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**COMMISSION STAFF WORKING DOCUMENT**

**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 directive<sup>1</sup>, Directive on the transport of

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<sup>1</sup> Directive 2006/126/EC on Driving Licences

dangerous goods<sup>2</sup> and the social rules on driving and resting time<sup>3</sup>. Furthermore it interacts with different pieces of EU law such as the rules on access to the market<sup>4</sup>.

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 2020<sup>5</sup>.

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 safety<sup>6</sup>. 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 there<sup>7</sup>. 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 Directive<sup>8</sup> where a number of shortcomings were identified. In October 2014 the ex-post evaluation of the Directive was finalised, a process which included stakeholder consultation<sup>9</sup>. 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

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

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

<sup>4</sup> 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

<sup>5</sup> 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)

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

<sup>7</sup> 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.

<sup>8</sup> 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

<sup>9</sup> 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, ECVET<sup>10</sup>).

Furthermore, while the evaluation report indicates wide differences in training costs<sup>11</sup> 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

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<sup>10</sup> 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 Justice<sup>12</sup> 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

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<sup>11</sup> 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

<sup>12</sup> 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 95<sup>13</sup> 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 (DSLTV). 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 available<sup>14</sup>, 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.<sup>15</sup>.

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<sup>13</sup> A harmonised code with number "95" is prescribed as the code indicating completion of training under Directive 2003/59/EC

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

<sup>15</sup> 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 Austria<sup>16</sup>. The problem was furthermore reported for French drivers undergoing the training in the Saarland region of Germany.<sup>17</sup> 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

<sup>16</sup> 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

<sup>17</sup> *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 companies<sup>18</sup>.

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 possible<sup>19</sup>, 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 licences<sup>20</sup>.

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.<sup>21</sup> Because of the five-year cycle of periodic training, the number of drivers affected is expected to vary, with a peak every five years.

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<sup>18</sup> See table in Annex 3

<sup>19</sup> 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

<sup>20</sup> 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](http://ec.europa.eu/transport/road_safety/pdf/periodic_training_calendar.pdf)

<sup>21</sup> 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** <sup>22</sup>

	2016	2018	2021 <sup>23</sup>	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 drivers<sup>24</sup>. 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 market<sup>25</sup> requires that third country nationals lawfully employed within the EU to obtain a driver attestation when carrying out international road transport of goods.<sup>26</sup>

Drivers from third countries are covered by the Directive if they are employed or used by an undertaking established in a Member State.<sup>27</sup> 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.

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<sup>22</sup> 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

<sup>23</sup> 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

<sup>24</sup> Austria, Germany, Greece, Latvia, Lithuania, Malta, the Netherlands and Poland

<sup>25</sup> 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.

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

<sup>27</sup> 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.<sup>28</sup> 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)<sup>29</sup>. 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 included<sup>30</sup>.

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

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<sup>28</sup> Ref. minutes of the Meeting of the Committee under Directive 2003/59/EC held on 9 October 2015.

<sup>29</sup> 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

<sup>30</sup> 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 safety<sup>31</sup>, 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 training<sup>32</sup>. Annex I adds that the training must be of 35 hours every five years given in periods of at least seven hours.<sup>33</sup> 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 Netherlands<sup>34</sup>, where in 2014 there were 96.8

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<sup>31</sup> 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)

<sup>32</sup> Annex I, Section I of Directive 2003/59/EC

<sup>33</sup> Article 7(3) of the Directive

<sup>34</sup> 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’<sup>35</sup>. 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 times<sup>36</sup>.

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.<sup>37</sup> 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

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<sup>35</sup> 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

<sup>36</sup> See answers to the public consultation available at [http://ec.europa.eu/transport/road\\_safety/take-part/public-consultations/cpc\\_en.htm](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)

<sup>37</sup> 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 consultation<sup>38</sup>. 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’;

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<sup>38</sup> 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. Finland<sup>39</sup> 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.<sup>40</sup>

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 States<sup>41</sup>.

The ex-post evaluation study<sup>42</sup> and impact assessment support study<sup>43</sup> have confirmed these observations. In addition they identified that the UK authorities face difficulties in the

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<sup>39</sup> Ref meeting of the working group on exemptions under the CPC-committee in 2014

<sup>40</sup> See main conclusions from stakeholder conference in Annex 2

<sup>41</sup> 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,<sup>44</sup> while in the case of bus and coach driver (category D and DE), the minimum age is fixed at 24 years.<sup>45</sup>

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 qualification<sup>46</sup>. It also establishes that bus and coach drivers (categories D and DE) may drive from the age of 21, provided they have completed the

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<sup>42</sup> 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)

<sup>43</sup> 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)

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

<sup>45</sup> Ibid., Article 4(4)(k).

<sup>46</sup> Directive 2003/59/EC Article 5(2)

ordinary initial qualification, or from the age of 23 in the case of accelerated initial qualification.<sup>47</sup>

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’<sup>48</sup>, 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’.<sup>49</sup>

According to the information available on 20 April 2016 for 23 Member States<sup>50</sup>, 17 Member States<sup>51</sup> 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 States<sup>52</sup> 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).<sup>53</sup>

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.

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<sup>47</sup> Directive 2003/59/EC Article 5(3)

<sup>48</sup> Ibid, Article 4(4) (e), (g)(i) and (k) .

<sup>49</sup> ARES(2012)1688654

<sup>50</sup> Information is not available for the remaining five Member States

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

<sup>52</sup> Spain, Finland, Italy, Latvia and Slovakia

<sup>53</sup> 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 goods<sup>54</sup>, training on disability awareness<sup>55</sup> or on animal welfare<sup>56</sup>. 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

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

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

<sup>56</sup> Council Regulation (EC) No 1/2006

case of tanker vehicles<sup>57</sup>. 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 training<sup>58</sup>.

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 courses<sup>59</sup>. 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 transport<sup>60</sup> ('the Regulation') establishes training requirements for the transport of disabled people and people with reduced mobility.<sup>61</sup> 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.

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<sup>57</sup> 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)

<sup>58</sup> 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

<sup>59</sup> For the calculations please see Annex 4

<sup>60</sup> OJ L 55, 28.2.2011, p. 1

<sup>61</sup> 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.<sup>62</sup>

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,<sup>63</sup> 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 <sup>64</sup>	2023	2026	2028	2030
Drivers	19.0	981.1	21.2	1003.0	63.2	64.5

*Source: European Commission*

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<sup>62</sup> 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.

<sup>63</sup> See point 1.4.2.2.

<sup>64</sup> 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)<sup>65</sup> (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.<sup>66</sup>

### 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

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

<sup>66</sup> 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 CO<sub>2</sub> 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 CO<sub>2</sub> 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**

<b>Problem driver</b>		<b>Measures</b>	<b>Description</b>
<b>Difficulty of an EU resident to recognise periodic training</b>	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
<b>Difficulty of a non-EU resident to recognise drivers' attestation</b>	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
<b>Content of the initial qualification does not adequately reflect danger recognition and fuel efficiency</b>	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
<b>The training content does not adequately reflect road safety and diversity in topics</b>	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.
<b>The provisions do not adequately reflect recent developments</b>	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
<b>Legal uncertainty on the scope of exemptions</b>	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. <sup>67</sup>
<b>Ambiguity on the minimum age to access the profession</b>	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.
<b>Ambiguity on the possibility to count other training as part of CPC training</b>	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:

<sup>67</sup> 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 TACHOnet<sup>68</sup> 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.

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<sup>68</sup> 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).<sup>69</sup>

#### *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.<sup>70</sup>

#### *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.<sup>71</sup> This measure is also generally not supported by most stakeholders in the industry, academia and among Member States authorities.<sup>72</sup> This measure has therefore been discarded.

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<sup>69</sup> See main conclusions from stakeholder conference in Annex 2

<sup>70</sup> 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

<sup>71</sup> For further details see Annex 7

<sup>72</sup> 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,<sup>73</sup> 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.

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<sup>73</sup> 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 States<sup>74</sup>. 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

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<sup>74</sup> 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 situations<sup>75</sup> 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
<b>Totals</b>		<b>6 303.3</b>	<b>9 026.4</b>	<b>2 723.1</b>

\* 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

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<sup>75</sup> "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)<sup>76</sup>, Stanton, Walker, Young, Kazi & Salmon (2007)<sup>77</sup>, a study by SWOV Institute for Road Safety Research<sup>78</sup> and the

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

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

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

ADVANCED<sup>79</sup> 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.

Literature<sup>80</sup> 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,<sup>81</sup> 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%.<sup>82</sup> 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

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<sup>79</sup> CIECA, ‘Available Documentation’ (2010-2014).

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

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

<sup>82</sup> 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,<sup>83</sup> 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 CO<sub>2</sub> 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 CO<sub>2</sub> 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 emissions<sup>84</sup>. 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

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<sup>83</sup> 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

<sup>84</sup> 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](http://www.ghg-transpord.eu/ghg-transpord/downloads/GHG_TransPoRD_D3.1_Bottom_up_quantification.pdf)

<sup>85</sup> 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](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.<sup>86</sup> 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

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<sup>86</sup> 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.<sup>87</sup>

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,<sup>88</sup> non-commercial transport activities<sup>89</sup> as well as drivers with a different main activity but who need the car to carry materials or equipment<sup>90</sup> will be aligned with the wording and experience under Regulation (EC) No 561/2006 which covers the same relevant exemptions,<sup>91</sup> 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.<sup>92</sup> 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 States<sup>93</sup> that currently

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

<sup>88</sup> Article 2(e) of the Directive

<sup>89</sup> Article 2(f) of the Directive,

<sup>90</sup> Article 2(g) of the Directive

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

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

<sup>93</sup> 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***

	<b><i>Policy Package A</i></b>	<b><i>Policy Package B</i></b>	<b><i>Policy Package C</i></b>
Effectiveness	+	+	+
Regulatory costs	+ / 0	+ / 0	--
Coherence	+	+	+
	<b><i>Policy Package A*</i></b>	<b><i>Policy Package B*</i></b>	<b><i>Policy Package C*</i></b>
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% CO<sub>2</sub> transport emissions by 2050. In all options, the strengthened focus on training on fuel efficient driving for professional drivers will reduce CO<sub>2</sub> 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:*

<b>Indicators in relation to SO1:</b> <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 <sup>94</sup>	0
<b>Indicators in relation to SO2:</b> <i>Ensure that the training content reflects recent developments and improve road safety and fuel efficiency</i>					

<sup>94</sup> 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 <sup>95</sup>	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
<b><i>Indicators in relation to SO3: Improve legal clarity and coherence of the Directive and with other EU legislation</i></b>					
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

<sup>95</sup> 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