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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	1 February 2021
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2021) 34 final
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers (codification)

Delegations will find herewith attached the Commission codification proposal referred to in the subject (COM(2021) 34 final - 2021/0018 (COD) and Annexes 1 to 5).

Delegations are invited to send their comments on the codification proposal by Friday 12 March 2021 to the following addresses:

Codification@consilium.europa.eu AND sj-codification@ec.europa.eu

Delegation's attention is drawn to the Practical Guide on Codification (doc. 14722/14 + COR1).

Encl.: COM(2021) 34 final



Brussels, 1.2.2021
COM(2021) 34 final

2021/0018 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**on the initial qualification and periodic training of drivers of certain road vehicles for
the carriage of goods or passengers (codification)**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying the law of the Union so as to make it clearer and more accessible to citizens, thus giving them new opportunities and the chance to make use of the specific rights it gives them.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

For this reason a codification of rules that have frequently been amended is also essential if the law is to be clear and transparent.

2. On 1 April 1987 the Commission decided¹ to instruct its staff that all acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that their provisions are clear and readily understandable.
3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this², stressing the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

Codification must be undertaken in full compliance with the normal procedure for the adoption of acts of the Union.

Given that no changes of substance may be made to the instruments affected by codification, the European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

4. The purpose of this proposal is to undertake a codification of Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC³. The new Directive will supersede the various acts incorporated in it⁴; this proposal fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.
5. The codification proposal was drawn up on the basis of a preliminary consolidation, in 24 official languages, of Directive 2003/59/EC and the instruments amending it, carried out by the Publications Office of the European Union, by means of a data-

¹ COM(87) 868 PV.

² See Annex 3 to Part A of the Conclusions.

³ Entered in the legislative programme for 2020.

⁴ See Annex IV, Part A, to this proposal.

processing system. Where the Articles have been given new numbers, the correlation between the old and the new numbers is shown in a table set out in Annex V to the codified Directive.

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers (codification)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee⁵,

Having regard to the opinion of the Committee of the Regions⁶,

Acting in accordance with the ordinary legislative procedure,

Whereas:



- (1) Directive 2003/59/EC of the European Parliament and of the Council⁷ has been substantially amended several times⁸. In the interests of clarity and rationality, that Directive should be codified.

⁵ OJ C [...], [...], p. [...].

⁶ OJ C [...], [...], p. [...].

⁷ Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226, 10.9.2003, p. 4).

⁸ See Annex IV, Part A.

↓ 2018/645 recital 1 (adapted)

- (2) In its White Paper of 28 March 2011, entitled ‘Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system’⁹, the Commission sets out a ‘vision zero’ objective according to which the Union should move to a position ☒ where ☒ there are close to zero fatalities in road transport by 2050.
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↓ 2018/645 recital 2 (adapted)

- (3) The Commission, in its communication on policy orientations on road safety for 2011-2020, entitled ‘Towards a European road safety area: policy orientations on road safety 2011-2020’¹⁰, proposed the goal of further halving the overall number of road fatalities in the Union by 2020, starting from 2010. With a view to reaching this goal, the Commission laid down seven strategic objectives, including improving the education and training of road users and the protection of vulnerable road users.
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↓ 2018/645 recital 3 (adapted)

- (4) A binding target of a domestic reduction in economy-wide greenhouse gas emissions of at least 40 % by 2030 compared to 1990 was endorsed by the European Council of 23 to 24 October 2014. This target for emissions reduction will help to fulfil the long-term goals ☒ of the Paris Agreement ☒ and all sectors of the economy should contribute to achieving it. The transport sector needs a comprehensive approach for the promotion of emission reductions and energy efficiency. Progress should be made towards low-emission mobility, *inter alia*, through research and through the introduction of technological advances that are already available. Drivers need to be properly trained to drive in the most efficient manner.
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↓ 2003/59/EC recital 3 (adapted)

- (5) To enable drivers to meet the demands ☒ relating to ☒ the road transport market, ☒ Union ☒ rules ☒ on the minimum level of training for road transport drivers ☒ should be applicable to all drivers, whether they drive as self-employed or salaried workers, and whether on own account or for hire or reward.
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↓ 2003/59/EC recital 4 (adapted)

- (6) ☒ Union ☒ rules ☒ on the minimum level of training for road transport drivers should be ☒ aimed at ensuring that, by means of his or her qualification, the driver is of a standard to have access to and carry out the activity of driving.
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↓ 2003/59/EC recital 5

- (7) More particularly, the obligation to hold an initial qualification and to undergo periodic training is intended to improve road safety and the safety of the driver,

⁹ COM(2011) 144 final.

¹⁰ COM(2010) 389 final.

including during operations carried out by the driver while the vehicle is stopped. Furthermore, the modern nature of the profession of driver should arouse young people's interest in the profession, contributing to the recruitment of new drivers at a time of shortage.

↓ 2003/59/EC recital 6

- (8) To avoid unequal conditions of competition, this Directive should apply to the activity of driving both by the nationals of a Member State and by nationals of third countries who are employed or used by an undertaking established in a Member State.
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↓ 2003/59/EC recital 22 (adapted)

- (9) It is desirable, in order to respect the principles of Union law, that drivers of vehicles used to carry out transport where this is considered to have a lesser impact on road safety or where the requirements of this Directive would impose a disproportionate economic or social burden should be exempted from the application of this Directive.
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↓ 2018/645 recital 6 (adapted)

- (10) Certain exemptions should be laid down in relation to situations where driving is not the principal activity of the driver and where it would impose a disproportionate burden on drivers to require them to comply with the requirements of this Directive. Generally, driving is deemed not to be the driver's principal activity where it occupies less than 30 % of the rolling monthly working time.
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↓ 2018/645 recital 7 (adapted)

- (11) Where the driving occurs infrequently, takes place in rural areas or is carried out by drivers who are supplying their own business, exemptions should apply, provided that road safety is still ensured. Due to the different conditions in rural areas within the Union in terms of geography, climate and population density, Member States should have discretion in determining whether such driving can be considered to be occasional and whether such an exemption has an impact on road safety: for example on the basis of the type of road, the traffic volume or the presence of vulnerable road users.
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↓ 2018/645 recital 8

- (12) Since the distances that persons working in agriculture, horticulture, forestry, farming and fishery, who are exempted from this Directive, need to cover in the course of their work vary across the Union, it should be left to Member States to determine, in their national law, maximum permissible distances, calculated from the undertaking's base, to which the exemptions apply.

↓ 2003/59/EC recital 7 (adapted)

- (13) In order to establish that the driver complies with his or her obligations, Member States should issue the driver with a certificate of professional competence (CPC) certifying his or her initial qualification or periodic training.
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↓ 2003/59/EC recital 8 (adapted)

- (14) Member States should be able to choose between several options so as to facilitate the implementation of the provisions relating to the initial qualification.
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↓ 2003/59/EC recital 9

- (15) In order to maintain their qualification of driver, existing drivers should be obliged to undergo periodic retraining in the skills essential for their profession.
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↓ 2018/645 recital 9 (adapted)

- (16) Those drivers who were exempted from the initial qualification requirement should, while continuing to benefit from that exemption, nonetheless be required to undergo periodic training to ensure that their knowledge of matters which are essential for their work remains up-to-date.
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↓ 2003/59/EC recital 10 (adapted)

- (17) The minimum requirements to be met for the initial qualification and the periodic training concern the safety rules to be observed when driving and while the vehicle is stopped. The development of defensive driving (anticipating danger, making allowance for other road users), which goes hand in hand with rational fuel consumption, should have a positive impact both on society and on the road transport sector itself.
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↓ 2003/59/EC recital 11

- (18) This Directive should not affect the rights acquired by a driver who has held the driving licence necessary to carry out the activity of driving since before the date laid down for obtaining a CPC certifying the corresponding initial qualification or the periodic training.
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↓ 2003/59/EC recital 12

- (19) Only training centres which have been approved by the competent authorities of the Member States should be able to organise the training courses laid down for the initial qualification and the periodic training. To ensure the quality of these approved centres, the competent authorities should set harmonised criteria for their approval including that of a well-established high level of professionalism.

↓ 2003/59/EC recital 13

- (20) Not only the competent authorities of the Member States but also any entity designated by them should be responsible for organising the tests provided for in connection with the initial qualification and the periodic training. Given the importance of this Directive for road safety and for the equality of conditions of competition, the competent authorities of the Member States should supervise such tests.
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↓ 2003/59/EC recital 14

- (21) Member States should prescribe that the first session of periodic training is to be completed and should issue the corresponding CPC within the five years following either the date of issue of the CPC certifying the initial qualification or the expiry date of the time limit set for certain drivers to claim their acquired rights. It should also be possible for these time limits to be shortened or extended. Following the first periodic training, the driver should undergo periodic training every five years.
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↓ 2003/59/EC recital 15 (adapted)

- (22) To certify that a driver who is a national of a Member State is the holder of one of the CPCs provided for by this Directive, and to facilitate mutual recognition of the various CPCs, Member States should affix the harmonised ☒ Union ☒ code laid down for that purpose, together with the code's expiry date, either to the driving licence or to the driver qualification card, to be mutually recognised by Member States, the harmonised model of which is laid down by this Directive. ☒ That ☒ card should meet the same security requirements as the driving licence, given the importance of the rights which it confers for road safety and the equality of conditions of competition.
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↓ 2018/645 recital 10 (adapted)

- (23) Member States, in cooperation with the Commission, should electronically exchange information on ☒ CPCs ☒. They should develop the necessary electronic platform, taking into account a cost-benefit analysis by the Commission, including the option of expanding the EU driving licence network set up under Directive 2006/126/EC of the European Parliament and of the Council¹¹. Among other benefits, ☒ that ☒ will allow Member States to easily access information on completed training which is not documented on the driving licence of the driver. It is important that Member States and the Commission make efforts to develop ☒ that ☒ functionality further, with the goal of real-time access during roadside checks.
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↓ 2018/645 recital 11 (adapted)

- (24) Taking into account developments in training and education, and in order to enhance the contribution of ☒ this ☒ Directive to road safety and the relevance of training for drivers, subjects relating to road safety should be ☒ dealt with ☒ in the training
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¹¹ Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (OJ L 403, 30.12.2006, p. 18).

courses, such as hazard perception, the protection of vulnerable road users, in particular pedestrians, cyclists and persons with limited mobility, fuel-efficient driving, driving in extreme weather conditions and carrying abnormal loads. In ~~the~~ that ~~the~~ context, the courses should also relate to intelligent transport systems and should evolve in order to keep pace with technological developments.

↓ 2018/645 recital 12 (adapted)

- (25) Member States should be provided with a clear option to improve and modernise training practices with the use of information and communication technology (ICT) tools, such as e-learning and blended learning, for part of the training, while ensuring the quality of the training. When improving and modernising training practices with the use of ICT tools, it is important to take into account the fact that some specific topics require hands-on training and cannot be properly addressed with these learning tools: for example, fitting snow chains or securing loads, or other training elements where the practical side is important. Practical training could, but does not have to, consist of driving. A substantial amount of the training required under this Directive should be carried out at an approved training centre.
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↓ 2018/645 recital 13 (adapted)

- (26) To ensure consistency between the different forms of training required under Union law, Member States should have the possibility to combine different types of relevant training: for example, it should be possible for them to combine training on the transport of dangerous goods, on disability awareness or on animal transport, with the training provided for in ~~the~~ this ~~the~~ Directive.
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↓ 2018/645 recital 14 (adapted)

- (27) To prevent ~~the~~ differences in ~~the~~ practices between Member States from impeding mutual recognition and restricting the right of drivers to undergo the periodic training in the Member State where they work, Member State authorities should be required, if completed training cannot be marked on the driving licence, to issue a driver qualification card, in the form prescribed by the standard models, that will ensure mutual recognition for every driver who fulfils the requirements of ~~the~~ this ~~the~~ Directive.
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↓ 2018/645 recital 15

- (28) The use of driver attestations by drivers from third countries as evidence of compliance with the training requirements might present an obstacle for drivers when the haulier returns the attestation to the issuing authorities, particularly when those drivers wish to take up employment in another Member State. To avoid situations where, under such circumstances, drivers have to repeat their training when taking up new employment, Member States should be encouraged to cooperate and exchange information on driver qualifications.

↓ 2018/645 recital 19 (adapted)

- (29) In order to contribute to the reduction of greenhouse gas emissions and the improvement of air quality, by facilitating the use of alternatively fuelled vehicles, Member States should be given the possibility to allow, in their territory, holders of a category B driving licence to drive certain types of alternatively fuelled vehicles ☒ whose ☒ maximum authorised mass is greater than 3 500 kg but does not exceed 4 250 kg. That possibility to exceed 3 500 kg should be conditional upon the additional mass allowed being exclusively due to the excess of mass resulting from the alternative propulsion systems and should be subject to limitations and conditions intended to avoid negative effects on road safety.

↓ 2003/59/EC recital 17

- (30) Special certification provisions should be laid down for drivers covered by this Directive who are nationals of third countries.

↓ 2019/1243 Art. 1 and Annex, pt.IX (adapted)

- (31) In order to adapt ☒ this ☒ Directive to scientific and technical progress, the power to adopt acts in accordance with Article 290 ☒ of the Treaty on the Functioning of the European Union ☒ should be delegated to the Commission ☒ in respect of amending ☒ Annexes I and II to ☒ this ☒ Directive. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹². In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

↓ 2018/645 recital 20 (adapted)

- (32) Since the objective of this Directive, namely the ☒ setting out ☒ of ☒ a Union-wide ☒ standard of initial qualification and periodic training for drivers of certain road vehicles for the carriage of goods or passengers, cannot be sufficiently achieved by the Member States but can rather, by reason of the cross-border nature of road transport and of the issues this Directive is intended to address, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

¹² OJ L 123, 12.5.2016, p. 1.



(33) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for the transposition into national law and the dates of application of the Directives set out in Annex IV, Part B,

↓ 2003/59/EC

HAVE ADOPTED THIS DIRECTIVE:

↓ 2018/645 Art. 1.1

Article 1

Scope

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

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

(hereinafter referred to as ‘drivers’) engaged in road transport within the Union, on roads open to the public, using:

- vehicles for which a driving licence of category C1, C1 + E, C or C + E, as defined in Directive 2006/126/EC, or a driving licence recognised as equivalent, is required,
- vehicles for which a driving licence of category D1, D1 + E, D or D + E, as defined in Directive 2006/126/EC, or a driving licence recognised as equivalent, is required.

For the purposes of this Directive, the references to categories of driving licences containing a plus sign (‘+’) shall be read in accordance with the correspondence table set out in Annex III.

↓ 2018/645 Art. 1.2 (adapted)

Article 2

Exemptions

1. This Directive shall not apply to the drivers of vehicles:

- (a) with a maximum authorised speed not exceeding 45 km/h;
- (b) used by, or under the control of, the armed forces, civil defence, the fire service, forces responsible for maintaining public order, and emergency ambulance services, when the carriage is undertaken as a consequence of the tasks assigned to those services;

- (c) undergoing road tests for technical development, repair or maintenance purposes, or the drivers of new or rebuilt vehicles which have not yet been put into service;
- (d) for which a driving licence of category D or D1 is required and which are driven without passengers by maintenance personnel to or from a maintenance centre situated in the vicinity of the nearest maintenance base which is used by the transport operator, provided that driving the vehicle does not constitute the driver's principal activity;
- (e) used in states of emergency or assigned to rescue missions, including vehicles used in the non-commercial transport of humanitarian aid;
- (f) used for driving instruction for, and examination of, any person wishing to obtain a driving licence or a Certificate of Professional Competence (CPC), in accordance with Article 6 and Article 8(1), provided that they are not being used for the commercial carriage of goods and passengers;
- (g) used for non-commercial carriage of passengers or goods;
- (h) carrying material, equipment or machinery to be used by the drivers in the course of their work, provided that driving the vehicles is not the drivers' principal activity.

With regard to point (f) of this paragraph, this Directive shall not apply to any person wishing to obtain a driving licence or a CPC, in accordance with Article 6 and Article 8(1), when that person is undergoing additional driving training during work-based learning, where that person is accompanied by another person certified by a CPC, or a driving instructor, for the category of vehicle used for the purpose set out in that point.

2. This Directive shall not apply where all the following conditions are met:

- (a) the drivers of vehicles operate in rural areas to supply the driver's own business;
- (b) the drivers do not offer transport services;
- (c) the Member States consider that the transport is occasional and does not have an impact on road safety.

3. This Directive shall not apply to drivers of 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, except if driving is part of the driver's principal activity or the driving exceeds a distance set in national law from the base of the undertaking which owns, hires or leases the vehicle.

Article 3

Qualification and training

1. The activity of driving as referred to in Article 1 shall be subject to a compulsory initial qualification and compulsory periodic training. To that end, Member States shall provide for:

- (a) a system of initial qualification

Member States shall choose between the following two options:

- (i) option combining both course attendance and a test

In accordance with Section 2(2.1) of Annex I, this type of initial qualification involves compulsory course attendance for a specific period. It shall conclude with a test. Upon successful completion of the test, the qualification shall be certified by a CPC as provided for in Article 6(1)(a);

- (ii) option involving only tests

In accordance with Section 2(2.2) of Annex I, this type of initial qualification does not involve compulsory course attendance but only theoretical and practical tests. Upon successful completion of the tests, the qualification shall be certified by a CPC as provided for in Article 6(1)(b).

However, a Member State may authorise a driver to drive within its territory before obtaining a CPC, when he or she is undergoing a national vocational training course of at least six months, for a maximum period of three years. In the context of this vocational training course, the tests referred to in points (i) and (ii) may be completed in stages;

- (b) a system of periodic training

In accordance with Section 4 of Annex I, periodic training involves compulsory course attendance. It shall be certified by a CPC as provided for in Article 8(1).

2. Member States may also provide for a system of accelerated initial qualification so that a driver may drive in the cases referred to in Article 5(2)(a)(ii), Article 5(2) (b), Article 5(3)(a)(i) and Article 5(3) (b).

In accordance with Section 3 of Annex I, the accelerated initial qualification shall involve compulsory course attendance. It shall conclude with a test. Upon successful completion of the test, the qualification shall be certified by a CPC as provided for in Article 6(2).

3. Member States may exempt drivers who have obtained the certificate of professional competence provided for in Regulation (EC) No 1071/2009 of the European Parliament and of the Council¹³ from the tests referred to in paragraph 1(a)(i) and (ii) and in paragraph 2 in the subjects covered by the test provided for in that Regulation and, where appropriate, from attending the part of the course corresponding thereto.

Article 4

Acquired rights

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

- (a) drivers who hold a category D1, D1 + E, D or D + E driving licence, or a driving licence recognised as equivalent, issued no later than 10 September 2008 .
- (b) drivers who hold a category C1, C1 + E, C or C + E driving licence, or a driving licence recognised as equivalent, issued no later than 10 September 2009 .

Article 5

Initial qualification

1. Access to an initial qualification shall not require the corresponding driving licence to be obtained beforehand.

2. Drivers of a vehicle intended for the carriage of goods may drive:

- (a) from the age of 18:
 - (i) a vehicle in driving licence categories C and C + E, provided that they hold a CPC as referred to in Article 6(1);
 - (ii) a vehicle in driving licence categories C1 and C1 + E, provided that they hold a CPC as referred to in Article 6(2);
- (b) from the age of 21, a vehicle in driving licence categories C and C + E, provided that they hold a CPC as referred to in Article 6(2).

3. Drivers of a vehicle intended for the carriage of passengers may drive:

- (a) from the age of 21:
 - (i) a vehicle in driving licence categories D and D + E to carry passengers on regular services where the route does not exceed 50 kilometres and a

¹³ Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).

vehicle in driving licence categories D1 and D1 + E, provided that they hold a CPC as referred to in Article 6(2).

Any Member State may authorise drivers of vehicles in one of those categories to drive such vehicles within its territory from the age of 18, provided that they hold a CPC as referred to in Article 6(1);

- (ii) a vehicle in driving licence categories D and D + E, provided that they hold a CPC as referred to in Article 6(1).

Any Member State may authorise drivers of vehicles in one of those categories to drive such vehicles within its territory from the age of 20, provided that they hold a CPC as referred to in Article 6(1). This may be reduced to the age of 18 where the driver drives such vehicles without passengers;

- (b) from the age of 23, a vehicle in driving licence categories D and D + E, provided that they hold a CPC as referred to in Article 6(2).

4. Without prejudice to the age limits specified in paragraph 2, drivers undertaking the carriage of goods who hold a CPC as provided for in Article 6 for one of the categories provided for in paragraph 2 of this Article shall be exempted from obtaining such a CPC for any other of the categories of vehicles referred to in that paragraph.

These provisions shall apply under the same conditions to drivers undertaking the carriage of passengers in the categories referred to in paragraph 3.

5. Drivers undertaking the carriage of goods who broaden or modify their activities in order to carry passengers, or vice versa, and who hold a CPC as provided for in Article 6 shall not be required to repeat the common parts of the initial qualification, but rather only the parts specific to the new qualification.

Article 6

CPC certifying the initial qualification

1. CPC certifying an initial qualification

- (a) CPC awarded on the basis of course attendance and a test

In accordance with Article 3(1)(a)(i), Member States shall require trainee drivers to attend courses in a training centre approved by the competent authorities in accordance with Section 5 of Annex I ('approved training centre'). Those courses shall cover all the subjects referred to in Section 1 of Annex I. That training shall conclude with the successful completion of the test provided for in Section 2(2.1) of Annex I. That test shall be organised by the Member States' competent authorities or an entity designated by them and shall serve to check whether, for the aforementioned subjects, the trainee driver has the level of knowledge required by Section 1 of Annex I. The said authorities or entities shall supervise the test and, upon successful completion, issue the drivers with a CPC certifying an initial qualification.

(b) CPC awarded on the basis of tests

In accordance with Article 3(1)(a)(ii), Member States shall require trainee drivers to pass the theoretical and practical tests referred to in Section 2(2.2) of Annex I. Those tests shall be organised by the Member States' competent authorities or an entity designated by them and shall serve to check whether, for all the aforementioned subjects, the trainee driver has the level of knowledge required by Section 1 of Annex I. The said authorities or entities shall supervise the tests and, upon successful completion, issue the drivers with a CPC certifying an initial qualification.

2. CPC certifying an accelerated initial qualification

In accordance with Article 3(2), Member States shall require trainee drivers to attend courses in an approved training centre. Those courses shall cover all the subjects referred to in Section 1 of Annex I.

That training shall conclude with the test provided for in Section 3 of Annex I. That test shall be organised by the Member States' competent authorities or an entity designated by them and shall serve to check whether, for the aforementioned subjects, the trainee driver has the level of knowledge required by Section 1 of Annex I. The said authorities or entities shall supervise the test and, upon successful completion, issue the drivers with a CPC certifying an accelerated initial qualification.

↓ 2018/645 Art. 1.3 (adapted)

Article 7

Periodic training

Periodic training shall consist of training to enable holders of a CPC to update the knowledge which is essential for their work, with specific emphasis on road safety, health and safety at work, and the reduction of the environmental impact of driving.

That training shall be organised by an approved training centre, in accordance with Section 5 of Annex I. Training shall consist of classroom teaching, practical training and, if available, training by means of information and communication technology (ICT) tools or on top-of-the-range simulators. If a driver moves to another undertaking, the periodic training already undergone must be taken into account.

Periodic training shall be designed to expand on, and to revise, some of the subjects referred to in Section 1 of Annex I. It shall cover a variety of subjects and shall always include at least one road safety related subject. The training subjects shall take into account developments in the relevant legislation and technology, and shall, as far as possible, take into account the specific training needs of the driver.

Article 8

CPC certifying periodic training

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

2. Holders of a CPC as referred to in Article 6 shall undergo a first course of periodic training within five years of the issue of that CPC.

Member States may reduce or extend the period of time referred to in the first subparagraph , *inter alia*, so that it coincides with the date of expiry of the driving licence. The period may not, however, be shorter than three years or longer than seven years.

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

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

5. Drivers undertaking the carriage of goods or passengers by road who have completed courses of periodic training for one of the driving licence categories provided for in Article 5(2) and (3) shall be exempt from the obligation to undergo further periodic training for another of the categories provided for in those paragraphs.

Article 9

Place of training

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

Drivers referred to in point (b) of Article 1 shall obtain that initial qualification in the Member State where the undertaking is established or in the Member State which issued a work permit to them.

Drivers referred to in points (a) and (b) of Article 1 shall undergo the periodic training referred to in Article 7 in the Member State where they have their normal residence or the Member State where they work.

↓ 2018/645 Art. 1.5 (adapted)

Article 10

Union code

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

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

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

The driver qualification card issued by a Member State shall be mutually recognised. When the driver qualification card is issued, the competent authorities shall check the validity of the driving licence for the category of vehicle concerned.

2. A driver referred to in point (b) of Article 1 of this Directive who drive vehicles used for the carriage of goods by road shall also be allowed to prove that he or she has the qualification and training provided for in this Directive by means of the driver attestation provided for in Regulation (EC) No 1072/2009 of the European Parliament and of the Council¹⁴, provided that it bears the Union code, '95'. For the purposes of this Directive, the issuing Member State shall indicate the Union code, '95', in the remarks Section of the attestation if the driver concerned has fulfilled the qualification requirements and training requirements provided for in this Directive.

3. Driver attestations that do not bear the Union code, '95', and that were issued before 23 May 2020 in accordance with Article 5 of Regulation (EC) No 1072/2009, and in particular with paragraph 7 thereof, with a view to certifying compliance with training requirements under this Directive shall be accepted as a proof of qualification until their date of expiry.

¹⁴ 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 (OJ L 300, 14.11.2009, p. 72).

Article 11

Enforcement network

1. For enforcement purposes, Member States shall exchange information on CPCs issued or withdrawn. For that purpose Member States shall, in cooperation with the Commission, develop an electronic network or work on an extension of an existing network, taking into account the assessment by the Commission of the most cost-effective option.
2. The network may contain information contained in the CPCs as well as information relating to administrative procedures related to CPCs.
3. Member States shall ensure that the processing of personal data is carried out solely for the purposes of verifying compliance with this Directive, in particular the training requirements laid down in this Directive, in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council¹⁵.
4. Access to the network shall be secured. Member States may grant access only to the competent authorities responsible for the implementation of, and for the control of compliance with, this Directive.

Article 12

Adaptation to scientific and technical progress

The Commission is empowered to adopt delegated acts in accordance with Article 13 concerning the amendment of Annexes I and II in order to adapt them to scientific and technical progress.

Article 13

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 12 shall be conferred on the Commission for a period of five years from 26 July 2019. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the

¹⁵ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 12 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 12 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

↓ 2003/59/EC (adapted)

Article 14

Repeal

Directive 2003/59/EC, as amended by the acts listed in Annex IV, Part A, is repealed , without prejudice to the obligations of the Member States relating to the time-limits for the transposition into national law and the dates of application of the Directives set out in Annex IV, Part B .

↓

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex V.

↓ 2003/59/EC (adapted)

Article 15

Entry into force

This Directive shall enter into force on 24 May 2021 .

Article 16

Addressees

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President