition of the training undergone in another Member State may be difficult to obtain because such recognition is not an obligation. Though widely reported by stakeholders, there are no clear statistics on this issue. The Commission, however, estimates that around 46 000 drivers working in the eight Member States mentioned above, but not citizens thereof could be affected by this issue. The [Commission's impact assessment](#) also estimates that 3.6 million drivers in total (2.8 million truck drivers and 0.8 million bus drivers) are covered by the directive, and that the drivers potentially affected represent around 1.4 % of the total.

While the problem of mutual recognition of full periodic training appears to be limited, it is likely to increase in future years. Indeed, the existing directive provided for transitional arrangements according to which drivers who obtained their category C driving licence before 9 September 2009 or their category D licence before 9 September 2008 were allowed to complete their first round of periodic training by



Introduction

Existing situation

Parliament's starting position

9 September 2016 and 9 September 2015 at the latest, respectively. It is thus expected that the number of affected drivers will increase after the 2016 deadline, and then follow a five-year cycle i.e. with a peak in the number of drivers affected every five years, because professional drivers have to repeat periodic training at least once in five years.

The [subjects](#) to be covered, i.e. the training content, when setting up initial and periodic training for drivers under the existing directive are listed in its [Annex 1](#). The list covers knowledge and practical competence ranging from technical aspects of vehicles to road and environmental safety, and logistics. [Stakeholder consultation](#) suggests that there is a need to improve the content of Annex 1, and that the 'minimum requirements on the subjects listed are not sufficiently related to the core competences needed and are not sufficiently underpinning important aspects such as driver recognition and fuel efficient driving'. Furthermore, when it comes to periodic training, enshrined in Article 7, Member States have wide flexibility. Therefore, the impact assessment concludes that 'it is not ensured that the training covers topics related to the core objectives such as road safety, nor is it ensured that the training covers different topics and does not only repeat the same training.' Further uncertainty concerns the ability to combine training with provisions of other EU legislation, in particular training under the Directive on the inland transport of dangerous goods ([Directive 2008/68/EC](#)), the Regulation on rights of passengers in bus and coach transport ([Regulation \(EU\) 181/2011](#)), and [Council Regulation \(EC\) 1/2005](#) on protection of animals during transport and related operations.

Article 2 of Directive 2003/59/EC lists the exemptions, i.e. the drivers who do not fall within the scope of the directive. Exemptions based on this article were, however, understood and applied differently by the Member States, creating legal uncertainty. The exemptions particularly concerned by diverging implementation are:

- > Article 2(b) exempting vehicles 'used by or under the control of the armed forces, civil defence, the fire service and forces responsible for maintaining public order';
- > Article 2(e) which exempts 'vehicles used in the course of driving lessons for any person wishing to obtain a driving licence or a CPC';
- > Article 2(f) concerning 'vehicles used for non-commercial carriage of passengers or goods, for personal use';
- > Article 2(g) 'on carriage of material to be used by the driver in the course of his work provided that driving the vehicle is not the driver's principal activity'.

Furthermore, the current legislation does not specifically address the possibility of using ICT-tools for training, in particular for education outside the classrooms, often referred to as 'e-learning' or 'blended learning'. This implies that Member States are unclear on whether they can use such tools.

There is also a certain ambiguity regarding the minimum age to access the profession. Article 5(2) of [Directive 2003/59](#) states that truck drivers (category C and CE) may drive from the age of 18 provided they hold a CPC issued after an ordinary initial qualification, or from the age of 21 in the case of a CPC issued after an accelerated initial qualification. Bus and coach drivers (categories D and DE) may drive from the age of 21, provided they have completed the ordinary initial qualification, or from the age of 23 in the case



Introduction

Existing situation

Parliament's starting position

of accelerated initial qualification. In the Directive on driving licences [2006/126/EC](#), the minimum ages required for the issuing of driving licences (Article 4) are set for truck drivers (category C and CE), at 21 years, while in the case of bus and coach drivers (category D and DE), the minimum age is fixed at 24 years. Though the text of the directive states that this is 'without prejudice to the provisions for the driving of such vehicles in Directive 2003/59/EC', in practice this gives rise to uncertainty.

According to the [information](#) available for 23 Member States in April 2016, in 17 Member States, the minimum age requirement for obtaining a driving licence when combined with a CPC is coherent with Directive 2003/59/EC, but in five other Member States, the minimum age is set respectively at 21 and 24. Such differences potentially distort competition, giving, for instance, companies from Member States that are able to hire younger drivers, a larger base of potential drivers, and younger drivers the possibility to start their career earlier. In a legal analysis of 5 December 2012, the Commission's Legal Service confirmed the ambiguity and mentioned that 'only a legislative amendment to Directive 2006/126/EC would provide a definitive clarification'.

Parliament's starting position

In a [resolution](#) of 9 September 2015 on the implementation of the 2011 White Paper on Transport: taking stock and the way forward towards sustainable mobility, Parliament called for 'a review of the Professional Drivers Training and Qualification Directive with the aim of clarifying its provisions, and the promotion and development of post-licence training schemes for all vehicle users'; and for a review of the third Driving Licence Directive, in order, notably, to introduce mandatory training for drivers in new vehicle functions (driver assistance systems), a second phase for obtaining a driving licence, lifelong road safety education, a fitness test for drivers, and a medical/psychological examination for traffic offenders as regards, for instance, alcohol, drugs or aggression, and lastly a harmonised EU blood alcohol concentration limit of 0.0 for new drivers in the first two years and for professional drivers. It also called for measures 'to increase the fuel efficiency of, and reduce CO2 emissions from, heavy-duty vehicles, including further use of training in eco-driving'.

In a previous [resolution](#) of 27 September 2011 on European road safety 2011-2020, Parliament underlined the importance of lifelong learning in road transport, and supported the activity of safe driving centres as an effective form of systemic training of drivers in all occupational and leisure-time contexts; called for measures to improve the training of new drivers, such as 'the introduction of a graduated driver licensing system for driver training which involves practical instruction even after a driver has passed his or her test'. Parliament also called for 'obligatory refresher courses on first aid every 10 years for all driving licence holders', and called 'for training in driving mobile homes with a weight only marginally in excess of the 3.5-tonne limit to be open not only to persons with the category C licence intended for drivers of commercial vehicles, but also to persons with the category B licence intended for private road users'.



Proposal

Preparation of the proposal

In order to prepare the proposal, the Commission had commissioned and used several studies and evaluation reports. In July 2012, it adopted a [report](#) on the implementation of Directive 2003/59/EC, which was based on the answers provided by the Member States and by Norway to a questionnaire distributed to the national authorities in February 2011. An [EPRS Implementation Appraisal](#) on the training of professional drivers, which summarised its content, underlined that 'the report estimated that the directive is applicable to approximately six million drivers while stating that the category C driving licences are more common than the category D driving licences.' Though the Commission noted that Directive 2003/59 has 'contributed to ensuring a common level of training for professional drivers in the European Union with a view to generally enhancing road safety', it found several differences in the application of the directive by the Member States and noted that the application of the directive could be improved.

Another piece of work referred to in the [EPRS Implementation Appraisal](#) is the Commission's final report of the [ex-post evaluation of social legislation in road transport](#) and its enforcement, published in June 2016 and prepared by a private company, Ricardo. The EPRS appraisal summarised the report stating that 'although Directive 2003/59 was not within the scope of this evaluation as such, the evaluation made some links between the application of Directive 2003/59 and social legislation in road transport'. Directive 2003/59 was mentioned especially with regard to its coherence with [Regulation 561/2006](#) on the harmonisation of certain social legislation relating to road transport. The report underlined in particular the incoherence between these two acts, and stated that although this situation does not cause problems in legal terms, 'alignment of the scope of the two acts would benefit road safety, which is a common aim between the road social legislation and Directive 2003/59'.

The European Commission also ordered an '[Ex-post evaluation study report](#): study on the effectiveness and improvement of the EU legislative framework on training of professional drivers' that was published in October 2014 and carried out by Panteia. The evaluation combined qualitative and quantitative research tools including desk research, public consultation, targeted interviews and questionnaires. It concluded 'that only certain training (danger recognition) has a potential positive effect on road safety, while other training seem to have no effect', implying that the scope of training and testing provisions is only partially relevant and sufficient to ensure road safety. Though pointing out that the directive had been implemented without major problems, it underlined that it did not contribute to the attractiveness of the sector and only partially contributed to the free movement of drivers within the EU transport sector. The evaluation also mentioned that the costs linked to the application of the directive were 'proportionate to the potential results in terms of quality level of professional competence'. The evaluation also concluded that 'the EU has a central role to play in the training of professional drivers since adopting relevant legislative measures regulating such training on EU level brought added values in terms of improved labour mobility', notwithstanding the problems encountered.

The initiative also builds on the results of consultations that covered two sets of actions. First, an open internet-based [consultation](#) took place between 17 July and 25 October 2013. Second, a targeted consultation process was held that covered the presentation of the initiative on 24 June 2013 within the framework of the social dialogue with the [road transport social partners](#) and on 25 September 2013 with



Preparation of the proposal

The changes the proposal would bring

the urban public transport sector; a hearing of [stakeholders](#) took place on 6 March 2014 during which the results of the open public consultation were presented, discussed and confirmed. Meetings with Member States took place on 23 January 2014 (informal workshop) and at the CPC committee, notably on 9 October 2015 when the review of the directive was discussed. The strengths and weaknesses of the [impact assessment](#), accompanying the legislative proposal, have been analysed in an [EPRS Initial Appraisal](#).

The changes the proposal would bring

The main changes in the proposal relate to Article 2 of Directive 2003/59/EC on exemptions, Article 7 on periodic training, Article 10 on Community code and the annexes.

The purpose of the amendments to Article 2 is to ensure the exemptions are clearer and consistent with those laid down under Regulation (EC) 561/2006. By way of examples, amendment to Article 2(d) signifies 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; or amendment to 2(h) that entrepreneurs within agricultural, horticultural, farming or fishery undertakings, who occasionally transport their products, can also benefit from an exemption.

Article 7 of Directive 2003/59/EC on periodic training would be amended in order to ensure that the periodic training covers at least one subject on road safety and that the same subjects are not repeated within the same training. The objective is also to ensure that the training is relevant for the work carried out by the driver and reflects developments in relevant legislation and technology.

Article 10 on a Union code would be modified in order to include a reference to the harmonised European Union code 95, and ascertain that all CPC holders are issued either with the mutually recognised code 95 on their driving licence, or with a mutually recognised driver qualification card. This is to address the mutual recognition difficulties encountered by certain drivers (see the explanation under 'Existing situation' above).

Annex I to Directive 2003/59/EC on minimum qualification and training requirements is to be amended in order notably, in its Section 1, to better reflect the current state of technology and technical characteristics of vehicles, strengthen the focus on fuel efficient driving behaviour; reinforce safe driving; include references to the use of automatic transmission systems and the transport of dangerous goods, animal transport and disability awareness. The amendments to Section 2 are designed to enable Member States to use ICT tools in training and to combine the training covered by the directive with other forms of training mandated by EU legislation.

The proposal would also amend Article 4 of Directive 2006/126/EC. This would tackle the ambiguity regarding the minimum age requirements for certain vehicle categories, and to provide for harmonised EU-wide application of minimum ages.

[Advisory committees](#)[National parliaments](#)[Stakeholders' views](#)

Views

Advisory committees

Consultation of the European Economic and Social Committee (EESC) and of the European Committee of the Regions (CoR) on the proposal is mandatory ([Article 91](#) of the Treaty on the Functioning of the EU (TFEU)). The EESC adopted its [opinion](#) at its plenary session on 31 May, whereas the CoR has decided not to issue an opinion.

National parliaments

The deadline for submitting a reasoned opinion on the grounds of [subsidiarity](#) was 17 April 2017. Chambers of several national parliaments considered the proposal, and Italy and Romania submitted comments for political dialogue. No national parliament submitted a reasoned opinion.

Stakeholders' views²

The open internet-based public consultation that took place between 17 July and 25 October 2013 and which gathered 395 contributions (203 from private individuals, 192 on behalf of interest representations or institutions) showed that, in the main, stakeholders were of the view the EU action in the field of qualifications and training for professional drivers is important. They considered, however, that the directive had not sufficiently achieved its objective, in particular in terms of road safety, mobility of drivers and a level playing field for both drivers and undertakings, and were divided when it comes to the concrete measures to be taken to tackle these issues. The hearing of stakeholders of 6 March 2014 – attended by around 100 organisations representing haulage operators, passenger transport operators, workers, training providers and national administrations – confirmed the open consultation outcomes.

The social partners, when the proposal was presented to them in November 2014, expressed their support for an EU initiative in this area and did not object to its aims.

At the CPC committee of 9 October 2015, which discussed the review of the directive, participants expressed concern about Member States applying different practices in terms of mutual recognition of periodic training, and generally saw the need for a harmonised approach. They highlighted the importance of keeping the directive up to date as regards technological progress, as well as the need for additional clarity, for example on e-learning.

² This section aims to provide a flavour of the debate and is not intended to be an exhaustive account of all different views on the proposal. Additional information can be found in related publications listed under 'EP supporting analysis'.



Advisory committees

National parliaments

Stakeholders' views

The consultation process showed general agreement on the need to improve the directive's implementation without substantially changing its content. Stakeholders, however, diverge on what would be the most suitable measures. Regarding minimum age for instance, it was the industry and Member States generally that supported the proposed modification.



Legislative process

The legislative proposal has been assigned to the Parliament's Committee on Transport and Tourism (TRAN) which designated Peter Lundgren (EFDD, Sweden) as rapporteur. The Employment and Social Affairs Committee (EMPL) decided not to give an opinion. Discussions were held within the Council Working Party on Land Transport, which enabled the Council to agree its [general approach](#) on 8 June.

During the [June 2017](#) meeting of the Committee on Transport and Tourism, the rapporteur presented his draft report. The draft report was very close to the Council's general approach but contained a few modifications and additions, such as specific provisions related to driving in extreme weather conditions, the addition of a few exemptions and the idea of a common EU-wide register to help enforcement authorities fighting against illegal trade in fake licences.

The committee adopted its [report](#) unanimously on 12 October 2017. Confirmation of the mandate for negotiations at the October II plenary session thus made it possible for interinstitutional (trilogue) negotiations to start. The negotiations resulted in a provisional [agreement](#) on 12 December 2017, endorsed by Coreper for the Council on 20 December 2017. The agreed text will modernise existing training requirements, placing stronger emphasis on safety and the environment, and will make recognition of drivers' qualifications easier in all Member States. On 23 January 2018, the [TRAN Committee](#) endorsed the provisional agreement, which now needs to be voted at first reading in plenary.



References

EP supporting analysis

M. Remac, [Implementation appraisal](#) on Training of professional drivers, EPRS, November 2016.

E. Kramer, [Initial appraisal of a European Commission Impact Assessment](#), Initial qualification, periodic training and minimum age of professional drivers of certain road vehicles, EPRS, May 2017.

Other sources

[Drivers of certain road vehicles for the carriage of goods or passengers: initial qualification and periodic training; driving licences](#), European Parliament, Legislative Observatory (OEL).

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