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IMPACT ASSESSMENT

Accompanying the document

**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**

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Table of Contents

1	WHAT IS THE PROBLEM AND WHY IS IT A PROBLEM	5
1.1	Introduction and overview	5
1.2	Difficulties linked to mutual recognition	8
1.2.1	Periodic training followed by EU residents in another Member State.....	8
1.2.2	Mutual recognition of driver attestation card for non-EU residents .	12
1.3	Training does not fully reflect needs of the sector and/or recent developments.....	13
1.3.1	Initial training and periodic training.....	13
1.3.2	The possibility to use Information and Communication Technologies (ICT) in the training (e-learning/blended learning)	15
1.4	Problems of legal uncertainty.....	16
1.4.1	Legal uncertainty on the scope of exemptions	16
1.4.2	Ambiguity on the minimum age to access the profession.....	18
1.4.3	Uncertainty on the possibility to combine drivers' training under the Directive with other trainings required under EU law.	20
2	WHY SHOULD THE EU ACT	23
3	WHAT SHOULD BE ACHIEVED	24
3.1	General policy objective.....	24
3.2	Specific objectives.....	24
4	WHAT ARE THE VARIOUS OPTIONS TO ACHIEVE THE OBJECTIVES	25
4.1	Retained regulatory policy measures	25
4.2	Other (discarded) potential policy measures	26
4.2.1	Potential solutions to the problem of the mutual recognition for the periodic training	27
4.2.2	Potential solution to the problem of the legal uncertainty on the scope of exemptions	27
4.2.3	Potential solution to the problem linked to the shortcoming of the periodic training	28
4.2.4	Potential solution to the ambiguity on the minimum age to access the profession	28
4.2.5	Potential solution to the legal uncertainty of combining periodic training with other trainings required by EU law.....	29
4.2.6	Potentially exempting small companies ("Think Small Principle")..	29
4.2.7	Changes to the content of the training taking into account future developments.....	30

4.3	Composition of the policy options and preliminary assessment	30
4.3.1	SO1 – Ensure smooth administrative practises for mutual recognition in Member States.....	30
4.3.2	SO2 – Ensure that the training content reflects recent developments and improve road safety and fuel efficiency	31
4.3.3	SO3 – Improve legal clarity and coherence of the Directive and with other EU legislation.....	31
4.3.4	The final composition of the policy packages.....	31
5	ANALYSIS OF IMPACTS (WHAT ARE THE IMPACTS OF THE DIFFERENT POLICY OPTIONS AND WHO WILL BE AFFECTED).....	32
5.1	SO1: Ensure smooth administrative practices for mutual recognition in Member States.....	32
5.2	SO2: Ensure that the training content reflects recent developments and improve road safety and fuel efficiency	35
5.3	SO3: Improve legal clarity and coherence of the Directive and with other EU legislation.....	37
6	COMPARISON OF OPTIONS.....	40
7	CONCLUSION: PREFERRED POLICY OPTION	41
8	MONITORING AND EVALUATION	43

1 WHAT IS THE PROBLEM AND WHY IS IT A PROBLEM

1.1 Introduction and overview

Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers ("the Directive") is part of the overall effort to increase the safety on European roads. It defines initial qualification and periodic training requirements for professional drivers of trucks and buses (category C and D driving licences) that are not covered by the listed exemptions. Drivers have to pass a compulsory initial qualification either by following training and a theory test or by taking a theory and practical test with no prior mandatory training. Periodic training consists of 35 hours of refresher training every five years.

Drivers with acquired rights are still subject to transition periods for the periodic training in some Member States until September 2016. Knowledge requirements and the topics to be covered are defined in the annexes to the Directive. When training is completed drivers receive a certificate of professional competence (CPC). On the basis of this CPC, the authorities of EU Member States mark "code 95" either on the driving licence, or on a separate driver qualification card (DQC). "Code 95" is the harmonised, structured way Member States confirm that the training obligations have been fulfilled. The code has to be mutually recognized throughout the Union.

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 by continuously updating of their skills. The Directive aims specifically at increasing drivers' awareness of the risks and the ways to reduce them in order to improve road safety. Moreover, the Directive 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.

The Directive leaves Member States a great deal of flexibility in how they implement the Directive for example in terms of specific content of training and the administrative procedures and structure of the training system. This includes laying down national specific training requirements tailored to specific driving activities. The Directive regulates neither the costs of training nor determines the final payer of the training.

This Directive is an integral part of the general framework of the EU road transport legislation. In particular on its parts related to the road safety, it is closely linked, and interacts with other EU legislation such as the Driving licence directive¹, Directive on the transport of

¹ Directive 2006/126/EC on Driving Licences

dangerous goods² and the social rules on driving and resting time³. Furthermore it interacts with different pieces of EU law such as the rules on access to the market⁴.

The EU road safety policy underlines that there is no single solution to the road safety challenges, but a broad range of actions are necessary from all stakeholders to achieve the road safety objectives, in particular the target of halving of the number of road fatalities in the EU by 2020⁵.

Furthermore, recognising that well trained drivers are generally safer drivers, the importance of proper training and education of drivers is a key priority within the current policy framework for road safety⁶. In this sense the contribution of improved training of professional bus and truck drivers needs to be recognised, as also underlined by the ex-post evaluation of the Directive in 2014 and the research referred there⁷. However, due to the close inter-linkage between the instruments and the variety of elements affecting road safety it has not been possible to attribute quantitatively the specific road safety effects of Directive 2003/59.

In July 2012 the European Commission published the Report on the implementation of the Directive⁸ where a number of shortcomings were identified. In October 2014 the ex-post evaluation of the Directive was finalised, a process which included stakeholder consultation⁹. The evaluation concluded that the Directive had been implemented in the Member States without major problems; it has improved labour mobility and contributes to ensuring the free movement of drivers. The evaluation furthermore confirmed that the Directive effectively contributes to its main objective in ensuring the road safety together with the legislation mentioned above.

Furthermore, while the ex post evaluation has shown that the Directive has an overall positive effect on the sector, it also identified shortcomings hindering the effectiveness and coherence

² Directive 2008/98/EC on inland transport of dangerous goods

³ Regulation (EC) 561/2006 on the harmonisation of certain social legislation relating to road transport

⁴ Regulation (EU) 1071/2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and Regulation (EU)1072/2009 on common rules for access to the international road haulage market

⁵ The 2011 Transport White Paper (Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system) (COM(2011) 144 final) and the 2010 Communication Towards a European road safety area: policy orientations on road safety 2011-2020 (COM(2010) 389 final)

⁶ 2010 Communication Towards a European road safety area: policy orientations on road safety 2011-2020 (COM(2010) 389 final)

⁷ 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), point 3.2.3 and 6.2.2.

⁸ Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the implementation of Directive 2003/59EC relating to the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, 12 July 2012, COM(2012) 385 Final

⁹ See details in Annex 2

of the legal framework and undermining the original objectives of the Directive. These shortcomings are now being addressed in this impact assessment report.

The main identified shortcomings were:

- 1) difficulties for drivers to benefit from a recognition of completed/partial 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 and
- 4) inconsistencies of minimum age requirement in the Directive on training of professional drivers (2003/59/EC) and the Directive on driving licence (2006/126/EC).

The evaluation also identified uncertainty regarding whether it is possible to combine professional drivers training with other trainings required under EU law (i.e. the training required to drive dangerous goods, training on passenger rights and animal welfare). It also showed that respondents were not clear regarding use of Information and Communication Technologies (ICT) in the training (e-learning/blended learning).

The main issues hindering the effectiveness of the Directive are described in sections 1.2 and 1.3 while section 1.4 focus on a number of inconsistencies and overlaps decreasing the internal and external coherence of the Directive.

While the ex-post evaluation recognized some shortcomings linked to the structure of the training and quality of trainers and training centres, due to the lack of available data, meant that the scope of these problems could not be estimated, nor could the extent to which these shortcomings are linked to the Directive or to alternative factors. On this basis legislative or other binding actions at EU-level are not considered justified, nor are the number of hours specified for the training. These issues are therefore left out of the scope of this Impact assessment.

The Commission is instead considering non-legislative actions to raise the awareness on the potential benefits of different approaches to training and measures to ensure the quality of the training. The actions and measures take into account European tools supporting the quality of training and the recognition of its outcomes (EQAVET, EQF, ECVET¹⁰).

Furthermore, while the evaluation report indicates wide differences in training costs¹¹ between the Member States and the impact assessment support study indicates that these differences in costs is an important factor which could prevent the entry to the profession, it also shows that Member States can heavily influence the cost of training through the choice of approach to training. Moreover, it should be noted however that the training costs remains under the Member State competence due to a subsidiarity perspective. The current framework leaves Member States the flexibility to choose the appropriate training structure as they are considered best placed to decide on the distribution of costs between the stakeholders. Moreover, the isolated effect of initial training on labour supply could not be determined in the course of the impact

¹⁰ EQAVET – European Quality Assurance in Vocational Education and Training, EQF- European Qualification Framework, ECVET- The European Credit System for Vocational Education and Training

assessment process, in particular due to the multitude of factors influencing labour market dynamics. Consequently, the assessment did not identify problems related to the cost of training that could justify considering EU intervention.

As a result, recognising the overall positive effect of the Directive on the road sector and in particular on road safety as set in its objectives, throughout the impact assessment process it was decided not to introduce a profound change of the system that was set up in 2003. Therefore, the impact assessment focussed on the streamlining of the existing system to reinforce the Directive objectives and ensure the proper functioning of the structure that was set up in 2003.

Finally, in May 2016 the Commission received the draft opinion from the REFIT Government Platform Group underlining the consideration issued by the UK. The main point of concern raised by the UK Government was the necessity of the initial qualification test for professional drivers. The UK authorities argued that the EU Member States already had a robust theory and practical test in place for lorry driver license acquisition and the remaining CPC qualification requirements would be met through periodic training. The Commission carefully looked into this suggestion. However, provided that according to the results of the ex-post evaluation discussed above the Directive and the initial qualification test thereof proved bringing the added value compared to the situation where no directive applies, the Commission decided not to consider the policy option of removal of the requirement for the initial qualification training in detail in the course of this impact assessment.

1.2 Difficulties linked to mutual recognition

1.2.1 Periodic training followed by EU residents in another Member State

In order to facilitate the free movement of workers, the Directive allows drivers to follow the periodic training either in the Member State where they reside or in the Member State where they work. However, in some Member States, drivers wanting to follow the periodic training in the Member State where they work are unable to have the training recognized. This effectively prevents drivers from exercising their right to undergo the periodic training in the Member State where they work.

This problem persists even if the existing case law of the Court of Justice¹² establishes that qualifications obtained in another Member State must be accorded their proper value and be duly taken into account, because the practical upholding of these principles in the context of the Directive has proven difficult.

This problem arises from the set-up of the system of mutual recognition under the Directive. The Directive prescribes a system whereby following completion of training and the issuing of a certificate of professional competence (CPC) the national authorities have a choice of

¹¹ The costs for initial qualification system with a mandatory training varies between EUR 450-3500 (140 hours training) and EUR 1 350 -7 000 (280 hours initial training). The system without mandatory training has considerably lower costs, ranging from EUR 40 to EUR 400. The costs of periodic training vary from EUR 50 to EUR 960. Further information is available in Annex 5

¹² See inter alia Case C 340/89 Vlassopoulou, Case C 31/00 Dreessen and Joined Cases C-372/09 and C-373/09 Josep Peñarroja Fa

indicating code 95¹³ either on the driving licence or on a separate driver qualification card (DQC). The Directive requires this code 95 to be mutually recognized. The training or the CPC itself does not, however, benefit from mutual recognition.

Eight Member States (namely Austria, Germany, Greece, Latvia, Lithuania, Malta, the Netherlands and Poland) have chosen to only indicate code 95 on the driving licence and not issue DQCs. Therefore, since only the Member State where the driver resides is entitled to issue a driving licence, in these eight Member States the authorities are thus unable to provide the mutually-recognized code 95 for a resident in another Member State who has undergone periodic training on their territory. Furthermore, if the driver returns to the Member State where he or she normally resides, the authorities do not have an obligation to recognise training undergone in another Member State, and can otherwise be justifiably reluctant to recognise a training document from another Member State. This issue was widely reported by the concerned stakeholders during the consultation process, e.g. by Austrian Economic Chambers (WKO) and the Deutscher Speditions- und Logistikverband (DSLV). Furthermore, Member States have through the CPC Committee meetings in 2012 and 2013 raised the issue, in particular Austria and Germany. The latter Member States also informed that primarily due to the costs arising to the authorities to issue driver qualification cards to a quite low number of concerned drivers, they do not consider this solution as cost efficient to them.

No clear statistics on the size of the problem of non-recognition of periodic training undergone in another Member State are available¹⁴, as Member States do not record statistics on the number of applications to recognize this type of trainings. However, according to the Commission estimates, in 2014 around 46 000 drivers of EU nationality work in the eight concerned Member States which are not their country of citizenship and are thus potentially affected by the problem. This can be specified further in the table below.¹⁵

¹³ A harmonised code with number "95" is prescribed as the code indicating completion of training under Directive [2003/59/EC](#)

¹⁴ Ex-post evaluation study report: Study on the effectiveness and improvement of the EU legislative framework n training of professional, p 68

¹⁵ Further detailed calculation see Annex 4, point 2.3

Table 1: Estimated breakdown of professional drivers (2014)

	Total number of drivers covered by the Directive (1000)	Percentage of drivers in a Member State potentially affected by the problem of the mutual recognition	Number of EU nationals potentially affected by the problem of the mutual recognition (1000)
Austria	58.2	8.7*%	5.1*
Germany	616.7	5.2%	36.7
Greece*	71.2	3.0*%	2.4*
Lithuania**	36.0	~0%	~0
Latvia	22.9	~0%	~0
Malta**	2.0	~0%	~0
The Netherlands***	96.8	1.5*%	1.7*
Poland	343.6	~0%	~0

* Estimated share of HGV and bus drivers based on the overwhelming majority of national drivers in these nine countries, as the share of non-nationals possesses low reliability to be published.

** The estimates are made based on very small data samples which implies a low reliability of data

*** The estimates of non-national drivers include those drivers who did not report their nationality

Source: *the Labour Force Survey statistics on employment of HGV and bus drivers (2014)*

At EU level, compared to an estimate of around 3.6 million drivers in total covered by the Directive (2.8 million truck drivers and 0.8 million bus drivers), the drivers potentially affected by this problem represent around 1.4 % of the drivers covered by the Directive.

This low number of drivers affected suggests that the problem at EU level is not widespread. However, the magnitude of the problem is not equally distributed and it is higher in cross-border areas where drivers live and work in different Member States. For instance, Austria mainly faces problems in certifying the training of Hungarian drivers who possess Hungarian driving licences but work for Austrian undertakings and who had their CPC periodic training in Austria. The Austrian Economic Chambers (WKO) has estimated that approximately 20% of all professional drivers covered by the Directive and operating in Austria are drivers originating from neighbouring countries, and which face problems with recognition of the periodic training in Austria¹⁶. The problem was furthermore reported for French drivers undergoing the training in the Saarland region of Germany.¹⁷ Further detailed information on the drivers concerned in Austria or other Member States is not available. However, it is possible that the number of drivers who have experienced the problem in practice is lower than the number of workers from another Member States. Some of the drivers concerned are likely to adapt to the present situation, and knowing that they risk problems if they follow the training abroad, they therefore complete the training in their country of residence. Furthermore some drivers are for different reasons (close ties, costs or other) likely to prefer to follow the training in their country of residence, regardless of the available options. Given

¹⁶ 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) p 68

¹⁷ *ibid*

that the issue concerns periodic training, and thus it affects drivers who are in the profession for several years already, there are no indications that it directly contributes to the well-known problem of drivers' shortage.

The problem does not only affect the drivers in the cross border regions, but also the road haulage enterprises which are established there and which employ drivers from other Member States. The regulatory (compliance) costs for businesses in this regard is primarily indirect and are related to additional commuting of drivers from their workplace to their place of residence to undergo the periodic training..

Over the five year period drivers and companies are facing losses due to the biased application of the mutual recognition principle, which are estimated at the range of 11.5 million Euro for drivers and 1.1 million Euro for the companies¹⁸.

It is worth mentioning that the problem does however not arise in those twelve Member States namely in Bulgaria, Cyprus, Denmark, France, Hungary, Ireland, Portugal, Romania, Slovakia, Spain, Sweden and the UK, who have chosen to issue DQC to the drivers or in those (Estonia, Finland and Slovenia, Belgium, the Czech Republic, Italy, Luxembourg as well as Norway) where both options are possible¹⁹, as there is no restriction to issue a DQC to non-resident drivers.

Future developments

Until 2016 the problems related to **mutual recognition of full periodic training** has only limited effect on the targeted population. This is because transitional arrangements expire in 2016, meaning drivers who obtained their C driving licence before 9 September 2009 or their category D licence before 9 September 2008 can be allowed to complete the first round of periodic training latest by 9 September 2015 for D licences and by 9 September 2016 for C licences²⁰.

According to the estimate by the Commission after the expiry of the last deadline in 2016 the problem of mutual recognition of completed periodic trainings will affect around 46 700 drivers. Given that the professional drivers need to repeat the periodic training at least once in five years the problematic interactions with national authorities for the renewal of CPC training could occur around 103 000 times from 2016 to 2030.²¹ Because of the five-year cycle of periodic training, the number of drivers affected is expected to vary, with a peak every five years.

¹⁸ See table in Annex 3

¹⁹ In Belgium , the Czech Republic, Italy, Luxembourg as well as Norway Code 95 is marked on the driving license for resident drivers and on a separate DQC for non-resident drivers

²⁰ An overview of the deadlines applying in the single Member States can be found at

http://ec.europa.eu/transport/road_safety/pdf/periodic_training_calendar.pdf

²¹ For the calculations please see Annex 4

Table 2: Estimated number of times professional drivers face problem of mutual recognition over 2016 – 2030 in thousands ²²

	2016	2018	2021 ²³	2023	2026	2028	2030
Drivers affected	38.6	0,7	39.5	1.6	40.4	2.6	2.8

Source: European Commission

It is important to note that according to the current arrangements in Member States the problem would arise potentially only in the eight Member States which opt for marking Code 95 on driving licences and not just issue a DQC to foreign drivers²⁴. However, since Member States have the option to choose and can reduce administrative costs by doing so, the situation might change. This was confirmed by Member States: Austria and Germany pointed out in the CPC committee meetings in 2013 and 2014 that issuing DQC just to foreign drivers was costly, since due to their limited number it meant that economies of scale did not kick in. Therefore, there is a risk that some Member States which are currently issuing DQC to foreign drivers might come to a similar conclusion and stop doing so, and thus that potentially more Member States and more drivers could be affected by the problem. The difficulties in the mutual recognition of the periodic training will also continue to entail unnecessary additional costs for businesses and drivers in the long run. In particular, net present values of these costs for the groups over the time period between 2018 and 2030 are estimated respectively as 2.3 and 6.7 million Euro.

1.2.2 Mutual recognition of driver attestation card for non-EU residents

Regulation (EC) No 1072/2009 on the common rules for access to the international road haulage market²⁵ requires that third country nationals lawfully employed within the EU to obtain a driver attestation when carrying out international road transport of goods.²⁶

Drivers from third countries are covered by the Directive if they are employed or used by an undertaking established in a Member State.²⁷ Consequently they must follow the initial and periodic training as required by the Directive. However, there is no requirement to issue code 95 on the driving licence or to issue DQCs to these drivers. Instead the Directive relies on the driver attestation governed under Regulation (EC) No 1072/2009 for drivers of vehicles for goods transport as the document attesting compliance with the training obligations.

²² Data range shows the differences in number of Latvian professional drivers. the full range of foreign drivers in Latvia calculated based Labour Survey. For further details, please see Annex 4

²³ Periodic training needs to be repeated once in five years. In 2021 expires 5 years period after the system of periodic training is fully in place

²⁴ Austria, Germany, Greece, Latvia, Lithuania, Malta, the Netherlands and Poland

²⁵ Regulation (EC) 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.

²⁶ Articles 3 and 5 of Regulation (EC) No 1072/2009

²⁷ Article 1b of Directive 2003/59/EC

Different practices between Member States on the use of driver attestation for these purposes were identified during the CPC committee meeting in 2015.²⁸ In particular, some Member States, such as Germany and Austria only recognise driver attestations where code 95 is explicitly indicated in the remarks section, while other Member States such as Romania, Poland and the Netherlands do not indicate the code on the attestation, but only issue driver attestation to drivers complying with the training obligations. As a consequence, drivers who have undergone the training and provide driver attestations do not get the training recognized in some situations. This is because an attestation without the code is not recognised in a Member State requiring the code on the driver attestation. This issue was not explicitly covered in the ex-post evaluation.

1.3 Training does not fully reflect needs of the sector and/or recent developments

1.3.1 Initial training and periodic training

Initial training

In their contributions to the ex-post evaluation, stakeholders representing the transport industry, the training sector and the authorities emphasised that the training is considered only partially relevant and useful. The need to increase relevance of the training subjects are supported by replies to the public consultation: 48 % of the 395 respondents (190 respondents) representing most stakeholder groups (65 respondents representing road transport service sector, 48 respondents representing training organisations and 56 respondents representing other interest groups or others) to the online survey stated that the subjects contained in Annex I were only somewhat relevant, 11 % (45 respondents) stated that they were not at all relevant, representing primarily road transport service sector (25 respondents) and training organisations (8 respondents) and 34 % (111 respondents) found them very relevant, also representing most stakeholder groups (54 respondents representing road transport service sector, 35 respondents representing training organisations and 20 respondents representing other interest groups or others)²⁹. The necessity to improve the content of Annex I of the Directive was also confirmed at the workshop of the International Commission for Driver testing (CIECA) in 2013, which concluded that road safety specific topics were to be included³⁰.

Annex I to the Directive lists the subjects to be included when establishing the drivers' initial qualification and periodic training. It specifies different objectives relevant for all drivers and specific objectives applicable to truck and bus drivers respectively. The current list of subjects includes knowledge and practical competence in a broad field, ranging from technical aspects of vehicles, application of regulations and health, road and environmental safety, service and logistics.

While the training subjects listed in Annex I generally underpin the core objectives of the Directive, the shortcomings on the relevance of the training underlined by the stakeholders, suggests that the current minimum that the training subjects are required to cover is not

²⁸ Ref. minutes of the Meeting of the Committee under Directive [2003/59/EC](#) held on 9 October 2015.

²⁹ Panteia et al. (2014), Report on the 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

³⁰ CIECA (2014) cit.

sufficient. However, it should be noted that the preparatory work undertaken does not indicate that there are subjects that are included but which are no longer considered relevant, or that there are new subjects that are relevant but which are currently not included. There are special concerns on some of the training subjects that are covered but where the subjects are insufficiently developed in addition to other types of training, and consequently that the minimum standards do not sufficiently underpin the core objectives. This concerns in particular the subjects on risk awareness and danger recognition. Indeed, while literature shows that training on danger recognition is particularly relevant to and effective in increasing road safety³¹, only two of the current training subjects in Annex I partially address it. This leads to too little emphasis on this element in the training and consequently not appropriately underpinning the road safety objectives.

Moreover, while the ability to optimise fuel consumption is among the topics covered in Annex I of the current Directive, the training subjects covers only the optimisation of fuel consumption by applying know-how as regards knowing the characteristics of the transmission system and the technical characteristics and operation of the safety controls in order to control the vehicle, minimise wear and tear and prevent mal-functioning. However, improving fuel efficiency does not depend only on these technical elements, but even more on general driving behaviour through e.g. through a forward-looking driving style.

This suggests that the minimum requirements on the subjects listed are not sufficiently related to the core competences needed by the employees and are not sufficiently underpinning such important aspects such as danger recognition and fuel efficient driving, and thus that these training subjects already covered in Annex I need to be strengthened and modernised.

Periodic training

The Directive provides Member States with wide flexibility to determine the content of the periodic training. Article 7 of the Directive only requires that periodic training be designed to expand on, and to revise, some of the subjects listed for the initial training³². Annex I adds that the training must be of 35 hours every five years given in periods of at least seven hours.³³ There is however no requirement on mandatory elements to be included in the periodic training.

Within this framework, Member States have chosen different practises for how periodic training is carried out. On the one hand, this generally is considered to reflect different needs and priorities within Member States. However, on the other hand, even if no overall statistics are available for the situation EU-wide, there are indications that for certain aspects, choices in Member States are undermining the objectives of the Directive. On the selection of subjects of the periodic training for example, in the Netherlands³⁴, where in 2014 there were 96.8

³¹ See the literature review in the Study on the effectiveness and improvement of the EU legislative framework on training of professional drivers Panteia et al. (2014)

³² Annex I, Section I of Directive [2003/59/EC](#)

³³ Article 7(3) of the Directive

³⁴ As reported in the Study on the effectiveness and improvement of the EU legislative framework on training of professional drivers Panteia et al. (2014)

thousand drivers covered by the Directive, drivers are free to choose their course from a pool of 200 approved courses by the competent authority, with no requirement that for example road safety (which is at the heart of the Directive) is at all part of this. In fact the Dutch Safety Board has found that ‘companies generally do not opt for periodic training which is aimed at road safety, because there is an extensive freedom of choice in terms of periodic training and road safety thereby as a low priority’³⁵. In some Member States, as for example in Austria, Belgium and the Netherlands, which employ in total around 232 thousand drivers under the scope of the Directive, it appears to be possible to complete the periodic training by repeating the same training course five times³⁶.

As a result, 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. This does not only undermine the relevance of the training but also the credibility of the training system.

Future developments

The problems related to content of the initial and periodic training will continue to persist in the long-run. Drivers in some Member States will not necessarily cover danger recognition in their initial training, and will only focus on technical aspects related to fuel-efficient driving. In some Member States, the same periodic training course can be repeated and road safety topics will not necessarily be covered. This will continue to affect negatively the capacity of the Directive to contribute to the achievement of its objectives to improve road safety and reduce emissions.

1.3.2 The possibility to use Information and Communication Technologies (ICT) in the training (e-learning/blended learning)

The relevance of e-learning as a didactical instrument has increased in recent years and more than 60% (239 respondents) of the respondents to the public consultation consider that e-learning makes a useful contribution to the training. They represent most stakeholder groups, in particular road transport service sector (100 respondents) and other interest representation or others (65 respondents), while primarily training organisations mostly (55 respondents) did not support e-learning as a tool.³⁷ However, the Directive does not address the use of such ICT-tools for the training, especially for education outside classrooms, so called ‘e-learning’ or ‘blended learning’. While this does not necessarily prohibit the use of such tools, the absence of legal provisions creates legal uncertainty for Member States regarding whether or not they have flexibility on this matter. As this legal uncertainty affects Member States choices, it can negatively affect deployment of such tools in the Member States. This is

³⁵ Dutch Safety Board (2012) Truck accidents on motorways, p. 6, ETF/IRU (2013). p. 21 and ProfDRV (2011), Methods and Assessment in Training of Professional Drivers

³⁶ See answers to the public consultation available at http://ec.europa.eu/transport/road_safety/take-part/public-consultations/cpc_en.htm and Assistance on impact assessment on Directive 2003/59/EC on initial qualification and periodic training of drivers of certain good vehicles for the carriage of goods or passengers, Panteia et al (2015)

³⁷ Panteia et al. (2014), Report on the 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

contrary to overall Commission priorities under the "Digital Agenda for Europe" to facilitate the effective use of ICT. It can also create unfair conditions for the drivers and undertakings, since drivers who can benefit from e-learning are in a more advantageous position than colleagues in other Member States where such tools are not available, because such tools provide more flexibility for the driver and can reduce the training related costs.

While the absence of clear rules authorising Member States to make appropriate use of such tools provides legal uncertainty, the absence of uniform use of such tools throughout the Union is not considered a problem. Member States are left to set-up their own training system, and are considered best suited to assess and make use of e-learning and blended learning in their national systems. While some Member States consider e-learning a useful supplement to traditional learning, this is not the case in all Member States. For the time being e-learning is allowed during initial qualification in Estonia and Hungary. For periodic training e-learning is allowed in Austria, Estonia, Hungary, the Netherlands and the United Kingdom. In Austria e-learning is allowed only for subjects referring to Annex I of the Directive that require no practical exercises. In Estonia e-learning is allowed in the optional subject of working environment and traffic safety. In the Netherlands e-learning is allowed, but not more than 4.5 hours per training day

This underlines that Member States have different approaches and considerations of the feasibility of e-learning and blended learning within the national training systems. While there are potential benefits of e-learning and blended learning (e.g. increased flexibility, reduced costs, targeted content), there are also costs (e.g. for IT equipment) and risk related to this (e.g. quality concerns, ensuring that training is undertaken by the right person, not during resting time on the road, etc.), as also reported primarily by training organisations in the public consultation³⁸. Consequently, the problem addressed in this impact assessment is the legal uncertainty regarding the possibility for Member States to make use of ICT-tools in the training.

1.4 Problems of legal uncertainty

1.4.1 Legal uncertainty on the scope of exemptions

Article 2 of the Directive lists the drivers who are exempted from the requirements of the Directive. However the exemptions are applied differently between the competent authorities of Member States.

This difference in application is related to the wording of the exemptions, in particular:

- 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’;

³⁸ Panteia et al. (2014), Report on the 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

- 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’.

Member States, e.g. Finland³⁹ report uncertainty regarding whether Article 2(e) exempts vehicles used not only for driver training or CPC training, but combined with regular commercial transport operations, e.g. by carrying goods from A to B, risking different application between Member States on this issue.

As regards Article 2(f) Member States, such as Hungary, Italy, Finland and the Netherlands report uncertainty regarding what ‘non-commercial’ and as well ‘personal use’ mean. In particular, this translates into different application for vehicles in use by non-profit organisations where drivers may or may not get some kind of remunerations (e.g. volunteers driving boy scouts).

In the formulation of Article 2(g) it is not clear for Member States what can be considered ‘material or equipment to be used by the driver in the course of his or her work’ and also what the ‘principle activity’ is. While this exemption typically covers craftsmen, some Member States also exempt other operations such as vehicles mounted with special machinery and farmers transporting fruit, vegetables or cattle to the local market. For the latter, specific exemptions are provided for, e.g. in the Netherlands, while the operations are considered not exempted, e.g. in the UK and Austria.

Finally, as regards Article 2(b), there are also some uncertainties regarding whether the vehicles used by or under the control of the fire services, armed forces, civil defence services and forces responsible for maintaining public order, are exempted when they drive for purposes other than those defined in the Article. For instance, Finland and Denmark raised examples of fire trucks used for fund-raising or rides at public events.

After problems with the application of exemptions were notified to the Commission in 2011 and 2012, a working group was established in 2013 to try to find a common understanding on the application of the exemptions. The results were presented in the meeting in 2014 of the committee established under the Directive at which diverging views between Member States on how certain exemptions should be applied and the difficulty to find a common understanding were confirmed. The difficulties in the application of the exemptions were also confirmed by industry representatives at the Stakeholder Conference of March 2014.⁴⁰

The necessity to clarify the exemptions to the Directive was also confirmed at the workshop held in November 2013 by the International Commission for Driver Testing (CIECA) attended by representatives of the competent national authorities of several Member States⁴¹.

The ex-post evaluation study⁴² and impact assessment support study⁴³ have confirmed these observations. In addition they identified that the UK authorities face difficulties in the

³⁹ Ref meeting of the working group on exemptions under the CPC-committee in 2014

⁴⁰ See main conclusions from stakeholder conference in Annex 2

⁴¹ CIECA (2014) -CIECA Workshop Report 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

interpretation of Articles 2(f) and 2(g). As a result, the authorities adopted a guidance document on the application of Article 2 with the aim of clarifying its scope. However, this guidance document contains the UK authorities' own interpretation of Article 2 which is not consistent with the interpretation of other Member States and is a potential source of different treatment of drivers and companies.

It needs however to be recognised that there is limited quantified information available on the scope of these problem, i.e. the number of trips affected, as Member States authorities of the countries concerned were not able to provide required data . However, as it assessed in the ex-post evaluation of the Directive, the main scope of the Directive is clear for the stakeholders and the legal uncertainties only affect a limited number of drivers.

Further developments

Attempts to clarify the legal provisions on exemptions under the current legal framework for example by creating working groups have yielded only limited results so far. The limited effect of guidance documents was confirmed for example by the 2014 Committee meeting. Without changes in the legal text of the Directive, Member States' difficulties in applying these provisions are expected to continue.

1.4.2 Ambiguity on the minimum age to access the profession

Although the Directive prescribes harmonised rules for the minimum age of professional drivers, Member States apply different rules on minimum age due to the ambiguity in EU law between the Directive on training of professional drivers (Directive 2003/59/EC) and the Directive on driving licences (Directive 2006/126/EC). Article 4 of the Directive on driving licences sets out the *minimum ages required for the issuing of driving licences*. For truck drivers (category C and CE), the minimum age is fixed at 21 years,⁴⁴ while in the case of bus and coach driver (category D and DE), the minimum age is fixed at 24 years.⁴⁵

The Directive on training of professional drivers (Directive 2003/59/EC), establishes 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 qualification⁴⁶. It also establishes that bus and coach drivers (categories D and DE) may drive from the age of 21, provided they have completed the

⁴² 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)

⁴³ Assistance on impact assessment on Directive 2003/59/EC on initial qualification and periodic training of drivers of certain good vehicles for the carriage of goods or passengers, Panteia et al (2015)

⁴⁴ Directive 2006/126/EC, Article 4(4)(g).

⁴⁵ Ibid., Article 4(4)(k).

⁴⁶ Directive 2003/59/EC Article 5(2)

ordinary initial qualification, or from the age of 23 in the case of accelerated initial qualification.⁴⁷

While the Directive on driving licences stipulates that its provisions on minimum age are ‘without prejudice to the provisions for the driving of such vehicles in Directive 2003/59/EC’⁴⁸, there is no clarity as to what this means and how it should be applicable in practice. The legal analysis provided by Commission Legal Service on 5 December 2012 confirmed the ambiguity and suggested that ‘only a legislative amendment to Directive 2006/126/EC would provide a definitive clarification’.⁴⁹

According to the information available on 20 April 2016 for 23 Member States⁵⁰, 17 Member States⁵¹ set the minimum age requirement for obtaining a driving licence when combined with a CPC at 18 for truck drivers (C and CE categories) and at 21 for bus and coach drivers (D and DE categories), which is coherent with the requirements of the Directive. However, as a result of these divergent interpretations, five Member States⁵² set the minimum age requirement at respectively 21 and 24. In Malta, the minimum age requirement is 19 for truck drivers (C and CE categories) and 21 for bus and coach drivers (D and DE categories).⁵³

These discrepancies may distort competition between firms within the EU, as enterprises in countries that are able to hire younger drivers have a significantly larger base of potential drivers to hire from compared to enterprises in other countries. Taking into account the driver shortage, reported more and more by the stakeholders, higher availability of younger drivers is reducing the cost of transport operations. Moreover, young drivers in these five Member States are missing the opportunity to start their career of professional driver earlier.

Further developments

Attempts so far have yielded limited success in clarifying these provisions. In particular the opinion of the Legal Service of the European Commission in 2012 underlined the existing current legal uncertainty by pointing out that only a legislative amendment would provide definitive clarity. Without any action, Member States' difficulties in applying these provisions will continue, meaning the discrepancies between Member States on the minimum age to access the profession will persist. This will affect the possibilities for young people to become a professional driver and lead to differences in costs of transport operations between Member States.

⁴⁷ Directive 2003/59/EC Article 5(3)

⁴⁸ Ibid, Article 4(4) (e), (g)(i) and (k) .

⁴⁹ ARES(2012)1688654

⁵⁰ Information is not available for the remaining five Member States

⁵¹ Austria, Czechia, Germany, Denmark, Estonia, France, Greece, Croatia, Hungary, Ireland, Lithuania, Netherlands, Poland, Portugal, Slovenia, Sweden and United Kingdom

⁵² Spain, Finland, Italy, Latvia and Slovakia

⁵³ For a complete overview of the minimum age requirements in each Member State please see Annex 5

1.4.3 Uncertainty on the possibility to combine drivers' training under the Directive with other trainings required under EU law.

While the Directive prescribes training to be undergone by all drivers whom it covers, other pieces of EU law prescribe specific trainings that are required for specific driving activities, such as the ADR training necessary for the transport of dangerous goods⁵⁴, training on disability awareness⁵⁵ or on animal welfare⁵⁶. Furthermore, training requirements may be specified by national authorities and tailored to specific driving activities on a national basis.

The inter-relations between these training courses are, however not clearly laid down. In particular it is not specified if, or to what extent, specific training can be combined with the general training under the Directive.

As regards specific trainings required by EU law, the inconsistency represents a legal gap and an incoherence of these different pieces of EU law. This creates legal uncertainty for national authorities and industry stakeholders, which may not be solved at the national level.

This uncertainty does however not concern the minimum level of content, but only the possibility for Member States to include under the training curriculum other subjects specific to the transport operations that the driver carries out, in particular ones those are prescribed by other EU law.

Beyond the legal uncertainty, this also affects the playing field for the drivers and undertakings in between different Member States, since drivers who can combine the training are put in a more advantageous position than colleagues in other Member States where such a combination is not possible due to a possible reduction of the overall number of training hours and thus training costs.

The sections below provide a detailed overview of the EU trainings in question

1.4.3.1 Training for dangerous goods (ADR)

The issue of combining the general professional drivers training under the Directive with training required for driving of dangerous goods (ADR) under the Directive on the inland transport of dangerous goods (Directive 2008/68/EC) was raised by Member States during the CPC committee meetings in 2007 and 2012. The Directive on the inland transport of dangerous goods establishes that drivers have to undergo a refresher training every five years to maintain their qualification under the rules on dangerous goods. The duration of the training is specified, generally as 13-16 training units of 45 minutes, with special rules for specific ADR operations. In the Czech Republic, Finland, the Netherlands and the United Kingdom, it is possible to count the ADR refresher training also towards the periodic training. In Finland ADR can count as seven hours of the periodic training. In the Netherlands ADR training can count for 14 hours of the 35 hours of periodic CPC training and 21 hours in the

⁵⁴ Directive 2008/68/EC and European Agreement concerning the International carriage of Dangerous Goods by Road (ADR)

⁵⁵ Regulation (EU) No 181/2011, Article 16

⁵⁶ Council Regulation (EC) No 1/2006

case of tanker vehicles⁵⁷. In other Member States such as Belgium, Denmark, Estonia, Ireland, Luxembourg or Sweden, Germany and Portugal the periodic CPC training may not be combined with other kinds of training⁵⁸.

According to Commission estimates, around 5 % of the total number of HGV professional drivers in the EU, which represented about 142 000 drivers in 2013, transport dangerous goods and could potentially benefit from combining both training courses⁵⁹. The problem is expected to increase significantly from 2016, when all Member States will have introduced periodic training for all drivers.

1.4.3.2 Training on disability awareness

Regulation (EU) 181/2011 on the rights of passengers in bus and coach transport⁶⁰ ('the Regulation') establishes training requirements for the transport of disabled people and people with reduced mobility.⁶¹ Recital 12 of the Regulation states that '[...]With a view to facilitating the mutual recognition of national qualifications of drivers, disability awareness training could be provided as a part of the initial qualification or periodic training as referred to in the Directive on training of professional drivers (2003/59/EC)'. This indicates that there was an intention to authorise integration of this training in the training under the Directive. However, no concrete steps have been taken to link the two training requirements. This issue was also raised by stakeholders such as the European Blind Union and the International Road Transport Union (IRU) during the public consultation.

It is important to note that the Regulation on rights of passengers in bus and coach transport (Regulation (EU) 181/2011) requires the driver to be trained or instructed on the issues mentioned in the Annex, but does not specify the duration of the training or that it has to be periodically updated. This requirement could therefore in principle be fulfilled through a 'one off' training course.

As Member States have the option to apply the training requirement only from 1 March 2018, and a lot of Member States have chosen to do so, it has so far had limited impact in practice. However, from 2018 the problem is expected to affect a more significant number of drivers.

⁵⁷ Assistance on impact assessment on Directive 2003/59/EC on initial qualification and periodic training of drivers of certain good vehicles for the carriage of goods or passengers, Panteia et al (2015)

⁵⁸ CIECA (2010) Survey on the implementation of the directive 2003/59/EC laying down the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers

⁵⁹ For the calculations please see Annex 4

⁶⁰ OJ L 55, 28.2.2011, p. 1

⁶¹ See Article 16 and Annex II part a to the Regulation

1.4.3.3 Training on animal transport

After the adoption of the Directive, training requirements for drivers were also set out in the Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations.⁶²

Under this Regulation, road drivers and attendants of animal transport must complete training and pass an examination approved by the competent authority. The training must include at least the technical and administrative aspects of Community legislation concerning the protection of animals during transport. Following successful completion of the training and validation of the test, the driver receives a certificate of competence. The Regulation does not specify the length of the training or that the competence has to be periodically updated. This requirement could therefore in principle be fulfilled through a ‘one off’ training course and examination.

The Directive does not set out a specific objective with respect to the training of drivers transporting animals but this does not prevent the introduction of these topics into the training of professional drivers, provided that the objectives of the Directive are met. Also, in that case the relationship between the two training requirements has not been clarified and there is legal uncertainty.

Further developments

The application of acquired rights until 2016, which so far has mitigated the problems on mutual recognition has also acted as a mitigating factor for those drivers affected by the open issue of the relationship between the periodic CPC training and the ADR refresher training. Furthermore, as the Member States have the option to apply the training requirement on disability awareness only from 1 March 2018,⁶³ the problems concerning training on disability awareness are primarily expected to arise from 2018 onwards. According to Commission estimates in 2014 there were about 142 000 professional drivers in the EU carrying out transport of dangerous goods and about 792 000 professional bus and coach drivers.

Table 3: Estimated number of drivers (in thousands) prevented from combining CPC training with other forms of training over 2018 - 2030

	2018	2021 ⁶⁴	2023	2026	2028	2030
Drivers	19.0	981.1	21.2	1003.0	63.2	64.5

Source: European Commission

⁶² OJ L 3, 5.1.2005, p. 1, as amended, in particular Articles 6(5) and 17(2) as well as Annex III Chapter III and Annex IV.

⁶³ See point 1.4.2.2.

⁶⁴ Periodic training needs to be repeated once in five years. The five year period after the system of periodic training is fully in place will expire in 2021.

2 WHY SHOULD THE EU ACT

Right to act

Article 91(1)(c) of the Treaty on the Functioning of the EU (TFEU)⁶⁵ (ex-Article 71 TEC) serves as a legal basis for the adoption of EU legislation to improve transport safety, including road safety. This provision was the legal basis of the Directive on training of professional drivers (2003/59/EC), and serves as a legal basis for a future revised measure.

The EU has shared competence with Member States to regulate in the field of common transport pursuant to Article 4(2)(g) TFEU. This means that the EU can only legislate as far as the Treaties allow it, and with due consideration being accorded to the principles of necessity, subsidiarity and proportionality.⁶⁶

Subsidiarity

Road transport within the EU is transnational in nature as around 33% of the total transport of heavy goods vehicles crosses borders between EU Member States, and around 8% of the cross-border transport in the EU is done with busses and coaches. These figures have been increasing over the last years. These problems are transnational in nature and affect more than one Member State.

In particular the problem of mutual recognition of periodic training undergone in another Member State cannot effectively be solved by the individual Member States. Although issuing of DQCs as already provided for in the Directive would resolve the situation, it remains an optional solution. Despite efforts already made through the CPC committee to resolve the issue by non-legislative actions, eight concerned Member States have chosen not to make use of this option. Thus EU legislative action is necessary to ensure coherent administrative practises in Member States and to provide for an effective mutual recognition of training within the EU. Possible bilateral agreements between some Member States cannot effectively ensure EU-wide mutual recognition.

Different interpretations of the Directive and different practices applied by Member States do not contribute to the creation of the Single Market and negatively affect competition between countries. Attempts already made to align the understanding and application between the Member States through non-legislative actions such as issuing of notes and discussions at the CPC committee have not yielded sufficient result. 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 trainings on dangerous goods, disability awareness and animal welfare are required by EU law, it is primarily for the EU to provide legal clarity and ensure coherence between the different instruments of EU law.

Furthermore, due to the cost saving reasons, some Member States allow to follow the same periodic course module several times or to complete periodic training not covering safety issues. These practices deviate from the common safety objectives. Given the international

⁶⁵ Consolidated Version of the Treaty on the Functioning of the European Union [2010] OJ C83/47

⁶⁶ Consolidated Version of the Treaty on European Union [2008] OJ C115/13, Art 5 (3) and (4)

nature of road transport and provided that other Member States may not mitigate the potential safety risks on their roads which are brought through these abusive practices, the EU needs to ensure the coherency of the minimum level of training content with the overall policy objectives – in particular road safety.

Consequently, the objectives cannot be achieved sufficiently by the Member States and EU action is therefore justified from a subsidiarity point of view.

3 WHAT SHOULD BE ACHIEVED

3.1 General policy objective

The general objective of the initiative is to ensure that the Directive more effectively contributes to safety provisions as laid down in the EU common transport policy and the Policy Orientations on Road Safety and that it complies with the principles of the Internal Market and facilitates the free movement of professionals active in the sector.

3.2 Specific objectives

Three specific objectives (SO) have been identified and are linked to the identified issues discussed in section 1.2 to 1.4:

SO1: Ensure smooth administrative practises for mutual recognition in Member States

This would target the problem described in section 1.2.1, of drivers undergoing periodic training in another Member State whose training is not recognized. SO1 would also address the problem of the mutual recognition of driver attestations, described in section 1.2.2, in order to facilitate the working condition and the free movement of professional drivers.

SO2: Ensure that the training content better targets recent technological developments, road safety and fuel efficiency

This specific objective would address the problems related to the content of the initial and periodic training described in section 1.3.1. Thus, this specific objective will ensure the better application of the road safety requirements by drivers, potentially lead to better implementation of the safety objective of the Directive and improve fuel efficient driving behaviour leading to more rational fuel consumption. This specific objective would also address the issue on the facilitation of use of ICT tools (e-learning/blended learning) described in section 1.3.2.

The policy objective is consistent with general transport policy objectives, namely with The 2011 Transport White Paper and the 2010 Communication towards a European road safety area: policy orientations on road safety 2011-2020. Both emphasise the need for a framework to improve road safety. Moreover, one of the main objectives of the 2010 Communication on policy orientations on road safety is to improve the education and initial training of road users, as well as post-licence training.

Focussing more on training professional drivers in economic and fuel efficient driving will contribute positively, but to a limited extent, to lowering CO₂ emissions and reducing costs.

This is in line with the 2011 Transport White Paper, which also promotes the objective of environmental sustainability by aiming to reduce transport CO₂ emissions by 60% by 2050.

Finally, facilitating the use of ICT tools is consistent with the policy under the Digital Agenda for Europe in the Europe 2020 Strategy fostering smart, sustainable and inclusive growth in Europe.

SO3: Improve legal clarity of the Directive and coherence with other EU legislation

This would address the problems of ambiguities in the Directive and the lack of coherence with other EU legislation, described in section 1.4.

Focusing on ensuring the smooth functioning of existing legislation is consistent with Commission's priority to ensure the smooth functioning of other policies under Better Regulation.

Charter for fundamental rights

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

4 WHAT ARE THE VARIOUS OPTIONS TO ACHIEVE THE OBJECTIVES

This section addresses the possible options for meeting the objectives defined in section 3 above and tackling the problems identified in section 1.

Under the first stage of its analysis based on the study by external consultants and on the stakeholder consultation, the Commission identified a list of policy measures which have the potential to address the problem drivers described in section 1. In the course of the impact assessment process the Commission also looked into different forms of intervention, meaning that the analysis considered which issues have the potential of being solved with soft law measures and with hard law measures.

The following process was applied for establishing the policy packages:

- 1) a preliminary assessment of all potential policy measures,
- 2) identification of a list of retained policy measures, and
- 3) retained measures combined into policy packages (policy options) constituting coherent policy alternatives for achieving the objectives.

4.1 Retained regulatory policy measures

Following the initial assessment the Commission retained eleven potential policy measures. The table below provides an overview of the retained possible policy measures and their link to the problem driver.

Table 4: link between possible policy measures and problem drivers

Problem driver		Measures	Description
Difficulty of an EU resident to recognise periodic training	1	<i>Requirement to recognise a standardised CPC certificate</i>	Standardise the CPC certificate and introduce the requirement for Member States to recognise CPC certificates issued by another Member State.
	2	<i>Issuing a DQC to drivers from other Member States</i>	An obligation to issue a DQC to drivers residing in other Member States, in cases where code 95 cannot be indicated on the driving licence.
	3	<i>Requirement to recognise CPC training based on information on completed CPCs provided through a system for the exchange of information (RESPER)</i>	Adapting the RESPER system to a network of exchange of information between Member States also on completed CPC and requiring Member States to mark code 95 on the basis of that information
Difficulty of a non-EU resident to recognise drivers' attestation	4	<i>Driver attestation recognised without code 95</i>	Explicitly require MS to recognise driver attestations even if code 95 is not indicated
	5	<i>Driver attestation recognised only with code 95</i>	Explicitly require MS to mark code 95 on the driver attestation to benefit from mutual recognition
Content of the initial qualification does not adequately reflect danger recognition and fuel efficiency	6	<i>Revision of Section 1 of Annex I</i>	A revision of the subjects to be covered during the initial qualification to update them specifying clearly and in more detail the topic of danger recognition to be covered, and specify elements of driving behaviour important for fuel efficient driving
The training content does not adequately reflect road safety and diversity in topics	7	<i>Revision of Section 4 of Annex I</i>	The minimum content of periodic training is set by explicitly requiring road safety topics to be covered. The same training content may not be provided for more than one of the seven-hour periods of training within the same round of periodic training.
The provisions do not adequately reflect recent developments	8	<i>Explicit clarification on the possibility of using e-learning/blended learning in the revised Directive</i>	Explicitly allow Member States to authorise the use of ICT tools (e-learning/blended learning) as part of the initial qualification and periodic training in the revised Directive
Legal uncertainty on the scope of exemptions	9	<i>Legal clarification of exemptions by partial alignment with Regulation (EC) No 561/2006</i>	Provide legal clarifications on exemptions through alignment with the relevant exemptions and practice under Regulation (EC) No 561/2006. In particular adapt Article 2 (b), (d), (e), (f) and (g) to the respective provisions in Regulation (EC) No 561/2006/EC. ⁶⁷
Ambiguity on the minimum age to access the profession	10	<i>Clarification of relationship with Directive 2006/126/EC in terms of minimum age requirements</i>	Stipulate clearly in Directive 2006/126/EC that the minimum ages system of Directive 2003/59/EC represents derogation from the higher minimum age requirements set in Directive 2006/126/EC. This would clarify that the general harmonised minimum age for access to the profession is 18 for trucks and 21 for buses and coaches.
Ambiguity on the possibility to count other training as part of CPC training	11	<i>Clearly authorise Member States to allow other driver training required by EU law to be counted as one of the five seven-hour periods required for the periodic training under the Directive</i>	Set rules authorising Member States to allow other forms of training required by EU law, in particular 1) training on dangerous goods (ADR) 2) training on disability awareness and 3) training on animal transport to be counted as one of the five seven-hour periods required for the periodic training under the Directive

4.2 Other (discarded) potential policy measures

A number of specific policy measures were discarded at the early stage of the impact assessment process:

⁶⁷ See Annex 7 for further details

4.2.1 Potential solutions to the problem of the mutual recognition for the periodic training

A potential solution to the problem of the mutual recognition for the periodic training, discussed under section 1.2.1 is to establish the driver qualification card with the Code 95 as the sole system of recognizing the qualification for all Member States. This policy measure however was discarded from the analysis as this requirement would mean that the current widespread practise of marking code 95 on the driving licence would no longer be allowed. It would require considerable change for a lot of Member States, especially for those seven Member States that currently issue both code 95 on driving licence and on the DQC, and particularly for the four of those who only issue DQC to residents of other Member States (see section 1.2.1) and would go beyond what is needed to resolve the problem.

Furthermore, the possibility to use the TACHOnet⁶⁸ network as a system for exchange of information among Member States to improve mutual recognition. This suggestion was carefully assessed during the impact assessment process and compared to the solution of using the RESPER network for the same purpose. Both TACHOnet and RESPER which are built on the same IT-structure, facilitate automatic exchange of information between authorities of relevance for professional drivers. As two systems are generally built on the same IT-structure, their IT development and maintenance costs would fall into the same range. However, the main difference between the two solutions is related to the information contained in two databases. It should be noted that the TACHOnet network is used to facilitate exchange of information on driver cards used in tachographs (i.e. registration of driving and resting time) whereas the RESPER system is used for exchange of information on driving licences. As a result, compared to the TACHOnet, the RESPER system already covers information on driving licences, including code 95 on the driving licence which is used in several Member States for mutual recognition under the Directive. Making use of this system compared to the TACHOnet would thus bring lower costs for several Member States. Moreover, national authorities responsible for driving licences and the issuing of code 95 are to a larger extent the same. On this basis, the option to use TACHOnet as a system for electronic exchange of information was discarded, and only the possible use of the RESPER network for that purpose has been retained for analysis.

4.2.2 Potential solution to the problem of the legal uncertainty on the scope of exemptions

Fully aligning the exemptions under the Directive with Regulation (EC) No 561/2006 was considered as a potential solution to the problem of the legal uncertainty on the scope of exemptions discussed under section 1.4.

This policy measure was discarded from the analysis as the preliminary analysis indicates that it would be disproportionate. Full alignment would go way beyond what is necessary to tackle the legal uncertainty because it would substantially change the approach to the exemptions, e.g. by providing a far more extensive list of exemptions and distinguishing between vehicles/transporters that are exempted and those that Member States may decide to exempt.

⁶⁸ TACHOnet is a telematics network in operation across the EU to allow an automated exchange of information concerning the issuing of tachograph cards issued under Regulation (EU) 165/2014

Furthermore it would not take appropriately into account the different challenges of the two instruments, and be counterproductive for the road safety objectives of the Directive. One example is the general exemptions for professional drivers of regular bus routes, if the route does not exceed 50 km, where the risk of excessive driving hours could be considered limited, but where the competence of the professional driver still needs to be ensured. Furthermore, full alignment is not considered important by the stakeholders primarily representing transport undertakings, e.g. Portuguese National Association of Passenger Transport and Confederation of Passenger Transport (UK).⁶⁹

4.2.3 Potential solution to the problem linked to the shortcoming of the periodic training

Introducing common curricula for the periodic training was considered as a potential solution to the problem linked to the shortcomings of the periodic training, discussed under section 1.3.1.

While this policy measure was supported by a majority of the respondents to the public consultation with a significantly high level of support among training organisations (70 respondents), transport service sector (95 respondents) and road safety experts (10 respondents), it was discarded from the analysis as it does not consider the different nature of different transport operations and particularities of markets and training systems of the Member States. This was indicated by the respondents to the public consultation primarily representing road transport service sector (50 respondents) and other interest groups and others (45 respondents) who did not support this measure.⁷⁰

4.2.4 Potential solution to the ambiguity on the minimum age to access the profession

Requiring a higher minimum age in all Member States was considered as a potential solution to the ambiguity on the minimum age to access the profession discussed under section 1.5.1. This measure would result in a significant increase in costs due to reduced access to drivers in those Member States who currently apply the lower minimum age. Furthermore no significant increase in road safety risk can be established as a result of applying the lower minimum age.⁷¹ This measure is also generally not supported by most stakeholders in the industry, academia and among Member States authorities.⁷² This measure has therefore been discarded.

⁶⁹ See main conclusions from stakeholder conference in Annex 2

⁷⁰ Panteia et al. (2014), Report on the 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

⁷¹ For further details see Annex 7

⁷² See main conclusions from the stakeholder conference in Annex 2

4.2.5 Potential solution to the legal uncertainty of combining periodic training with other trainings required by EU law

As a potential solution to the legal uncertainty of combining periodic training with other trainings required by EU law it was considered:

- explicitly prohibiting other trainings required under EU law to be combined with the CPC training
- explicitly allowing other trainings required under EU law to be combined with the CPC training without restrictions.

An explicit ban on combining CPC training with other trainings required under EU law was discarded because, even if it would ensure legal clarity, a ban would represent an undue restriction on Member States' competence to determine the details of the training structure and content. It would furthermore lead to additional cost for drivers in Member States where combining training is currently allowed without clear evidence of benefits, as also indicated by stakeholders primarily representing road transport service sector (68 respondents) and training organisation (61 respondents) in the public consultation. Nor would it improve the relevance of the training, which is considered important by the stakeholders,⁷³ taking into account that knowledge related to the specific transport operations could be considered useful for professional drivers. As regards training on disability awareness, it would go against the intentions of allowing such combination as stated in recital 12 to the Regulation on the rights of passengers in bus and coach transport, as discussed under point 1.4.3.2 above.

Explicitly allowing other training required under EU law to be combined with the CPC training without restrictions was discarded because it would allow such training to more or less replace CPC training, which would undermine the relevance of the training under the Directive. While other specific training can be considered relevant for drivers covered by the Directive, it can only supplement parts of the CPC training. Particularly for training on dangerous goods (ADR), parts of the specific training relate to the particular risks related to the transport of dangerous goods, (e.g. handling dangerous goods in the event of an accident, see ADR point 5.4.3) which goes beyond what is needed for other types of transport. This training should therefore be additional to the regular CPC training.

4.2.6 Potentially exempting small companies ("Think Small Principle")

The transport sector consists of a significant number of micro-enterprises, as between 65% and 95% of transport enterprises under the scope of the Directive are SMEs. The current legal framework intentionally targets all drivers, see recital 3 of the Directive.

However, we have no indication of different road safety risks depending on the size of the company, which could justify exemption of small companies. On the contrary, given the significant number of such companies in the sector, their full exclusion from the scope of the Directive would be counterproductive and significantly hinder the effectiveness of the legislation. This policy measure has therefore been discarded.

⁷³ See main conclusions from stakeholder conference in Annex 2

4.2.7 Changes to the content of the training taking into account future developments

As some of the identified problems relate to technological developments, the Commission also assessed throughout the impact assessment whether, beyond addressing the specific problems identified above, there was a need to make the Directive more "future proof", i.e. to consider for the revision future developments such as technological innovation, and thus avoid repetitive revisions of the Directive in the upcoming years.

However, the preparatory work did not reveal any major shortcomings of the Directive in this regard. The Directive leaves Member States with wide flexibilities to develop the specific content and structure for the training and take into account developments.

Furthermore, the Directive already empowers the Commission to update the annexes in light of scientific and technological progress, which represents a dynamic way to ensure that the Directive takes into account future developments. The future possible use of this empowerment will be carefully considered in close collaboration with the Member States.

The option to a more overall approach to making the Directive future proof has therefore been discarded and not been retained for analysis.

4.3 Composition of the policy options and preliminary assessment

Given the diversity of the problems and the fact that they are independent of each other, it was decided to compose three sets of policy options according to three main fields of intervention and their specific objectives.

4.3.1 SO1 – Ensure smooth administrative practises for mutual recognition in Member States

In addition to the baseline scenario, three main policy solutions were considered to reach this specific objective, including an scenario where the two mutual recognition problems identified are addressed and scenarios where only one of two problems is addressed keeping the current practise for the second.

This translated into twelve different sub-options, which take into consideration different modalities of the implementation. As a result, the early assessment of these sub-options showed that the issue of mutual recognition of the periodic training is only possible with policy intervention. Indeed, all the attempts to achieve the agreement during the CPC committee meetings between the Member States have so far been unsuccessful. Therefore, the report preselects for further analysis only options which require EU intervention.

As regards the policy options on the mutual recognition of drivers' attestation card, attempts taken to resolve the issue during the CPC committee meeting in 2015 did not face major disagreements between the Member States⁷⁴. Even if no sufficient time passed to fully assess the effects of the agreement achieved and whether practical problems would persist in the short term, legal uncertainty on the matter would anyhow remain, representing a long term

⁷⁴ In the meeting of the committee after the different practises in Member States were outlined, Member States tend to agree that the different administrative practises should not lead to problems of mutual recognition of driver attestations cards.

risk for the mutual recognition of driver attestations. Therefore, the report preselects for further analysis only options which require EU intervention.

4.3.2 SO2 – Ensure that the training content reflects recent developments and improve road safety and fuel efficiency

The analysis suggests that the policy review to clarify the possibility of e-learning/blended learning will leave to the Member States the choice of using e-learning/blended learning and it will not force them to change their current training system. Therefore it will not bring any significant binding impact neither on training system, nor on compliance costs associated with such a change. Since the improved clarity on the possibility of using e-learning/blended learning can be achieved without costs, the report focussed on the options allowing for the clarification and restricting policy packages to the ones which explicitly consider the clarification of e-learning/blended learning.

As regards the second issue addressed under this specific objective, due to possible costs to the industry and Member States and given the joint road safety objectives of PM 6 (revision of Section 1 of the Annex) and PM 7 (revision of Section 4 of the Annex) and the close correlation between initial and periodic training, the review of the content of initial and periodic training need to be considered together and compared to the baseline scenario.

Moreover, the review of Section 4 of the Annex I related to the periodic training will bring only marginal level of costs compared to the current situation. This is because the revision would not impose new courses compared to the initial qualification training, but only require more diversity in the courses, and the topic of road safety to be covered. Therefore, further analysis will consider policy options combining reviews of both sections of Annex I.

4.3.3 SO3 – Improve legal clarity and coherence of the Directive and with other EU legislation

The analysis suggests that the option to authorise the combination of periodic training with other forms of training required under EU law will improve clarity regarding Member States’ flexibility on this matter, without forcing them to change their current training system. Therefore it will not bring any significant impact neither on training systems, nor on compliance costs associated with such a change. Since the improved clarity on the possibility of combining training under the Directive with other driver training required under EU law can be achieved without costs, it is suggested that the number of policy packages be restricted to the ones which explicitly consider allowing the periodic training to be combined with other driver training required by EU law. Due to the independence of the PM 10 (clarification on the minimum age) and PM 9 (legal clarification of the exemptions), these policy measures are independent in nature. As they affect different causes and as neither further synergies, nor overlaps are anticipated, it is suggested to consider them together for the analysis.

4.3.4 The final composition of the policy packages

Table 5: Link between policy options and policy measures

	<i>Measures</i>	<i>PPA</i>	<i>PP A*</i>	<i>PP B</i>	<i>PP B*</i>	<i>PP C</i>	<i>PP C*</i>
	<i>Requirement to recognise a standardised CPC certificate</i>	X					

	<i>Measures</i>	<i>PPA</i>	<i>PP A*</i>	<i>PP B</i>	<i>PP B*</i>	<i>PP C</i>	<i>PP C*</i>
2.	<i>Issuing a DQC to drivers from other Member States</i>			X			
3.	<i>Requirement to recognise CPC training based on information on completed CPCs provided through a system for the exchange of information (RESPER)</i>					X	
4.	<i>Driver attestation recognised without code 95</i>	X		X		X	
5.	<i>Driver attestation recognised only with code 95</i>		X		X		X
6.	<i>Revision of Section 1 of Annex I</i>		X		X		X
7.	<i>Revision of Section 4 of Annex I</i>		X		X		X
8.	<i>Explicit clarification on the possibility of using e-learning/blended learning in the revised Directive</i>		X		X		X
9.	<i>Legal clarification of exemptions by partial alignment with Regulation 561/2006</i>		X		X		X
10.	<i>Clarification of relationship with Directive 2006/126/EC in terms of minimum age requirements</i>		X		X		X
11.	<i>Clearly authorise Member States to allow other driver training required by EU law to be counted as one of the five seven-hour periods required for the periodic training required under the Directive</i>		X		X		X

Policy Packages () will change from the original Policy packages with a inclusion on the policy measure considering recognition of the drivers' attestation only with code 95*

5 ANALYSIS OF IMPACTS (WHAT ARE THE IMPACTS OF THE DIFFERENT POLICY OPTIONS AND WHO WILL BE AFFECTED)

Due to the independence of policy measures and policy objectives, the report presents the impact section by blocks according to the specific policy objectives. The preferred policy option will be composed out the most effective, efficient and coherent elements. The final choice of policy measures will be analysed for internal coherence.

5.1 SO1: Ensure smooth administrative practices for mutual recognition in Member States.

The following policy measures are considered under SO1:

- PM 1 - Requirement to recognise CPC certificates based on a standardized attestation document
- PM 2 - Issuing a DQC to drivers from other Member States
- PM 3 - Requirement to recognise CPC training based on information on completed CPCs provided through a system for the exchange of information (RESPER)
- PM 4 - Driver attestation recognised without code 95
- PM 5 - Driver attestation recognised only with code 95

Social and economic impacts:

All policy options under the discussion consider measures for the recognition of the drivers' attestation card, which may take form of recognition with code 95 or without. In practice, all policy packages are ensuring that driver attestations are mutually recognised. This would simplify the current practices ensuring that different Member States' administrative practises

do not hamper mutual recognition of the driver attestation for the purpose of the Directive. Drivers would not risk of being penalised or having administrative problems when driving in other Member States with the driver attestation. This would also benefit transport companies.

The main difference between the options lies in the administrative practices of the Member States and costs associated with them. While PM 4 (and therefore all policy options it takes part of) allows for the recognition of the attestation without code 95 being indicated, it would allow the Member States to continue their current administrative practise without any additional costs. Contrary to that, PM 5 would force those Member States which currently do not indicate this code on the attestation to change their practices, and it would bring additional costs for the authorities in these Member States. In particular, Romania, Poland and the Netherlands would be affected by this change.

As regards the mutual recognition of the periodic CPC training all three policy measures at stake, i.e. PM 1 considering the changes through a standardized attestation document, PM 2 requiring to issue a DQC to drivers from other Member States and PM 3 ensuring information exchange through RESPER system solves the problem identified in section 1.2.1 and improves the situation compared to the baseline.

All three policy measures regarding CPC training (i.e. PM 1, requiring CPC to be recognised based on standardised form; PM2, asking to issue a DQC to drivers from other Member States and PM3, suggesting information exchange through RESPER) would ensure that all 48.7 thousand affected drivers can undergo the CPC training in their country of work and not have to do the training in their country of residence. This doubtless has a very strong and positive impact on the working conditions of all drivers affected, enabling them to choose whether to follow the training in the Member State where they live or work. This will also increase the cross-border competition between training providers, and thus improve the functioning of the market for periodic training services. PM 2 is more beneficial for a driver in terms of procedures to follow, as the mutually recognised document (DQC) will be issued in the Member State where the training is undergone. Policy measures 1 and 3 are more burdensome, as they require drivers after completion of the training to return to their country of residence to get the document (driving licence or DQC) that ensures mutual recognition. Based on the available information it has not been possible to quantify the expected benefits for drivers of PM 2 compared to PM 1 and 3 in this regard. In general the individual drivers are only expected to make use of the possibility if this overall is considered a beneficial alternative for them.

In terms of efficiency, all three policy options suggest cost savings to businesses and drivers, which will account over of period 2018 – 2030 for EUR 2.30 million and EUR 6.7 million for businesses and drivers respectively.

These measures do differ however in costs of their implementation and application. According to the estimates provided in Annex 4, the main costs for PM 1 and 2 are related to the administrative procedures and the issuing of the document. They will affect only the eight Member States that currently do not issue this document. The level of costs depends on the number of drivers who actually choose to undergo training in the Member State where they work. If all drivers potentially affected choose to make use of the possibility, the total costs for all stakeholders groups and national authorities of PM 1 and PM 2 over of period 2018 – 2030 of policy measures is expected to reach a maximum of EUR 6.3 million, for an estimate

of 100 000 training situations⁷⁵ affected. However, as indicated in point 1.2.1, not all affected drivers are likely to make use of the possibility, and the actual total cost is therefore expected to be lower. The table below shows the distribution benefits and costs for policy options A or B between Member States concerned.

Table 6: Policy options A and B - Distribution of costs and benefits among Member States due to the introduction of the correcting mechanism of the training mutual recognition, in thousand euros

	Number of EU nationals potentially affected by the problem of the mutual recognition (1000)	Implementation costs	Costs savings to the industry	Net costs savings
Austria	5.1*	627.8	1 103.0	475.2
Germany	36.7	3941.2	6 890.0	2948.8
Greece*	2.4*	271.1	238.2	32.9
Lithuania**	~0	~0	~0	~0
Latvia	~0	~0	~0	~0
Malta**	~0	~0	~0	~0
The Netherlands***	1.7*	180.1	795.2	615.1
Poland	~0	~0	~0	~0
Totals		6 303.3	9 026.4	2 723.1

* Estimated share of HGV and bus drivers based on the overwhelming majority of national drivers in these nine countries, as the share of non-nationals possesses low reliability to be published.

** The estimates are made based on very small data samples which implies a low reliability of data

*** The estimates of non-national drivers include those drivers who did not report their nationality

Compared to the eight Member States affected by PM 1 and 2, PM 3 would affect all 28 Member States, as this measure requires harmonised functionalities of the IT-systems used to exchange the information on the CPC completed by the drivers, which are currently not in use in any Member State for this specific purpose.

The main costs are related to the establishment and maintenance of the electronic exchange of information on one hand and actual application (registering of the data on completed CPC) of the system on the other. The one-off investments for connection to the RESPER and creation of national CPC register in those countries which do not yet have one, could potentially amount to EUR 7.64 million and EUR 3.94 million respectively.

Secondly, costs will incur to ensure administrative staff for registering the data on completed CPC. These implementation costs are of running nature and will depend on the number of drivers from other Member States seeking the recognition of their training. Given the estimated 30 minutes for the registration of the CPC in the country of training and issuing the document in the country of the residence (15 minutes and 15 minutes respectively), the running costs for the period 2018-2030 are estimated to be around EUR 2.27 million. The

⁷⁵ "Training situations" mean situations where drivers have to do the periodic training, taking into account the five year cycle of training and thus that drivers would have to do the training several times over the period 2018-2030

total costs of policy measure 3 to the society over the period 2018-2030 are estimated at EUR 11.14 million, while the cost savings remain the same as in policy options A and B, i.e. EUR 9.02 million.

No significant *environmental impacts* are expected.

5.2 SO2: Ensure that the training content reflects recent developments and improve road safety and fuel efficiency

The following policy measures are considered under SO2:

- PM 6 - Revision of Section 1 of Annex I
- PM 7 - Revision of Section 4 of Annex I
- PM 8 - Explicit clarification on the possibility of using e-learning/blended learning in the revised Directive

Social impacts:

Compared to the baseline, the revision of Annex I, Section 1 (initial training) and Annex I Section 4 (periodic training) will improve the training, in particular in terms of the *safety and environmental effects*.

Road safety will be improved through further focus on danger recognition in the initial training and ensuring that road safety topics are included in the periodic training. The main benefits of such a training system lie in the possibility for the participants to learn to recognise set-schemes (situation recognition) and to be able to make use of the experiences gathered during the training session. Moreover, the focus on fuel efficient driving behaviour will also improve road safety as this in general means a defensive, forward-looking driving style which is also safer driving behaviour.

The effect of these actions is difficult to quantify due to the complexity of measures affecting the level of road safety and particular challenges in separating the effects of efforts on training.

However, according to the in-depth accident investigations analysed in the support study, the main underlying causes for accidents were identified as human error, relevant in around 85% of the accidents. Moreover, it was estimated that accidents involving HGVs, buses and coaches could be reduced by between 3% and 20% if the human factors were dealt with appropriately.

The maximum effect of updating the current training and bringing more safety oriented subjects with an explicit orientation on the danger recognition was considered two per cents. The literature review in particular Mayhew & Simpson (2002)⁷⁶, Stanton, Walker, Young, Kazi & Salmon (2007)⁷⁷, a study by SWOV Institute for Road Safety Research⁷⁸ and the

⁷⁶ Mayhew & Simpson, 'The safety value of driver education and training Injury Prevention, 8, ii3-ii8' (2002).

⁷⁷ Stanton, Walker, Young, Kazi & Salmon, 'Changing drivers' minds: the evaluation of an advanced driver coaching system, Ergonomics, 50, 1209-1234' (2007).

⁷⁸ SWOV (2012) De rijvaardigheidseisen in Midden- en Oost-Europese lidstaten en ongevallen en overtredingen van buitenlandse bestuurders in Nederland.

ADVANCED⁷⁹ project, recognises that at ‘danger recognition training’ drivers learn to recognise situations and analyse the situation for potential (imminent) dangers.

The revision of Annex I, Section 4 would not only ensure that the periodic training covers road safety topics but also that a variety of topics are covered rather than the same seven-hour training being repeated. These improvements would ensure that the topics are closer to the core objectives of the Directive.

The improvement in road safety has a positive impact not only for other road users but also for drivers themselves, contributing to reduced risks for the profession and improves the competitiveness of the sector.

As regards the effect of clarifying the possibility of e-learning/blended learning, PM 8 would not in itself have any direct effect, but is limited to providing a clear flexibility for the Member States’ authorities. Therefore, legal uncertainty on this matter would be avoided without any significant costs to any stakeholder groups.

Literature⁸⁰ confirms that use of new technologies is an important part of an effective system of vocational training which again raises attractiveness of the profession for workers. As training has a strong impact on workers’ productivity, the productivity gains can lead in turn to higher wages and better career prospects across the sector. Being better adapted to the workers’ needs, training can help the workers to cope with the job strain or other psychosocial risks therefore contributing to less absenteeism from work.

The degree of these effects depends on the extent Member States choose to make use of the flexibility provided.

Economic Impacts:

Revision of the Annex is expected to increase costs for the Member States and stakeholders. Changes in Section 1 will particularly affect drivers from the 16 Member States which require drivers to follow a course to receive an initial qualification,⁸¹ and not only rely on tests. The exact level of cost is however uncertain, because it depends on different factors, e.g. to which extent courses would have to be changed or the overall training increased. Specific information on this is not available. Training institutes have underlined the uncertainty of the expected costs, but indicated that the cost increase is not expected to exceed 5%.⁸² Based on the average cost of initial training of EUR 1709, this would increase the cost of initial training of maximum EUR 85 per driver following the course. It is reasonable to assume that the change of the system will primarily be of transitional nature, affecting the costs for the first

⁷⁹ CIECA, ‘Available Documentation’ (2010-2014).

⁸⁰ OECD (2004) Employment Outlook, Chapter 4 (ISBN 92-64-10812-2), <http://www.oecd.org/employment/emp/34846890.pdf>

⁸¹ Applicable in Bulgaria, Czechia, Denmark, Estonia, Spain, Finland, France, Hungary, Italy, Lithuania, Luxembourg, Poland, Sweden, Slovenia, Slovakia and Germany

⁸² Assistance on impact assessment on Directive 2003/59/EC on initial qualification and periodic training of drivers of certain good vehicles for the carriage of goods or passengers, Panteia et al (2015), p 188

four years,⁸³ while afterwards the system will be adjusted to the new requirements. Taking into account drivers in the 16 affected Member States the total costs could go up to around EUR 14.10 million for all stakeholders groups.

Costs or savings linked to the clarification on the possibility of e-learning/blended learning depend on how the Member States choose to implement these provisions. However, according to the findings made in the course of the preparation of this impact assessment savings in terms of reduced costs for the training can be expected if this measure is implemented.

Environmental impacts:

The review of the Annex I, Section 1 would result in reduced fuel consumption and CO₂ emissions as a result of improved driver skills through strengthened focus on fuel efficient driving behaviour.

Fuel efficient driving is already covered by the Directive, but focuses on technical aspects. The revised measure would put more emphasis on fuel efficient driving behaviour. This is expected to improve skills in fuel efficient driving and consequently reduce fuel consumption and CO₂ emissions.

The literature review indicates a general potential effect of fuel efficient driving in a range between 2% and an upper limit of 10% in terms of improved fuel efficiency and reduced emissions⁸⁴. However, the full benefits of fuel efficient driving will only be achieved when all elements of fuel efficient driving are translated into everyday driving behaviour on the road. This cannot be expected to be achieved through this measure alone. It has not been possible to calculate the expected effects of this measure alone.

The full impact of the changes to the initial training can be expected on new drivers entering into the profession from the time when the new provisions will be applied. For existing drivers, the changes to the periodic training will have full effect from five years after that date, taking into account that periodic training has to be done every five years.

5.3 SO3: Improve legal clarity and coherence of the Directive and with other EU legislation

The following policy measures are considered under SO3:

- PM 9 - Legal clarification of exemptions by partial alignment with Regulation 561/2006
- PM 10 - Clarification of the relationship with Directive 2006/126/EC in terms of minimum age requirements

⁸³ To account for a maximum effect on costs for the Member States, it is assumed that for the first two years the change will affect 100% of new drivers and for the last two years 50% of all drivers

⁸⁴ Fraunhofer Institute Systems and Innovation Research et.al (2011), Bottom-up quantifications of selected measures to reduce GHG emissions of transport for the time horizons 2020 and 2050, http://www.ghg-transpord.eu/ghg-transpord/downloads/GHG_TransPoRD_D3.1_Bottom_up_quantification.pdf

⁸⁵ ECOWILL(2013) ECODRIVING - Short-duration training for licensed drivers and integration into driving education for learner drivers Experiences and results from the ECOWILL project http://cieca.eu/sites/default/files/documents/projects_and_studies/ECOWILL_FINAL_REPORT.pdf

- PM 11 - Clearly authorise Member States to allow other driver training required by EU law to be counted as one of the five seven-hour periods required for the periodic training under the Directive.

Social Impacts

All policy options consider the measure clarifying the possibility to combine the periodic training with other forms of EU training (PM 11). Compared to the baseline this possibility provides clarity to drivers and Member States and addresses the legal uncertainty. However, it will have very limited direct effects, but ensures flexibility for the Member States' authorities.

Compared to the baseline, all policy options which include PM 11 contribute to more coherent application of the training programmes through the possibility to combine CPC training with other training required under EU law, in particular that it can count for one of the five seven-hour periods required for the periodic training. It ensures that the requirements on periodic training clearly take into account similarities in training needs for different transport operations and therefore avoids unnecessary overlap between trainings. Furthermore, it takes into account that training for some specific transport operations also pursues specific objectives where training beyond the requirement of the Directive is needed, e.g. concerning accident handling for the transport of dangerous goods. This would also ensure coherence with the objectives to ensure that different topics are covered in the periodic training, as discussed in point 1.3.1 above and ensure that the CPC training is not replaced by sector specific trainings.

However, PM 11 might have very limited direct effect in this regard, as it will primarily depend on the extent to which Member States choose to make use of the flexibility provided. It would therefore depend on the decision of the authorities in the Member States whether drivers from Belgium, Denmark, Estonia, Ireland, Luxembourg or Sweden, Germany and Portugal where such combination is currently not possible, could combine CPC training with other training under EU law.

The strengthened focus on road safety and fuel efficiency in the training is expected to increase road safety. As Member States enjoy a wide flexibility in establishing the specific content of the training, and given the road safety relevance of trainings required by other pieces of EU law, PM 11 will strengthen or supplement the road safety focus on the training.

Compared to the baseline, the policy options considering the clarification on the minimum age requirement provide legal clarity to drivers and national authorities. As a result drivers can access the profession at the same lower minimum age in all Member States. Removing this obstacle would allow the undertakings to recruit young drivers and help the sector which is already experiencing difficulties in recruiting young drivers. The industry representatives have pointed out in the stakeholder conference that there is a growing shortage of drivers, which could be compensated through a low minimum age to enter the profession. Furthermore no significant increase in road safety risk of applying the lower minimum age can be established.⁸⁶ On the minimum age requirement stakeholders expressed a clear preference for the policy measure discussed below over other potential approaches. At the informal workshop with Member States in January 2014 and at the stakeholder conference in

⁸⁶ For further details see Annex 7

March 2014, clear support for stipulating a derogation from the higher minimum age requirements contained in the driving licence directive was expressed.⁸⁷

The policy options considering the legal clarification of exemptions (PM 9), compared to the baseline, ensure that the same type of transport or vehicle is treated the same in different Member States. In particular, uncertainties on the exemptions related to training for CPC or driving licences,⁸⁸ non-commercial transport activities⁸⁹ as well as drivers with a different main activity but who need the car to carry materials or equipment⁹⁰ will be aligned with the wording and experience under Regulation (EC) No 561/2006 which covers the same relevant exemptions,⁹¹ and extensive practical experience. This will improve not only the legal certainty of the Directive but also the coherence between these two pieces of EU law.

According to the legal analysis performed for this impact assessment, clarifying the exemptions by aligning them with the relevant exemptions under Regulation (EC) No 561/2006 will only marginally affect the overall number of exempted drivers. However, this measure can be expected to have some impact for drivers of specific transport operations in specific Member States. In particular volunteers driving for charitable purposes can conduct non-commercial transport operations in all Member States without having to undergo training. Operators of vehicles used for driving lessons cannot at the same time use the vehicle for the commercial transport of goods or passengers.⁹² Operators will benefit from a more harmonised approach between the Member States, improving the free movement and competitive situation especially for the concerned cross border transport operations. A harmonised approach will furthermore ensure a more coherent and predictable working situation for the drivers and transport undertakings concerned.

Economic impact

Compared to the baseline the options considering stipulating the derogation from the higher minimum age requirements under Directive 2006/126/EC and the option aligning the exceptions with the ones under Regulation (EC) No 561/2006 help create a more level playing field for drivers and undertakings. This is because they contribute to a more coherent application of the requirements within different Member States and therefore prevent differences in the competitive conditions for professionals and enterprises from different EU Member States. Drivers, in particular in border areas, would benefit from a more coherent application of the exemptions among Member States.

The option considering stipulating the derogation from the higher minimum age requirements under Directive 2006/126/EC will furthermore in those five Member States⁹³ that currently

⁸⁷ Minutes of the Workshop with Member States; Panteia (2014), See main conclusions from stakeholder conference in Annex 2

⁸⁸ Article 2(e) of the Directive

⁸⁹ Article 2(f) of the Directive,

⁹⁰ Article 2(g) of the Directive

⁹¹ Wording under Article 13(1)(g) of Regulation 561/2006 will used to reformulate Article 2(e) of the Directive

⁹² See further details of the alignments with Regulation (EC) 561/2006 see Annex 8

⁹³ See point 1.4.2.

apply the higher minimum age will increase the number of drivers available, thereby reducing the cost of transport operations in those Member States.

Environmental impact

No significant environmental impact is expected.

6 COMPARISON OF OPTIONS

The Policy options were assessed against the following criteria:

- 1) **Effectiveness:** the extent to which the policy options achieve the objectives
- 2) **Efficiency:** the extent to which the policy options can achieve the objectives at least regulatory cost
- 3) **Coherence:** the extent to which the policy options are coherent with the overarching objectives of EU policy, and the extent to which the policy options are likely to limit economic, social and environmental trade-offs.

Given the structure of the analysis the comparison of options will be compared individually for each specific objective

Table 7 : Comparison of options

	<i>Policy Package A</i>	<i>Policy Package B</i>	<i>Policy Package C</i>
Effectiveness	+	+	+
Regulatory costs	+/0	+/0	--
Coherence	+	+	+
	<i>Policy Package A*</i>	<i>Policy Package B*</i>	<i>Policy Package C*</i>
Effectiveness	+	+	+
Regulatory costs	- /0	- /0	---
Coherence	+	+	+

Effectiveness

All the policy sub-options are more effective than the baseline in achieving the objectives that they target.

Efficiency/Regulatory costs

The efficiency of different policy options differs. The costliest policy packages in achieving the mutual recognition are the ones that recognise the periodic training system through the information exchange system (RESPER). Furthermore, the use of a standardised drivers form puts an additional burden on the drivers compared to the direct issuing of a DQC. Another important cost element, linked to the second area of intervention and which affects the policy packages, is the recognition of the drivers’ attestation forms with code 95. This means that the most efficient policy options are those that suggest the recognition of the periodic training through DQC for drivers from other Member States together with possibility to get a driver attestation recognized without code 95 for drivers from outside the EU.

Comparing the costs involved in SO2 and SO3, shows that all six policy options bring the same costs. However, in comparison to the baseline, the important element of compliance costs stemming from the review of the Annex I should be acknowledged.

Coherence

All policy packages have equal effect in ensuring coherence in terms of the overall objectives of road policy and other legal acts.

Clarifying the mutual recognition of driver attestation for the purpose of the Directive would improve the internal coherence of the Directive between the provisions on place of training and on the administrative procedures for mutual recognition. It would furthermore improve coherence with Regulation 1072/2009, ensuring mutual recognition of professional driver training, also taking into account the recent evaluation of that Regulation.

All policy options help improve training and therefore help improve road safety. This is coherent 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’. The two latter both emphasise the need for a framework to improve road safety. One of the main objectives of the 2010 Communication on policy orientation on Road Safety is to improve the education and training of road users. It emphasises the importance of improving the training system and reiterates the need for post-licence training.

The White Paper on the future of transport policy also promotes the objective of environmental sustainability through the target to reduce by 60% CO₂ transport emissions by 2050. In all options, the strengthened focus on training on fuel efficient driving for professional drivers will reduce CO₂ emissions and fuel costs.

Furthermore, the initiative is coherent with the EUROPE 2020 strategy for smart, sustainable and inclusive growth. Modernised provisions on training contribute 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. They also contribute to sustainable growth by promoting a more resource efficient, greener and more competitive economy and inclusive growth by fostering a high-employment economy.

Furthermore, facilitating use of ICT tools is consistent with the policy under the Digital Agenda for Europe in the Europe 2020 Strategy fostering smart, sustainable and inclusive growth in Europe.

7 CONCLUSION: PREFERRED POLICY OPTION

On the basis of the above assessment, two policy options, i.e. policy option A and policy option B, score the best in terms of the main three criteria. However, as policy option B foresees the solution that is already in use by the majority of Member States to ensure mutual recognition of periodic training and which allows the easiest way for the drivers to get the mutually recognised code 95, this is preferred compared to Policy Option A. Therefore, the final composition of the preferred policy option is:

- SO1: - PM 2: Issuing a DQC to drivers from other Member States;
 - PM 4: Recognise driver attestation without code 95;

- SO2: - PM 6: Revision of Section 1 of Annex 1;
 - PM 7: Revision of Section 4 of Annex I;

- PM 8: Explicit clarification on the possibility of using e-learning/blended learning in the revised Directive;
- SO3:
- PM 9: Exemptions are partially aligned with Regulation (EC) No 561/2006;
 - PM 10: Clearly stipulate the lower minimum age for professional drivers in the Directive as an exemption from the general rules in Directive 2006/126/EC;
 - PM 11: Authorise Member States to allow other forms of training required under EU law to count as one of the five seven-hour periods required for the periodic training

The preferred option will 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 2.30 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 costs (in total EUR 14. 10 million for 2018 – 2030) related to the change of the content.

Moreover, the preferred policy option clarifies the possibility to use e-learning and combine the periodic training with other forms of training thereby enabling Member States to make further savings. While the decision to deploy e-learning remains under the national competence, the Commission will consider additional soft measures through best practise exchange, guidelines and other to promote e-learning, ref. also the non-legislative actions to raise the awareness on the potential benefits of different approaches to training as mentioned in point 1.1 above.

Finally, to improve the clarity and coherence of the Directive with other EU legal acts the preferred option considers applying the lower minimum ages according to the Directive. This effectively resolves the problem with the least costs. Clarification of the exemptions is furthermore preferred as it reduces legal uncertainty and improves coherence with Regulation (EC) No 561/2006.

Proportionality of the preferred policy option

The problems identified could be best addressed at EU-level in the context of a revised Directive, which would provide clarity on certain elements and set out better harmonized minimum requirements, whilst still providing Member States with flexibility. A revised Directive would be a proportionate measure, and not go beyond what is necessary at EU-level in order to achieve the objectives set. The Directive would be proportionate because it would allow for the further harmonization of the training requirements in a way that would provide solutions to the problem while still leaving Member States the flexibility to adapt the implementation of parts of the training to the specific needs of each Member State, the road transport sector in the Member State and the overall economic and social environment of that Member State.

An EU directive would ensure that training is appropriately recognized EU-wide. It would also ensure that appropriate minimum requirements for the training are applied EU-wide.

8 MONITORING AND EVALUATION

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. Where information on the baseline does not currently exist, further information will be sought before implementing the revised Directive. The Commission will consider a small survey/study to collect data necessary for this purpose. This applies in particular to the indicators concerning view of affected stakeholders as mentioned below. For these indicators a preliminary target of 10% increase in satisfaction for 10% more of the participants has been considered appropriate, taking into account the expected benefits of the revised measures.

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 remain in contact with the social partners. The sectorial social dialogue committee can be used to exchange information with social partners.

Table 8: Indicators per specific objective:

Indicators in relation to SO1:					
<i>Ensure smooth administrative practises employed for mutual recognition in Member States</i>					
Indicator	Unit of measurement	Source of data	Frequency of measurement	Baseline	Target
Number of foreign drivers who may not validate their CPC training undergone outside their country of residence.	Thousand people	Targeted questionnaire to Member States authorities in course of an ex-post evaluation Targeted questionnaire to drivers in course of an ex-post evaluation	Once in five years	46.7	0
Number of professional drivers with driver attestation not being recognised	Persons	Targetted questionnaire	Once in five years	Not available ⁹⁴	0
Indicators in relation to SO2:					
<i>Ensure that the training content reflects recent developments and improve road safety and fuel efficiency</i>					

⁹⁴ Evidence of cases exists, but specific numbers are not available

Participants in initial qualification opinion after completion of training on the level of the topics of danger recognition and fuel efficient driving	Rate from 10 (appropriate) to 0 (not covered)	Targetted questionnaire to participants in trainings in course of an ex-post evaluation	Once in five years	Not available	Compared to the baseline, 10% more of respondents rate the level 10% higher
Member States where danger recognition and fuel efficient driving is an important part of the initial training	Number	Targetted questionnaire to Member States authorities in course of an ex-post evaluation	Once in five years	Not available ⁹⁵	All
Member States where road safety topics is not a part of the periodic training	Number	Targetted questionnaire	Once in five years	1	0
Member States who allow repetition of the same periodic training course	Number	Targetted questionnaire	Once in five years	3	0
Member States view on the possibility for authorising the use of ICT-tools	Rate from 10 (clear) to 0 (unclear)	Targetted questionnaire	Once in five years	Not available	Compared to the baseline, 10% more of respondents rate the level 10% higher
<i>Indicators in relation to SO3: Improve legal clarity and coherence of the Directive and with other EU legislation</i>					
Stakeholders view on legal clarity on scope	Rate from 10 (clear) to 0 (unclear)	Targetted questionnaire	Once in five years	Not available	Compared to the baseline, 10% more of respondents rate the level 10% higher
The minimum age professional drivers may enter into the profession in the Member States	Years	Communicated legislation	Non applicable	18 and 24	18 and 21
Stakeholder view on	Rate from 10	Targetted	Once in five	Not	Compared to the

⁹⁵ Evidence of Member States exist, but no complete overview.

legal clarity on the possibility of combining CPC training with ADR training, disability awareness and animal welfare	(clear) to 0 (unclear)	questionnaire to training institutes in course of an ex-post evaluation	years	available	baseline, 10% more of respondents rate the level 10% higher
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List of Annexes:

- Annex 1:** Procedural information concerning the process to prepare the Impact Assessment report and related initiative
- Annex 2:** Stakeholder consultation report – Synopsis report
- Annex 3:** Who is affected by the initiative and how
- Annex 4:** Methodological guide: Calculations made in the course of the impact assessment – regulatory cost of different policy measures
- Annex 5:** Information supporting analysis of the problem definition
- Annex 6:** Preselection of impacts
- Annex 7:** Analysis of social impact linked to the issue on minimum age
- Annex 8:** Analysis of exemptions
- Annex 9:** List of abbreviations



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PART 2/2

COMMISSION STAFF WORKING DOCUMENT

IMPACT ASSESSMENT

ANNEXES

Accompanying the document

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

ANNEX 1:

Procedural Information concerning the process to prepare the impact assessment and the related initiative

Lead DG: Directorate General for Mobility and Transport

Agenda planning/Work Programme references: 2013/MOVE/013

Other involved services: The Secretariat General, the Legal Service, the former DG Education and Culture, DG Employment, Social Affairs and Inclusion, the former DG Internal Market and Services joined DG Mobility and Transport in the Steering Group.

Organisation, timing and consultation of the RSB:

The work on the Impact Assessment started in April 2013 when the Inter-service Steering Group (ISG) was created. The Impact Assessment process followed a short ex-post evaluation, which was conducted by an external consultant in a close cooperation with Commission services. The Steering group met on 7 occasions to discuss the main milestones in the process, such consultation with stakeholders, key deliverables from impact assessment and ex-post evaluation support studies, final evaluation report, final draft of the impact assessment report before the submission to the Regulatory Scrutiny Board. The ISG were consulted by the lead service (MOVE) on the changes brought to the impact assessment report after the scrutiny of the Regulatory Scrutiny Board and the proposal for the revision of the Directive.

This Impact Assessment was reviewed by the Regulatory Scrutiny Board (RSB) that provided its opinion on 22 July 2016. Based on the Board's recommendations, the impact assessment has been revised according to the following lines:

	Recommendation from the RSB	Relevant sections of the IA report	Main description of changes
1	Clarify how the initiative relates to the more general context of road safety policy, i.e. what its contribution will be to improve road safety as compared to other road safety initiatives	1.1	Policy context was clarified and close inter-linkage with related instruments was underlined, and description of specific road safety effects of this initiative strengthened
2	Better describe magnitude of the problems encountered and clarify need for legislative action	2, 1.2	Description on the need for EU legislative action was elaborated Numbers of affected drivers of mutual recognition inserted, and their proportion of all EU drivers. Estimation of costs for drivers/companies in the current context inserted. Possible consequences for road

	Recommendation from the RSB	Relevant sections of the IA report	Main description of changes
			haulage enterprises in need of professional drivers strengthened.
3	Simplify description of policy options, focussing on those issues where there is a genuine policy choice	4.2.1, 4.2.7, 4.3	The presentation of policy options is simplified. A new paragraph on future developments has been inserted, description of the possible use of RESPER strengthened and specific assessment of possible use of TACHOnet inserted

Furthermore, a series of additional changes due to the technical comments received from the Regulatory Scrutiny Board were incorporated into the Impact Assessment Report.

Evidence used in IA together with its sources:

- Ex-post evaluation study on the effectiveness and improvement of the EU legislative framework on training of professional drivers, done by Panteia in October 2014.
- The *Report on the implementation of Directive 2003/59/EC* (COM(2012) 385 final) provides an overview of the current state of play in terms of implementation and highlights some of the problems identified.
- The study on the *Shortage of Qualified Personnel in Road Freight Transport*, which was run by the European Parliament in 2009
- The 2012 *Report of the High Level Group on the Development of the EU Road Haulage Market* identifying future challenges for the road transport sector and making proposals for changes.
- In 2010 the International Commission for Driver Testing (CIECA) presented its *Survey on the implementation of the directive 2003/59/EC laying down the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods and passengers*.
- A series of papers which have been published since 2010 by DEKRA Akademie GmbH as part of the project *Professional driving – more than just driving*.
- The *Survey on driver training issues. Implementation of Directive 2003/59/EC*, which was published in 2013 by the European Transport Workers Federation (ETF) and the International Road Transport Union (IRU)
- Statistics available from EUROSTAT and the CARE-database (accident statistics)

External expertise:

An external consultant carried out an ex-post evaluation study¹ as well as a support study to the impact assessment in the framework of the same contract between October 2013 and May

¹Please see http://ec.europa.eu/transport/facts-fundings/evaluations/doc/2014_ex_post_evaluation_study_training_drivers_en.pdf

2015. The results of the evaluation report fed into the Impact assessment support study and then into the Impact Assessment report, which as well was presented to the Steering group for comments and reactions. The ex-post evaluation study and the impact assessment support study took into account the replies to the public consultation and on the information gathered during the stakeholder conference (see annex II).

The final impact assessment report was submitted on 18 of May 2015. Due to the change of the impact assessment approach discussed and endorsed by the Inter-service Steering Group, the lead service (MOVE) partially used from the contractors report the data collected in the course of the stakeholders consultation activities, while the main analysis was performed in house.

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ANNEX 2:

Stakeholder consultation- Synopsis report

1. Introduction and overview

Before drafting the legislative proposal and the present report stakeholder consultations were conducted in order to gather as many comments and suggestions as possible from the individuals and bodies concerned. This exercise complied with the minimum standards for 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, for which open and targeted consultation methods and various consultation tools were used.

As an *open consultation method* an internet-based open public consultation took place between 17 July and 25 October 2013. The Commission services received 395 contributions, 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.

Participants emphasised the importance of ongoing EU action in the field of qualification and training of professional drivers. In considering the impact of the Directive, the perception of the stakeholders is that it contributed only insufficiently to achieving its objectives, namely increased road safety, development of the level of professional competence of drivers, free mobility of drivers and the creation of a level playing field for drivers and undertakings. On the concrete measures to be adopted to address these difficulties the opinions were more divided.

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” website².

As *targeted consultation methods*, the process considered:

- The Commission services 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 2013³. 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 for a revised directive on the initial and periodic training were presented to social partners on 19 November 2014. On that occasion the social partners expressed their support for having legislation at European level in this field and did not have any 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 stakeholder conference of 6 March 2014 is available on the website of the road safety unit of DG MOVE.

² 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

³ <http://ec.europa.eu/social/main.jsp?catId=521&langId=en&agreementId=5365>

- On 23 January 2014 the Commission held an informal workshop with Member States in order 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 to problem with mutual recognition of periodic training, the participants expressed concern about Member States applying different practice and generally saw the need for a harmonised approach. There was an exchange of views on the issue of mutual recognition of periodic training undergone in another Member State and the issue of content and structure of the training. Importance of keeping the Directive up to date as regards technological progress was underlined and the need on additional clarity on some aspects, such as e-learning.
- A questionnaire survey to Member States authorities was sent 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. At the latter stage, a follow-up data request was sent to collect additional quantitative information on specific elements related to the Directive. In addition, the contractor together with ETF developed a questionnaire survey about possible barriers for the free movement of drivers. This questionnaire was submitted to the EU-members of ETF.
- Targeted interviews were carried out in the course of the support study order to supplement the data obtained through the other methods, to 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.

2. Main conclusions various consultation activities

a. Open public consultation exercise

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.

b. Stakeholder conference

On 6 March 2014, the European Commission organized a Stakeholder Conference as part of the review of Directive [2003/59/EC](#).

The main objectives of the conference, which was open to all interested stakeholders, were to report on the findings of the public consultation and to validate its results, to present the first results of the ex-post evaluation of the Directive and to discuss policy measures for the review of the Directive. 107 participants registered for the Conference, representing 104 organisations from 20 Member States or operating EU wide.

The Conference had four thematic sessions and an introductory session.

Data limitations

The categories of participants of the stakeholder conference reflected the categories of respondents of the public consultation, with the exception of individual participants. Most of the speakers represented training institutes or road transport associations, of which many also have training business units.

Conclusions:

For each of the four thematic sessions, the below conclusions emerged, based on general consensus among the stakeholders present at the conference.

Session 1 - Relevance and scope of the Directive.

- No stakeholder contested the relevance of the Directive but there was a clear signal that before expanding the scope, the Commission has to ensure that the Directive is operating properly in the Member States, which also gives added value to the industry and the drivers themselves. The Commission took notice of the concerns expressed regarding the growing cross-border traffic of vans and the possibility to extend the scope of the Directive to apply also to this category of vehicles.
- The stakeholders' discussion showed that the scope of exemptions should not be increased from what is currently foreseen in the Directive. Alignment with Regulation [561/2006](#) is not seen as important but coherence between the two regimes is welcome.
- The Commission took notice of the concerns expressed regarding the negative impact of the application of certain exemptions on the level playing field on a national level.

Session 2 - Minimum age.

- There is a difference between the opinion of the academia and that of the industry on the right level of minimum ages to enter the profession. The former considers that lowering minimum ages would lead to increased risks of road accidents. The industry representatives, on the other hand, believe that young drivers (aged 18) do not represent a higher risk than older drivers, provided the selection criteria and the

quality of training are right. Also, the industry representatives pointed out that there is a growing shortage of drivers, which could be compensated through maintaining the low minimum ages to enter the profession.

- Nonetheless, both the academia and the industry believe that there are ways to mitigate the increased risk of causing road accidents posed by youngsters through mechanisms such as having the right training or other measures such as mentorship.
- There is a broad consensus among the stakeholders that the minimum ages as laid down currently in the Directive (18 years for truck drivers and 21 for bus/coach drivers) are adequate.

Session 3 - Structure of the training.

- Stakeholders generally agree that there is a need to improve the current training system.
- There is also agreement that the training system has to be made more adaptable to the actual needs of the drivers and companies. There is also a need to make it more flexible over time and to introduce more direct involvement of the stakeholders and the industry.
- Stakeholders pointed out that the training should be meaningful for the drivers. This means that the periodic trainings should not comprise of merely repetitive courses, or include topics that are irrelevant for the driver. Rather, the training should take into account the individual needs of the driver.
- There might be a need to replace a rigid periodic training system with a life-long learning approach.

Session 4 - Quality assurance and mutual recognition of the training.

- As regards the mutual recognition, it is not clear whether there is a problem, and if so, how big it is.
- There is support for a system that improves mutual recognition but there are concerns among the industry representatives about the possible costs that this may entail to the driver and his/her operator.
- There is a consensus that quality assurance is important and we should find ways to increase the reliability and trustworthiness of the training centres.

Summarised conclusions:

- There is broad agreement among the stakeholders that the Directive is relevant and necessary, but it has to be improved especially as regards implementation. That should be given priority over extending its scope to other vehicles.
- There are reservations regarding the extension of the scope to drivers currently not covered, although a couple of stakeholders called for an extension to vans and small trucks.
- There was little, if any, support for the alignment of the scope of the Directive with other related legislation, especially Regulation 561/2006 on the harmonisation of certain social legislation relating to road transport.
- Stakeholders support leaving minimum age requirements as they currently are in the Directive. However, the current ambiguity with the Driving Licence Directive needs to be corrected.
- Almost all stakeholders agree that introducing a modular training structure would be a good way to go forward.
- There is a need to improve the adaptability and flexibility of the training system. The training should be meaningful and useful for the drivers.

- It remains uncertain whether mutual recognition of training and certification represents a problem, and if so, to what extent. Cost-effective measures that would improve the mutual recognition would be most welcome.
- Similarly, cost-effective measures to provide better quality assurance would be received favourably.
- The stakeholders expressed an interest to be involved and consulted in the subsequent steps of the review process, to the extent allowed by procedural rules.

c. Member States Workshop

The Workshop took place on 23 January 2014 in Brussels and was attended by 18 Member States.

Minimum age

Eight Member States expressed themselves in favour of the option of considering that as professional drivers have to undergo additional testing, which goes beyond the normal driving licence testing to obtain the initial CPC, it might be considered that they drive at an earlier age than drivers, who have not undergone the CPC qualification. They mention the importance of not imposing restrictions to the access of young people to the profession, in particular since the profession is suffering from a shortage of young drivers and an aging workforce

A system of gradual access to professional driving requiring the various categories of C and D driving licences is perceived as less useful since there is particularly a need for transport relying on heavy trucks.

Two Member States expressed that the minimum age requirements as they are currently set in Directive [2003/59/EC](#) are considered appropriate.

Structure of the training

Some aspects related to structure of the training was discussed on the basis of an introduction indicating that training requirements could be indicated not in form of the hours of the training but in form of what a driver needs to know at the end of the training, so-called learning outcomes. These outcomes could be set in the form of common standards set by the European Committee for standardisation (CEN). A system of modules could contribute to create greater uniformity in the training and thereby facilitating mutual recognition and also transferability. There could be tests at the end of the periodic training to verify what drivers have learnt.

Some Member States expressed themselves in favour of a flexible model, e.g to have a mix between mandatory and optional modules for the periodic training, while other expressed satisfaction with the current structure. Some sympathy for an outcome oriented approach was expressed.

Some Member States mention that standardisation could be a solution to the existing problems with mutual recognition, while other are concerned with the burden with this approach, e.g. to training centres.

Some Member States express their opposition to tests after the periodic training.

Some Member States express concerns on the costs of the introduction of a system of sharing information from the national database similar to RESPER to help with mutual recognition, also of partial periodic training undergone in another MS.

d. Interviews

Targeted interviews were carried out in the course of the support study order to supplement the data obtained through the other methods, to 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.

In the period between October 2013 and July 2014 interviews were held face to face or collected via phone or email from with 22 organisations representing authorities, the drivers, transport companies and other affected stakeholders.

Data limitations

In general, stakeholders reacted positively to the interviews, and showed willingness to cooperate and assist in the evaluation by providing information to the best of their availabilities. The interviewed stakeholders were often unable to provide (relevant) quantitative data. Although they were aware of the existence of certain problems (through complaints of association members, discussions, or hearsay), there were no clear records kept that would help determine the magnitude of the problems.

Main findings:

- In general stakeholders support mandatory initial and periodic training as introduced by the Directive.
- The views of the different stakeholder categories can be summarized as follows: employers want maximum flexibility, training institutes want more training, examination institutes want more examination, employees want the job of a driver to become a real profession, which in turn could make the profession more attractive.
- Problems relating to the mutual recognition of full trainings may only have a regional dimension since only in certain areas were these problems pointing out by the stakeholders.
- Stakeholders were unable to present quantitative data on the impact of training on road safety and reduction of fuel use.
- Not one stakeholder questioned the length of the periodic training (35 hours), except for one stakeholder who is in favour of slowly reducing the number of periodic training hours for experienced drivers.

e. Questionnaire surveys

In December 2013 a questionnaire survey to collect additional information on the implementation of the Directive in the Member States was launched in the course of the support study. The questionnaire was distributed among the members of the DG-MOVE CPC Committee. In January 2014 a short additional questionnaire was distributed to collect quantitative information on the recognition of CPC training in foreign countries. In April 2014 a questionnaire was distributed via ETF in order to get additional quantitative information on problems with the recognition of driver training undergone in another Member State.

Data limitations

Most of the Member States gave complete answers to the questions addressed. However, some did not possess all the necessary data to provide all the information. The most frequently incurred missing information was on the operation of the system (number of drivers who acquired initial qualification and number of drivers obtained a CPC through a periodic training).

Main findings

The questionnaire surveys gave information on how the Directive was implemented in the Member States. In addition, the questionnaire surveys gave quantitative information on some elements of the Directive, such as the number of exempted drivers, the mandatory topics for obtaining a driving license and a CPC per Member State, Member State's policies on

recognition of training in other countries, the number of drivers trained till 2013 and the number of approved training courses and training centres.

3. Consultation response presented according to each key IA element

General (From interviews):

Employers want maximum flexibility, training institutes want more training, examination institutes want more examination, employees want the job of a driver to become a real profession, which in turn could make the profession more attractive. The interviewed stakeholders were often unable to provide (relevant) quantitative data

Mutual recognition of periodic training

In the Public Consultation the participants did 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.

In the Stakeholder Conference it is stated uncertainty whether there is a problem, and if so, how big it is. There is support for a system that improves mutual recognition but there are concerns among the industry representatives about the possible costs that this may entail to the driver and his/her operator. Cost-effective measures that would improve the mutual recognition would be most welcome.

The interviews indicate that the problems related to mutual recognition of full trainings may only have a regional dimension since only in certain areas were these problems are pointed out by the stakeholders.

The results of the consultation on this element has fed into policy making by recognising the incoherence of the Directive in this regard, and triggering further analysis of the scope of the problem and possible solutions.

Mutual recognition of driver attestation

During the CPC Committee meeting in October 2015 it emerged that Member States have different practise as regards issuing of driver attestations, and that this has led to problems of mutual recognition for drivers who have fulfilled their training obligations.

The results of the consultation on this element has fed into policy making by recognising the incoherence of the Directive in this regard, and triggering further analysis of the scope of the problem and possible solutions.

Legal uncertainty in minimum age

In the Public Consultation opinions differ on the minimum age requirements for young drivers

In the Stakeholder Conference there was a difference between the opinion of the academia and that of the industry on the right level of minimum ages to enter the profession. The former considers that lowering minimum ages would lead to increased risks of road accidents. The industry representatives, on the other hand, believe that young drivers (aged 18) do not represent a higher risk than older drivers, provided the selection criteria and the quality of training are right. Also, the industry representatives pointed out that there is a growing shortage of drivers, which could be compensated through maintaining the low minimum ages to enter the profession.

Nonetheless, both the academia and the industry believe that there are ways to mitigate the increased risk of causing road accidents posed by youngsters through mechanisms such as having the right training or other measures such as mentorship.

There is a broad consensus among the stakeholders that the minimum ages as laid down currently in the Directive (18 years for truck drivers and 21 for bus/coach drivers) are

adequate. However, the current ambiguity with the Driving Licence Directive needs to be corrected.

In the Member States workshop, eight Member States expressed themselves in favour of considering that as professional drivers have to undergo additional testing, which goes beyond the normal driving licence testing to obtain the initial CPC, it might be considered that they drive at an earlier age than drivers, who have not undergone the CPC qualification. They mention the importance of not imposing restrictions to the access of young people to the profession, in particular since the profession is suffering from a shortage of young drivers and an aging workforce. A system of gradual access to professional driving requiring the various categories of C and D driving licences is perceived as less useful since there is particularly a need for transport relying on heavy trucks. Two Member States expressed that the minimum age requirements as they are currently set in Directive 2003/59/EC are considered appropriate.

The results of the consultation on this element has fed into policy making by recognising the incoherence between the Directives in this regard, and triggering further analysis of the scope of the problem and recognising the clear preference of having the minimum ages according to the current (lower) ones of Directive 2003/59/EC.

Legal uncertainty in exemptions

From the Public Consultation there is no clear prevailing idea on how the scope of the Directive should be regulated to make it clearer.

From the Stakeholder Conference, the stakeholders' discussion showed that the scope of exemptions should not be increased from what is currently foreseen in the Directive. Alignment with Regulation 561/2006 is not seen as important but coherence between the two regimes is welcome. Improvements of the Directive on implementation should be given priority over extending its scope to other vehicles. There are reservations regarding the extension of the scope to drivers currently not covered, although a couple of stakeholders called for an extension to vans and small trucks.

Use of ICT-tools(e-learning)

In the replies to the Public Consultation there is support for regulating the use of e-learning instruments in the Directive.

Content of training

From the public Consultation respondents considers that the subjects currently covered by the training are seen as relevant and generally support greater harmonisation of the content of the periodic training.

In the Stakeholder Conference it was pointed out that the training should be meaningful for the drivers. This means that the periodic trainings should not comprise of merely repetitive courses, or include topics that are irrelevant for the driver. Rather, the training should take into account the individual needs of the driver.

From the interviews it emerged that Stakeholders were unable to present quantitative data on the impact of training on road safety and reduction of fuel use.

The results of the consultation on this element has fed into policy making by recognising that no major changes are needed on the training content, but some greater harmonisation could be considered, and especially avoiding repetitive courses in the periodic training.

Training System:

In the Stakeholder Consultation there was agreement that the training system has to be made more adaptable to the actual needs of the drivers and companies. There is also a need to make it more flexible over time and to introduce more direct involvement of the stakeholders and

the industry. There is a consensus that quality assurance is important and we should find ways to increase the reliability and trustworthiness of the training centres. Almost all stakeholders agree that introducing a modular training structure would be a good way to go forward. There is a need to improve the adaptability and flexibility of the training system. The training should be meaningful and useful for the drivers. Similarly, cost-effective measures to provide better quality assurance would be received favourably.

In the Workshop some Member States expressed themselves in favour of a flexible model, e.g. to have a mix between mandatory and optional modules for the periodic training, while other expressed satisfaction with the current structure. Some sympathy for an outcome oriented approach was expressed. Some Member States mention that standardisation could be a solution to the existing problems with mutual recognition, while other are concerned with the burden with this approach, e.g. to training centres. Some Member States express their opposition to tests after the periodic training. Some Member States express concerns on the costs of the introduction of a system of sharing information from the national database similar to RESPER to help with mutual recognition, also of partial periodic training undergone in another MS.

The results of the consultation on this element have fed into policy making by triggering further assessments of the problems indicated. Further analysis has however not provided clear indications of a need for the EU to act by changing the structure of the current training provisions as indicated.

ANNEX 3:

Who is affected by the initiative and how

Table 1: Description of the stakeholders

Stakeholder		Description of the stakeholders group in 2014	Key interests	Main expected Impacts of preferred policy option
Road transport companies	Businesses providing international and domestic road freight and passenger transportation services	In 2014 there were circa 592.000 enterprises active in freight-related road transport and 336 000 enterprises in passenger-related road transport. Between 65% and 95% of transport enterprises represent SMEs.	Maintaining profitability and employment; legal certainty and a fair and level playing field for intra-EU competition; well-qualified workforce.	-Reduced costs in cross border regions of the MS concerned by mutual recognition -Increased labour supply in the MS concerned with minimum age -Increased clarity provides more predictability and level playing field
Professional Drivers	Human resources of road transport companies	In 2014 in EU-28 there were circa 3.3 million HGV and 0.9 bus drivers, out of which by the Directive were covered respectively around 2,8 and 0.8 million drivers.	Health and safety in the workplace, free movement, high quality training and professional career opportunities, good chances of employability	Full mutual recognition of periodic training, access to the profession at a lower age in concerned MS -A training content that further improves road safety and fuel efficiency Increased clarity provides more predictability and level playing field Access to the profession at an earlier age in concerned MS
Professional drivers affected by the problem of mutual	Professional drivers who live and work in different Member States ..	In 2014 there were around 48 700 drivers who lives in one MS, work in another MS and could undergo periodic training there, but	Maintaining the possibility to be employable, career opportunities;	Full mutual recognition of periodic training undergone in the MS where the driver works.,

recognition		could not get the training mutually recognised		
Training institutions	Training centres approved by the competent authorities of the Member States to organise the training courses for the initial qualification and periodic training.	Number of centres varies per Member State (less than 3 in Malta and Luxembourg to 1400 in the UK). The same applies to the average number of drivers covered per training centre, ranging from circa 6,400 in Malta to 125 in Ireland.	Maintaining profitability and employment; legal certainty and a fair and level playing field for intra-EU competition	-Adjustments in training content -Increased customer base in concerned border regions and in MS affected by minimum age Increased clarity provides more predictability and level playing field
Authorities in Member State	National, regional and local bodies regulating the implementation of the Directive on their territory, in particular those responsible for the system of accreditation and quality control of the training centres or for recognition process of CPCs trainings.	National authorities in 28 Member States	Ensuring an efficient, effective and practical management framework that balances a wide range of stakeholder needs	Issuing of DQC in concerned MS Reduce minimum age in concerned MS Adjust required training content on road safety and fuel efficiency Increased flexibility on combining trainings and on use of e-learning Legal clarity provides more predictability
All other road users	All other road users, who are not professional drivers of HGV or bus.		Road safety	Safer professional drivers on the roads.

Annex 4: Methodological guide: Calculations made in the course of the impact assessment - Regulatory costs of different Policy measures

1 MAIN METHODOLOGICAL CONSIDERATIONS

In line with the Better Regulation Guidelines ⁴NPVs for costs and benefits in the period from 2018 till 2030 are calculated using a discount rate of 4% and a discount period 2018-2030. Calculations are carried out in constant prices (price levels 2013).

In the assessment of regulatory costs for stakeholders caused by the implementation of Directive 2003/59/EC three stakeholder categories are identified: enterprises, drivers, and public administrations. The components of the cost categories are as follows:

Total regulatory costs (TC) = Implementation Costs (IC) for public administrations + Compliance Costs (CC) for enterprises / drivers / training centres.

Compliance Costs (CC) for enterprises / drivers / training centres are defined as Substantive Costs (SC) + Administrative Costs (AC).

Substantive costs are costs made in order to comply with the content of the obligation that the Directive requires.

Administrative costs are the costs associated with information obligations stemming from the Directive.

The value of leisure time applied is 5.41 Euros per hour. It is calculated starting from the value of leisure time of 5.04 Euros of 2010 updated to 2013 values on the basis of the Eurostat data on the development of the Harmonised Index of Consumer Prices (HICP).

The value of an hour of FTE⁵ applied is 19.55 Euros. It is calculated taking as reference the 2010 value of hourly earnings of clerks in transport sector taken from the EU Database on Administrative Burden (i.e. 18.2 Euros) and updated to 2013 values on the basis of the Eurostat data on the development of the Harmonised Index of Consumer Prices.

When the training is carried out during working hours costs for the enterprises are calculated in terms of wages and lost profits. The hourly wage cost is assumed at 14,71 Euros based on 13,7 Euros of hourly wage for elementary occupations in 2010 taken from the EU Database on Administrative Burden and updated to 2013 values on the basis of the Eurostat data on the development of the Harmonised Index of Consumer Prices. Following Panteia (2014) lost profits are calculated as 12.5% of total wages.

The following table gives an overview of the cost components that will be taken into account in the calculation of total regulatory costs. The table shows the cost components, the cost categories, and the bearer of costs.

Table 1: Cost components regulatory costs

Cost components	Cost category	Bearer of
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⁴ http://ec.europa.eu/smart-regulation/guidelines/toc_guide_en.htm

⁵ unit that indicates the workload of an employed person in a way that makes workloads or class loads comparable across various contexts

		costs
Time spend on training (value of leisure time) associated with initial qualification	Substantive costs	Training participants
Training and test fees associated with initial qualification	Substantive costs	Training participants
Issuing of driver qualification card or marking code 95 on driving license after initial training (time spend and administration fees)	Administrative costs	Training participants
Training fees and opportunity costs (wages / lost profits) associated with periodic training	Substantive costs	Enterprises Drivers Governments
Renewal of driver qualification card / code 95 on driving license after periodic training (time spend and administration fees)	Administrative costs	Drivers

2 BASIC DATA AND ASSUMPTIONS

2.1 Numbers of professional drivers

The total number of truck and bus drivers and the development of these numbers over time are taken from the European Union Labour Force Survey 2014⁶, executed by EUROSTAT. Based on the data from the Survey, the annual growth rate applied for both truck and bus drivers during the period 2013-2030 is assumed to be 2.03% and distribution between the HGV and bus/coach drivers is estimated to be 78.2% and 21.8% respectively. According to the research made by the external consultant, the Directive does not cover 13.2% of drivers holding C and D licenses under current system of exemption.

Based on the Eurostat data⁷ in 2014 the total transport of goods by road in the EU was 1.725.240 million tonne-kilometres, where 75.024 million tonne-kilometres of these were dangerous goods. Therefore, the transport of dangerous goods represents around 4,5% of the total transport of goods in the EU. In 2012 and 2013 the percentage was slightly higher, but always around 5%. It is therefore a safe assumption that the transport of dangerous goods represents around 5% of the overall transport of goods in the EU. In the same way the number of drivers engaged in transport of dangerous goods in the EU will be around 5% of the total amount of drivers in the EU. Finally, we assume that all professional bus and coach drivers from 2018 would need to pass the training on the passenger rights as carrying passengers follows directly from their job description, and most Member States exempt drivers from the training obligation until 2018.

Table 2: Drivers under the Directive in thousand people

Year	Total C and D licence drivers	Professional drivers under the current exemption system				
		Total HGV and buses	HGV	buses	ADR	Totals buses +ADR
2013	4187	3634	2842	792	142	934
2014	4189.6	3636.6	2843.8	792.3	142.1	934.3
2015	4274.7	3710.4	2901.6	792.8	142.2	935.0

2016	4361.5	3785.8	2960.5	808.9	145.1	954.0
2017	4450.0	3862.6	3020.6	825.3	148.0	973.3
2018	4540.3	3941.0	3081.9	842.0	151.0	993.1
2019	4632.5	4021.0	3144.4	859.1	154.1	1013.2
2020	4726.5	4102.6	3208.3	876.6	157.2	1033.8
2021	4822.5	4185.9	3273.4	894.4	160.4	1054.8
2022	4920.4	4270.9	3339.8	912.5	163.7	1076.2
2023	5020.3	4357.6	3407.6	931.1	167.0	1098.0
2024	5122.2	4446.1	3476.8	950.0	170.4	1120.3
2025	5226.2	4536.3	3547.4	969.2	173.8	1143.1
2026	5332.3	4628.4	3619.4	988.9	177.4	1166.3
2027	5440.5	4722.4	3692.9	1009.0	181.0	1190.0
2028	5550.9	4818.2	3767.8	1029.5	184.6	1214.1
2029	5663.6	4916.0	3844.3	1050.4	188.4	1238.8
2030	5778.6	5015.8	3922.4	1071.7	192.2	1263.9

Source: the Labour Force Survey statistics on employment of HGV and bus drivers (2014)

2.2 Number of trainees for initial qualification and periodic trainings

Only drivers who are entering the profession are supposed to follow initial qualification training. Therefore, we can assume that number of trainees for this type of CPC training is equal to the yearly increase of the drivers.

Table 3: Number of participants in training for the initial qualification training in thousands people

Year	Total
2015	73.8
2016	75.3
2017	76.9
2018	78.4
2019	80.0
2020	81.6
2021	83.3
2022	85.0
2023	86.7
2024	88.5
2025	90.3
2026	92.1
2027	94.0
2028	95.9
2029	97.8
2030	99.8
Total	2531

Source: calculations made based on the Labour Force Survey statistics on employment of HGV and bus drivers (2014)

The situation is however different when it concerns professional drivers who wishes to undergo the periodic training. The Directive allows Member States to extend the deadline for drivers who obtained their C and D driving licence before 9 September 2009 and 9 September 2008 respectively to complete the first round of periodic training by 9 September 2015 for D licences and by 9 September 2016 for C licences. Therefore, and given the five years cycle of periodic training, the number of drivers affected is expected to vary over the years, with a peak every five years. In our calculations, we assumed that in 2016 (deadline year) all professional drivers, who are in the profession for at least 5 years had to follow the periodic training. For the upcoming years until 2021, periodic training requirement would apply to professional drivers who enter into the profession respectively between 2013 and 2012, 2014 and 2013, 2015 and 2014, 2016 and 2015. In 2021, the training will be required for drivers joining the profession between 2017 and 2016 *plus* all drivers who need to pass the periodic training in 2016 for the first time. Therefore, the number of drivers affected varies over the years, with a peak every five years (i.e. in 2021, 2026).

Table 4: Number of training participants for the periodic training in thousands people

Year	Definition	Drivers under the Directive
2018	Δ^* 2014	80.8
2019	Δ 2015	153.8
2020	Δ 2016	156.9
2021	value** 2012 + Δ 2017	3899.5
2022	Δ 2018 + Δ 2013	163.4
2023	Δ 2019 + Δ 2014	169.1
2024	Δ 2020 + Δ 2015	243.9
2025	Δ 2021+ Δ 2016	248.9
2026	Δ 2022 + Δ 2017 + value 2012	3993.2
2027	Δ 2023 + Δ 2018 + Δ 2013	259.1
2028	Δ 2019 + Δ 2014 + Δ 2023	266.8
2029	Δ 2020 + Δ 2015 + Δ 2024	343.5
2030	Δ 2018 + Δ 2016 + Δ 2025	350.5

* " Δ " stands for an increase in number of drivers between the year indicated and a previous one

** "value" stands for a number of drivers in the year indicated

Source: calculations made based on the Labour Force Survey statistics on employment of HGV and bus drivers (2014)

Number of foreign drivers affected by the problem of mutual recognition periodic trainings and associated costs for drivers and companies.

Only drivers nationals of other EU Member States who work in Austria, Germany, Greece, Latvia, Lithuania, Malta, the Netherlands and Poland are affected by the problem of the mutual recognition of their CPC training. These 8 countries opted solely for the option of

marking Code 95 on the driving license. In the remaining Member States it is possible to get Code 95 on a DQC to foreign drivers, which ensures mutual recognition.

According to the Labour Force Survey statistics on employment of HGV and bus driver, in 2014 only four Member States, notably Austria, Germany, Greece and the Netherlands, had somewhat considerable shares of foreign drivers who were nationals of other EU Member States. For Lithuania, Malta and Poland, the sample of non-nationals was too small and the estimates were made on the basis of the overwhelming majority of national drivers in these countries, which brings the share of impacted foreign drivers in these MS close to 0%.

Table 5: Estimated breakdown of professional drivers (2014)

	Total number of drivers C and D (1000)	Total number of drivers covered by the Directive (1000)	National of the country	Non-National		Number of EU nationals potentially affected by the problem of the mutual recognition (1000)
				EU 28 nationals	others	
AT	67.1	58.2	81.5%	8.7*%	9.8%	5.1*
DE	710.5	616.7	89.5%	5.2%	5.3%	36.7
GR*	82.1	71.2	92.5%	3.0*%	4.5%	2.4*
LT**	41.5	36.0	~100%	~0%	~0%	~0
LV	26.3	22.9	85.4%	~0%	14.6%	~0
MT**	2.3	2.0	~100%	~0%	~0%	~0%
NL***	111.5	96.8	96.9%	1.5*%	1.6*%	1.7*
PL	395.8	343.6	~100%	~0%	~0%	~0

* Estimated share of HGV and bus drivers based on the overwhelming majority of national drivers in these nine countries, as the share of non-nationals possesses low reliability to be published.

* * The estimates are made based on very small data samples which implies a low reliability of data

*** The estimates of non-national drivers include those drivers who did not report their nationality

Source: calculations made based on the Labour Force Survey statistics on employment of HGV and bus drivers (2014)

In most of these Member States the first round of period training has accomplished by 2014 and only the deadlines for both categories of professional drivers will expire in upcoming years. However, in the calculations, we assume that in 2016 (deadline year) all professional drivers, who are in the profession for at least 5 years have to follow the periodic training. As for calculations of the number of drivers following the periodic training, the number of drivers affected varies over the years, with a peak every five years (i.e. in 2021, 2026).

Table 6: Number of foreign drivers affected

Year	Definition	Number of drivers
2018	Δ 2014	798
2019	Δ 2015	823
2020	Δ 2016	839
2021	value 2012 + Δ 2017	39490
2022	Δ 2018 + Δ 2013	2052
2023	Δ 2019 + Δ 2014	1689
2024	Δ 2020 + Δ 2015	1732
2025	Δ 2021+ Δ 2016	1768
2026	Δ 2022 + Δ 2017 + value 2012	40437
2027	Δ 2023 + Δ 2018 + Δ 2013	3018
2028	Δ 2019 + Δ 2014 + Δ 2023	2675
2029	Δ 2020 + Δ 2015 + Δ 2024	2738
2030	Δ 2018 + Δ 2016 + Δ 2025	2794

Source: calculations made based on the Labour Force Survey statistics on employment of HGV and bus drivers (2014)

Given that the drivers need to fulfil the periodic training once in 5 years' time, we assume that they need to spent 1 working day of 7 hours to go to the country of their residence to undergo the periodic training there. This is done outside the working hours, therefore drivers do lose their daily wage and opportunity leisure costs. Companies in their turn lose daily profit for this day.

The following assumptions were made to estimate substantive costs associated with periodic driver training⁸:

- Costs are borne by enterprises are lost profits⁹.
- In assessment of costs borne by drivers, it is assumed that training is done outside working hours and the cost components are value of lost leisure time and lost wages. For the hourly wages we use the study on road haulage¹⁰, that presents average driver costs for selected countries. Countries with missing values are adjusted based on the ratio estimated from EUROSTAT information on average gross earnings. The value of leisure time was estimated based on the VOT presented by the UNECE study (as described in the CE Delft handbook of external costs in the transport sector). The VOT for leisure was indicated to be € 4 (EU average, 1998). This value was updated to 2010 value (€ 5.04) using EU inflation figures. This value was then made comparable to the shadow-price of labour (methodology presented in the Guide to Cost Benefit Analysis of Investment Projects, DG REGIO, 2008) and differentiated for EU countries.

⁸ For further details, see Panteia et al. (2014) Ex-post evaluation report: Study on the effectiveness and improvement of the EU legislative framework on training of professional drivers.

⁹ Estimated lost profits, calculated as 12,5% of total wages, based on an average estimated profit of 5% in the sector, and an estimated wage share in total costs of 40%, based on Panteia (2013)

¹⁰ Panteia (2013): Cost comparison and cost developments in the European road haulage sector

Table 7: Compliance costs to drivers and companies due to the biased application of the mutual recognition principle over 5 year period

	Number of EU nationals potentially affected by the problem of the mutual recognition (1000)	Hourly wage	Lost profits	Value of leisure time	Loss for businesses	Loss for drivers
AT	5.1*	28.20	3.53	8.36	144.0	1494
DE	36.7	27.64	3.46	8.44	888.4	9277
GR*	2.4*	17.30	2.16	3.29	37.0	352
LT**	~0	5.14	0.64	1.13	0.0	0
LV	~0	5.44	0.68	1.26	0.0	0
MT**	~0%	14.36	1.80	4.79	0.0	0
NL** *	1.7*	29.25	3.66	6.56	42.9	420
PL	~0	23.93	2.99	1.99	0.0	0
Totals					1112.3	11543.7

* Estimated share of HGV and bus drivers based on the overwhelming majority of national drivers in these nine countries, as the share of non-nationals possesses low reliability to be published.

** The estimates are made based on very small data samples which implies a low reliability of data

*** The estimates of non-national drivers include those drivers who did not report their nationality

Source: calculations made based on the Labour Force Survey statistics on employment of HGV and bus drivers (2014)

Table 8: Development of the compliance costs to drivers and companies due to the biased application of the mutual recognition principle in the long-run in the concerned Member States ¹¹

Year	PV of losses for business	PV of losses for drivers
2018	16.8	54.9

¹¹ Values are calculated for each of the Member State separately and put together in this table

2019	18.8	66.2
2020	19.2	65.0
2021	904.9	2952.5
2022	47.0	147.3
2023	37.2	106.5
2024	39.6	114.7
2025	40.4	112.5
2026	926.5	2484.7
2027	69.1	177.9
2028	59.7	143.3
2029	62.6	149.0
2030	63.9	146.1
Totals	2305.7	6720.7

Source: calculations made based on the Labour Force Survey statistics on employment of HGV and bus drivers (2014)

Table 9: Development of the compliance costs to drivers and companies due to the biased application of the mutual recognition principle in the long-run in the Netherlands

Year	PV of losses for business	PV of losses for drivers
2018	0.0 ¹²	0.0
2019	0.7	7.0
2020	0.7	6.9
2021	34.6	319.3
2022	1.8	15.8
2023	0.8	6.5
2024	1.5	12.1
2025	1.5	11.9
2026	35.4	268.6
2027	2.6	19.0
2028	1.6	11.2
2029	2.3	15.7
2030	2.4	15.4
Totals	85.9	709.3

Source: calculations made based on the Labour Force Survey statistics on employment of HGV and bus drivers (2014)

¹² Between 2014 and 2013, there was a negative increase in the transport sector in the Netherlands. Therefore, for the sake of analysis, the value of the drivers subject to the periodic training in 2018 is considered as 0.

Table 10: Development of the compliance costs to drivers and companies due to the biased application of the mutual recognition principle in the long-run in Greece

Year	PV of losses for business	PV of losses for drivers
2018	3.0	7.5
2019	0.6	1.5
2020	0.6	1.5
2021	27.7	62.1
2022	1.5	3.2
2023	3.7	7.6
2024	1.3	2.6
2025	1.3	2.6
2026	28.4	52.3
2027	2.2	3.9
2028	4.4	7.5
2029	2.1	3.4
2030	2.1	3.3
Totals	79.0	159.2

Source: calculations made based on the Labour Force Survey statistics on employment of HGV and bus drivers (2014)

Table 11: Development of the compliance costs to drivers and companies due to the biased application of the mutual recognition principle in the long-run in Germany

Year	PV of losses for business	PV of losses for drivers
2018	13.8	47.4
2019	15.1	49.8
2020	15.4	48.9
2021	721.8	2209.3
2022	37.5	110.4
2023	30.1	85.1
2024	31.7	86.2
2025	32.3	84.6
2026	739.2	1859.5
2027	55.2	133.5
2028	48.1	111.9
2029	50.1	112.0
2030	51.1	109.9
Totals	1841.3	5048.7

Source: calculations made based on the Labour Force Survey statistics on employment of HGV and bus drivers (2014)

Table 12: Development of the compliance costs to drivers and companies due to the biased application of the mutual recognition principle in the long-run in Austria

Year	PV of losses for business	PV of losses for drivers
2018	0.0 ¹³	0.0
2019	2.4	7.9
2020	2.5	7.8
2021	120.7	361.8
2022	6.2	17.9
2023	2.6	7.3
2024	5.1	13.7
2025	5.2	13.4
2026	123.5	304.3
2027	9.1	21.5
2028	5.6	12.7
2029	8.1	17.8
2030	8.3	17.5
Totals	299.4	803.5

Source: calculations made based on the Labour Force Survey statistics on employment of HGV and bus drivers (2014)

3 REGULATORY COSTS AND BENEFITS OF THE IMPACT ASSESSMENT POLICY MEASURES

This section reviews the development of the costs and savings linked to different measures, and how they are distributed between different stakeholders group.

PM 1: Requirement to recognize CPC certificate based on a standardized attestation document

This measure affects only those eight Member States, which currently mark Code 95 solely on the driving licence and for the foreign drivers active there. According to the finding of the external consultant, the price of a CPC attestation card, which is a standardized secured attestation document, is assumed to be 65 Euros¹⁴.

¹³ Between 2014 and 2013, there was a negative increase in the transport sector in Austria. Therefore for the sake of analysis, the value of the drivers subject to the periodic training in 2018 is considered as 0.

¹⁴ According to the findings of the impact assessment support study "Assistance on impact assessment on Directive 2003/59/EC on initial qualification and periodic training of drivers of certain good vehicles for the carriage of goods or passengers", Panteia et al (2015), the value of the a standardized secured attestation document in Germany, Austria and Greece account for 65 euros, while the value of the same document in the Netherlands is 57 euros. To account for a maximum effect on costs for the Member States, the value of the document in the Netherlands is also assumed as being 65 euros.

As according to our assumptions the first round of periodic training is accomplished in 2016 and only since that moment all foreign drivers are subject to follow the periodic training in the country of their residence.

Table 13: Discounted cost flow (thousands of euros)

Year	Discounted cash flow
2018	49.8
2019	51.4
2020	52.5
2021	2468.1
2022	128.3
2023	105.6
2024	108.3
2025	110.5
2026	2527.3
2027	188.6
2028	167.2
2029	171.1
2030	174.6

Source: calculations made based on the Labour Force Survey statistics on employment of HGV and bus drivers (2014)

Total NPV of this measure is minus € 6 303,000.

Table 14: Development of the costs for the implementation of the policy measure in the Netherlands

Year	PV of costs
2018	0.0 ¹⁵
2019	1.8
2020	1.7
2021	81.1
2022	4.0
2023	1.6
2024	3.1
2025	3.0
2026	68.2
2027	4.8

¹⁵ Between 2014 and 2013, there was a negative increase in the transport sector in the Netherlands. Therefore, for the sake of analysis, the value of the drivers subject to the periodic training in 2018 is considered as 0.

2028	2.8
2029	4.0
2030	3.9
Totals	180.1

Source: calculations made based on the Labour Force Survey statistics on employment of HGV and bus drivers (2014)

Table 15: Development of the costs for the implementation of the policy measure in the long-run in Greece

Year	PV of costs
2018	3.0
2019	2.6
2020	2.5
2021	105.7
2022	5.5
2023	12.9
2024	4.5
2025	4.4
2026	89.1
2027	6.7
2028	12.8
2029	5.8
2030	5.7
Totals	271.1

Source: calculations made based on the Labour Force Survey statistics on employment of HGV and bus drivers (2014)

Table 16: Development of the costs for the implementation of the policy measure in Germany

Year	PV of costs
2018	37.0
2019	38.9
2020	38.2
2021	1724.7
2022	86.2
2023	66.5
2024	67.3
2025	66.0

2026	1451.6
2027	104.2
2028	87.4
2029	87.5
2030	85.8
Totals	3941.2

Source: calculations made based on the Labour Force Survey statistics on employment of HGV and bus drivers (2014)

Table 17: Development of the costs for the implementation of the policy measure in Austria

Year	PV of costs
2018	0.0 ¹⁶
2019	6.2
2020	6.1
2021	282.7
2022	14.0
2023	5.7
2024	10.7
2025	10.5
2026	237.8
2027	16.8
2028	9.9
2029	13.9
2030	13.6
Totals	627.8

Source: calculations made based on the Labour Force Survey statistics on employment of HGV and bus drivers (2014)

According to the findings of the external contractor¹⁷, Member States tend to reallocate financial burden for issuing secured papers on the targeted population of drivers. Therefore, it might be considered that the final payers for the measure would be drivers. However, following the statements made by Germany and Austria in the CPC committee¹⁸ this assumption might not always be the case and Member States might consider a part of this burden. In this analysis an even distribution of the costs between governments and drivers is assumed.

¹⁶ Between 2014 and 2013, there was a negative increase in the transport sector in Austria. Therefore for the sake of analysis, the value of the drivers subject to the periodic training in 2018 is considered as 0.

¹⁷ Ex-post evaluation study report: Study on the effectiveness and improvement of the EU legislative framework on training of professional, Panteia et al. (2014)

¹⁸ Meeting of the CPC-Committee 23 October 2014.

PM 2: Issuing a DOC to foreign drivers

This measure obliges Member States authorities to issue a DQC in a form of standardized secured attestation document to foreign drivers who undergo the periodic training on its territory. The price of the document and number of drivers affected is the same as discussed under PM 1.

PM 3: The use of RESPER as a system of exchange of information on completed CPCs

This policy measure affects all Member States. The costs incurred are the result of

- costs of a set-up of a national CPC register for those countries where it is not still put in place (one-off compliance cost);
- costs of interlinking/updating the Member States' interface to RESPER (one-off compliance cost)
- Running costs or time spent by the authorities in transferring the information (implementation costs).

National register

According to the information provided by the national authorities in the course of the evaluation and impact assessment support studies, 12 Member States do already own the CPC register and one Member State decided not to set it up due to the complexity of the training system. 14 Member States did not provide the information. It is reasonable to assume that a third of Member State which did not provide information could already have a national register in place. This would imply that 10 Member States still need to set up a register.

To calculate the set-up costs of the national register, we will use an approach and data on ERRU register assessed by Ricardo Energy & Environment et al under the ex-post evaluation of Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009.

As the ERRU register and RESPER are built on the same IT-architecture, and therefore share the core and main elements and features, costs related to the ERRU-register are considered relevant to estimate the costs for similar measures under RESPER.

Ricardo assessed that the costs of setting up a national register are broadly proportionate to the “size” of the national register. They categorized Member States under three different headings, i.e. small, medium and small and assessed the costs for each of the groups

Table 18: Ex-post costs for set up / upgrading of national registers (disregarding any prior costs)

Register size	Number of Member States	Member States	Ex-post set up cost (€ millions)*
Small	9	HR, CY, DK, EE, FI, LT, LU, MT	0.37
Medium	12	AT, BE, BG, CZ, EL, HU, IE, PT, RO, SE, SI, SK	0.51
Large	7	FR, DE, IT, NL, PL, ES, UK	1.25

Source: Ricardo Energy & Environment et al

However, as mentioned above only 10 Member States do need to set up a register. We assume an equal distribution among three categories of 9 countries for which information is not

available and we will classify a Member States without the register as a large Member State. The total (one –off) for this element would amount for 7.64 million euro.

Costs of interlinking of RESPER to the national register

Member States need to update the interface to exchange information with the RESPER system to allow for the exchange of information. The approach for the assessment of these costs is taken following the estimates provided by Ricardo Energy & Environment et al for the ERRU register under the support study for the evaluation of the Road Haulage market¹⁹ and TUNER project (Wilson et al, 2009):

Table 19: Ex-post cost estimates for interconnection

Ease of implementation	Number of Member States	Ex-post interconnection cost € millions)
Easy	10	0.05
Medium	11	0.12
Difficult	7	0.31
Total	28	3.94

Source: Ricardo Energy & Environment et al (2015)

This leads for 3.94 million of one-off investments for Member States.

Maintenance costs are used to be negligible, as all Member States have already put in place system of information exchange under the RESPER.

Running costs (administrative costs)

National administration will need to register the data on completed CPCs. These costs are of a running nature and will depend on the number of foreign drivers seeking the recognition of their training. Given the estimated 30 minutes for the registration of the CPC in the country of training and issuing the document in the country of the residence (15 minutes and 15 minutes respectively), the rolling costs for the period 2018 -2030 will make up around 2.27 million euros.

The total costs of policy measure 3 to the society over the period 2018-2030 are estimated to be 11.14 million euros for the national authorities.

PM 4 Driver attestation recognised without code 95

This option is not expected to produce any costs for the affected authorities, as all MS may continue with their current practise to indicate the code or not.

PM 5 Driver attestation recognised only with code 95

This option would imply costs on the authorities of those MS who do not currently mark code 95 on the licence. Based on information from 6 MS²⁰ 3 would have to change their practise. For the remaining MS we do not have information, but for the sake of calculations we might assume this measure could affect more than half of the remaining MS. The main costs are

¹⁹ Ex-post evaluation of Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009, Ricardo Energy & Environment et al (2015)

²⁰ Information was received on 9 October 2015 concerning Germany, Austria, Lithuania, Romania, Poland and the Netherlands, whereby the three latter would have to change practise.

considered a one off cost related to the change of procedure, which is estimated to around 10 000 Euro per Member State. This gives a total cost of between 30 000-140 000 Euro.

PM 6:- Revision of Section I of Annex I (Content of Initial training)

The average initial qualification currently costs 1709 Euros per driver. The revision of section I of Annex I is estimated to lead to a one-off price increase of 5%. This would lead to cost increases of 85 Euros respectively per driver. It is reasonable to assume that the change of the system will primarily be of transitional nature, affecting the costs for the first four years only, while afterwards the system will be adjusted to the new requirements. These costs are substantive compliance costs borne by the drivers. This measure does not concern 11 Member States, which opts for test only option as the change of the training curriculum affects them only marginally.

Table 20: Cost development for new drivers under course and test system in thousand euros (applicable for 16 Member States)

Year	2018	2019	2020	2021	Total
Discounted cost flow	4,813	4,722	2,316	2,272	14,123

PM 7 – Revision of Section 4 of Annex I (Content of Periodic training)

Review of Section 4 of the Annex I related to the periodic training will bring only marginal level of costs compared to the current situation, as the revision would not impose new courses compared to the initial qualification training, but only require more diversity in the courses, and the topic of road safety to be covered.

PM 8 – Clarify the possibility to use e-learning in the revised Directive

This PM will not in itself produce any monetary costs or benefits, as it will be left to the Member States to decide whether or not to make use of this possibility.

PM 9 - Legal clarification of exemptions

The effect of this PM is related to which extent it affects the number of drivers who are subject to the requirements of the Directive. There is currently a significant difference between Member States on the number of divers exempted²¹. However, the available evidence does not suggest that this difference is due to different application of the exemptions. This difference might be due to different factors, such as different share of the affected transport operations. On this basis it is not expected that the share of drivers exempted will be significantly changed by clarifying the exemptions. The effects will go both ways, as some transport operations in some Member States previously exempted will be covered by the Directive and vice versa. However no significant increase or decrease on the total number of drivers is expected.

More clarity is expected to reduce uncertainty among stakeholders and thus lead to fewer requests to Member States authorities, leading to a reduction of the administrative costs for

²¹ Ex-post evaluation study report: Study on the effectiveness and improvement of the EU legislative framework on training of professional, Panteia et al. (2014)

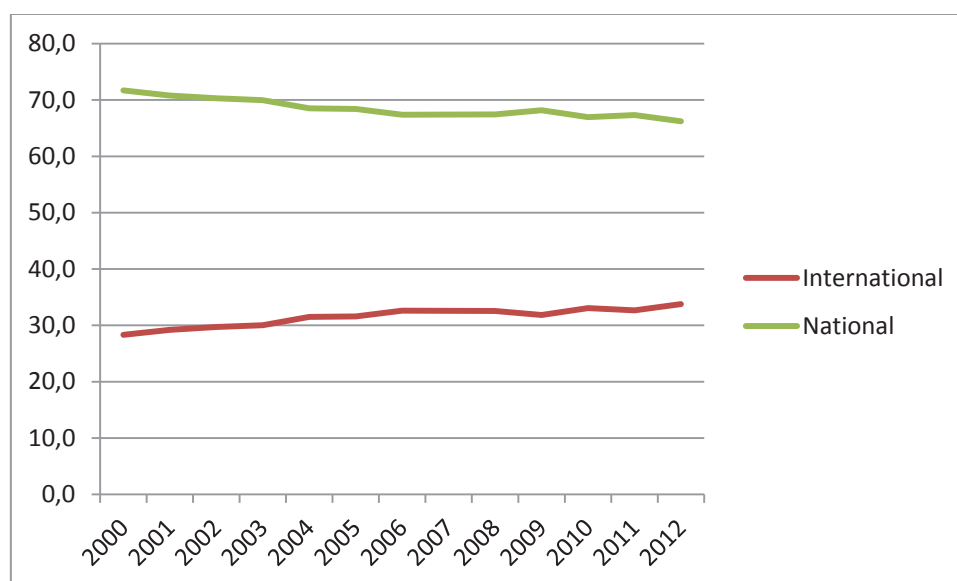
national authorities. Based on the available information, it has however not been possible to quantify this effect.

PM 11- Authorise Member States to allow the periodic training to be combined with other forms of training requirements

This PM will not in itself produce any monetary costs or benefits, as it will be left to the Member States to decide whether or not to make use of this possibility.

ANNEX 5: Information supporting analysis of the problem definition

Table 1: Share of national and international road haulage on the basis of tkm²²



Source: European Commission 2014, EU Transport in Figures: Statistical Pocketbook 2014

Table 2: Minimum age requirements in the various Member States

Member State	Minimum age for drivers of C and CE categories		Minimum age for drivers of D and DE categories	
	With CPC	Without CPC	With CPC	Without CPC
AT	18	21	21	24
CZ	18	21	21	24
DE	18	21	21	24
DK	18	21	21	24
EE	18	21	21	24
ES	21	21	24	24
FI	21	21	24	24
FR	18	21	21	24
GR	18	21	21	24
HR	18	18	21	21
HU	21	21	24	24
IE	18	21	21	24
IT	21	21	24	24
LT	18	21	21	24
LV	21	21	24	24
MT	19	21	21	24
NL	18	21	21	24
PO	18	21	21	24
PT	18	21	21	24
SL	18	21	21	24
SK	21	21	24	24

²²

Tkm = ton-kilometres

SE	18	21	21	24
UK	18	21	21	24

Sources: Information provided by Member States to Commission in 2012; Assistance on impact assessment on Directive 2003/59/EC on initial qualification and periodic training of drivers of certain good vehicles for the carriage of goods or passengers, Panteia et al (2015), Communication by Croatia to the Commission in 2014, Communication by Hungary to the Commission in 2015

Table 3: Overview on the marking of code 95

Member State	Driving Licence	Driver Qualification Card	Driver Qualification Card for foreigners
Austria	X		
Belgium	X		X ²³
Bulgaria		X	
Croatia	X		
Cyprus		X	
Czech Republic	X		X
Denmark		X	
Estonia ²⁴	X	X	
Finland ²⁵	X	X	
France		X	
Germany	X		
Greece	X		
Hungary	X ²⁶	X	
Ireland		X	
Italy	X		X
Latvia	X		
Lithuania	X		
Luxembourg	X		X
Malta	X		
The Netherlands	X		
Poland	X		

²³ As of 1st December 2014

²⁴ Both options are possible

²⁵ Driver can choose

²⁶ Under special circumstances

Portugal		X	
Romania		X	
Slovenia ²⁷	X	X	
Slovakia		X	
Spain		X	
Sweden		X	
United Kingdom		X	
Norway	X		X

Source: European Commission

Table 4 Costs of initial qualification and periodic training (EURO)

	Initial training & test (140 hours)	Initial training & test (280 hours)	Test only system	Periodic training (35 hours)	Periodic training (35 hours), corrected for PPP (2012)
AT	Not relevant	Not relevant	280	250	237
BE	Not relevant	Not relevant	400	600	552
BG	No data received	No data received.	Not relevant	170	352
CY	Not relevant	Not relevant	68	50	57
CZ	1,000	No data received.	Not relevant	197	273
DE	3,500	No data received.	No data received.	600	593
DK	2,234	4,468	Not relevant	560	399
EE	450	1,350	Not relevant	160	208
ES	No data received	No data received.	Not relevant	165	174
FI	3,500	7,000	Not relevant	750	616
FR	4,500	No data received.	Not relevant	600	555
GR	Not relevant	Not relevant	40	110	119
HU	No data received	No data received.	Not relevant	170	282
IE	Not relevant	Not relevant	280	250	214
IT	No data received	No data received.	Not relevant	700	683
LT	750	No data received..	Not relevant	215	336
LU	2,800	4,500	Not relevant	960	786
LV	Not relevant	Not relevant	93	70	98
MT	Not relevant	Not relevant	70	50	64
NL	Not relevant	Not relevant	150	800	743

²⁷ Driver can choose

	Initial training & test (140 hours)	Initial training & test (280 hours)	Test only system	Periodic training (35 hours)	Periodic training (35 hours), corrected for PPP (2012)
PL	1,690	2,165	Not relevant	250	441
PT	Not relevant	Not relevant	No data received	240	279
RO	Not relevant	Not relevant	No data received	80	144
SE	No data received	3,800	Not relevant	480	373
SI	600	No data received	Not relevant	200	241
SK	650	850	Not relevant	150	213
UK	Not relevant	Not relevant	304	433	372

Source: 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)

ANNEX 6:

Preselection of Impacts

1 DISCARDED FORMS OF POLICY INTERVENTIONS

1.1 Soft law – Promotion of best practices and exchange of information

Possible soft law measures include setting up working groups, workshops and seminars, platforms for exchange of best practices or organising information campaigns. The positive contribution these measures can make to the better implementation of the Directive are undisputed. Soft law measures may be effectively used in combination with hard law measures to reach some of the operational objectives set out above, such as clarification of legal uncertainties. However, left on their own, soft law measures alone do not allow addressing the problems identified with the current Directive. The non-binding nature of soft law measures would not ensure the uniform application of recommendations for example recommendations for better quality assurance of training or for greater focus on road safety relevant elements in training. So far the soft law measures applied, such as the issuing of notes of interpretation by the Commission and discussions during the CPC committee meetings, have failed to help overcome the existing difficulties with the correct application of the exemptions established in the Directive, as well as the uncertainty regarding the minimum age requirement.

An uneven application of soft law measures could on the one hand fail to achieve the desired outcome and on the other hand risk creating an even more unlevel playing field. This option was therefore discarded.

1.2 No EU action – Repealing the Directive without replacing it

The repeal of Directive 2003/59/EC, without replacing it by any other initiative at EU level, would bring the single market back to the time before Directive 2003/59/EC. Initial qualification and periodic training of drivers, and the related certification, would rest entirely upon Member States. The expected result of this is that some Member States would establish national qualification and training requirements for professional drivers, while other Member States would decide not to fill the void left by the repeal of the Directive with national legislation. This would create differences between drivers and undertakings depending on which Member States they are based in, negatively affecting the functioning of the single market. It would also deprive the transport sector from a quality-oriented, minimum standards instrument. The positive effect of the Directive on the quality of services and quality at work was also pointed out by UITP and ETF in a joint statement²⁸. A repeal of the Directive could also create difficulties in the mutual recognition of qualification of workers and subsequently the mobility of workers. Bilateral agreements may be reached between some Member States. However, this would not address the persistence of an unlevel playing field in the EU. The already mentioned transnational nature of transport by road would render national measures less effective, reducing the incentives for Member States to adopt them. The 'No EU action' option therefore carries the inherent risk of leading to a race to the bottom in terms of conditions for the transport sector at the expense of safety.

²⁸ UITP-ETF, 2014, Joint Statement.

1.3 Extension of the scope of the Directive to vans and small trucks -

In the reply to the public consultation almost half of the stakeholders (47 %, 187 respondents) suggested to include also professional drivers with B licences driving vehicles below 3.5t in the scope of the Directive. Of these 62% suggested to include vans, 28% suggested to include taxis)

The ex-post evaluation underlined that taxis and vans mainly operate at a domestic level and drive mostly short distances. Furthermore the road safety performance of light goods vehicles (LGV) is generally better than that of the entire fleet and also compared to Heavy goods vehicles (HGV) and buses and coaches, and the ex-post evaluation suggested that inclusion of LGVs in an initiative to be less relevant²⁹. In these circumstances this option has been discarded from further analysis. Member States are considered best placed to regulate on the matter at national level to the extent they deem it appropriate.

1.4 Changing the structure of the training

Stakeholder views and the ex-post evaluation recognized some shortcomings linked to the structure of the training and quality of trainers and training centres. Some Member States proposed that the training should be indicated in terms of needed know-how, and not in terms of hours of training. However, due to the lack of available data, the scope of these problems could not be estimated, and to what extent these shortcomings are linked to the Directive or to alternative factors. Furthermore, the current Directive does allow for different approaches to training and focus e.g. on needed know-how. On this basis it is not considered justified with legislative or other binding actions at EU-level and these options are discarded from analysis in the Impact Assessment, see also point 1.1 of the report.

The Commission will however consider non-legislative actions to raise the awareness on the potential benefits of different approaches to training and its quality assurance measures, and in that regard take into account European tools supporting the quality of training and the recognition of its outcomes (EQAVET, EQF, ECVET³⁰).

²⁹ See Ex-post evaluation study report: Study on the effectiveness and improvement of the EU legislative framework on training of professional, Panteia et al. (2014), point 2.4

³⁰ EQAVET – European Quality Assurance in Vocational Education and Training, EQF- European Qualification Framework, ECVET- The European Credit System for Vocational Education and Training

ANNEX 7: Social impact

Baseline

A decline in the number of HGV-involved fatalities from 8,538 to 4,989 was observed over the period 2001 to 2010. Panteia³¹ estimates the trend to continue over time resulting in 2,742 HGV-involved fatalities by 2020 and 1,454 by 2030. For buses and coaches, a decline in the number of fatalities was observed over the period 2001 to 2010 from 1,115 to 692. This would mean that 371 fatalities in 2020 and 203 fatalities in 2030 caused by accidents involving buses and coaches could be expected.

Accident typology and relevance for driver training

As a result of in-depth accident investigations on the causes of accidents involving HGV, different types of accidents and different underlying causes for accidents could be identified. In particular, the ETAC study³² shows that 85,2% of accidents are human factor related. Similar findings were made by a recent study by Volvo Trucks³³ and the Dutch Safety Board³⁴. It is in these human factor related accident where driver training can offer safety improvement. A second important finding of in-depth studies on accidents involving heavy goods vehicles is that often the interaction between different vehicles is problematic and that very often (more than half of the time) the other vehicle initiated the accident³⁵. In particular the focus on danger recognition is considered very important in driver training as described also in section 5.2.1. Direct effect size estimations range from a reduction between 3% and 20% of accidents involving HGV for which human factors are identified.

Safety effects associated to training

Two elements are considered when looking at the impact on road safety of the policy measures on training content:

- Initial training content aimed at improving risk awareness/ risk perception and fuel efficient driving behaviour (PM 6);
- Periodic training including road safety topic and not repetition of the same training (PM 7)

The literature review in particular Mayhew & Simpson (2002)³⁶, Stanton, Walker, Young, Kazi & Salmon (2007)³⁷, a SWOV study³⁸, the ADVANCED³⁹ project, recognizes that at 'danger recognition training' drivers learn to recognise situations and analyse the situation for potential (imminent) dangers. The main benefits of such a training system lie in the possibility

³¹ Panteia (2015) IA support study.

³² IRU, 2007, Scientific Study "ETAC" European Truck Accident Causation.

³³ Volvo Trucks, 'European Accident Research and Safety Report 2013.

<<http://pnt.volvo.com/e/GetAttachment.ashx?id=26704>> accessed 20th February 2014.

³⁴ Dutch safety Board, 'Truck accidents on motorways' (2012) <http://www.onderzoeksraad.nl/docs/rapporten/Summary_Vrachtwagengevallen_EN_web.pdf> accessed 20th February 2014

³⁵ <https://www.toi.no/getfile.php/Publikasjoner/T%D8I%20rapporter/2010/1061-2010/1061-2010-Sum.pdf>

³⁶ Mayhew & Simpson, 'The safety value of driver education and training Injury Prevention, 8, ii3-ii8' (2002).

³⁷ Stanton, Walker, Young, Kazi & Salmon, 'Changing drivers' minds: the evaluation of an advanced driver coaching system, Ergonomics, 50, 1209-1234' (2007).

³⁸ SWOV (2012) De rijvaardigheidseisen in Midden- en Oost-Europese lidstaten en ongevallen en overtredingen van buitenlandse bestuurders in Nederland.

³⁹ CIECA, 'Available Documentation' (2010-2014).

for the trainee to learn to recognize set-schemes (situation recognition) and to be able to constantly make use of the experiences gathered during the training session. Moreover, the focus on fuel efficient driving behaviour will also improve for road safety as this in general means a defensive, forward-looking driving style which is also safer driving behaviour.

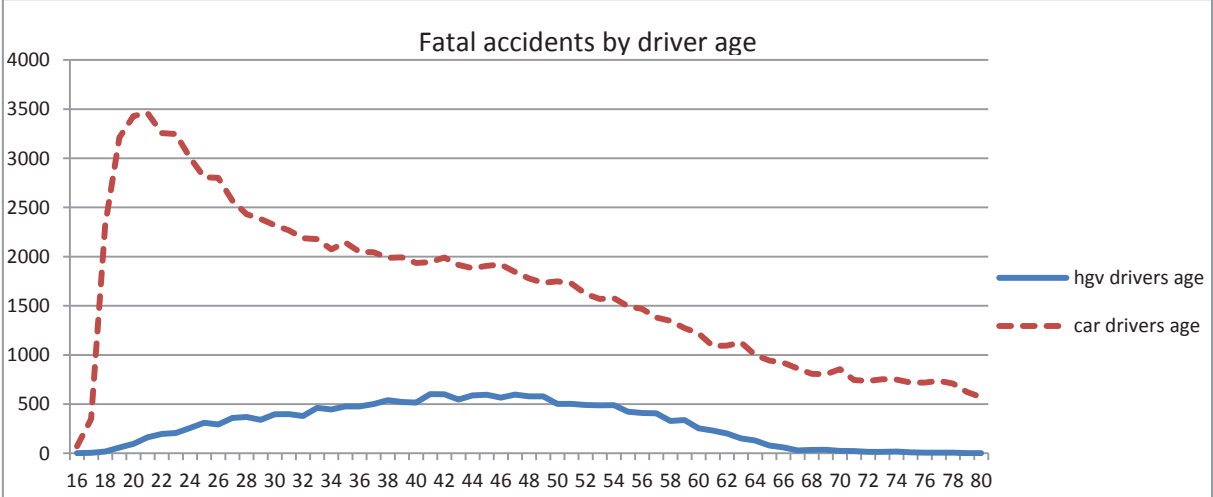
The maximum effect of updating the current training and bringing more safety oriented subjects with an explicit orientation on the danger recognition was considered two per cents. However, the effect of these policy measures is difficult to quantify due to the complexity of measures affecting the level of road safety and particular challenges in separating the effects of efforts on training

Safety aspects of minimum age for access to the profession

Available accident statistics in CARE have been analysed to assess whether negative effects of road safety may be expected in those Member States if the minimum age is lowered (PM 10).

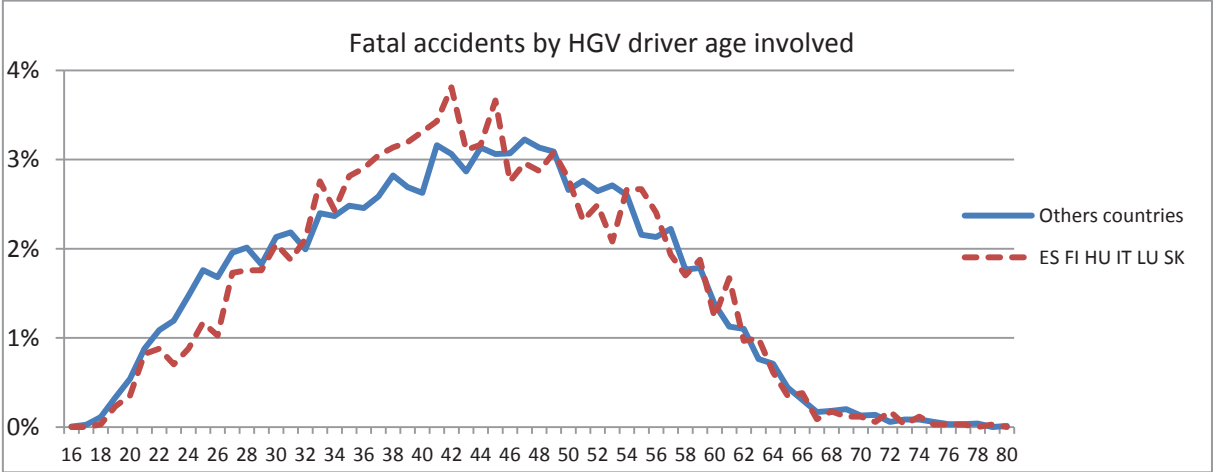
Based on available statistics no clear correlation between minimum age for professional drivers and road safety performance could be identified. Thus no negative impact on road safety could be quantified as regards this policy measure.

Figure 1: Fatal accidents by driver age



Source: CARE database

Figure 2: Fatal accidents by HGV driver age involved



Source: CARE database

ANNEX 8: Exemptions

Overview comparing exemptions of DIRECTIVE 2003/59/EC with REGULATION (EC) No 561/2006 where alignment of the Directive with the Regulation is considered

Directive 2003/59/EC (CPC)	Regulation (EC) 561/2006 (561)	Assessment	Preliminary conclusion
<p>a) vehicles with a maximum authorised speed not exceeding 45 km/h</p>	<p>Art. 3(b): vehicles with a maximum authorised speed not exceeding 40 kilometres per hour</p>	<p>- 5 kmh distinction - Note that while tractors are generally excluded from CPC, this is not the case for 561</p>	<p>- Provisions are legally clear, but not coherent - No indication of need to extend scope of CPC - limited number of vehicles affected</p>
<p>b) vehicles used by, or under the control of, the armed forces, civil defence, the fire service and forces responsible for maintaining public order</p>	<p>Art. 3(c): vehicles owned or hired without a driver by the armed services, civil defence services, fire services, and forces responsible for maintaining public order when the carriage is undertaken as a consequence of the tasks assigned to these services and is under their control</p>	<p>-Wording more or less the same -561 is restricted "the carriage is undertaken as a consequence of the tasks assigned to these services" - Indications of uncertainty on the use for other purposes – would be resolved with the above restriction</p>	<p>Align by including "the carriage is undertaken as a consequence of the tasks assigned to these services"</p>
<p>d) vehicles used in states of emergency or assigned to rescue missions</p>	<p>Art. 3(d): vehicles, including vehicles used in the non-commercial transport of humanitarian aid, used in emergencies or rescue operations</p>	<p>- 561 more specific - includes "non commercial transport of humanitarian aid" - No indications of clear concerns from ex post evaluation.</p>	<p>For coherence and legal clarity include "non commercial transport of humanitarian aid".</p>

<p>e) vehicles used in the course of driving lessons for any person wishing to obtain driving licence or a CPC, as provided for in Article 6 and Article 8 (1)</p>	<p>Art 13(1)(g): vehicles used for driving instructions and examination with a view to obtaining a driving licence or a certificate of professional competence, provided that they are not being used for the commercial carriage of goods and passengers</p>	<ul style="list-style-type: none"> - 561 is more specific – restricts to "non-commercial carriage of goods and passengers" and includes "instruction and examination" - Legal uncertainty indicated in ex post evaluation on combination with commercial transport 	<p>Align by restricting to "non-commercial carriage of goods and passengers" and "instruction and examination"</p>
<p>f) vehicles used for non-commercial carriage of passengers or goods for personal use</p>	<p>Art. 3(h): vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7,5 tonnes used for the non-commercial carriage of goods</p> <p>Art 13(i): vehicles between 10 and 17 seats used exclusively for the non-commercial carriage of passengers</p>	<ul style="list-style-type: none"> - CPC I some sense wider than 561(no weight or passenger limit) but limited to personal use - "personal use" causes Uncertainty on driving for charities/non-profit organisations - personal use was deleted with 561 because of interpretation difficulties (point 27 last intent Explanatory Memorandum of COM proposal (COM 2001/0573/final) 	<p>Delete "personal use"</p>
<p>g) vehicles carrying material or equipment to be used by the driver in the course of his or her work, provided that driving vehicles is not the driver's</p>	<p>Art 3(aa): vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7,5 tonnes used; for carrying</p>	<ul style="list-style-type: none"> - Some differences (561 explicitly includes combinations of vehicles, 561 applies only up to 7,5 t, 561 also includes machinery, 561 has a 100 km radius limit) - Some clarity in court rulings 	<ul style="list-style-type: none"> - Include "machinery" for coherence and marginal improvement of clarity - Add the 561 Art

<p>principle activity</p>	<p>materials, equipment or machinery for the driver's use in the course of his work and which are used only within a 100 km radius from the base of the undertaking, and on condition that driving the vehicles does not constitute the driver's main activity.</p> <p>– Art. 13(1)(b): 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 within a radius of up to 100 km from the base of undertaking</p> <p>(13(1)(b) was in the repealed Regulation 3820/85(Art 13 c), kept but tightened in COM proposal in 2001 ("used or hired without a driver"). "entrepreneurial condition" added during co-decision.)</p>	<p>under 561:</p> <ul style="list-style-type: none"> - case 554/09: 'materials' not covering packaging materials, such as empty bottles, carried by a wine and drinks merchant who runs a shop, makes deliveries to his customers once a week and, while doing so, collects the empty bottles to take them to his wholesaler. <p>Case 128/04: 'material or equipment' covers not only 'tools and instruments', but also the goods, such as building materials or cables, which are required for the performance of the work involved in the main activity of the driver of the vehicle concerned.</p> <ul style="list-style-type: none"> - Transport of fruit and vegetables by the farmer to market covered is no issue under 561 as covered by 13(1) (b) or (c). <p>Understanding of the exemption of the Directive is not aligned with 561- ref ECJ 554/09 – point 25" "It follows that the materials are intended to be used or are required to create, modify or transform something else and are not intended to be simply transported for their own delivery, sale or disposal. The materials being thus subject to a transformation process, they do not constitute goods intended for sale by their user."</p> <ul style="list-style-type: none"> - Adding the 561 Art 13(1)(b) exemption would provide clarity for farm related goods transport with trucks which would also take into account the SMEs in this sector. 	<p>13(1)(b) exemption to clearly exempt farm related goods transport by trucks of ancillary nature to the main activity of farming.</p>
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		<ul style="list-style-type: none">- radius can be relevant to underline the objective to facilitate the ancillary nature (transport to local markets etc), and not long distance transport.- radius can reduce risk of undermining the objectives (using professional drivers without competence) even without "principal activity clause"	
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ANNEX 9: ***List of Abbreviations***

Abbreviation	Abbreviated Term
ADR	Training for Drivers of Vehicles carrying Dangerous Goods
CIECA	International Commission for Driver Testing
CPC	Certificate of Professional Competence
DSLV	Deutscher Speditions- und Logistikverband
DQC	Driver Qualification Card
EC	European Commission
EU	European Union
EQAVET	European Quality Assurance Reference Framework
EQF	European Qualifications Framework
ECVET	European Credit System for Vocational Education and Training
GO	General objective
HGV	Heavy goods vehicle
ICT	Information and Communication Technologies
IRU	International Road Transport Union
OO	Operational objective
PO	Policy option
SO	Specific objective
SME	Small and medium-sized enterprises
RESPER	European Union Driving Licence Network
TACHOnet	European Union Network for exchange of tachograph information
TEC	Treaty Establishing the European Community
TFEU	Treaty on the Functioning of the EU