

Amendments to the Driver Certificate of Professional Competence Directive

Briefing note

In 2018 the European Union amended the Driver CPC Directive (DCPC) 2003/59/EC with Directive (EU) 2018/645. These amendments were made to address several shortcomings identified with the current DCPC process. On the 30 June 2020 the Government published its response to its consultation, 'Amendments to the Driver CPC Regulations', highlighting the amendments to the Directive, which closed in April 2020. These amendments to the EU Directive now need to be implemented into UK law.

The Government has indicated that all existing EU laws will be transposed into UK domestic law until the end of the transition period on 31 December 2020, and this includes any new rules which are brought onto statute up to that date.

The Government has given no indication that it intends to abolish the DCPC scheme as a result of Brexit. The wider issue of whether UK DCPCs and driving licences will be automatically mutually accepted after Brexit remains a matter of negotiation as part of a trade agreement.

The UK Government intends that some changes will come into force in the UK on **22 July 2020**. This briefing note provides an overview of these changes, also highlighting where further work is required.

Directive amendments

The Government has made the following amendments to the DCPC regulations; these are covered in more detail below:

- A rewording of the exemption on non-commercial use, dropping the phrase 'personal use'.
- Introducing a new exemption for drivers in specific industries.
- Amendments to minimum qualifications and training requirements.
- Amendments to the delivery of periodic training.

Measures coming into force on 22 July 2020

Exemption: Non-commercial basis

Currently, the CPC Directive does not apply to those driving vehicles carrying goods, materials or passengers on a non-commercial basis for personal use. The Directive has amended the exemption to leave out the wording 'personal use'.

The exemption now reads: "This Directive shall not apply to the drivers of vehicles used for non-commercial carriage of passengers or goods."

Exemption: Drivers of vehicles in certain industries

The Directive adds a further exemption for drivers employed by or owning an agricultural, horticultural, forestry, farming or fishery business. Therefore, a driver does not require a DCPC to transport goods as part of the business's economic activity, as long as driving is not the individual's principal activity.

The Government has also decided not to set out any maximum radius in UK law; this is different to the otherwise identical exemption in driver's hours rules.

Changes to periodic training

The Directive requires a number of changes to the delivery of periodic training, however, the Driver and Vehicle Standards Agency (DVSA) has indicated that these will be brought in gradually as processes are developed. The Agency does not anticipate that any existing, approved periodic training course will need to be altered as a result of the changes. FTA will work with DVSA to develop how these changes are implemented.

Amendments to periodic training

The EU Directive allows/requires the following:

- Courses must still be given in periods of at least seven hours but may be split over two consecutive days. This is a slight increase in flexibility from what was already available in GB.

- The maximum duration of e-learning training shall not exceed 12 hours, however, as a result of DVSA's implementation this will be 10 hours in practice.
- At least one of the training course periods shall cover a road safety related subject.
- E-learning may be undertaken away from the training centre.

DVSA will monitor the 12-hour limit on e-learning by placing a maximum two-hour cap on a seven-hour course at course approval, therefore in practice no driver would be able to exceed 10 hours in total. DVSA has indicated that e-learning tools are widely used across DCPC in GB already, but no courses make such significant use of it that as much as two hours is employed in a single course. Furthermore, DVSA has always expected e-learning to be used as a tool to explore a specific area of training on a course, but where the learning is always brought back to active learning by the course trainer.

The term "e-learning" should not be confused with "distance learning" or "remote learning" which has been deployed as part of the emergency response to the Coronavirus outbreak. DVSA will continue to examine the ongoing use of remote learning in Driver CPC and will review its use in September..

However, DVSA will now allow up to two hours of e-learning to be completed by the driver ahead of a training course – this does not have to be done at the training centre (eg could be done at the driver's home or place of work). Using the allowance to split a course over two consecutive days this means the e-learning can be done the day before the course. The classroom part of the course must cover the remaining time (minimum 5 hours). Centres will need to be able to demonstrate reliable user identification and appropriate means of control.

The Directive emphasises that the content of any training shall take into account training needs specific to the transport operations carried out by the driver, including relevant legal and technological developments and should, as far as possible, also take into account specific training needs of the driver. A range of different subjects should be covered over the 35 hours, including repeat training where it is shown that the driver needs specific remedial training.

Member states may consider counting completed specific training as required under other European Union legislation for up to one of the stipulated seven-hour periods. That could include:

- Training required under Directive 2008/68/EC for the transport of dangerous goods.
- Training on animal transport under Regulation (EC) No 1/2005.

Drivers will need to contact DVSA with evidence of completed training and suitable identification. This change means that JAUPC centres may not need to get ADR courses accredited as Driver CPC courses; if a centre only delivers ADR courses, it may no longer need to be accredited as a JAUPC centre.

Amendments to Annex 1 (minimum qualification and training requirements)

The Government has adopted all proposals which have reference to the annexes of Directive 2003/59/EC. The Directive aims to replace the minimum level of knowledge with a minimum level of qualification at level 2. These changes will be incorporated into the course requirements. There will be some practical administrative issues in putting these changes into effect and it is likely that it will take some time for these amendments to become embedded. (Detailed table in appendix).

DVSA proposals additional to the DCPC Directive

After FTA engagement with DVSA the following two changes to DCPC have been agreed:

Longer course approval – After consultation DVSA agreed to consider how best to instigate longer course approval times but further work is required before suggesting a new timeframe to the Minister. FTA will ensure members are briefed via enews as more information becomes available.

Enforce DCPC at the roadside from the electronic record – DVSA will now consider practical ways that electronic enforcement could be introduced in the future so that a driver might be allowed to demonstrate their compliance by either producing a card (as at present) or by the enforcement officer checking the electronic record. FTA will ensure members are briefed via enews as more information becomes available.

In addition:

Recognition of Swiss DCPC

DVSA confirmed that the UK will continue to recognise DCPCs issued in Switzerland after the UK has left the EU.

Unadopted measures

The following measures were subject to consultation by the UK Government, however, the decision has been made that they will **not be adopted** or **require further research before adoption** could be considered.

Definition of driving as a principal activity – The text of the Directive states: "Generally, driving is deemed not to be the driver's principal activity where it occupies less than 30% of the rolling monthly working time." The Department for Transport's (DfT's) intention is to use the description of principal activity in the text to determine whether drivers are meeting the principal activity requirement of DCPC exemptions. However, DfT will not be mandating any new requirements or a specific format to record working time for the purposes of demonstrating compliance with this exemption.

Exemption for drivers of vehicles in rural areas – A robust and enforceable definition of 'rural' would be required to introduce this exemption since the interpretation as to whether a driver was committing an offence or not would turn on it. There is no existing definition of 'rural' in criminal or road traffic law and definitions found elsewhere are used for statistical purposes, therefore further work will be required before the adoption of this exemption.

Enabling certain alternatively fuelled vehicles to be driven on a category B licence – The Directive amends 2006/126, the driving licence directive and provides for member states to allow alternatively-fuelled vehicles, with a maximum authorised mass above 3,500 kg but not exceeding 4,250 kg, to be used for the transport of goods operating without a trailer by holders of a category B driving licence, which was issued two years before, provided that the mass in excess of 3,500 kg is due exclusively to the excess of mass of the propulsion system.

DfT highlights that there has not been enough time for industry to take full advantage of the original GB-only derogation, implemented in GB law by the Motor Vehicles (Driving Licences) (Amendment) Regulations 2018 (the 2018 Regulations). As such replacing it with a new exemption would introduce unnecessary

regulatory uncertainty for businesses attempting to reduce their carbon emissions. Therefore, the existing derogation will remain in place until 2023.

Exemption for maintenance personnel driving category D and D1 vehicles – The directive provides a new amendment for vehicles 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.

The Government has determined that the effect of this amendment is covered by current arrangements which are intended to facilitate the movement of an empty vehicle between maintenance sites for purposes such as cleaning, refuelling or in preparation to be put into service. The regulation permits an empty C, C1, D and D1 vehicle to be driven within 100km radius of the driver’s base, providing the vehicle is being driven by a person whose principal activity is not driving these vehicles.

Appendix

Changes to Annex 1 minimum qualifications and training requirement. (See above).

Amended objectives shown only.

Objective	Amended text
<p>1.2 – To know the technical characteristics and operation of the safety controls in order to control the vehicle, minimise wear and tear and prevent disfunctioning has been amended to read:</p> <p>Applies to all Licences</p>	<p>limits to the use of brakes and retarder, combined use of brakes and retarder, making better use of speed and gear ratio, making use of vehicle inertia, using ways of slowing down and braking on downhill stretches, action in the event of failure, use of electronic and mechanical devices such as Electronic Stability Program (ESP), Advanced Emergency Braking Systems (AEBS), Anti-Lock Braking System (ABS), traction control systems (TCS) and in vehicle monitoring systems (IVMS) and other, approved for use, driver assistance or automation devices.’</p>
<p>1.3 – Ability to optimise fuel consumption has been amended to read:</p> <p>Applies to all Licences</p>	<p>optimisation of fuel consumption by applying know-how as regards points 1.1 and 1.2, importance of anticipating traffic flow, appropriate distance to other vehicles and use of the vehicle’s momentum, steady speed, smooth driving style and appropriate tyre pressure, and familiarity with intelligent transport systems that improve driving efficiency and assist in route planning.’</p>
<p>1.3a – A new objective 1.3a has been added: ‘ability to anticipate, assess and adapt to risks in traffic’</p> <p>Applies to all Licences</p>	<p>to be aware of and adapt to different road, traffic and weather conditions, anticipate forthcoming events; to understand how to prepare and plan a journey during abnormal weather conditions; to be familiar with the use of related safety equipment and to understand when a journey has to be postponed or cancelled due to extreme weather conditions; to adapt to the risks of traffic, including dangerous behaviour in traffic or distracted driving (through the use of electronic devices, eating, drinking, etc.); to recognise and adapt to dangerous situations and to be able to cope with stress deriving therefrom, in particular related to size and weight of the vehicles and vulnerable road users, such as pedestrians, cyclists and powered two wheelers.</p> <p>to identify possible hazardous situations and properly interpret how these potentially hazardous situations may turn into situations where crashes can no longer be averted and selecting and implementing actions that increase the safety margins to such an extent that a crash can still be averted in case the potential hazards should occur.</p>
<p>1.4 – Ability to load the vehicle with due regard for safety rules and proper vehicle use now reads:</p> <p>Licences C, C+E, C1, C1+E</p>	<p>forces affecting vehicles in motion, use of gearbox ratios according to vehicle load and road profile, use of automatic transmission systems, calculation of payload of vehicle or assembly, calculation of total volume, load distribution, consequences of overloading the axle, vehicle stability and centre of gravity, types of packaging and pallets.</p> <p>main categories of goods needing securing, clamping and securing techniques, use of securing straps, checking of securing devices, use of handling equipment, placing and removal of tarpaulins.</p>
<p>1.5 – Ability to ensure passenger comfort and safety has been amended to:</p> <p>Licences D, D+E, D1, D1+E</p>	<p>adjusting longitudinal and sideways movements, road sharing, position on the road, smooth breaking, overhang operation, using specific infrastructures (public areas, dedicated lanes), managing conflicts between safe driving and other roles as a driver, interacting with passengers, specificities of certain groups of passengers (disabled persons, children).</p>
<p>1.6 – Ability to load the vehicle with due regard for safety rules and proper vehicle use now reads:</p> <p>Licences D, D+E, D1, D1+E</p>	<p>forces affecting vehicles in motion, use of gearbox-ratios according to vehicle load and road profile, use of automatic transmission systems, calculation of payload of vehicle or assembly, load distribution, consequences of overloading the axle, vehicle stability and centre of gravity.</p>
<p>2.1 – To know the social environment of road transport and the rules governing it has been replaced with:</p> <p>Applies to all Licences</p>	<p>maximum working periods specific to the transport industry; principles, application and consequences of Regulations (EC) No 561/2006 and (EU) No 165/2014 of the European Parliament and of the Council; penalties for failure to use, improper use of and tampering with the tachograph; knowledge of the social environment of road transport: rights and duties of drivers as regards initial qualification and periodic training.</p>

Objective	Amended text
<p>2.2 – To know the regulations governing the carriage of goods has been replaced with:</p> <p>Licences C, C+E, C1, C1+E</p>	<p>transport operating licences, documents to be carried in the vehicle, bans on using certain roads, road-use fees, obligations under standard contracts for the carriage of goods, drafting of documents which form the transport contract, international transport permits, obligations under the Convention on the Contract for the International Carriage of Goods by Road, drafting of the international consignment note, crossing borders, freight forwarders, special documents accompanying goods.</p>
<p>3.7 – To know the regulations governing the carriage of goods is replaced by the following:</p> <p>Licences C, C+E, C1, C1+E</p>	<p>road transport in relation to other modes of transport (competition, shippers), different road transport activities (transport for hire or reward, own account, auxiliary transport activities), organisation of the main types of transport company and auxiliary transport activities, different transport specialisations (road tanker, controlled temperature, dangerous goods, animal transport, etc.), changes in the industry (diversification of services provided, rail-road, subcontracting, etc.).</p>
<p>3.8 To know the economic environment of the carriage of passengers by road and organisation of the market has been replaced with;</p> <p>Licences D, D+E, D1, D1+E</p>	<p>carriage of passengers by road in relation to other modes of passenger transport (rail, private car), different activities involving the carriage of passengers by road, disability awareness, crossing borders (international transport), organisation of the main types of companies for the carriage of passengers by road.</p>