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Dear Siim

Assessment of the Driver Certificates of Professional Competence Directive

I am writing attaching an official policy response to your recent call for evidence about the directive (EC/2003/59) which set up the requirements for driver certificates of professional competence (DCPC).

The introduction of DCPC - and particularly the deadlines this and next September related to the completion of periodic training respectively for long-established bus and lorry drivers - have made this a high profile issue for some in British industry, including in road haulage, passenger transport, vehicle hire and farming. It is also important for a range of other interests, including in relation to the safety of vulnerable road users and the organisations providing the training.

So my immediate predecessor, Stephen Hammond, launched a public call for evidence from British stakeholders. I have also enclosed a report summarising the views received and also the minute of an in-depth stakeholder meeting. These underpin my response, although the response represents my position and is not necessarily shared fully by the stakeholders and individuals who participated in the call for evidence.

I am enthusiastic for any future policy developments to benefit from a strong evidence base. The GB Driving Standards Agency has already published an interim evaluation about DCPC. However it is clear that is difficult to identify the specific effects of DCPC on road safety and other outcomes separately from all the other variables. I do invite you to consider whether your

officials, mine and those in other Member States could usefully work together on the further monitoring, quantification and evaluation of the effects of this Directive.

I should highlight a few key priorities for me:

- the culture of the road haulage and passenger transport industries is fundamental to good, safe working practices in a truly professional set of drivers. I want to encourage the industry to make the most of the DCPC requirements and having flexibility allows it choice and encourages ownership;
- the current choice Member States have should be retained unless it is clear it is not working effectively. This includes the initial qualification processes (minimum training periods vs training and tests), periodic training (including when to do the 35 hours during the five years), the requirements for driver trainer organisations and instructors and the form of cards/ licence codes;
- the importance of a practical focus on safety - including related to pedestrians, cyclists, motorcyclists and other motorists;
- the importance of proportionality, for example whether a minimum of 260 hours of training could be justified for these drivers initially. Targeting DCPC towards professional drivers of larger vehicles appears to be proportionate, but it seems more difficult to justify these requirements on top of driver licensing and its associated testing for drivers of smaller vehicles such as vans or drivers of large vehicles related to hobbies or a minor part of their work. A clear legal definition of a professional driver, distinct from the definition of a vocational licence holder might be helpful.

Thank you for providing us with this opportunity to comment about the operation of the directive.

ROBERT GOODWILL

UK Government response to the European Commission's call for evidence and review of Directive 2003/59/EC on the initial qualification and period training of drivers of certain road vehicles for the carriage of goods or passengers.

Summary

This is the official response of the UK government. It represents Ministers' views but takes account of representations that have been made by stakeholders in the freight and passenger transport industries, and from other industries whose drivers are affected by Directive 2003/59/EC.

We recognise the importance, and support the promotion, of education and training for professional drivers. The Directive provides a useful framework through which that training can be provided.

Since its introduction in the UK in 2008, the majority in the freight and passenger transport industries have become increasingly familiar and less dis-satisfied with the current arrangements for Driver CPC.

Our principal observations about how Driver CPC has been operating in the UK and in response to the specific points covered by the Commission's review are:

- We introduced the initial qualification test route for new drivers of large vehicles, which are aligned to the licence acquisition tests. This has worked well; ensuring pre-test learning covers the topics included in Annex (1) as well as the knowledge and skills required by the driving test. We should wish to retain this option.
- We have provided a large degree of flexibility for individual drivers to plan the timing and content of their periodic training, and should wish to retain these arrangements. We are concerned that a more prescribed training regime and uniform syllabus defined at a European level could undermine current high standards in UK.
- We would support greater flexibility to be applied to within reason enable periodic training courses to be delivered in periods less than seven hours, (e.g. 2 x 3.5 hours). Furthermore, we would seek clarification of whether an assessment of learning outcomes can be included within training course, but we would not support a post-training testing regime.

- We consider that the scope of the Directive and the exemptions currently provided require greater clarification. We note the Commission's intention to convene a working group to review exemptions and will ensure that officials from UK are able to participate in that task.
 - We would not, however, support the alignment of Driver CPC exemptions with those provided under Regulation 561/2006/EC, as this would take a large number of drivers out of scope of Driver CPC, including many drivers of local service buses. Such an arrangement would be counter-productive and could undermine the wider application of Driver CPC.
- A detailed response to the issues identified in the Commission's review is given below.

The general relevance and effectiveness of the Directive

1. The importance of education and training of drivers

We fully support the aims of the Directive in seeking to improve road safety and the professionalism of drivers in the freight and passenger transport industries. In UK, we have a good road safety record, with reported casualties at their lowest levels. We expect to continue to make improvements. Ensuring that professional drivers undertake regular, relevant training is one way in which we can improve road safety for all.

In the UK, lorry and bus drivers have generally reported benefits from completing their Driver CPC initial qualification and periodic training. We recognise that there are improvements we can make to the delivery and quality assurance of training but those can be made domestically rather than requiring further prescription at the European level.

Mutual recognition of driver competence is reliant on all member states being assured of common minimum standards of testing and assessment. We are content that Directive 2005/36/EC and the harmonised rules concerning initial licence acquisition (for example, Directives 2000/56/EC and 2006/126/EC) provide sufficient basis for the mutual recognition of professional driving standards.

We consider it is in the international road haulage and road passenger transport industries' best interests to develop the image and status of professional drivers, to assist future recruitment and retention of drivers in competitive labour markets. The UK Government has already worked with industry of some initiatives to encourage people to become vocational drivers and would anticipate doing more on a voluntary basis rather than providing further regulation. Even if further regulation were appropriate we also consider it debatable whether more compulsion related to driver training would be the right place to target regulation." (ie if you were going to regulate to make driving a more highly valued profession, you wouldn't focus on CPC

We would not support attempts to introduce further harmonisation of training content or the requirements for training providers. Although there would seem

to be support for further harmonisation in the responses to our call for evidence, assessment of the detailed comments reveals that such sentiment is made in the context of ensuring the perceived high standards that operate in UK are replicated across other member states, for example:

“There needs to be continuity across the EC of all training sessions.”

“We must have a common objectives to ensure that both UK and foreign drivers sing from the same hymn sheets”.

“... some members of the EC are not as committed as the UK and this may bring problems particularly with drivers entering the UK without the DCPC and whether the authorities will be strict and turn these vehicles back to the EU”.

“UK has much higher testing standards than rest of Europe. Europe should be in line with UK not other way round, that way all drivers would be safer on the road”.

“As long as the other member states implement the new harmonised regulations to the same level as the UK, and don't just pay lip service to it”.

“Because some countries are way behind in encouraging their drivers to become involved in DCPC and/or they cannot afford to bring it into the workplace”.

The Directive already provides a framework and broad syllabus for the training of drivers. Many in the UK welcome the flexibility offered by our transposition. The imposition of further requirements for training centres and instructors would be likely to increase costs of training for business and individual drivers, without evidence that there would be benefits.

2. Impact of the Directive

We consider that, overall, Driver CPC has had a positive impact on the standards of professional lorry and bus driving. But we recognise that proving a causal link between training and road safety outcomes is very difficult, particularly over relatively short timescales.

“...it is too early to say as the full implementation has not yet taken place...”.

The Driving Standards Agency has been published an interim evaluation about DCPC, which focusses on its coverage, qualitative reactions and some initial output numbers. We would be happy to work with the Commission on the far more difficult research about the effects of training on safety.

Many of those who responded to our call for evidence agree that Driver CPC had contributed some improvement to road safety. Though some question

the value of the periodic training requirement to experienced or occasional drivers, for example

“Most drivers are experienced without this training. The CPC training is fine for persons taking their LGV tests and should be compulsory prior to test”.

Such views are, in part a response to the variable quality of training undertaken. We shall work with the industries to address those issues.

We also consider that the introduction of the Directive has helped to open up opportunities for UK drivers, through the assurance of documented training. Views expressed to our call for evidence suggest that the Directive’s intentions of “levelling the playing field” would be better appreciated if there was greater assurance that Member States were applying the present requirements consistently.

“In principle regulation should be harmonised across the EU but in practice this simply means more onerous requirements that are often ignored by many countries, making the playing field even more unequal and compliance even harder”.

“There are more and more foreign drivers working in the UK now and maybe vice versa as well, so a uniform syllabus would (sic) throughout ensures we are all following the same regulations and should be of equal standard no matter where in Europe we may find ourselves working in”.

3. Scope of the Directive and Exemptions

We have received significant representations on the question of our interpretation and implementation of the scope of the Directive and the exemptions provided in Article (2). We have received representations both for the extension of the Directive’s requirements to all who drive large vehicles, regardless of the purpose of the journey and for further exemptions for particular classes of driver (for example, those in the agricultural sector).

“... a large goods vehicle is a large goods vehicle and should be all driven and operated to the same standards”.

“We... consider that the exemptions should be redrafted to exclude drivers in agriculture where the cost of complying would present a disproportionate burden to the benefits gained”.

You will be aware that we have recently sought to provide further clarification of the exemptions in our domestic legislation.

Concerns have been expressed, too, that different member states have adopted different interpretations.

“I don't feel that all members of the EU see their objectives as being the same. Not all EU countries have the financial resources to harmonise in the way that would be beneficial to all”.

As a primary outcome from this review, therefore, we would ask for clarity about what driving activity is intended to be in scope and to what the Article 2 exemptions may be applied. We could then give greater consideration to whether the scope should be extended to other driving activities.

Although there was some support from stakeholders who responded to our call for evidence for broadening the scope of the Directive, we do not support its extension beyond driving of vehicles in categories C or D. However, you may wish to note that in Northern Ireland, consideration is currently being given to introducing a form of periodic training for taxi drivers

DCPC was intended to improve road safety and to raise standards within the road transport industries. We, therefore, suggested that exemptions should be limited, so as to achieve the greatest benefits. Alignment with Regulation 561/2006/EC would potentially put some 90,000 local bus service drivers out of scope and we would not support such a proposal.

4. Access to professional driving

UK already operates a scheme for drivers aged under 21 who wish to join the road and passenger transport industries. There has, though, been limited take up at present (212 National Vocational Training cards have been issued since its introduction in January 2008). Also some stakeholders have expressed concern that DCPC might prove a barrier to some wishing to enter the profession.

The licence acquisition and initial qualification tests provide assurance of standards attained by the driver, regardless of their age. A staged progression could limit employment opportunities for young people and we would not, therefore, support a mandatory scheme.

“... it would not encourage new employees to come forward, and employers may be reluctant to pay the extra costs. This may mean that employers could expect any future employees to finance and source their own driving license”.

“All ready (sic) not many youngsters taking interest as very costly to get an (sic) license”.

5. Mutual recognition and certification of training

We have introduced a Driver Qualification Card (DQC) so that drivers can evidence their compliance with DCPC. The systems we have established for the recording and issue of DQCs has required significant investment. We would not, therefore, support further change that required the mandatory inclusion of the code 95 on the driving licence.

New drivers who have passed the initial qualification or acquired rights drivers who have completed 35 hours periodic training are issued with a DQC which is valid for 5 years. They must carry the DQC with them at all times when driving a lorry or bus professionally.

Drivers who provide evidence that they have completed some of their periodic training in another EU member state can apply for a UK DQC. We ask that they have completed at least the last 7 hours of their periodic training in the UK to do this. Those who hold a DQC issued by another member state can apply to exchange it for a UK card if they have exchanged their driving licence for a UK licence.

Structure and Content of the training

1. Specificity of the CPC

We support the widening of the training syllabus providing it offers road safety benefits and is seen to enhance the professionalism of the industries. For instance we do not see the inclusion of training designed to improve literacy and numeracy skills as generally offering road safety benefits. However, we recognise that the industries affected by DCPC have particular needs and there might be some sectors where training in other skills might offer benefits.

“First Aid - an obvious contribution to road safety. The first on the scene of a collision involving a vulnerable road user is likely to be the professional driver and should therefore have a good knowledge of first aid.”

2. Initial qualification and training

We would not support de-coupling the initial qualification from the licence acquisition tests. This arrangement has wide support among industry stakeholders and is considered to offer benefits to those entering the industry and their employers –

“Initial CPC qualification has pass / fail element, and is very worthwhile for new drivers...”

“I believe that driver CPC training... give drivers a much greater knowledge base”..

The training route is considered to be a disincentive to the recruitment of new drivers because of its inherent cost and delay entering the workforce.

3. Periodic training

We would not support the creation of a uniform European syllabus for periodic training. The flexibility for drivers and employers to arrange training to address identified individual development needs is a welcome feature of the current arrangements. The industries affected by DCPC have diverse needs. A specified, uniform syllabus beyond what was already prescribed in Annex I of the Directive risks omitting essential elements because a syllabus could not be all encompassing. It also risks mandating courses that are irrelevant for particular drivers' activities.

Instead, we suggest that there should be better self-regulation by drivers and their employers to ensure that training undertaken is relevant to their particular needs. We shall work with the industries in the UK to promote such an approach.

Allowing users to make choices about what they cover in DCPC should help them value it and appreciate it more. The compulsory introduction of the current system, whilst necessary, has meant it has taken some time for many businesses and drivers to work out the usefulness to them and hence realise some of the benefits of the training. Introducing more compulsion and standardisation in the content of the training risks losing customer goodwill and being counterproductive.

We have concerns, too, that a specified European syllabus would require regular review, to ensure that it remained up to date with industrial and technological advances. This would involve significant resources both at the Commission level and within individual member states to make frequent amendments to domestic legislation.

Further harmonisation of the qualification process and periodic training would therefore not be supported by the UK. We would, however, support maintaining the existing arrangements, with minor changes to the domestic administrative arrangements for the approvals and quality assurance of training courses.

We also support maintaining the flexibility that allows the 35 hours of periodic training to be undertaken at any time during the 5 years according to the needs of the trainee rather than being phased as 7 hours each year.

There is some interest in the UK for providing greater flexibility in the design and delivery of periodic training over periods shorter than 7 hours. Although this would have implications for our quality assurance and training recording systems, our stakeholders consider that this could better meet the needs of professional drivers. We have previously been advised that the minimum

could not be further reduced but we ask you to consider this again in context of this review.

“I think it’s up to each member state to set its own criteria, however as a qualified trainer I do think that the 7 hour course duration is wrong. In no other field of professional contentions career development are delegates expected to sit through 7 hour sessions. A more realistic session should be 5 hours and do 7 sessions to make the required 35 hours”.

“I believe it would be more useful for an organisation to permit the training to be split over a longer time frame, eg 1 week - so 3.5 hours one week and 3.5 hours the next week or indeed all 7 at once”.

”The cost of CPC training is prohibitive and should allow modules of 3.5 hours to fit in around the working day. This will help organisations that have down periods between the morning and afternoon peaks. The cost of covering a driver whilst training is very high and training between the peaks will overcome that. I don't see the justification of 7 hour training blocks in one day.”

We would also ask that you clarify whether or not there is flexibility to include an assessment within approved training courses, so that learning outcomes could be reviewed. We would not, however, support a requirement for drivers to be tested at the completion of their 35 hours of periodic training. The imposition of a pass-fail test would require a different focus for the training programmes, the establishment of a testing protocol and would have implications for the employment status of any driver who “failed” such a test. There would also be significant cost implications for the quality assurance and administration of any such testing arrangements.

4. Approval of training centres and instructors

We would welcome the introduction of common quality standards for training courses providing they guarantee the high levels of quality of training across the EU. But we would have concerns if the standardisation of training across all member states had the effect of reducing the standards we have applied in UK.

We have concerns that the further regulation of the standards and requirements that should be met by instructors would lead to a skills shortage and potentially higher charges for training courses. We would wish to see that left to the competence of each member state to determine according to local needs and the demands of their industries.

“Some other nations have a rather lapse approach to DCPC and could tighten up on the nations not taking it seriously”.

“Making a uniform syllabus across Europe would make all participants equal, with the encouragement to further their on-job training to enhance their skills - especially drivers from other member states. The syllabus should not affect the UKs standards as they are currently very high”.

“Level playing field. So long as it matches the high UK standards”.

Department for Transport
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