Directive (EU) 2018/645 of the European Parliament and of the Council of 18 April 2018 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 (Text with EEA relevance)

DIRECTIVE (EU) 2018/645 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 18 April 2018

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

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee[(1)],

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure[(2)],

Whereas:

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

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

(3) A binding target of a domestic reduction in economy-wide greenhouse gas emissions of at least 40 % by 2030 compared to 1990 was endorsed by the European Council of 23 to 24 October 2014. This target for emissions reduction will help to fulfil the Paris Agreement long-term goals and all sectors of the economy should contribute to achieving it. The transport sector needs a comprehensive approach for the promotion of emission reductions and energy efficiency. Progress should be made towards

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low-emission mobility, inter alia, through research and through the introduction of technological advances that are already available. Drivers need to be properly trained to drive in the most efficient manner.

(4) Having evaluated the implementation of Directive 2003/59/EC of the European Parliament and of the Council[(3)], the Commission identified a number of shortcomings. The main shortcomings identified were difficulties relating to, and legal uncertainty in, the interpretation of exemptions; the content of the training, which was found to be only partially relevant for drivers' needs; difficulties for drivers in obtaining mutual recognition of completed or partially completed training undergone in another Member State; and inconsistencies of minimum age requirements between Directives 2003/59/EC and 2006/126/EC of the European Parliament and of the Council[(4)].

(5) In order to improve legal clarity in Directive 2003/59/EC, all references to repealed or replaced Union acts should be removed or amended.

(6) In order to provide certainty and consistency with other Union acts, a number of changes should be made to the exemptions to Directive 2003/59/EC, taking into account similar exemptions under Regulation (EC) No 561/2006 of the European Parliament and of the Council[(5)]. Some of those exemptions relate to situations where driving is not the principal activity of the driver and where it would impose a disproportionate burden on drivers to require them to comply with the requirements of Directive 2003/59/EC. Generally, driving is deemed not to be the driver's principal activity where it occupies less than 30 % of the rolling monthly working time.

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

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

(9) Those drivers who were exempted from the initial qualification requirement should, while continuing to benefit from this exemption, nonetheless be required to undergo periodic training to ensure that their knowledge of matters which are essential for their work remains up-to-date.

(10) Member States, in cooperation with the Commission, should electronically exchange information on certificates of professional competence (CPC). They should develop the necessary electronic platform, taking into account a cost-benefit analysis by the Commission, including the option of expanding the EU driving licence network set up under Directive 2006/126/EC. Among other benefits, this will allow Member States to

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easily access information on completed training which is not documented on the driving licence of the driver. It is important that Member States and the Commission make efforts to develop this functionality further, with the goal of real-time access during roadside checks.

(11) Taking into account developments in training and education, and in order to enhance the contribution of Directive 2003/59/EC to road safety and the relevance of training for drivers, subjects relating to road safety should be strengthened in the training courses, such as hazard perception; the protection of vulnerable road users, in particular pedestrians, cyclists and persons with limited mobility; fuel-efficient driving; driving in extreme weather conditions and carrying abnormal loads. In this context, the courses should also relate to intelligent transport systems and should evolve in order to keep pace with technological developments.

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

(13) To ensure consistency between the different forms of training required under Union law, Member States should have the possibility to combine different types of relevant training: for example, it should be possible for them to combine training on the transport of dangerous goods, on disability awareness or on animal transport, with the training provided for in Directive 2003/59/EC.

(14) To prevent differing practices between Member States from impeding mutual recognition and restricting the right of drivers to undergo the periodic training in the Member State where they work, Member State authorities should be required, if completed training cannot be marked on the driving licence, to issue a driver qualification card, in the form prescribed by the standard models, that will ensure mutual recognition for every driver who fulfils the requirements of Directive 2003/59/EC.

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

(16) In order to allow for a smooth transition, valid driver attestations and valid driver qualification cards issued in accordance with the rules applying before the application of the provisions amended by this Directive should be recognised for the period until

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their expiry date. Those amendments do not invalidate the training undergone, or the driving licences issued to certify such training, before their application.

(17) In order to provide legal clarity and to ensure harmonised minimum age requirements for the purposes laid down in Directive 2003/59/EC, a clear derogation should be provided in Directive 2006/126/EC, stipulating that driving licences may be issued at the minimum ages provided for in Directive 2003/59/EC. This clarification concerns the general minimum age for drivers of certain vehicle categories holding a CPC and does not affect existing options for reducing, or providing exemptions to, such minimum age requirements.

(18) Amendments to Directive 2006/126/EC should be limited to those directly related to the revision of Directive 2003/59/EC and to the facilitation of the use of alternatively fuelled vehicles. A more thorough analysis of the implementation and application of Directive 2006/126/EC, including the delineation between certain categories of vehicles, appears desirable and should be included in any future review of Directive 2006/126/EC.

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

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

(21) Directives 2003/59/EC and 2006/126/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 2003/59/EC is amended as follows:

(1) Article 1 is replaced by the following:

Article 1

Scope

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

(a) nationals of a Member State, and

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

hereinafter referred to as "drivers", engaged in road transport within the Union, on roads open to the public, using:

— vehicles for which a driving licence of category C1, C1 + E, C or C + E, as defined in Directive 2006/126/EC of the European Parliament and of the Council[6], or a driving licence recognised as equivalent, is required,

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

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

(2) Article 2 is replaced by the following:

Article 2

Exemptions

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

a with a maximum authorised speed not exceeding 45 km/h;

b used by, or under the control of, the armed forces, civil defence, the fire service, forces responsible for maintaining public order, and emergency ambulance services, when the carriage is undertaken as a consequence of the tasks assigned to those services;

c undergoing road tests for technical development, repair or maintenance purposes, or the drivers of new or rebuilt vehicles which have not yet been put into service;

d for which a driving licence of category D or D1 is required and which are driven without passengers by maintenance personnel to or from a maintenance centre situated in the vicinity of the nearest maintenance base which is used by the transport operator, provided that driving the vehicle does not constitute the driver's principal activity;

e used in states of emergency or assigned to rescue missions, including vehicles used in the non-commercial transport of humanitarian aid;

f used for driving instruction for, and examination of, any person wishing to obtain a driving licence or a Certificate of Professional Competence (CPC), in accordance with Article 6 and Article 8(1), provided that they are not being used for the commercial carriage of goods and passengers;

g used for non-commercial carriage of passengers or goods;