



## **Public Consultation on Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers**

### **1. MAIN CONCLUSIONS**

The consultation attracted 395 responses, 389 of them via the online questionnaire, the others via email. The Commission received also contributions analysing the Directive, which were not directly responding to the questions of the consultation. About half of the contributions were submitted by private individuals, the other half was submitted on behalf of institutions or interest representation representing the road transport service sector, training organisations, competent authorities and other enforcement bodies in relation to the application of the Directive, road safety experts and researchers and public authorities. The largest amount of contributions was received from the UK, particularly among the private individuals.

Overall the respondents agree on the important role that training of drivers plays in ensuring increased road safety. They also agree on the importance of harmonisation to allow for mutual recognition. On the current Directive there is a wide spread view that it managed to reach its objectives only to a limited extent.

On the specific aspects to improve the efficacy of the Directive the opinions are divided. There is no clear prevailing idea on how the scope of the Directive should be regulated to make it clearer. On the minimum age requirements for young drivers the opinions are evenly divided as well.

The participants in the public consultation do not express a clear opinion on who should certify periodic training undergone in another Member State: the home country of the drivers having issued the driving licence or by the Member State in which the training was taken.

There is greater consensus on the importance of preserving the specificity of the training and testing for the Certificate of Professional Competence (CPC). The subjects currently covered by the training are seen as relevant. The mandatory inclusion of the use of simulators during the training is not perceived as necessary, while there is support for regulating the use of e-learning instruments in the Directive.

Respondents generally support greater harmonisation of the content of the periodic training, but are evenly divided on the opportunity of having a test at the end of it. The distribution of the periodic training over the whole 5-year period is a solution that is favoured by a majority of the respondents. They also agree on the necessity of developing a mechanism which allows for the recognition of partial periodic training undergone in another Member State. A more detailed regulation of the requirements for training centres and instructors is favoured as well.

## **2. BACKGROUND**

The public consultation was launched as part of the Commission's considerations regarding the possible review of Directive 2003/59/EC<sup>1</sup>. Directive 2003/59/EC was adopted because of the importance and high relevance for all Member States of the qualification and training of drivers engaged in the transport of goods or passengers by road. The purpose of the Directive is to raise the standard of new drivers and to maintain and enhance the professionalism of existing truck and bus drivers throughout the EU through continuous update of their capacities. Raising the level of qualification of drivers is seen as an important element in increasing road safety and the training foreseen by the Directive aims specifically at increasing drivers' awareness of the risks and the ways to reduce them.

Moreover, the Directive is meant to help attract more drivers to the freight and passenger transport industries by valorising the profession and by enhancing the free movement of workers within the EU. The standardisation of regulations for training and qualification throughout the EU, intends to ensure equal conditions of competition.

The Directive establishes the mandatory initial qualification and periodic training requirements for drivers who are nationals of Member States or who are working for an undertaking based in the European Union. The training is organised by training centres approved by the Member States. The testing of initial qualification is organised by a dedicated entity under supervision of competent authorities in the Member States.

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<sup>1</sup> OJ L 226, 10/09/2003, pp. 4–17, as amended

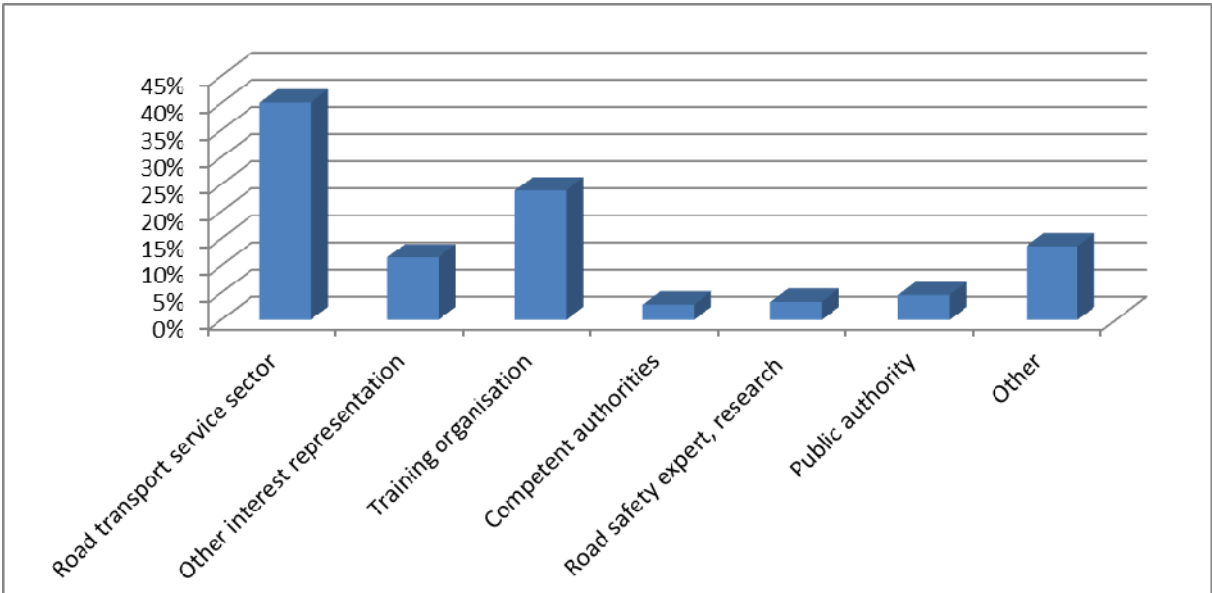
Compliance with the knowledge requirements is attested by a certificate issued to drivers, called the Certificate of Professional Competence (CPC).

The public consultation lasted fourteen weeks, from 17 July 2013 to 25 October 2013.

### 3. INFORMATION ABOUT PARTICIPANTS

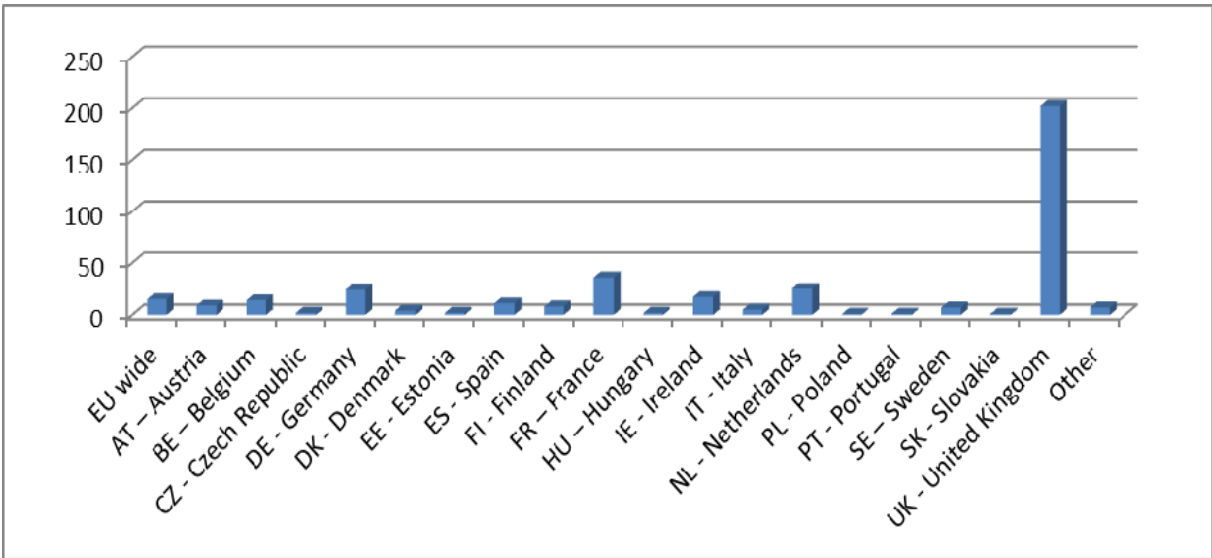
The European Commission received 395 answers to the public consultation. Not all participants have agreed to the publication of their contribution. Some participants have agreed to the publication, but have requested to remain anonymous. 203 respondents participated as private individuals 192 replied on behalf of institutions or interest representation. 58 respondents are registered in the Transparency Register of the European Parliament and of the European Commission. Respondents are active in fields in various ways linked to the transport of goods and passengers by road. They are active in the road transport service sector, training organisations, competent authorities and other enforcement bodies in relation to the application of the Directive, they are road safety experts and researchers and represent public authorities.

3.1.1. Graph 1 Information about participants



202 contributions were received from the United Kingdom, mostly from private individuals. France with 36 contributions, the Netherlands with 25 and Germany with 24 follow. From 10 Member States no contribution was received. 15 contributions were received from EU wide interest representations. Seven contributions were received from countries that are not members of the European Union such as Switzerland and Norway, but which also apply the provisions of the Directive as well as from companies operating globally. As it was not mandatory to reply to all questions of the survey the sums of the answers received to each question is normally lower than the total amount of participants in the public consultation.

3.1.2. Graph 2 Country representation of respondents

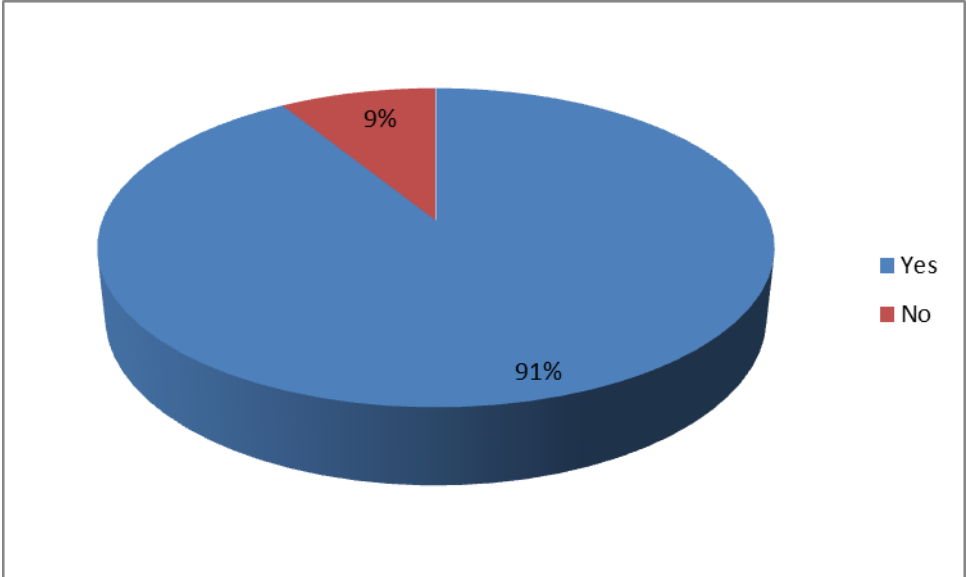


**4. ANSWERS TO THE QUESTIONNAIRE**

**4.1. The importance of education and training of drivers**

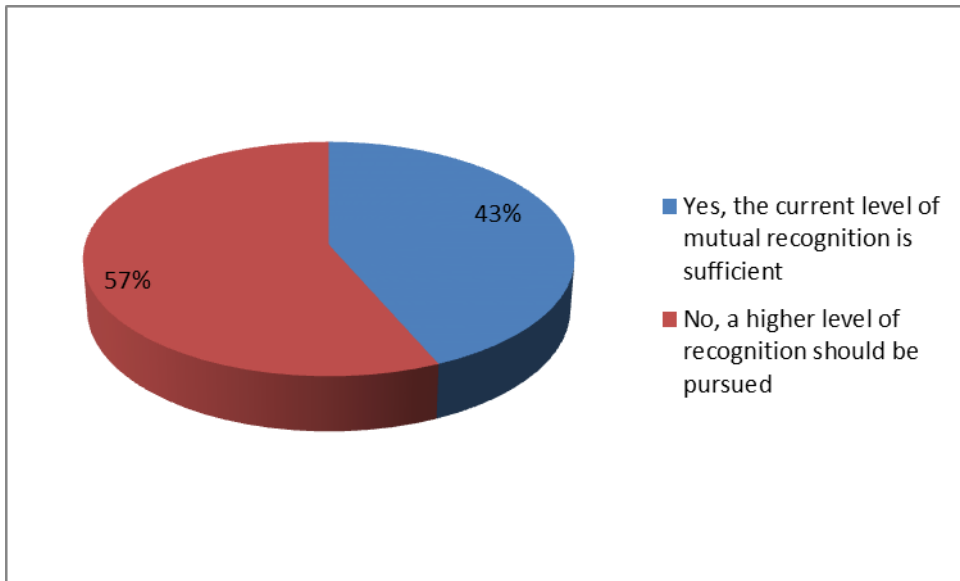
The European Commission's action in the area of transport of goods and passengers by road is based on the strong belief that action in this area is an important element to increase safety on European roads and that the qualification and training of drivers have an important role to play. A great majority of the respondents, 91 %, agree that the education and training of drivers is important, while 9 % of them disagree. Supporters of training of drivers point out that driver education is important for road safety, for the transport industry and for the future of the profession of drivers. They also caution that the training requirements and objectives need to be set well to guarantee this relevance.

*4.1.1. Graph 3 The importance of education and training of drivers*



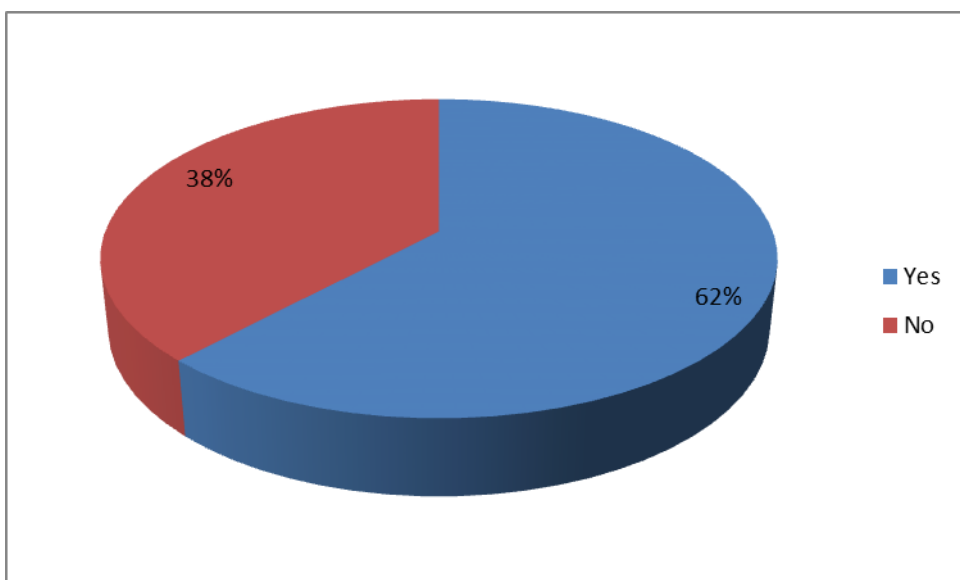
The answers are more divided on the necessity to go deeper with the mutual recognition, with a majority -57 % - considering that a higher level of mutual recognition should be pursued. The main concern expressed is the necessity to guarantee that qualification standards are uniform and that the mutual recognition of the qualification obtained and training undergone is really ensured. 43 % respondents see the current level of mutual recognition as sufficient to guarantee the free movement of drivers and functioning of the internal market.

4.1.2. Graph 4 The level of mutual recognition



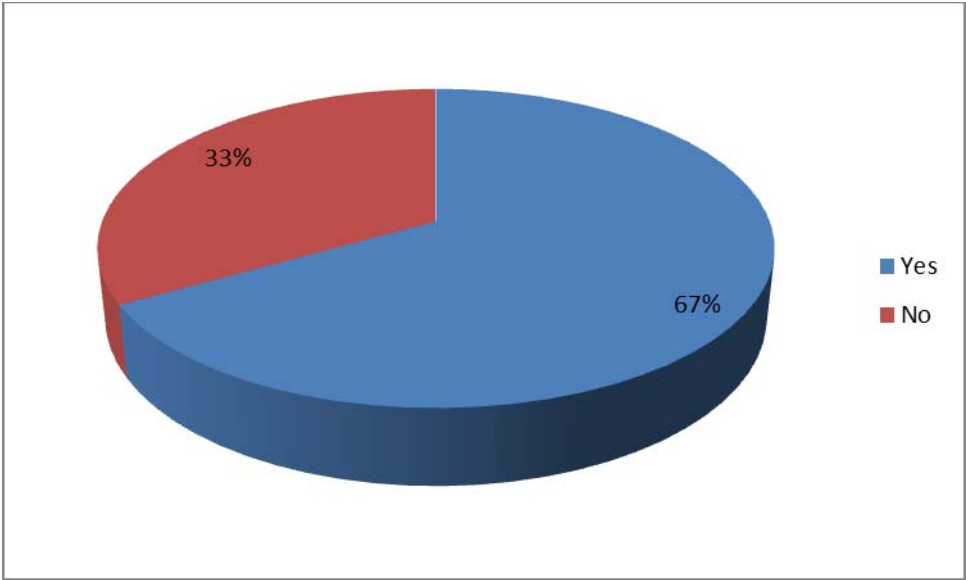
62 % of the respondents believe that harmonised higher standards of qualification would help increase the consideration of the profession, which frequently suffers from the image as a low qualification profession. A higher degree of professionalization would help the image, but there are also cautioning words that this might raise costs for entering the profession. 38 % of the respondents do not see benefits for the consideration of drivers arising from higher qualification requirements.

4.1.3. Graph 5 Higher standards of qualification and consideration of the profession



There is clear general support for greater harmonisation to ensure fair and equal conditions for undertakings and drivers across the EU. 67 % of the respondents agree with this, while 33 % disagree. In the next sections we will see the opinions on greater harmonisation of the various aspects in greater detail.

4.1.4. Graph 6 Benefits of greater harmonisation

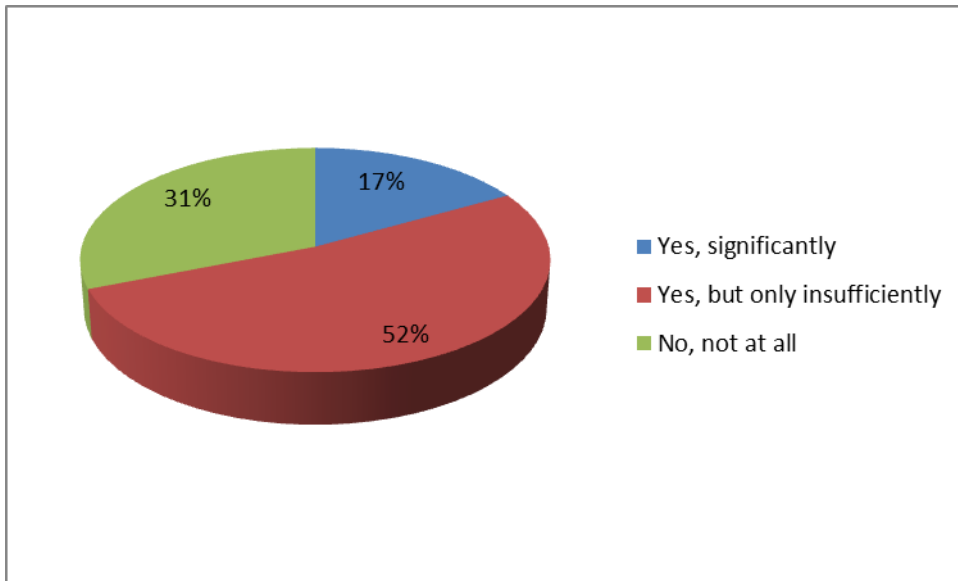


**4.2. The impact of the Directive**

The second set of questions was designed to analyse, whether the Directive had managed to meet the overall objectives that had been set at the time of its adoption.

The first objective was to increase safety on European roads. The dominant view is that the Directive made some contribution in that sense, albeit insufficiently. 17 % of the respondents affirm that the Directive significantly contributed to road safety, 52 % think that the Directive contributed insufficiently to this objective, while 31 % believe that the Directive did not contribute at all to meeting this objective. Among the reasons mentioned for an insufficient contribution to road safety are the excessive reliance on theoretic training without practical exercises and the absence of forms of verification of knowledge of the subjects covered in the periodic training. Some respondents also point out that it is too early to assess the impact of the Directive and that there is at this stage an absence of concrete data that would allow for a clear analysis.

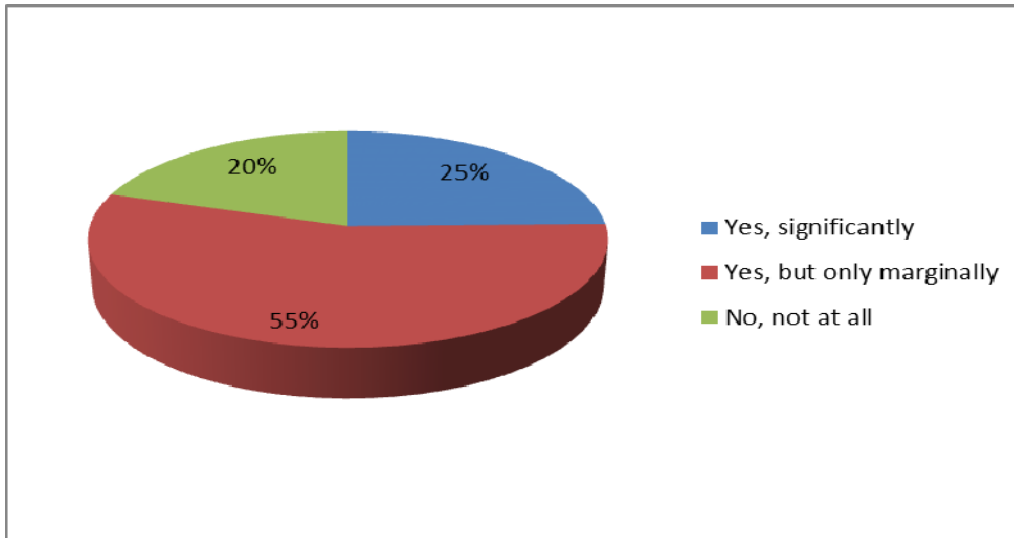
4.2.1. Graph 7 Impact of the Directive on Road Safety



A second objective of the Directive was to ensure that professional drivers have the necessary qualifications to drive their vehicles, thereby contributing to the development of the professionalism of the sector. Also this objective was met only partially according to a majority of the respondents. 55 % of the respondents feel that the Directive only contributed marginally to the professionalization of the sector, 25 % believe that it contributed significantly and 20 % believe it did not contribute at all. Respondents remark that the negative perception drivers have of the training obligation has somewhat improved recently. However, scepticism about the meaningfulness of parts of the curricula remains. In particular the acceptance of the periodic training in the case of older and experienced drivers remains a challenge, as this category of drivers sometimes seemingly prefers leaving the profession rather than undergo the training. Some drivers still see periodic training as something to sit through, not to participate in, not allowing for it to achieve a meaningful impact on the drivers' professional competence.

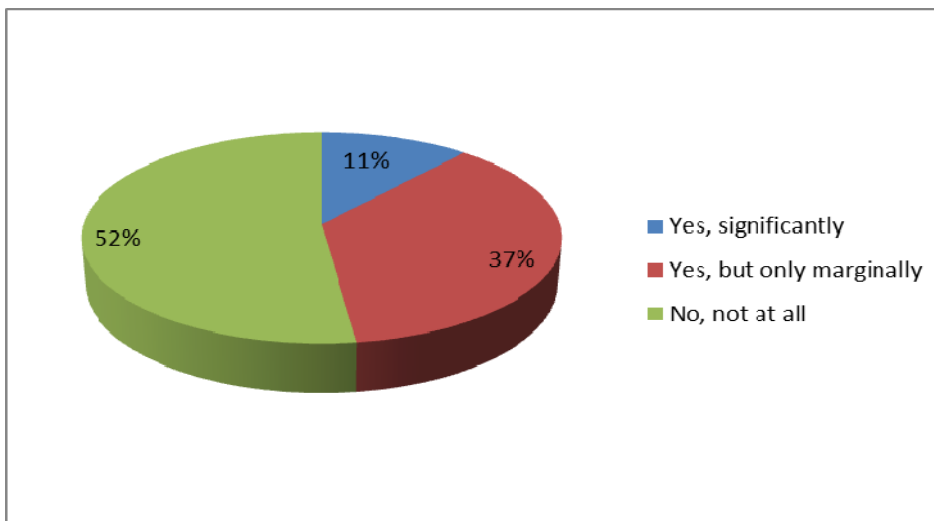


4.2.2. *Graph 8 Impact of the Directive on Professionalisation of the sector*



The third objective of the Directive was to facilitate the free movement of workers in the sector within the EU by creating a comparable level of qualification, addressing concerns that professionals from another Member State might not have the same level of competences. About half of the respondents think that this objective was not met at all, another 37 % believe that the Directive only contributed marginally to it, while only 11 % feel that the Directive made a significant contribution to it. The difficulties in seeing the periodic training undergone in another Member State recognised are cited as an obstacle to the movement of workers.

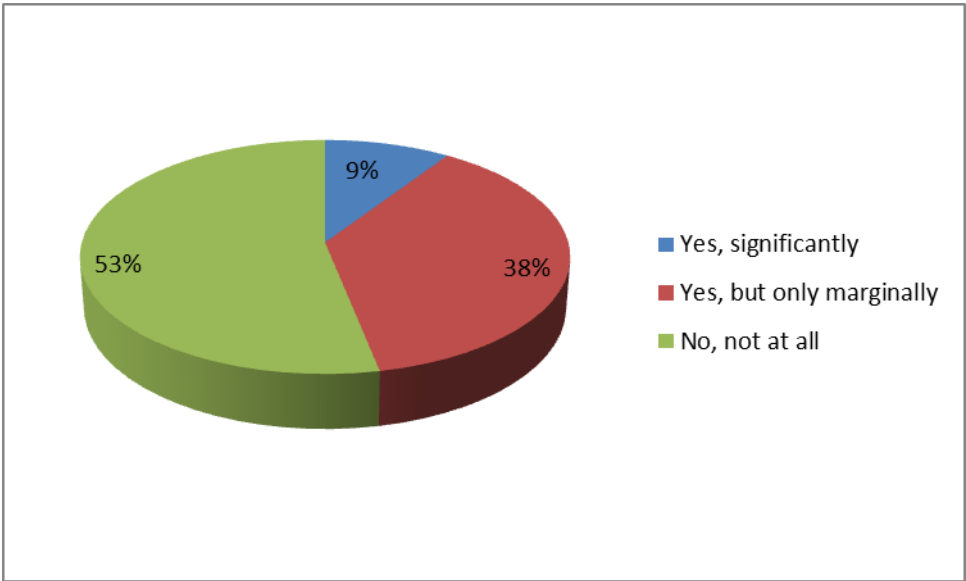
4.2.3. *Graph 9 Impact of the Directive on mobility of workers*



The setting of common qualification and training requirements in the Directive had the objective of ensuring that equal conditions for competition apply and that there is a level

playing field for drivers and undertakings in the EU. Also this objective has not been met according to half of the respondents, while less than ten per cent believe that the Directive has managed to contribute significantly to achieving this objective. Differences in the implementation of the Directive between Member States, perceived differences in the quality of the training in the Member States, differences in the costs of obtaining a CPC are cited as the main reasons for the failure of the Directive to do more for the creation of a level playing field.

4.2.4. Graph 10 Impact of the Directive on creating a level playing field



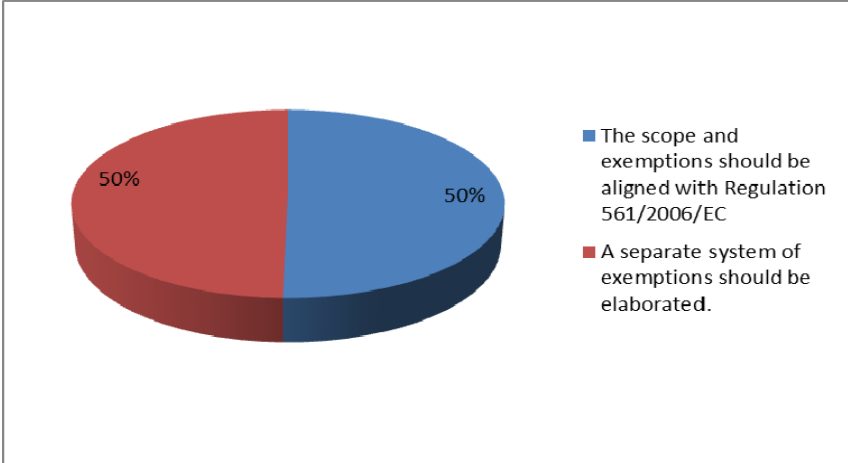
**4.3. Scope of the Directive and Exemptions**

Notwithstanding the differences in the objectives the question was posed whether an alignment with the definition of the scope and the exemptions contained in Regulation (EC) No 561/2006 on the harmonisation of certain social legislation relating to road transport<sup>2</sup> regulating *inter alia* the working and rest periods of drivers could provide greater clarity on the scope of the Directive. Respondents are evenly divided on this option: 50 % favour it, while another 50 % believe that separate definition of the scope and the exemptions should be adopted. The common features of the two legislative instruments and the common target group of them are mentioned as the main reasons for pursuing an alignment with Regulation 561/2006. Such an alignment would also bring greater clarity in the application according to the supporters of this solution. Opponents of this solution see driving and rest periods as not

<sup>2</sup> OJ L 102, 11.04.2006 pp. 1-13

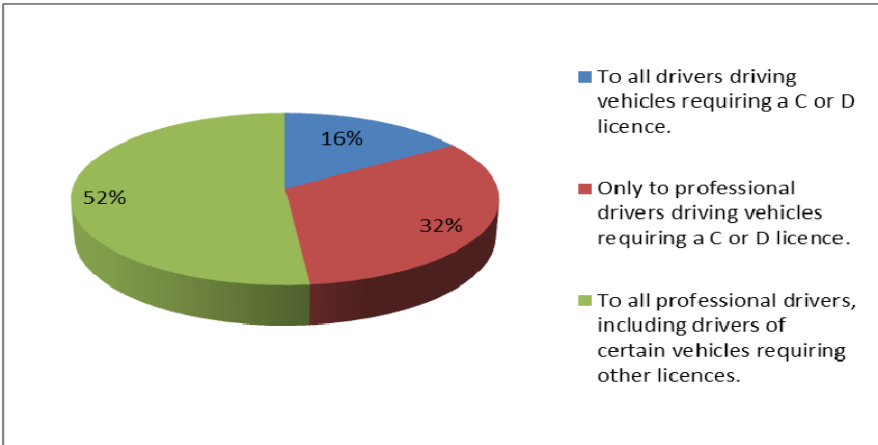
comparable to the qualification and training of drivers. Also the concern that an alignment with Regulation 561/2006 would lead to an exemption of local bus drivers from the requirements of the Directive is mentioned.

4.3.1. Graph 11 Alignment with Regulation 561/2006



The respondents are also evenly divided on the possibility of extending the scope of the Directive to other types of licence holders, in particular professional drivers holding a B-licence. The contribution this extended coverage could make to the reduction of accidents is presented as the main argument in favour of extending the scope. On the other side the importance of not imposing a disproportionate administrative, economic or social burden on the administrations, undertakings and individuals concerned is cited as the main reason for limiting the scope the Directive to professional drivers holding C or D licences. Those who favour the extension to other categories of drivers mostly favour the inclusion of vans in the scope of the Directive, followed by taxis.

4.3.2. Graph 12 Scope of the Directive

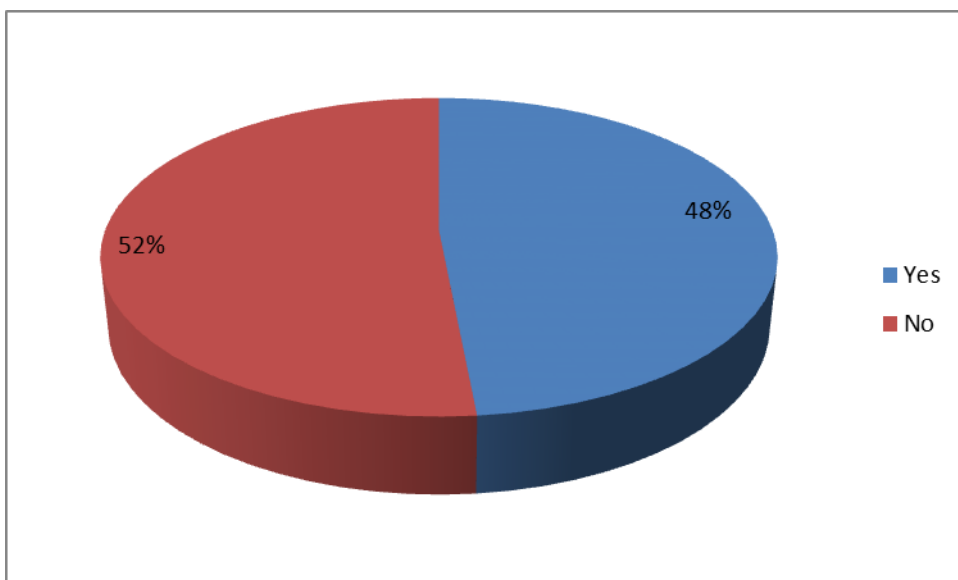


#### 4.4. Access to professional driving

The Commission asked for the opinion of stakeholders on the possible introduction of a system of gradual access to professional driving requiring the various categories of C or D driving licences. The system proposed suggested to regulate the access of young drivers in such a way that access to more challenging categories of heavy vehicles would be granted only after sufficient experience has been gained in less challenging categories with direct access to higher categories only being granted at a higher age. A similar system is already in place for motorcycles requiring category A driving licences.

The opinions of the respondents are evenly divided also regarding this option. 48 % are in favour of it, while 52 % oppose it. Gradual access to drive more demanding vehicles is reasonable in view of the supporters of this solution given the higher risk for younger drivers to cause an accident. Opponents express the fear that a gradual system would create a barrier to the access to the profession, hindering the recruitment of new drivers at a time of shortage of drivers. Some also point out that if a system of gradual access to professional driving was adopted, this should be based on the level of experience rather than on age.

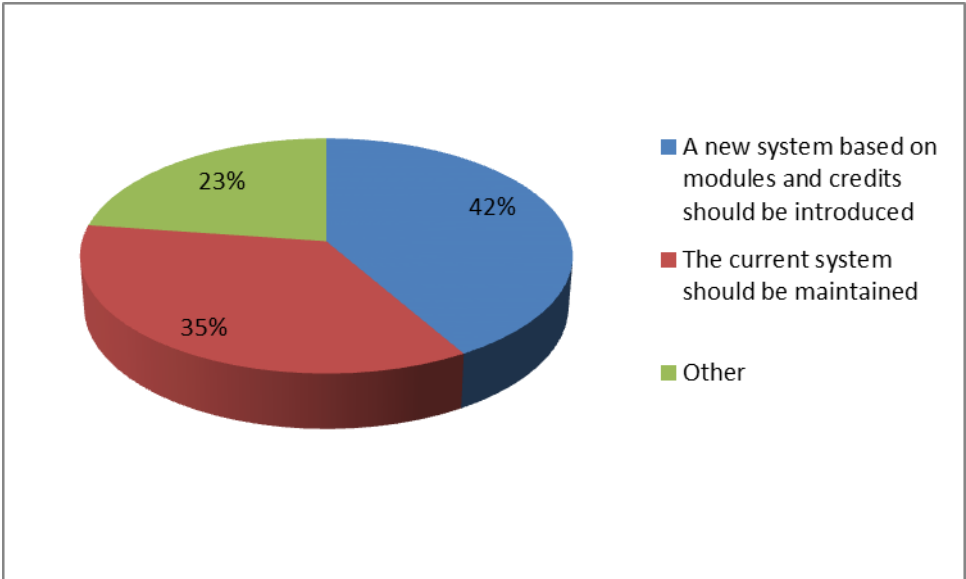
4.4.1. Graph 13 Gradual access to professional driving



A reorganisation of the training based on a system of modules structured on the basis of what the driver knows, understands and is able to do at the end of each of these modules (so-called "learning outcomes") is favoured by a relative majority of respondents. This could

increase the comparability of the training facilitating mutual recognition of the training and the movement of drivers between Member States in their view. Those who prefer the current system consider it important to maintain flexibility and to continue allow Member States to implement the training requirements of the Directive in a manner they deem best suited to their national transport environment. They also express the concern that a modular system would be burdensome and complicated to apply. It is also noticeable that a considerable amount of the respondents chose "other" as answer with some of them indicating a mix between the current system and a modular system as the best solution.

4.4.2. Graph 14 Organisation of the training

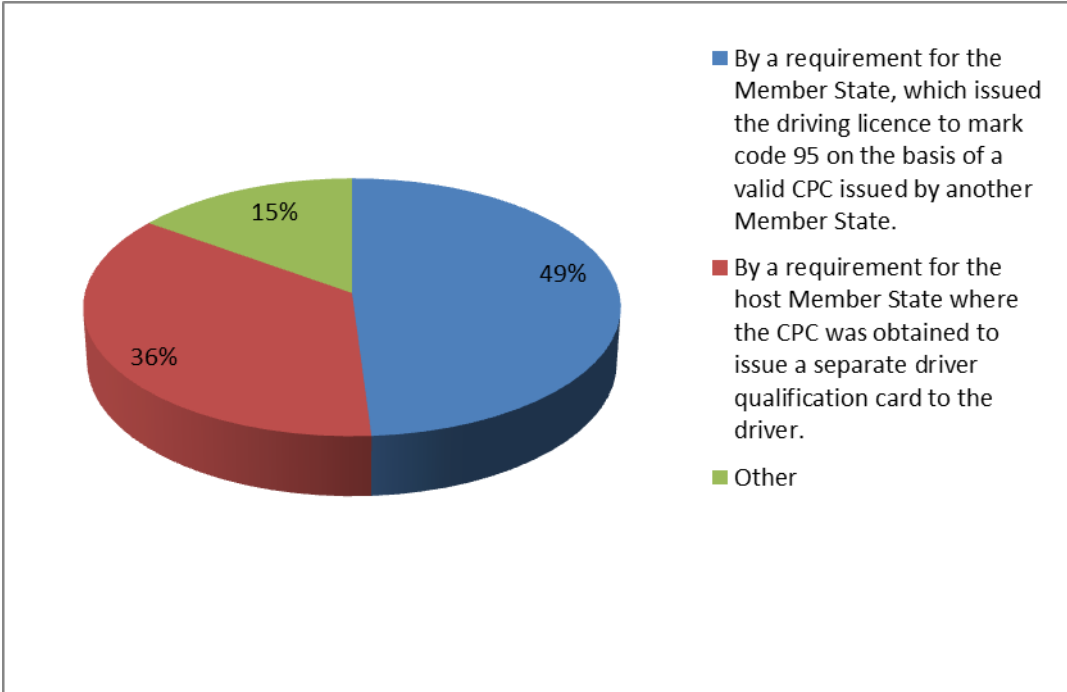


**4.5. Mutual recognition and certification of training**

The certification of the periodic training of drivers undergoing the training in the country where they work has led to difficulties, if the host country normally enters the code 95 in the driving licence, as it is not possible to do so with a foreign driving licence. The drivers' home countries have not always been willing to mark the code 95 on the basis of a CPC obtained abroad, as the CPC is currently not a mutually recognised document. From the stakeholder consultation no clear support for a precise option to overcome this problem emerges. A relative majority favours a requirement for the Member State, which issued the driving licence to mark code 95 on the basis of a valid CPC issued by another Member State. However, they only make up a bit less than half of the respondents to this question. 36 % favour a requirement for the host Member State where the CPC was obtained to issue a separate driver qualification card to the driver, while 15 % invite to find a different solution.

Among the alternative solutions proposed is also the creation of a central European database, recording all training undergone by drivers.

4.5.1. Graph 15 Mutual recognition of the training



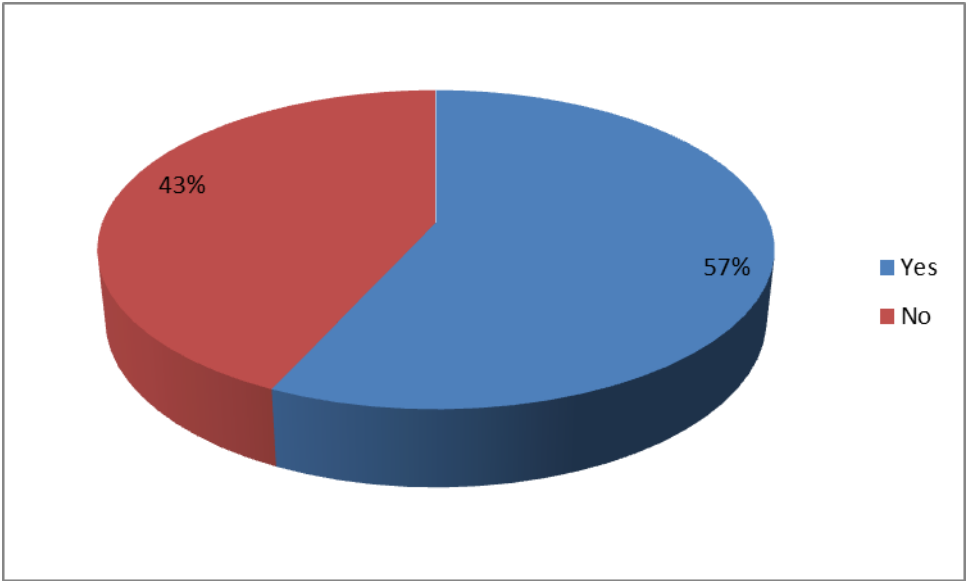
A great majority of the respondents, over 85 per cent of those answering the specific question, favours the introduction of a common format for the CPC, if it becomes a mutually recognised document in order to reduce the risk of fraud and facilitate the work of competent national authorities.

**4.6. Specificity of the CPC**

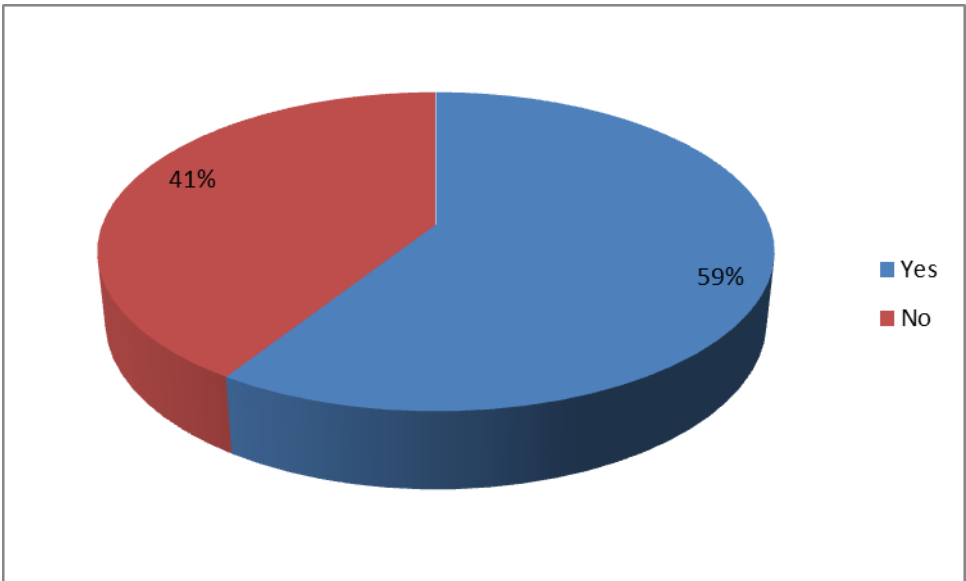
In its current form the Directive does not define clearly the specificity of the CPC vis-à-vis other types of trainings or testing. This has led in some Member States to the possibility of a combination of CPC training with for example training on the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR). In other Member States testing for the CPC can be combined with the normal driving licence testing. The Commission asked stakeholders if the specificity of CPC training and testing should be explicitly delimited. In both cases a clear although not overwhelming majority of respondents expressed themselves in favour of such a specific delimitation. The supporters

of the separation emphasise that the different objectives require different systems. CPC training should be an expansion of knowledge of what is required to obtain the driving licence and the CPC test should be meant to assess additional or higher levels of skills, knowledge and understanding. They also point out that a separation would emphasise the specific value of the CPC more. Those favouring the possibility of combining the CPC with other forms of training or testing point at the importance of choosing the least burdensome and costly way possible for the drivers to obtain the CPC.

4.6.1. Graph 16 Separation of CPC training



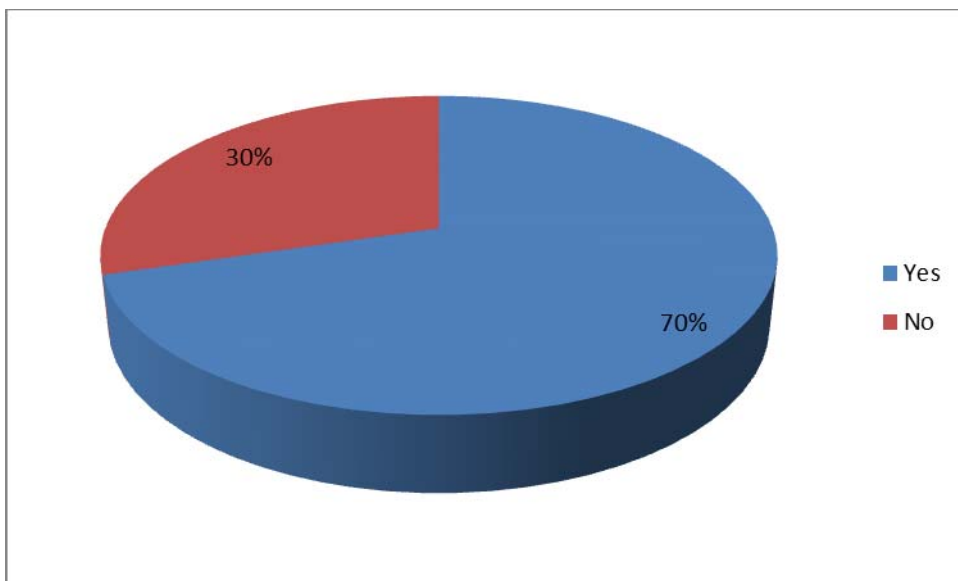
4.6.2. Graph 17 Separation of CPC testing



#### 4.7. Initial qualification and training

Under Article 3 of the Directive, the activity of driving is subject to a compulsory initial qualification. As the emphasis is on the initial qualification in itself and not on the way this qualification is obtained Member States have the possibility to choose between an option that foresees both course attendance followed by a theoretical test and an option that only foresees a theoretical and a practical test without any mandatory course attendance beforehand. A majority of the respondents is of the view that drivers should undergo at least a minimum initial training before obtaining a CPC. In their view it would help enhance mutual recognition and would improve standards of professional drivers. Opponents of mandatory minimum training requirements point out that both possibilities should remain possible and that given that there is a test which the driver has to pass to obtain the CPC, there is no need to specify a minimum training period.

4.7.1. Graph 18 Training as part of the initial qualification

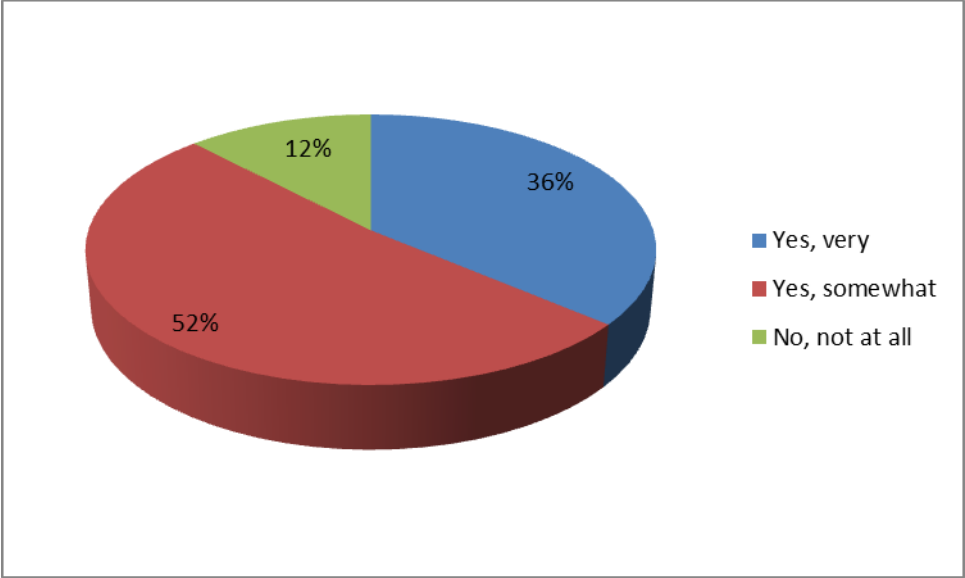


The subjects to be covered during the initial and the periodic training are organised around three main themes: "Advanced training in rational driving based on safety regulations", "Application of regulations", and "Health, road and environmental safety, service, logistics". Annex I lists the single subjects to be covered in these three areas. Most respondents find them either "very" or "somewhat" relevant for the objectives of the Directive. Among the subjects considered as less relevant are "ability to adopt behaviour to help enhance the image of the company" which seen as more relevant for hauliers than for drivers and



"principles of healthy, balanced eating". Also the suggestion to only keep the objectives but to remove the detailed description is made.

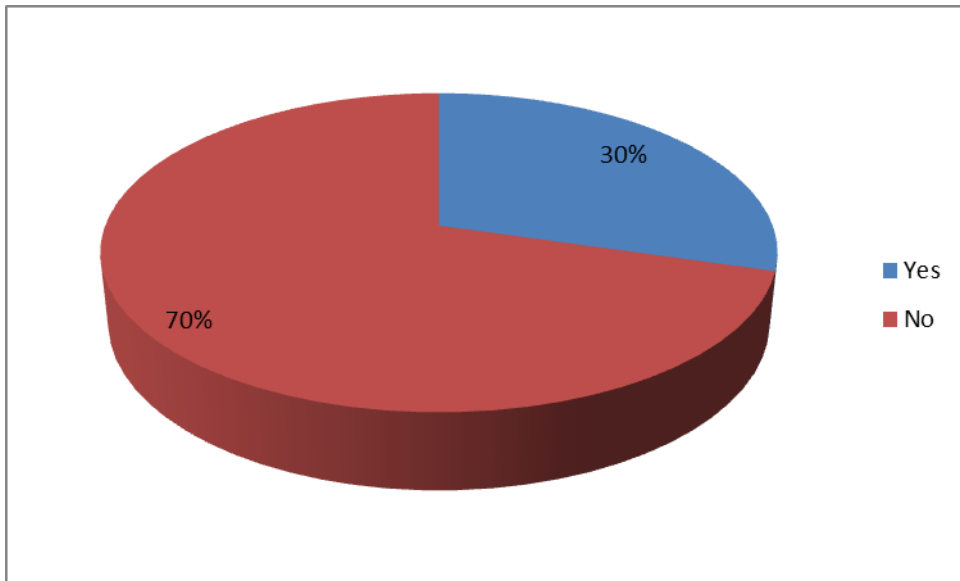
4.7.2. Graph 19 Relevance of subjects



Less than one third of the respondents feels that there are important subjects, which are currently missing in Annex I. Training on first aid, safe urban driving with attention to vulnerable road users, eco-driving, Regulation 561/2006, load securing and transport of abnormal cargo, risk factors such as speed, driving under influence (alcohol and drugs), non-use of seatbelts and fatigue are the main additional topics mentioned.

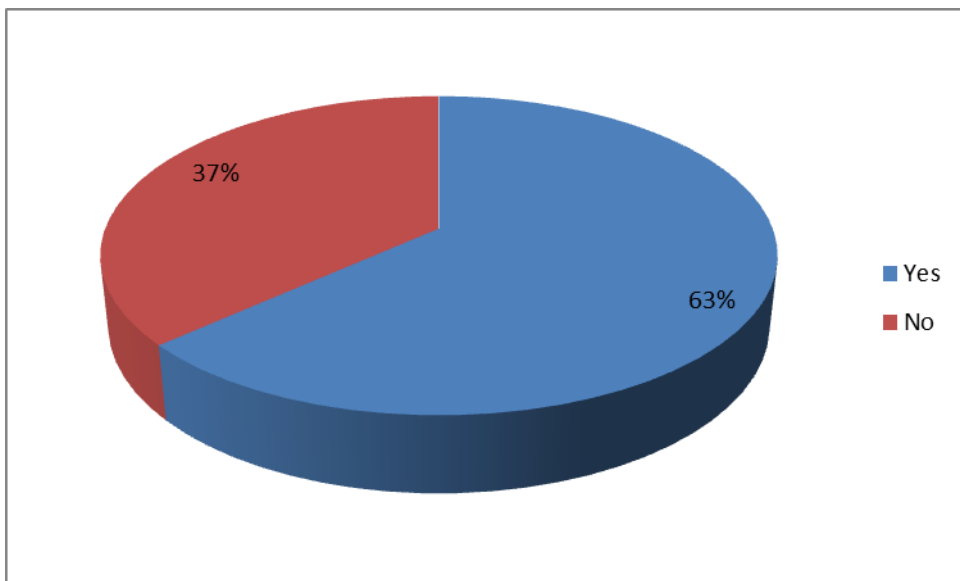
During the initial training a driver must drive for at least 20 hours individually. Of these 20 hours a driver may drive up to 8 hours maximum on a top-of-the-range simulator, but there is no obligation to do so. Most respondents do not think that the use of simulators should become mandatory. The high costs of simulators and doubts about the actual value-added of simulators for the training are the main reasons mentioned. Respondents also feel that not regulating this point more in detail permits to maintain a greater flexibility in the Directive, allowing to adapt it better to the single specific situations.

4.7.3. Graph 20 Mandatory use of simulators



The use of e-learning instruments during the training is not regulated in the current Directive. A majority of the respondents believes that it would be useful to regulate this aspect in the Directive as e-learning instruments could increase the level of flexibility of the training and reduce costs. At the same also supporters of e-learning caution that it can only be used to substitute some parts of the training. Opponents of e-learning as part of the CPC training point at the value of sharing experiences as part of the classroom based training, which would be lost and also express the fear of fraud with e-learning classes.

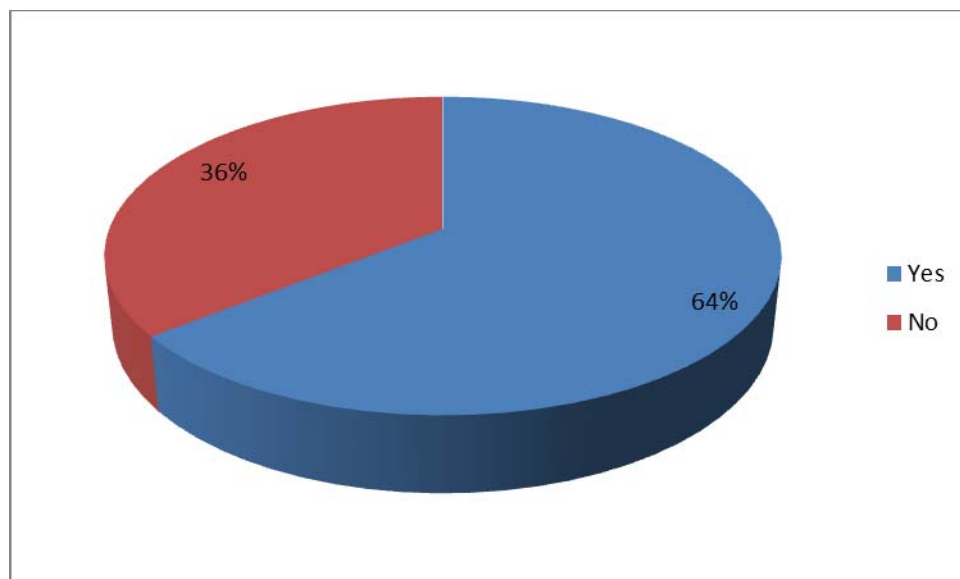
4.7.4. Graph 21 E-learning



#### 4.8. Compulsory periodic training

The Directive requires Member States to establish a system of periodic training based on compulsory course attendance. Periodic training should enable drivers to update the knowledge essential for their work. The duration of the periodic training is 35 hours every five years. The Directive leaves large freedom on the content of this periodic training. A majority of the respondents favours a greater harmonisation of the content of the periodic training through the introduction of a common syllabus. A common syllabus is seen as a useful way to guarantee uniformity in the training, which in turn is seen as pre-condition for mutual recognition. Critics express the concern that such a syllabus would undermine the necessary flexibility to enable Member States to implement the Directive requirements in a manner that is best suited to their transport environment and for businesses to tailor training to suit their own business needs. There is also the suggestion to have a certain number of common mandatory subjects and other subjects which can freely be chosen from a list of approved courses.

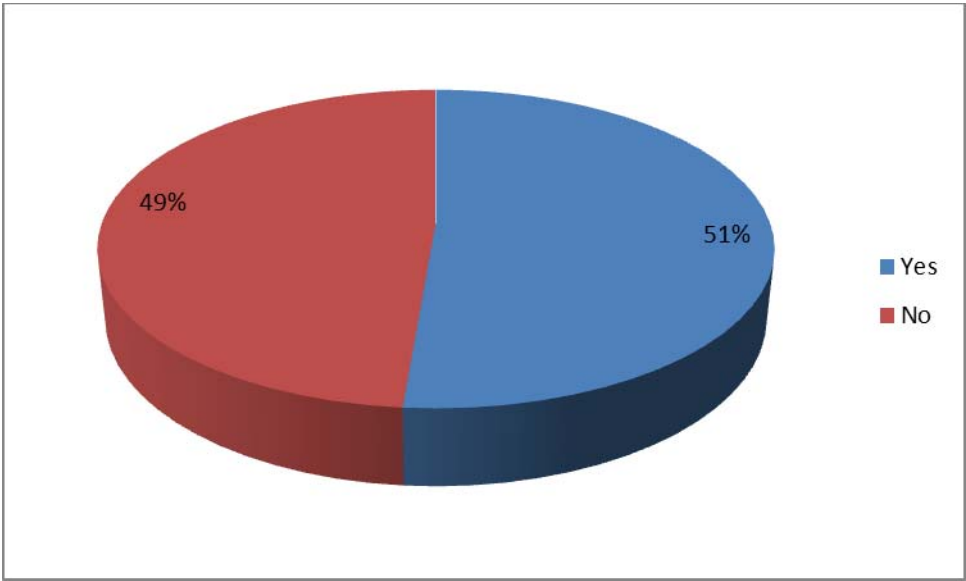
4.8.1. Graph 22 Training syllabus for periodic training



The current Directive does not regulate if the driver has to undergo a test after the completion of the 35-hours of periodic training. In most Member States course attendance only suffices for the renewal of the CPC and no test is foreseen. The opinions of the respondents are evenly divided on the opportunity of introducing a mandatory test at the

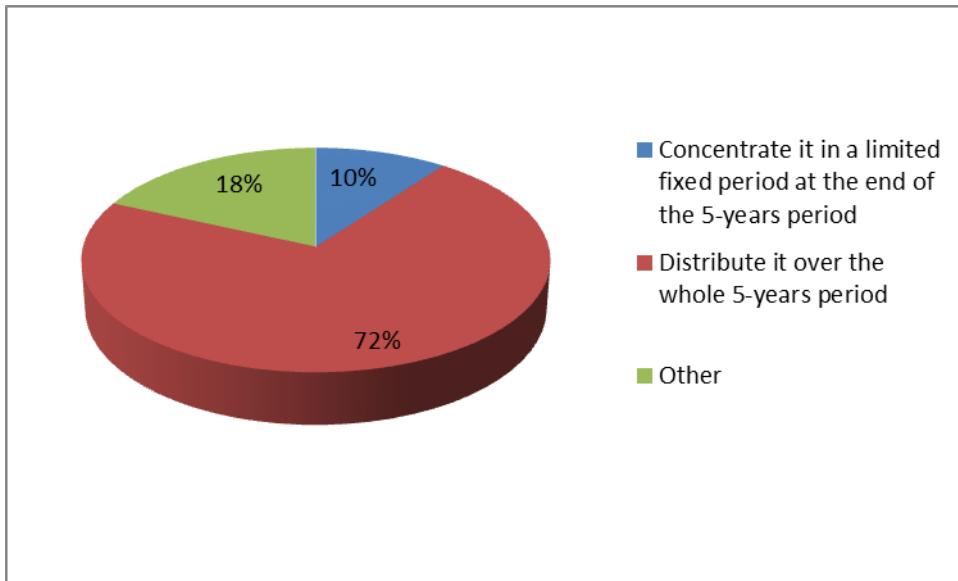
end of the periodic training. The necessity to assess what drivers have effectively learnt during the training is cited as the main reason for introducing a test. An increase in bureaucracy, administrative burden and costs as well as concerns about what would happen to drivers failing to pass the test with the risk of them being forced out of their job are they main reasons expressed by the respondents opposed to the introduction of a test after the periodic training.

4.8.2. Graph 23 Test after periodic training



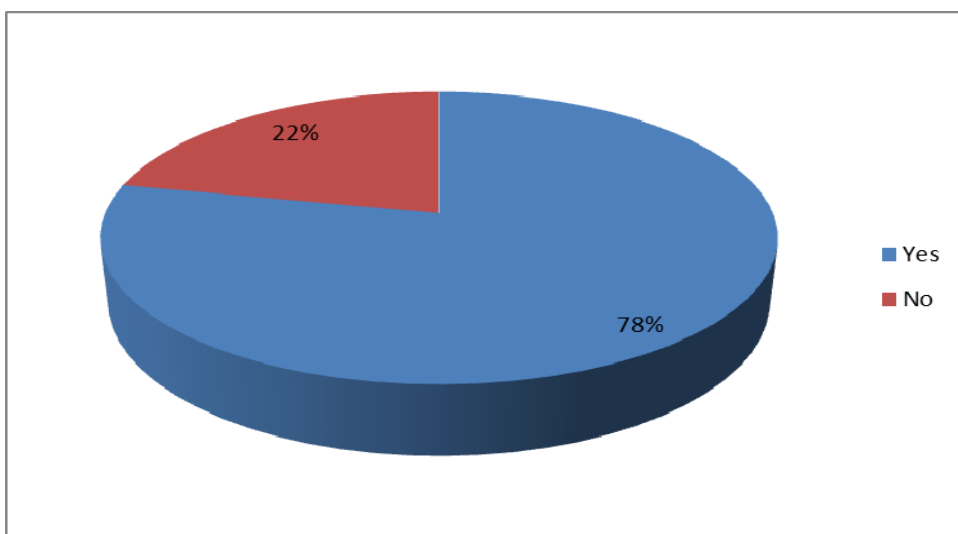
The organisation of the periodic training in the Member States varies in the way the 35 hours of periodic training are distributed over the 5-years period. The Directive only stipulates that the single training periods must be of at least 7 hours. Some Member States have not regulated the distribution at all, leaving the freedom to distribute it over the whole 5-years period; some have determined that 7 hours of training have to be completed each year, while others have stipulated that the 35 hours of periodic training have to be completed within a limited fixed period of time. Most respondents believe that it is better to distribute the training over the whole 5-years period rather than concentrating it at the end of it. Such a model is seen as the better way to ensure that drivers have regular updates on the changes and evolution in the road transport sector and the relevant legislation. It is also seen as the more flexible solution, allowing better for planning and helping those drivers, who might have difficulties in taking off one week in a row to attend the 35 hours of training in one session. However, some respondents feel that it would be more reasonable from a pedagogical point of view to concentrate the periodic training in one session.

4.8.3. Graph 24 Distribution of periodic training



No mechanism for the recognition of periodic training partially undergone in another Member State is currently foreseen and such recognition is not mandatory. A clear majority is in favour of the creation of such a system of mutual recognition as this would help the free movement of workers. They also point out that such a system would need to be linked to comparable standards of training in all Member States and a common framework. The necessity of guaranteeing a sufficiently comparable structure before considering the introduction of such a scheme is also mentioned by some respondents opposing it. Another concern mentioned is the risk of fraudulent documentation.

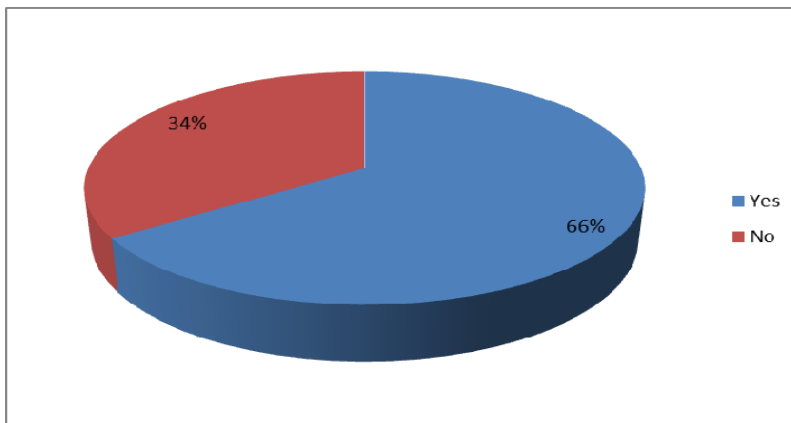
4.8.4. Graph 25 Recognition of partial periodic training



#### 4.9. Approval of training centres and instructors

The training centres and instructors providing the initial and periodic training must be approved by the Member States' competent authorities. Annex I section 5 of the Directive lists the documents which must support the application and the conditions under which the competent authority must give approval. However, these conditions are very generic and subject to considerable freedom of interpretation. The introduction of more detailed rules for both training centres and instructors is favoured by a clear majority of the respondents as a way to ensure a higher quality of the training and a level playing field. Also the importance of controlling the respect of these rules is mentioned repeatedly. Opponents believe that the responsibility of defining the criteria in greater detail is best left to the single Member States and express the fear that additional regulation would also lead to additional costs.

4.9.1. Graph 26 Requirements for raining centres



4.9.2. Graph 27 Requirements for instructors

