



Digitally supported and virtual study practices for modern logistic systems (DIGILOG project)

Definition and description of measurable competences for digital support of study process of transport and logistic systems

Report on Result 1 of Intellectual Output 1



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Introduction

The European Qualifications Framework for lifelong learning (EQF) aims to improve the transparency, comparability and portability of people's qualifications. The EQF was set up in 2008 as a common reference framework of qualifications, expressed as learning outcomes at increasing levels of proficiency. The framework serves as a translation device between different qualifications systems and their levels. It is intended to benefit learners, workers, job-seekers, employers, trade unions, education and training providers, qualification recognition bodies, government authorities and international organisations.

The EQF Recommendation was revised in 2017 in order to adapt it to the reality of today and be ready for the challenges of tomorrow. Its revision has kept the core objectives to create transparency and mutual trust in the landscape of qualifications in Europe. The revision was one of the key actions of the New Skills Agenda for Europe, which aims to improve the quality and relevance of training, make skills more visible, and improve skills intelligence.

Qualifications serve a variety of purposes. They signal to employers what their holders are expected to know, do and understand (learning outcomes). They may be needed to access certain professions. They help education and training authorities and providers to determine the level and content of learning acquired by an individual. They are also important for an individual as an expression of personal achievement. Qualifications play an important role in raising employability, easing mobility and improving access to further education.

Qualifications usually take the form of certificates and diplomas awarded following education, training, learning and (sometimes) work. The content and the level of qualifications that are part of a quality assured framework are trusted sources of information. The EQF is a common reference framework that allows qualifications from different countries to be compared easily. This is achieved by supporting the use of learning outcomes for each qualification, in order to make them more transparent and easier to understand. In this way, the EQF supports the cross-border mobility of learners and workers, and promotes lifelong learning and professional development across Europe.

Currently, the most detailed qualifications are defined in the field of digital education.

In the field of transport and logistics, the first steps in this direction were taken by the European Logistics Association, which formulated the general principles for the formation of the EQF for specialists in the field of logistics.

The qualification presented in this report has been designed to meet the requirements of the Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of Transport Operator.

Definition and description of competences for digital support of study process of transport and logistic systems

The qualification presented in this report has been designed to meet the requirements of the Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of Transport Operator.

Achievement of the Certificate of Professional Competence demonstrates that the holder of the qualification is qualified to perform the effective and continuous management in transport operations within any EU member state.

These qualifications were developed on the base of requirements of EU Regulation for Certificate of Professional Competence (CPC) for managers of transport operators. Successful completion of the CPC award will qualify students to be nominated as the professionally competent person on a standard operator licence in any business – large or small and engaged in national or international operations competence requirements in all other EU member states.

This qualification has been designed to meet the requirements of the Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of Road Transport Operator.

The qualification specifications have been derived directly from Regulation (EC) No 1071/2009 and provide assessment which is comparable to the assessment provided in other EU member states.

Achievement of the Certificate of Professional Competence in either Road Haulage or Passenger Transport demonstrates that the holder of the qualification is qualified to perform the effective and continuous management of undertakings.

This qualification specifically aims to:

- assess the professional competence of applicants for Goods Vehicle Operator Licence and their nominated Transport Managers (road haulage);
- assess the levels of knowledge and practical aptitude necessary for the management of a transport undertaking as set out in Annex 1 of Regulation (EC) No 1071/2009;
- assess skills and knowledge at a level which is harmonised at a minimum level with the skills and knowledge assessed in all Member States.

The CPC qualification is currently a lifetime award, which means that, once obtained, the qualification will not expire, and holders will be considered professionally competent for the rest of their lives.

Study for professional competence will cover a wide range of topics applicable to all businesses that need to comply with road transport law. Students should base their study around the total concept of road transport operations and not limit their learning to the areas



they already know, or plan to work.

Candidates will be questioned on knowledge, understanding and skills (KUS column) applicable to both national and international operations and business transactions operations unless specifically stated otherwise.

The assessment objectives are taken from Annex 1 of Regulation (EC) No. 1071/2009/11.

Section headings indicate where sections of the syllabus relate to road haulage and passenger transport or relate only to one sector.



UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
A CIVIL LAW						
Applicable to all						
X		A1	Be familiar with the main types of contract used in road transport and with the rights and obligations arising therefrom.	A1.1	The elements required for the formation of any legally binding contract: offer/acceptance/consideration/intention/legal capacity/legal purpose/formalities.	Candidates will only be tested on content of KUS column as it applies in law.
X		A2	Be capable of negotiating a legally valid transport contract, notably with regard to conditions of carriage.	A2.1	Enforcement of contracts.	
Road Haulage only						
X	X	A3	Be able to consider a claim by his/her principal regarding compensation for loss of or damage to goods during transportation or for their late delivery, and to understand how such a claim affects his/her contractual liability.	A3.1 A3.2 A3.3	Key clauses contained in contracts of carriage: <ul style="list-style-type: none">• conditions of carriage• claims for compensation. General and specific liabilities of: <ul style="list-style-type: none">• principals• subcontractors• agents. Assess compensation for losses relating to damage.	Tutors should show examples of the RHA and FTA conditions of carriage and explain why these may be unsuitable for certain movements. Companies can have their own conditions; this needs to be made clear to candidates.
X	X	A4	Be familiar with the rules and obligations arising from the Convention on the Contract for the International Carriage of Goods by Road (CMR).	A4.1 A4.2 A4.3 A4.4 A4.5 A4.6	The rules and obligations contained in the CMR. The main provisions of the CMR as they may apply to a national carrier (Unwitting CMR). Limits of liability of the carrier for loss, damage and delay. The defences that may be available to a carrier against a claim. The relevance of insurance. Goods exempt from the convention.	Tutors should include the practical implications of CMR liabilities and of applying the convention to typical international operations. Tutors should explain how the value of special drawing rights (SDRs) fluctuates with market conditions.



UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
Passenger Transport Only						
X	X	A5	Be able to consider a claim by his/her principal regarding compensation for injury to passengers or damage to their baggage caused by an accident during transportation, or regarding compensation for delays, and to understand how such a claim affects his/her contractual liability.	A5.1 A5.2 A5.3 A5.4 A5.5 A5.6	Clauses that may be contained in the conditions of carriage. General and specific liabilities of: • principals • sub contractors • agents. Ability to limit liability for carriage of passengers and their luggage. Key elements of the Public Service Vehicles (PSV) Conduct Regulations applicable to both passengers and crew. Assess the obligations and liabilities of operators even where no fare is charged to passengers. Devise and apply procedures for dealing with claims and the determination and payment of compensation for: • injury to passengers • delay • loss of or damage to baggage • lost property.	Tutors should: • use typical examples of contracts of carriage and how operators convey this information to the passengers. • explain the role of travel and ticketing agents • explain the responsibilities of both the driver and the operator when dealing with lost property. Tutors could give examples of industry and operator best practice.
B COMMERCIAL LAW						
Applicable to all						
X	X	B1	Be familiar with the conditions and formalities laid down for plying the trade, the general obligations incumbent upon transport operators (registration, record keeping, etc.) and the consequences of bankruptcy.	B1.1 B1.2 B1.3 B1.4 B1.5	Partnerships. Limited liability partnerships. Sole trader. The relevant legal obligations for the formation, operation and dissolution of each type of business including rights and duties of business owners. Bankruptcy.	Candidates will be expected to show understanding of the various types of business structure and the advantages and disadvantages of each. They will be expected to have an understanding of the responsibilities and liabilities placed upon individuals and companies.



UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
X	X	B2	Have appropriate knowledge of the various forms of commercial companies and the rules governing their constitution and operation.	B2.1	Correct definitions of types of business including: <ul style="list-style-type: none"> private limited companies public limited companies cooperatives community interest companies. 	Candidates will be expected to show they understand the procedures involved in setting up and dissolving the various types of business structure.
				B2.2	The relevant legal obligations for the formation, operation and dissolution of a business.	Candidates may be questioned on the content of the major documents listed in the KUS column, e.g. the Articles of Association and the rights of share holders, rules for company meetings, duties of directors.
				B2.3	Rights and duties of business directors/company secretaries/liquidators.	
				B2.4	Content and function of key legal documents including: <ul style="list-style-type: none"> partnership agreement prospectus IN01 Memorandum of Association Articles of Association Certificate of Incorporation Trading Certificate. 	
C SOCIAL LAW						
Applicable to all						
X	X	C1	Be familiar with the role and function of the various social institutions which are concerned with road transport (trade unions, works councils, shop stewards, labour inspectors, etc.).	C1.1	The role, structure and functions of industrial social institutions including: <ul style="list-style-type: none"> employment tribunals trade unions Advisory, Conciliation and Arbitration Service (ACAS) Central Arbitration Committee (CAC) Health and Safety Executive (HSE). 	Candidates will be expected to be familiar with the key laws as they affect industrial relations, trade unions and the rights of trade union members. Questioning on health and safety (H&S) will be limited to: <ul style="list-style-type: none"> identifying hazards and risks how to carry out a risk assessment appointment of H&S manager and representatives enforcement monitoring compliance with legislation and codes of practice RIDDOR reporting requirements and record keeping safety committees.
				C1.2	Employees' trade union rights relating to: <ul style="list-style-type: none"> trade union membership right to time off with and without pay trade union activities industrial action workforce agreements. 	
				C1.3	The scope of health and safety legislation and the management of health and safety at work as it applies to the transport industry.	Powers of the HSE: <ul style="list-style-type: none"> penalties and requirements which may be imposed.
				C1.4	The role and powers of enforcement agencies.	



UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
X		C2	Be familiar with employers' social security obligations.	C2.1	Key requirements in respect of the deduction and payment of National Insurance contributions applying to: <ul style="list-style-type: none"> employers employees self-employed people. 	Questions will be restricted to: <ul style="list-style-type: none"> classes of national insurance contributions methods of collection and payment, timescales and contribution responsibilities.
				C2.2	Pensions.	
X	X	C3	Be familiar with the rules governing work contracts for the various categories of worker employed by road transport undertakings (form of the contracts, obligations of the parties, working conditions and working hours, paid leave, remuneration, breach of contract, etc.).	C3.1	Requirements for and types of contracts of employment and written employment particulars including: <ul style="list-style-type: none"> content of written employment particulars time limits for the issue of written employment particulars contract variation. 	
				C3.2	The rights and obligations of employers and employees including those relating to: <ul style="list-style-type: none"> part-time employees temporary employees agency staff transfer of undertakings remuneration and itemised pay statements dismissal, unfair dismissal and redundancy disciplinary and grievance procedures notice to terminate employment working time regulations maternity, paternity and parental provisions dependents information for employees working for more than one employer discrimination in the workplace accessibility in the workplace statutory payments from employers, e.g. statutory sick pay (SSP). Employers' responsibilities regarding the hours worked by self-employed, agency and part-time drivers.	

UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
X	X	C4	Be familiar with the rules applicable to driving time, rest periods and working time, and in particular the provisions of Regulation (EEC) No. 3821/85, Regulation (EC) No. 561/2006, Directive 2002/15/EC of the European Parliament and of the Council ² and Directive 2006/22/EC, and the practical measures for applying those provisions.	C4.1	<p>Detailed knowledge of the provisions of the EU Drivers' Hours Regulations and Domestic Drivers' Hours rules including matters relating to:</p> <ul style="list-style-type: none"> • drivers' hours • breaks, rests and the differences between these two activities • daily rest periods • weekly rest periods • periods of availability • working time (length of day/spreadover) • record keeping equipment • record keeping requirements including the ability to identify and apply the correct legal requirements in given operational circumstances • enforcement. 	<p>Candidates may be examined on the contents of all the regulations mentioned.</p> <p>Regulation (EEC) No 3821/85 was superseded by Regulation (EU) 165/2014 in February 2014</p>
				C4.2	Compile schedules for drivers.	<p>With regard to working time, the provisions of the Working Time Regulations as they affect mobile workers will be tested.</p>
				C4.3	Evaluate given drivers' schedules.	
				C4.4	Draft instructions to drivers on the legal requirements.	
				C4.5	Provide information to management on the need to comply with the regulations and the potential impact on the business of non-compliance.	
				C4.6	Devise systems for ensuring that there is full compliance with the regulations including those relating to the keeping and checking of records.	
				C4.7	Identify infringements of the regulations in given circumstances and the appropriate action to be taken.	
				C4.8	<p>The provisions of the Working Time Regulation applicable to those who are subject to EU regulations on drivers' hours including the requirements relating to:</p> <ul style="list-style-type: none"> • maximum and average weekly working hours • break requirements • reference periods • periods of availability • workforce and collective agreements • night work • exemptions • record keeping • enforcement. 	

² 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 (OJ L 226, 10.9.2003, p. 4)



UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
X	X	C5	Be familiar with the rules applicable to the initial qualification and continuous training of drivers, and in particular those deriving from Directive 2003/59/EC of the European Parliament and of the Council ² .			See Section H1
D FISCAL LAW						
Applicable to all						
X	X	D1	Be familiar with the rules governing Value Added Tax (VAT) on transport services.	D1.1 D1.2 D1.3 D1.4	Be able to recognise the circumstances in which VAT applies to road transport and the procedures to be followed including those relating to: <ul style="list-style-type: none"> the principles of VAT the circumstances in which a business must or may register for VAT registration processes the meaning of input and output tax submission of VAT returns VAT payments and refunds rates of VAT issue and content of VAT invoices Identify the requirement to charge VAT on specified international road journeys. Identify the potential VAT implications of carrying out cabotage operations. Identify the circumstances in which it is possible to reclaim VAT paid in another country and the procedures that must be followed in order to do so.	Individual rates of and abbreviations for VAT It is important that candidates understand the VAT implications of providing transport services involving journeys to, from and within other EU states and journeys to and from non-EU states Only the principles of the TOMS will be tested.

² 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 (OJ L 226, 10.9.2003, p. 4)



UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
X		D2	Be familiar with the rules governing motor vehicle tax.	D2.1 D2.2 D2.3 D2.4	<p>The basis for calculating rates of vehicle excess duty (VED) for road haulage, recovery vehicles and passenger vehicles, including the availability of reduced rates for low-pollution vehicles.</p> <p>Knowledge of the issuing agency and payment and refund procedures.</p> <p>The conditions under which trade licences can be obtained and used including operational restrictions on their use.</p> <p>The conditions under which recovery vehicles can be used including operational restrictions on their use.</p>	<p>Actual rates of VED will not be tested; only the criteria used for determining them.</p> <p>Tutors should explain the methods used to obtain VED including online.</p>
X	X	D3	Be familiar with the rules governing the taxes on certain road haulage vehicles and be familiar with tolls and infrastructure user charges	D3.1 D3.2 D3.3 D3.4 D3.5	<p>Identify major national bridges, tunnels and roads on which tolls are charged and the basis used for charging.</p> <p>Identify areas in which road pricing or congestion charging applies and relevant exemptions from the charging requirements.</p> <p>Identify the main impact of the Convention on the Taxation of Road Vehicles</p> <p>Identify charges applied in other countries to certain vehicles used in international road freight operations including:</p> <ul style="list-style-type: none"> infrastructure charges such as road tolls environmental and congestion charges including heavy vehicles fees, emission-related tolls and city centre exclusions. <p>Methods of charging and collection including: toll booths, vignettes and on-board units.</p>	<p>Candidates will be expected to know the national routes for crossing the following features where a toll is involved..</p> <p>Candidates will be expected to know the names and methods of operation of major road charging systems and low emission restrictions together with the charging rates for non-compliance.</p> <p>Questions concerning international infrastructures that incur tolls or charges will only refer to those on major routes between major well-known towns and major border crossings. These will be restricted to the routes.</p>



UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
X		D4	Be familiar with the rules governing income tax.	D4.1 D4.2 D4.3 D4.4 D4.5	The application of income tax to the profits of unincorporated businesses. Deduction and payment of tax due from employees under PAYE. Allowances, expenses and benefits in kind. Self-employment. Operation and key requirements relating to corporation tax.	Candidates will be expected to demonstrate knowledge of the types of tax paid by individuals and companies. This knowledge will need to include methods by which taxes are paid. Candidates will be expected to demonstrate a general knowledge of the subjects in the KUS column that would be appropriate to the management of a road transport business, e.g. timescales for payment by the self-employed or by companies for corporation tax.
E BUSINESS AND FINANCIAL MANAGEMENT OF THE UNDERTAKING						
Applicable to all						
X	X	E1	Be familiar with the laws and practices regarding the use of cheques, bills of exchange, promissory notes, credit cards and other means or methods of payment.	E1.1 E1.2	The content and legal requirements of documents used in business including: • invoices • statements • credit and debit notes • quotations • estimates • pro forma invoices. Various methods of payment including the use of: • cash • cheques • credit cards • charge cards • debit cards • fuel charge cards • bills of exchange • credit transfers (including any electronic transfers).	Tutors should use examples of when these documents will be used. Candidates should be able to make simple calculations. Candidates will be expected to be aware of the circumstances when a particular payment method may be used.



UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
X		E2	Be familiar with the various forms of credit (bank credit, documentary credit, guarantee deposits, mortgages, leasing, renting, factoring, etc.) and the charges and obligations arising therefrom.	E2.1	Different forms of finance including: <ul style="list-style-type: none"> • taxation due • trade credit • overdrafts • loans • mortgages • debentures • share issues • revenue reserves (retained profits) • leases • the use of factoring • guarantees and guarantee deposits. 	Tutors should include the implications of using these methods to raise funds and why a transport business would choose one method rather than another.
X	X	E3	Know what a balance sheet is, how it is set out and how to interpret it.	E3.1 E3.2 E3.3	<p>The purpose of the balance sheet.</p> <p>Features of a balance sheet:</p> <ul style="list-style-type: none"> • assets and liabilities • creditors and debtors • capital • current and long term liabilities • fixed and current assets • depreciation. <p>Interpretation of balance sheets and the financial situation of a given company or organisation.</p>	<p>Candidates will be expected to have a good knowledge of the items that appear on a balance sheet and the headings under which they are shown.</p> <p>Candidates will be expected to be able to give a basic interpretation of a balance sheet and financial situation of a given company or organisation.</p>
X	X	E4	Be able to read and interpret a profit and loss account.	E4.1 E4.2	<p>The functions and purpose of trading and profit and loss accounts.</p> <p>Different elements appearing in trading and profit and loss accounts including:</p> <ul style="list-style-type: none"> • direct costs • indirect costs • gross (or operating or trading) profit or loss • net profit or loss. 	<p>Candidates will be expected to be able to differentiate between examples of a direct cost and an indirect cost as applied to a transport operation.</p> <p>Tutors should explain the effects of these costs on each account and overall profitability.</p> <p>Candidates should be able to complete simple profit or loss calculations.</p>



UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
X	X	E5	Be able to assess the undertaking's profitability and financial position, in particular on the basis of financial ratios.	E5.1	The calculation, use and interpretation of key financial indicators including: <ul style="list-style-type: none"> capital employed working capital current or working capital ratio quick assets ratio or acid test ratio return on capital employed gross and net profit expressed as a percentage of sales. 	Candidates will be expected to understand the use of key financial indicators. Candidates will be expected to be able to perform calculations in relation to all the indicators listed. Each formula used to calculate these indicators should be taught and tutors should explain why an acid test could be used instead of a current ratio.
				E5.2	The use and calculation of cash flow forecasts and statements.	
X	X	E6	Be able to prepare a budget.	E6.1	Be able to identify the purpose of preparing and monitoring budgets and systems of budgetary control.	Using information provided a candidate will be expected to draw up and comment on budget reports.
				E6.2	From information provided: <ul style="list-style-type: none"> draw up a budget analyse financial performance using budgets comment on the causes and effects of variances between budgeted and actual performance. 	
X	X	E7	Be familiar with the cost elements of the undertaking (fixed costs, variable costs, working capital, depreciation, etc.), and be able to calculate costs per vehicle, per kilometre, per journey or per tonne.	E7.1	From data provided, compile and interpret costing information including: <ul style="list-style-type: none"> determination of fixed costs, variable costs and overheads calculation of depreciation calculation and tabulation of costs on a per vehicle, per unit distance travelled, per time period, per journey or per unit of quantity basis calculation of contribution to costs from a given journey rate and the identification of circumstances in which a rate which does not cover total costs might be accepted (marginal costing). 	Candidates will be expected to be able to calculate, compile and produce costing information including in a tabulated format.
				E7.2	Calculation and determination of the most cost-effective option.	Candidates will be expected to be able to select appropriate data from information presented in a variety of formats.
				E7.3	Make calculations with consequences of currency exchange rates.	



UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
	X	E8	Be able to draw up an organisation chart relating to the undertaking's personnel as a whole and to organise work plans, etc.	E8.1 E8.2 E8.3	Be able to evaluate different staffing structures. Develop work plans and systems for work measurement including the use of key performance indicators. Compile and evaluate organisation charts from information supplied for a business, a function or a depot.	Candidates will not be expected to produce a matrix chart.
X	X	E9	Be familiar with the principles of marketing, publicity and public relations, including transport services, sales promotion and the preparation of customer files, etc.	E9.1 E9.2	The use of marketing methods including: <ul style="list-style-type: none"> primary and secondary forms of market research market segmentation sales promotion response rates conversion rates advertising compilation of customer information SWOT analysis product life cycles. The purposes and use of public relations including: <ul style="list-style-type: none"> the use of the media involvement in or support for local community activities. 	Candidates will be expected to know the sources of primary and secondary data. Tutors should explain how to decide the most suitable method for marketing a transport operation including the advantages and disadvantages of each type.
X	X	E10	Be familiar with the different types of insurance relating to road transport (liability, accidental injury/life insurance, non-life and luggage insurance) and the guarantees and obligations arising therefrom.	E10.1 E10.2 E10.3	The principles underlying relevant insurances and the factors that are taken into account when determining premiums. Methods available for assessing and controlling risk in respect of minimising insurance premiums. The requirements for motor vehicle insurance, the alternatives to obtaining a motor vehicle policy from an insurance company and the role of the Motor Insurers' Bureau. Identify compulsory types of insurance and cover provided by employer's liability and third-party motor insurance.	Tutors should give examples of where these insurances will be used and the reasons an insurance company may refuse a claim. Tutors should explain the circumstances in which a Green Card is required. Tutors should explain what is covered by the EHIC and in what circumstances additional cover is recommended for employees and passengers.



UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
				E10.4	Identify discretionary types of insurance including: <ul style="list-style-type: none"> • buildings and contents • fire and flood • theft and burglary • fidelity guarantees • consequential loss • public liability • professional negligence • motor cover additional to statutory requirements • cash in transit • private travel insurance • goods-in-transit insurance • travel and health insurance (including repatriation cover) • maritime risks insurance • international motor insurance and the requirements and provisions of the Green Card system. 	
				E10.5	Provisions and scope for obtaining medical treatment while abroad for employees, including the EHIC.	
				E10.6	The circumstances that could give rise to policies being invalidated.	
X	X	E11	Be familiar with the applications of electronic data transmission in road transport.	E11.1	The uses of information and communications technology: <ul style="list-style-type: none"> • electronic ticketing • routing, scheduling and timetabling • real-time information systems • telemetry • GPS and satellite navigation • vehicle and staff scheduling systems • customer information systems • booking and reservation systems • the Internet • closed circuit television • consignment tracking systems. 	Tutors should outline the principles of the technology behind each system and the benefits afforded to operators and passengers. Tutors should use examples to explain the systems used today.



UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
				E11.2	Basic knowledge of electronic communication systems for voice and data.	
				E11.3	Provisions of the Data Protection Act (1998) in respect of the use of information & communication technology for transport operations.	
Road Haulage only						
X	X	E12	Be able to apply the rules governing the invoicing of road haulage services and know the meaning and implications of Incoterms.	E12.1	Define and apply the delivery terms (Incoterms) used in international road haulage, specifically: <ul style="list-style-type: none"> EXW – ex works FCA – free carrier CPT – carriage paid to (named place) CIP – carriage and insurance paid to (named place) DAT – delivered at terminal DAP – delivered at place DDP – delivered duty paid. 	Candidates will be expected to be aware of the responsibilities that buyers and sellers have to each other in respect of those individual Incoterms which are used in connection with international road transport and which are named in the KUS column. Terms that the International Chamber of Commerce recommends are used only for conventional maritime transport will not be questioned.
X	X	E13	Be familiar with the different categories of transport auxiliaries, their role, their functions and, where appropriate, their status.	E13.1	Define services offered by third parties ancillary to the provision of road haulage: <ul style="list-style-type: none"> subcontractors freight forwarding services warehousing and distribution services groupage (consolidation) services clearing houses freight exchanges. 	Questions will be based on the primary functions of these services and of the parties involved.
Passenger Transport only						
X	X	E14	Be able to apply the rules governing fares and pricing in public and private passenger transport.	E14.1	Define separate fares and hire-and-reward operations. Identify and describe: <ul style="list-style-type: none"> local services regular services express services contract hire private hire tours package tours excursions shuttle services taxi operations. 	Tutors should explain the implications of these types of services in terms of: <ul style="list-style-type: none"> operator licensing drivers' hours working time driver licensing vehicle licensing



UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
X	X			E14.2	<p>The use of fare tables for scheduled and other services. Identify and describe types of fares including:</p> <ul style="list-style-type: none"> • flat • zonal • promotional • seasonal • tapered • directional • time-based • multi-travel • concessionary • free. 	Candidates will be expected to understand the basic principles of statutory concessionary fare schemes.
				E14.3	Procedures relating to statutory concessionary fare schemes.	
				E14.4	Pricing of contracts. The methods of issuing tenders for contracted and non-contracted operations. Preparation of responses to tenders and the requirements to be met by tendering bodies.	
				E14.5	<p>Subsidised and tendered services including:</p> <ul style="list-style-type: none"> • 'supply side' tenders • 'bottom line' tenders • rules regarding de minimis operation. 	
X	X	E15	Be able to apply the rules governing the invoicing of road passenger transport services.	E15.1	Apply the provisions of the Package Travel Regulations to a given scenario.	Candidates will be expected to have detailed knowledge of the Package Travel Regulations, including what qualifies as a package, brochure content and security for clients' payments.
				E15.2	Be able to identify the main principles of the TOMS.	
						Only the principles of TOMS will be tested.



UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
F ACCESS TO THE MARKET						
Applicable to all						
X	X	F1	Be familiar with the occupational regulations governing road transport for hire or reward, industrial vehicle rental and subcontracting, and in particular the rules governing the official organisation of the occupation, admission to the occupation, authorisations for intra-Community and extra-Community road transport operations, inspections and penalties.	F1.1 F1.2 F1.3 F1.4 F1.5 F1.6	Vehicles subject to operator licensing (or permit for passenger) and the appropriate type of operators' licences required in given circumstances. The different vehicle types including taxi, private hire vehicle, small bus, minibus, large bus, coach, articulated bus. The procedures to be followed in applying for a licence including knowledge of the criteria to be met. The rights that may be exercised by statutory objectors and the owners and occupiers of land within the vicinity of operating centres and the procedures to be followed. The procedures and the decision options available to the Traffic Commissioners when dealing with licence applications. The role of enforcement agencies.	Candidates will be expected to have an in-depth knowledge of the criteria and procedures relating to obtaining and retaining an Operator Licence for national and international operations. Candidates will be expected to understand the licensing implications for hired and subcontracted vehicles that might be employed. Guidance can be found in the following government publications: GV72, GV74, GV79, GV79G, GV80, GV80A, GV81, INT1, PSV353A, PSV356, PSV356G, PSV385, PSV421, PSV421G, PSV431, PSV431A, PSV431G, PSV437, TM1, TM1G and A guide to making representation, objections and complaints 2013/01
X	X	F2	Be familiar with the rules for setting up a road transport undertaking.	F2.1 F2.2 F2.3	The procedures to be followed in changing, varying and maintaining a licence including knowledge of the criteria to be met. The quality control procedures followed by Traffic Commissioners, including Operator Compliance Risk Score (OCRS), and their use of disciplinary powers. The appeals procedures.	Tutors should give examples of objections that have been upheld and those which have not including the reasons given. Candidates should understand the differences between variations. Tutors should explain the Driver and Vehicle Standards Agency's (DVSA's) OCRS and the implications it has on transport operators.
X	X	F3	Be familiar with the various documents required for operating road transport services and the introduction of checking procedures to ensure that the approved documents relating to each transport operation, and in particular those relating to the vehicle, the driver, the goods and luggage are kept both in the vehicle and on the premises of the undertaking.	F3.1 F3.2	The requirements and procedures applied in respect of Community Licences. The documents required to carry out a journey applicable to the driver, the vehicle and the load.	Tutors should explain all relevant documents required for international movements, including certified copies of Community Licences.



UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
Road Haulage only						
X	X	F4	Be familiar with the rules on the organisation of the market in road haulage services, as well as the rules on freight handling and logistics.	F4.1 F4.2	The requirements in respect of various types of road haulage journey including: third-country services/ cabotage services/own account operations. The rules and procedures relating to permits required when travelling to or through certain countries including those relating to: bilateral journey permits/multilateral permits.	Tutors should give examples of third-country traffic and cabotage services to explain the restrictions placed on cabotage operations. Tutors should explain the evidence an operator may use to substantiate that they are 'own account'.
X	X	F5	Be familiar with border formalities, the role and scope of customs transit documents (T documents and TIR carnets), and the obligations and responsibilities arising from their use.	F5.1 F5.2	The rules governing customs transit regimes including those relating to the: <ul style="list-style-type: none"> TIR convention/community/common transit temporary importation/exportation of certain goods and vehicles. The requirements of border crossing formalities including: <ul style="list-style-type: none"> passport and visa procedures anti-smuggling and other security controls immigration controls controls on prohibited and restricted goods documentary requirements relating to certain types of goods (including plants and live animals). 	Candidates will be expected to be able to plan international journeys with particular reference to permit requirements and to the requirements of the Community/Common Transit System and of the TIR Convention. In addition, candidates will be expected to understand the operation of the ATA and 'carnet de passage en douane' systems.
Passenger Transport only						
X	X	F6	Be familiar with the rules on the organisation of the market in road passenger transport.	F6.1 F6.2 F6.3	The role and powers of the Secretary of State for Transport. The basic principles of competition law and the role of the Competition and Markets Authority. The role of local and regional governments including: <ul style="list-style-type: none"> integrated transport authorities county councils unitary authorities Traffic Commissioners Transport for London. 	Candidates must understand the terms 'monopoly' and 'dominant' position.



UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
X	X	F7	Be familiar with the rules for introducing road passenger transport services and the drawing up of transport plans.	F7.1	The definitions of different types of service and operation by passenger vehicles, applying these to given circumstances and, where appropriate, the rules for obtaining, maintaining, amending and withdrawing the services.	<p>Candidates will be expected to be familiar with:</p> <ul style="list-style-type: none"> regular services special regular services shuttle services occasional services cabotage own account operations local services flexible local services excursions and tours express services community bus services. <p>Candidates will be expected to know how to construct a timetable for a given service, how to schedule vehicles and staff, and be familiar with the terms used in these processes.</p> <p>Tutors should explain how routes are planned and the allowances that must be made for peak times and traffic flow.</p>
				F7.2	Draft timetables from information supplied.	
				F7.3	Draw up transport plans taking relevant factors into account including: <ul style="list-style-type: none"> types of duty timetabling crew rostering vehicle scheduling. 	
				F7.4	The terms used in operating road passenger services including: <ul style="list-style-type: none"> frequency headway layover clock face and non-clock face headways interworking. 	



UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
				F7.5	Calculate the number of vehicles, duties and drivers required for a given service.	<p>Candidates will be expected to be able to identify the appropriate approval procedures and documentation needed to enable operation.</p> <p>Tutors should explain the role of the IRFO in the operation of services and the role of CPT.</p> <p>Candidates should be aware of what documentation is required for the vehicle, driver and passengers on an international journey and the border controls in place.</p> <p>Tutors should explain how and by whom these documents are completed and amendments that are permitted 'en route'.</p>
				F7.6	Calculate the length of a duty roster.	
				F7.7	The distinction and differing requirements between those services which need prior approval (authorisations) and those where the volume of operation is not regulated (waybills and own account certificates).	
				F7.8	The role of the International Road Freight Office (IRFO) concerning service authorisation and Confederation of Passenger Transport (CPT) .	
				F7.9	The documents that need to be carried on international road passenger journeys including: <ul style="list-style-type: none"> documents for drivers and other crew members documents for the vehicle documents relating to the transport service documents for passengers requirements of ferry operators for passenger manifests. 	
				F7.10	The functions of the documents.	
				F7.11	The purpose of border controls to regulate the movement of people and their belongings including: <ul style="list-style-type: none"> key provisions of the Schengen Agreement passport and visa procedures immigration controls function of red, green and blue customs channels controls of prohibited and restricted goods anti-smuggling and other security controls. 	



UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
G Technical standards and technical aspects of operation						
Applicable to all						
X		G1	Be familiar with the rules concerning the weights and dimensions of vehicles in the member states and the procedures to be followed in the case of abnormal loads that constitute an exception to these rules.	G1.1 G1.2 G1.3 G1.4 G1.5 G1.6 G1.7	<p>The terms used to identify weight categories including:</p> <ul style="list-style-type: none"> • unladen weight • kerbside weight • gross vehicle weight, maximum authorised mass, permissible maximum weight • gross train weight • design weight. <p>Identify and apply the weight limits for various types of vehicles including total vehicle and axle weight limits.</p> <p>Vehicle dimensional limits including those relating to:</p> <ul style="list-style-type: none"> • length • width • height. <p>Identify countries in Europe that operate weight or dimension limits other than those provided by EU legislation.</p> <p>Projections and overhangs.</p> <p>Special provisions applying to the movement of abnormal indivisible loads including special types of vehicles and the requirements for attendants, notification and speed limits.</p> <p>Role of enforcement agencies and knowledge of enforcement procedures.</p>	<p>Candidates will be expected to have detailed knowledge of the major weight and dimension limits as they apply to vehicles. All gross weight questions will relate to vehicles fitted with road friendly suspension (RFS).</p> <p>Candidates will be expected to have knowledge of the principal limits applying to EU member states.</p> <p>No questions will be asked regarding weights for specialist areas, other than those that would apply to a national registered vehicle.</p>

UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
X	X	G2	Be able to choose vehicles and their components (chassis, engine, transmission system, braking system, etc.) in accordance with the needs of the undertaking.	G2.1	Take into account operational requirements chooses appropriate vehicles and vehicle components including: <ul style="list-style-type: none"> vehicle type engine type transmission braking systems passenger comfort equipment including climate control and entertainment equipment toilet provision galley provision suspension wheels, tyres and axles loading and other ancillary equipment emission standards. 	Tutors should explain how particular vehicles may be more suited to a specific type of service. Tutors should identify the Euro numbering system used for limiting vehicle emissions and the methods adopted by manufacturers to comply. Tutors should describe the features included on vehicles that satisfy the PSV Accessibility Regulations 2000. Dimensions will not be questioned. Tutors should explain the significance of the Disabled Persons Transport Advisory Committee (DiPTAC).
X	X	G3	Be familiar with the formalities relating to the type approval, registration and technical inspection of these vehicles.	G3.1 G3.2	Procedures including those relating to: <ul style="list-style-type: none"> type approval plating and testing Main features of PSV Fitness regulations.	Candidates will be expected to have knowledge of the procedures and documents involved in acquiring new vehicles, testing them and ensuring that they are kept in a roadworthy condition. Tutors should explain the procedures and forms used in roadside checks and the consequences to the operator's OCRS rating. Tutors should explain the difference between a PCV and a PSV and the testing regime used to comply with PSV Fitness Regulations.
X	X	G4	Understand what measures must be taken to reduce noise and to combat air pollution by motor vehicle exhaust emissions.	G4.1	Questions will be limited to items mentioned in section G2.	This part of the syllabus will feature questioning related to the vehicle itself rather than any considerations about the operating centre.

UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
X	X	G5	Be able to draw up periodic maintenance plans for the vehicles and their equipment.	G5.1	Construct maintenance plans taking relevant factors into account: <ul style="list-style-type: none">legislative requirementsDVSA guidancebest practice.	Guidance can be found in the DVSA publications ' <i>Guide to Maintaining Roadworthiness</i> '. Candidates will be expected to be able to construct a maintenance plan given operational criteria.
				G5.2	Relative advantages of in-house and third-party planned and preventative maintenance provision.	
				G5.3	Requirement for, and content of, driver walk around checks, preventative maintenance and vehicle inspections.	
				G5.4	Requirement for vehicle and equipment testing and calibration.	
				G5.5	Documents to be used and record keeping requirements.	
Road Haulage only						
X	X	G6	Be familiar with the different types of cargo-handling and loading devices (tailboards, containers, pallets, etc.) and be able to introduce procedures and issue instructions for loading and unloading goods (load distribution, stacking, stowing, blocking and chocking, etc.).	G6.1	Devise procedures and write instructions relating to the safe loading and unloading of vehicles, taking into account relevant factors including: <ul style="list-style-type: none">legislation and codes of practiceweight distributionstacking and stowing of loadssecuring loadsuse of load-handling equipmentstaff training.	Guidance can be found in the Department for Transport Code of Practice, ' <i>Safety of Loads on Vehicles</i> '.
X		G7	Be familiar with the various techniques of 'piggy-back' and roll-on roll-off combined transport.	G7.1	Define services offered by third parties ancillary to the provision of road haulage including: <ul style="list-style-type: none">tunnel, ship and ferry operations (including the use of roll-on/roll-off and lift-on/lift-off services and container operations)intermodal operations (including the carriage of road vehicles on railway wagons).	Questions will be based on the primary functions of these services.



UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
X	X	G8	Be able to implement procedures to comply with the rules on the carriage of dangerous goods and waste, notably those arising from Directive 2008/68/EC ³ and Regulation (EC) No 1013/2006 ⁴ .	G8.1	Dangerous goods regulations (ADR) relating to: <ul style="list-style-type: none"> • consignments subject to regulation • vehicle marking and equipment requirements • documentation • training requirements for drivers and other staff involved in the carriage of dangerous goods • requirement to appoint a dangerous goods safety adviser and the functions and qualifications of the adviser. 	Candidates will be expected to be able to apply the legislative requirements in respect of both the national and international carriage of dangerous goods.
				G8.2	Requirements relating to the carriage of waste including: <ul style="list-style-type: none"> • types of waste that are regulated • licensing • documentation. 	
				G8.3	The requirements of the International Maritime Dangerous Goods code (IMDG).	
X	X	G9	Be able to implement procedures to comply with the rules on the carriage of perishable foodstuffs, notably those arising from the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP).	G9.1	Rules relating to: <ul style="list-style-type: none"> • the carriage of temperature controlled foodstuffs • hygiene • segregation • prevention of contamination. 	Tutors should provide examples of typical movements when the ATP will apply. Tutors should provide examples of plates and certificates used to confirm a vehicle is compliant with the requirements of the ATP agreement.
				G9.2	The main provisions of rules relating to the international carriage of certain perishable foodstuffs including those relating to: <ul style="list-style-type: none"> • the types of perishable foodstuffs covered by the agreement • requirements for temperature control and associated record keeping • regulations in relation to vehicles and containers in respect of testing, certification and marking. 	

³ Directive 2008/68/EC of the European Parliament and the Council of 24 September 2008 on the inland transport dangerous goods (OJ L 260, 30.9.2008, p. 13)

⁴ Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1)

UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
X		G10	Be able to implement procedures to comply with the rules on the transport of live animals.	G10.1	Rules including those relating to: <ul style="list-style-type: none"> feeding and watering requirements route planning record keeping requirements vehicle construction requirements vehicle cleaning and disinfecting training. 	Questions will be limited to the commercial movement of: <ul style="list-style-type: none"> cattle sheep horses pigs.
H ROAD SAFETY						
Applicable to all						
X	X	H1	Know what qualifications are required for drivers (driving licence, medical certificates, certificates of fitness, etc.).	H1.1 H1.2 H1.3 H1.4	The qualifications for drivers including categories of driving entitlement including: <ul style="list-style-type: none"> restrictions licence issue, validity and renewal medical requirements enforcement and disciplinary procedures employer's responsibility to check driving entitlement provisional licence holders theory and practical driving test and vehicles that can be used. International driving permits. Drivers' initial CPC. Driver CPC periodic training.	Initial qualification: <ul style="list-style-type: none"> preserved entitlements to Driver CPC exemptions from Driver CPC tests to be passed to gain the Driver CPC qualification validity and renewal of the qualification requirements concerning the Driver Qualification Card Periodic training requirements for: <ul style="list-style-type: none"> approved trainers approved courses duration of each training course number of hours required and deadlines for completion



UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
X		H2	Be able to take the necessary steps to ensure that drivers comply with the traffic rules, prohibitions and restrictions in force in different member states (speed limits, priorities, waiting and parking restrictions, use of lights, road signs, etc.)	H2.1	Knowledge of: <ul style="list-style-type: none"> • speed limits for various types of vehicles and roads • restrictions on waiting, parking, and the loading and unloading of passengers • traffic signs and signals • bus lanes and bus ways • rules applicable to various types of road including motorways, clearways and road lanes restricted to specified vehicles. 	<p>Candidates will be expected to be able to specify supplementary items of safety equipment required in individual countries.</p> <p>Candidates will only be tested on road signs covered in the European Agreement on Main International Traffic Arteries (AGR).</p>
				H2.2	Awareness of differing traffic rules in other EU member states.	
				H2.3	Demonstrate knowledge of the requirement to carry certain equipment, including safety equipment, in specific member states.	
				H2.4	Demonstrate knowledge of movement restrictions that operate in specific member states.	
				H2.5	Demonstrate knowledge of the powers of enforcement agencies to apply immediate penalties relating to alleged traffic offences.	
				H2.6		
X	X	H3	Be able to draw up instructions for drivers to check their compliance with the safety requirements concerning the condition of the vehicles, their equipment and cargo, and the preventive measures to be taken.	H3.1	Draw up instructions for drivers to undertake daily walk around checks, including: <ul style="list-style-type: none"> • nil defect reporting • exception reporting. 	Candidates should familiarise themselves with the recommendations for driver walk round checks contained in the DVSA publication 'Guide to Maintaining Roadworthiness'.
				H3.2	Knowledge of items which should be included in a daily walk around check and the contents of the daily defect report sheet.	



UNIT MC	UNIT CS	REF	Assessment Objective	REF	Knowledge, Understanding and Skills (KUS)	Guidance on Teaching
X	X	H4	Be able to lay down procedures to be followed in the event of an accident and to implement appropriate procedures to prevent the recurrence of accidents or serious traffic offences.	H4.1	Legislative requirements relating to the action to be taken following a road traffic accident including: <ul style="list-style-type: none"> reporting requirements document production information to be given at the scene or subsequently evidence collection action to assist those involved action to secure the accident scene preparation of insurance claims. 	Candidates should be familiar with the legal requirements in the Road Traffic Acts and the guidance contained in 'The Highway Code'. A knowledge of the procedures to be followed in member states will also be a requirement including knowledge of 'The European Accident Statement'.
X	X	H5	Be able to implement procedures to properly secure goods and be familiar with the corresponding techniques.	H5.1	See section G6 Drivers' responsibility for the security and integrity of passenger luggage. The principles of safe loading and manual handling requirements	
Passenger Transport Only						
X	X	H6	Have elementary knowledge of the layout of the 'E route' network in the member states.	H6.1 H6.2	Elementary knowledge of the major traffic arteries in the EU member states and the physical mountain and water barriers that constrain movements. Knowledge of the AGR Convention (E routes) regarding the international system of road numbering.	Questions will be restricted to the 'E route' network within Belgium, Germany, France, Italy, Spain and the Netherlands, including tunnels for which tolls are levied.



References

1. EC Recommendation of 22 May 2017 on the European Qualifications Framework for lifelong learning and repealing the recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning, (2017/C 189/03).
2. European Qualification Standards for Logistics professionals. ELA, 2014.
3. EC Regulation No 1071/2009 of the European Parliament and Of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC.



Annexes

RECOMMENDATIONS

COUNCIL

COUNCIL RECOMMENDATION

of 22 May 2017

on the European Qualifications Framework for lifelong learning and repealing the recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning

(2017/C 189/03)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 165 and 166 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Qualifications serve a variety of purposes. They signal to employers what their holders in principle know and are able to do ('learning outcomes'). They may be a prerequisite for accessing certain regulated professions. They help education and training authorities and providers to determine the level and content of learning acquired by an individual. They are also important for an individual as an expression of personal achievement. Therefore qualifications play an important role in raising employability, easing mobility and access to further education.
- (2) Qualifications are the formal outcome of an assessment and validation process by a competent authority and typically take the form of documents such as certificates or diplomas. They determine that an individual has achieved learning outcomes to given standards. Those learning outcomes may be achieved through a variety of paths in formal, non-formal or informal settings, whether in national or international contexts. Information on learning outcomes should be easily accessible and transparent.
- (3) The recommendation of the European Parliament and the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning⁽¹⁾ created a common reference framework of eight levels of qualifications, expressed as learning outcomes with increasing levels of proficiency. They serve as a translation device between different qualifications systems and their levels. The purpose of the European Qualifications Framework for lifelong learning (EQF) is to improve the transparency, comparability and portability of people's qualifications.
- (4) The wider objectives of this recommendation are to contribute to modernising education and training systems and to increase the employability, mobility and social integration of workers and learners. It further aims at better linking formal, non-formal and informal learning and supporting the validation of learning outcomes acquired in different settings.
- (5) Member States have developed or are developing national qualifications frameworks based on learning outcomes and are relating these to the EQF through a 'referencing' process. The EQF levels and learning outcome descriptors contribute to better transparency and comparability of qualifications of different national systems. They also contribute to a general shift towards a learning outcomes orientation in education and training. Referencing to the EQF should be done through the national qualifications frameworks or, where these do not exist, national qualifications systems (hereafter 'national qualifications frameworks or systems').

⁽¹⁾ OJ C 111, 6.5.2008, p. 1.

- (6) Qualifications are more transparent and comparable when they are presented in documents that include a reference to the applicable EQF level and a description of the achieved learning outcomes.
- (7) A wide range of stakeholders should be involved in implementing the EQF at Union and national levels in order to ensure its broad support. Key stakeholders include all learners, education and training providers, qualifications authorities, quality assurance bodies, employers, trade unions, chambers of industry, commerce and skilled crafts, bodies involved in the recognition of academic and professional qualifications, employment services and services in charge of migrant integration.
- (8) In its report to the European Parliament and the Council of 19 December 2013 on the evaluation of the EQF, the Commission concluded that the EQF is widely accepted as a reference point for developing national qualifications frameworks, for implementing the learning outcomes approach, and for improving the transparency and recognition of skills and competences. It emphasised that the Union should make it possible for learners and workers to make their skills and competences more visible no matter where they acquired them.
- (9) In that report the Commission also concluded that the EQF Advisory Group has provided effective guidance for national referencing processes and has built trust and understanding among participating countries. It further concluded that the effectiveness of the EQF National Coordination Points largely depends on how closely they are linked to the national governance of the referencing process.
- (10) Given the positive evaluation of that group, continuation of the EQF Advisory Group is crucial to a consistent, coherent, transparent and coordinated implementation of this Recommendation.
- (11) Transparency and recognition of skills and qualifications is one of the new priorities under the 2015 Joint Report of the Council and the Commission on the implementation of the strategic framework for European cooperation in education and training (ET 2020). That report stresses that the EQF should be further developed in order to make qualifications more transparent and comparable. With regard to newly arrived migrants, it also stresses that existing transparency instruments could help a better understanding of foreign qualifications in the Union, and vice versa.
- (12) The EQF and the national qualifications frameworks or systems referenced to it can support existing recognition practices thanks to the strengthened trust, understanding and comparability of qualifications they bring. That can make the process of recognition for learning and working purposes easier. Overarching qualifications frameworks such as the EQF could serve as information tools for recognition practices as mentioned in the recommendation on the use of qualifications frameworks in the recognition of foreign qualifications, as adopted under the Convention on the Recognition of Qualifications concerning Higher Education in the European Region.
- (13) National qualifications frameworks and systems change over time, therefore referencing to the EQF should be reviewed and updated, whenever relevant.
- (14) Trust in the quality and level of qualifications that are part of national qualifications frameworks or systems referenced to the EQF (hereafter 'qualifications with an EQF level') is essential in order to support mobility of learners and workers within and across sectoral and geographical borders. The recommendation of the European Parliament and the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning contained common principles on quality assurance in higher education and vocational education and training. They respected the responsibility of Member States for quality assurance arrangements applying to national qualifications in accordance with the principle of subsidiarity. The Standards and Guidelines for Quality Assurance in the European Higher Education Area and the European Quality Assurance Reference Framework for Vocational Education and Training build a basis for such common principles.
- (15) The possibility of developing a register, outside the field of higher education, for bodies monitoring quality assurance systems for qualifications could be explored.
- (16) Credit systems can help individuals to progress in learning by facilitating flexible learning pathways and transfer across different levels and types of education and training and across national borders, enabling learners to accumulate and transfer different learning outcomes acquired in different learning contexts, including online, non-formal and informal learning. The learning outcomes approach can also facilitate the design, delivery and assessment of full qualifications or components of qualifications.

- (17) Credit systems at both national and European levels operate within institutional contexts like higher education or vocational education and training. At European level, the European Credit Transfer and Accumulation System has been developed for higher education in the European Higher Education Area. For vocational education and training, the European Credit System for Vocational Education and Training is being developed in accordance with the recommendation of the European Parliament and of the Council of 18 June 2009 on the establishment of a European Credit System for Vocational Education and Training (ECVET) ⁽¹⁾. Links between national qualifications frameworks and credit systems, where appropriate, could be promoted.
- (18) While the Union *acquis* on legal migration and asylum provides for equal treatment with nationals in terms of recognition of qualifications and even for facilitation measures as far as beneficiaries of international protection are concerned in accordance with Directive 2011/95/EU of the European Parliament and of the Council ⁽²⁾, high rates of over-qualification and under-employment persist among third-country nationals with tertiary education. Cooperation between the Union and third countries over the transparency of qualifications can foster migrant integration into Union labour markets. Given the growing migration flows to and from the Union, a better understanding and a fair recognition of qualifications awarded outside the Union is needed.
- (19) The main features of the EQF, namely its learning outcomes approach, the definition of level descriptors, and the establishment of referencing criteria as developed by the EQF Advisory Group, have been a source of inspiration for the development of national and regional qualifications frameworks throughout the world. An increasing number of third countries and regions are seeking closer links between their qualifications framework and the EQF.
- (20) Directive 2005/36/EC of the European Parliament and of the Council ⁽³⁾ provides that common training frameworks for regulated professions can be set up through a Commission delegated act as a common set of knowledge, skills and competences. Common training frameworks are to be based on levels of the EQF. Reference to EQF levels on qualifications is not to affect access to the labour market where professional qualifications have been recognised in accordance with Directive 2005/36/EC.
- (21) The Framework for Qualifications of the European Higher Education Area provides descriptors for the short cycle (that can be linked to or within the first cycle), the first, second and third cycles of higher education. Each cycle descriptor offers a statement on the achievements and abilities associated with the qualifications awarded at the end of that cycle. The EQF is compatible with the qualifications framework for the European Higher Education Area and its cycle descriptors. The short cycle (that can be linked to or within the first cycle), the first, second and third cycles of the qualifications framework for the European Higher Education Area correspond to EQF levels 5-8 respectively.
- (22) Decision No 2241/2004/EC of the European Parliament and of the Council ⁽⁴⁾ helps people to better present their skills, competences and qualifications.
- (23) A European Skills, Competences, Qualifications and Occupations classification (ESCO) is being developed by the Commission. Used on a voluntary basis, it could support a better link between education and employment. The data developed by Member States in the context of the EQF could serve as input for this classification.
- (24) Information on the process of referencing national qualifications frameworks or systems to the EQF and on qualifications with an EQF level should be readily accessible to the public. The use of common data structures and formats would help achieve that objective. It would also facilitate the understanding and use of published information on qualifications.
- (25) Coherence, complementarity and synergies at national and Union levels should exist between the implementation of the EQF, national qualifications frameworks or systems and tools on transparency and recognition of skills, competences and qualifications, including those for quality assurance, credit accumulation and transfer and tools developed in the context of the European Higher Education Area on transparency and recognition of skills, competences and qualifications.

⁽¹⁾ OJ C 155, 8.7.2009, p. 11.

⁽²⁾ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ L 337, 20.12.2011, p. 9).

⁽³⁾ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

⁽⁴⁾ Decision No 2241/2004/EC of the European Parliament and of the Council of 15 December 2004 on a single Community framework for the transparency of qualifications and competences (Europass) (OJ L 390, 31.12.2004, p. 6).

- (26) The development of the EQF should be fully coherent with existing European cooperation in education and training under the ET 2020 strategic framework and future European ET strategic frameworks.
- (27) This recommendation does not replace or define national qualifications frameworks or systems. The EQF does not describe specific qualifications or an individual's competences and particular qualifications should be referenced to the appropriate EQF level by way of the relevant national qualifications systems.
- (28) This recommendation consolidates the EQF as a common reference framework of eight levels expressed as learning outcomes, serving as a translation device between different qualifications frameworks or systems and their levels.
- (29) Given its non-binding nature, this recommendation conforms to the principles of subsidiarity and proportionality by supporting and supplementing Member States' activities through facilitating further cooperation between them to increase the transparency, comparability and portability of people's qualifications. It should be implemented in accordance with national law and practice,

HEREBY RECOMMENDS THAT MEMBER STATES IN ACCORDANCE WITH NATIONAL CIRCUMSTANCES:

1. Use the EQF to reference national qualifications frameworks or systems and to compare all types and levels of qualifications in the Union that are part of national qualifications frameworks or systems, in particular by referencing their qualification levels to levels of the EQF set out in Annex II and by using the criteria set out in Annex III.
2. Review and update, when relevant, the referencing of the levels of the national qualifications frameworks or systems to the levels of the EQF set out in Annex II and using the criteria set out in Annex III, with due regard to the national context.
3. Ensure that qualifications with an EQF level are in accordance with the common principles for quality assurance set out in Annex IV, without prejudice to national quality assurance principles that apply to national qualifications.
4. Where appropriate, promote links between credit systems and national qualifications frameworks or systems taking into account the common principles on credit systems set out in Annex V, without prejudice to national decisions to (i) make use of credit systems; and (ii) relate them to national qualifications frameworks or systems. Those common principles will not lead to an automatic recognition of qualifications.
5. Where appropriate, take measures, so that all newly issued qualification documents by the competent authorities (e.g. certificates, diplomas, certificate supplements, diploma supplements), and/or registers of qualifications contain a clear reference to the appropriate EQF level.
6. Make the results of the referencing process publicly available at national and Union levels and, where possible, ensure that information on qualifications and their learning outcomes is accessible and published, using the data fields in accordance with Annex VI.
7. Encourage the use of EQF by social partners, public employment services, education providers, quality assurance bodies and public authorities to support the comparison of qualifications and transparency of the learning outcomes.
8. Ensure the continuation and coordination of tasks implemented by EQF National Coordination Points (EQF NCP). The main tasks of the EQF NCP are to support national authorities in referencing national qualifications frameworks or systems to the EQF and to bring the EQF closer to individuals and organisations.

HEREBY RECOMMENDS THAT THE COMMISSION, IN COOPERATION WITH MEMBER STATES AND STAKEHOLDERS WITHIN THE EQF ADVISORY GROUP:

9. Support consistency in the further implementation of the EQF across Member States by comparing and discussing the methodologies used for the levelling of qualifications in national qualifications frameworks or systems, with due regard to national contexts.
10. With due regard to national contexts, support the development of methodologies for the description, use and application of learning outcomes to increase transparency and the understanding and comparability of qualifications.
11. Support the setting up of voluntary procedures on the levelling of international qualifications through national qualification frameworks or systems and information exchange and consultation between Member States on those procedures to ensure consistency.

12. Develop guidance for communicating the EQF, in particular how to present EQF levels on newly issued certificates, diplomas and supplements, and/or registers of qualifications, in accordance with national systems and regulations on certificates and diplomas.
13. Explore possibilities for the development and application of criteria and procedures to enable, in accordance with international agreements, the comparison of third countries' national and regional qualifications frameworks with the EQF.
14. Set up peer learning and best practice exchanges between the Member States and, where appropriate, facilitate peer counselling at the request of the Member States.

HEREBY RECOMMENDS THAT THE COMMISSION:

15. Ensure that the implementation of this recommendation is supported through actions funded by relevant Union programmes.
16. Ensure an effective governance of the EQF implementation by maintaining and fully supporting the EQF Advisory Group established in 2009 composed of representatives of the Member States and other participating countries, the social partners and other stakeholders as appropriate. The EQF Advisory Group should ensure overall coherence and promote transparency and trust in the process of referencing national qualifications frameworks or systems to the EQF.
17. Report on progress following the adoption of this recommendation, as appropriate, in the context of relevant education, training and employment policy frameworks.
18. Assess and evaluate, in cooperation with the Member States and after consulting the stakeholders concerned, action taken in response to this recommendation and by 2022 report to the Council on the experience gained and implications for the future, including, if necessary, a possible review and revision of this recommendation.

The recommendation of the European Parliament and the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning is repealed.

Done at Brussels, 22 May 2017.

For the Council

The President

E. BARTOLO

ANNEX I

Definitions

For the purposes of this recommendation, the following definitions apply:

- (a) *'qualification'* means a formal outcome of an assessment and validation process which is obtained when a competent authority determines that an individual has achieved learning outcomes to given standards;
- (b) *'national qualifications system'* means all aspects of a Member State's activity related to the recognition of learning and other mechanisms that link education and training to the labour market and civil society. That includes the development and implementation of institutional arrangements and processes relating to quality assurance, assessment and the award of qualifications. A national qualifications system may be composed of several subsystems and may include a national qualifications framework;
- (c) *'national qualifications framework'* means an instrument for the classification of qualifications according to a set of criteria for specified levels of learning achieved, which aims at integrating and coordinating national qualifications subsystems and improve the transparency, access, progression and quality of qualifications in relation to the labour market and civil society;
- (d) *'international qualification'* means a qualification awarded by a legally established international body (association, organisation, sector or company) or by a national body acting on behalf of an international body that is used in more than one country and that includes learning outcomes assessed with reference to standards established by an international body;
- (e) *'learning outcomes'* means statements regarding what a learner knows, understands and is able to do on completion of a learning process, which are defined in terms of knowledge, skills and responsibility and autonomy;
- (f) *'knowledge'* means the outcome of the assimilation of information through learning. Knowledge is the body of facts, principles, theories and practices that is related to a field of work or study. In the context of the EQF, knowledge is described as theoretical and/or factual;
- (g) *'skills'* means the ability to apply knowledge and use know-how to complete tasks and solve problems. In the context of the EQF, skills are described as cognitive (involving the use of logical, intuitive and creative thinking) or practical (involving manual dexterity and the use of methods, materials, tools and instruments);
- (h) *'responsibility and autonomy'* means the ability of the learner to apply knowledge and skills autonomously and with responsibility;
- (i) *'competence'* means the proven ability to use knowledge, skills and personal, social and/or methodological abilities, in work or study situations and in professional and personal development;
- (j) *'validation of non-formal and informal learning'* means the process of confirmation by a competent authority that an individual has acquired learning outcomes acquired in non-formal and informal learning settings measured against a relevant standard and consists of the following four distinct phases: identification through dialogue of particular experiences of an individual, documentation to make visible the individual's experiences, a formal assessment of those experiences and certification of the results of the assessment which may lead to a partial or full qualification;
- (k) *'formal recognition of learning outcomes'* means the process of granting official status by a competent authority to acquired learning outcomes for purposes of further studies or employment, through (i) the award of qualifications (certificates, diploma or titles); (ii) the validation of non-formal and informal learning; (iii) the grant of equivalence, credit or waivers;
- (l) *'credit'* means confirmation that a part of a qualification, consisting of a coherent set of learning outcomes has been assessed and validated by a competent authority, according to an agreed standard; credit is awarded by competent authorities when the individual has achieved the defined learning outcomes, evidenced by appropriate assessments and can be expressed in a quantitative value (e.g. credits or credit points) demonstrating the estimated workload an individual typically needs for achieving related learning outcomes;

- (m) '*credit systems*' means a transparency tool for facilitating the recognition of credit(s). These systems can comprise, inter alia, equivalences, exemptions, units/modules that can be accumulated and transferred, the autonomy of providers who can individualise pathways, and the validation of non-formal and informal learning;
 - (n) '*credit transfer*' means the process of allowing individuals who have accumulated credit in one context to have it valued and recognised in another context.
-

Descriptors defining levels in the European Qualifications Framework (EQF)

Each of the 8 levels is defined by a set of descriptors indicating the learning outcomes relevant to qualifications at that level in any system of qualifications.

	Knowledge	Skills	Responsibility and autonomy
	In the context of EQF, knowledge is described as theoretical and/or factual.	In the context of EQF, skills are described as cognitive (involving the use of logical, intuitive and creative thinking) and practical (involving manual dexterity and the use of methods, materials, tools and instruments).	In the context of the EQF responsibility and autonomy is described as the ability of the learner to apply knowledge and skills autonomously and with responsibility
Level 1 The learning outcomes relevant to Level 1 are	basic general knowledge	basic skills required to carry out simple tasks	work or study under direct supervision in a structured context
Level 2 The learning outcomes relevant to Level 2 are	basic factual knowledge of a field of work or study	basic cognitive and practical skills required to use relevant information in order to carry out tasks and to solve routine problems using simple rules and tools	work or study under supervision with some autonomy
Level 3 The learning outcomes relevant to Level 3 are	knowledge of facts, principles, processes and general concepts, in a field of work or study	a range of cognitive and practical skills required to accomplish tasks and solve problems by selecting and applying basic methods, tools, materials and information	take responsibility for completion of tasks in work or study adapt own behaviour to circumstances in solving problems
Level 4 The learning outcomes relevant to Level 4 are	factual and theoretical knowledge in broad contexts within a field of work or study	a range of cognitive and practical skills required to generate solutions to specific problems in a field of work or study	exercise self-management within the guidelines of work or study contexts that are usually predictable, but are subject to change supervise the routine work of others, taking some responsibility for the evaluation and improvement of work or study activities

	Knowledge	Skills	Responsibility and autonomy
<p>Level 5 (*)</p> <p>The learning outcomes relevant to Level 5 are</p>	comprehensive, specialised, factual and theoretical knowledge within a field of work or study and an awareness of the boundaries of that knowledge	a comprehensive range of cognitive and practical skills required to develop creative solutions to abstract problems	<p>exercise management and supervision in contexts of work or study activities where there is unpredictable change</p> <p>review and develop performance of self and others</p>
<p>Level 6 (**)</p> <p>The learning outcomes relevant to Level 6 are</p>	advanced knowledge of a field of work or study, involving a critical understanding of theories and principles	advanced skills, demonstrating mastery and innovation, required to solve complex and unpredictable problems in a specialised field of work or study	<p>manage complex technical or professional activities or projects, taking responsibility for decision-making in unpredictable work or study contexts</p> <p>take responsibility for managing professional development of individuals and groups</p>
<p>Level 7 (***)</p> <p>The learning outcomes relevant to Level 7 are</p>	<p>highly specialised knowledge, some of which is at the forefront of knowledge in a field of work or study, as the basis for original thinking and/or research</p> <p>critical awareness of knowledge issues in a field and at the interface between different fields</p>	specialised problem-solving skills required in research and/or innovation in order to develop new knowledge and procedures and to integrate knowledge from different fields	<p>manage and transform work or study contexts that are complex, unpredictable and require new strategic approaches</p> <p>take responsibility for contributing to professional knowledge and practice and/or for reviewing the strategic performance of teams</p>
<p>Level 8 (****)</p> <p>The learning outcomes relevant to Level 8 are</p>	knowledge at the most advanced frontier of a field of work or study and at the interface between fields	the most advanced and specialised skills and techniques, including synthesis and evaluation, required to solve critical problems in research and/or innovation and to extend and redefine existing knowledge or professional practice	demonstrate substantial authority, innovation, autonomy, scholarly and professional integrity and sustained commitment to the development of new ideas or processes at the forefront of work or study contexts including research

Compatibility with the Framework for Qualifications of the European Higher Education Area

The Framework for Qualifications of the European Higher Education Area provides descriptors for three cycles agreed by the ministers responsible for higher education at their meeting in Bergen in May 2005 in the framework of the Bologna process. Each cycle descriptor offers a generic statement of typical expectations of achievements and abilities associated with qualifications that represent the end of that cycle.

(*) The descriptor for the short cycle developed by the Joint Quality Initiative as part of the Bologna process, (that can be within or linked to the first cycle), corresponds to the learning outcomes for EQF level 5.

(**) The descriptor for the first cycle corresponds to the learning outcomes for EQF level 6.

(***) The descriptor for the second cycle corresponds to the learning outcomes for EQF level 7.

(****) The descriptor for the third cycle corresponds to the learning outcomes for EQF level 8.

ANNEX III

Criteria and procedures for referencing national qualifications frameworks or systems to the European Qualifications Framework (EQF)

1. The responsibilities and/or legal competence of all relevant national bodies involved in the referencing process are clearly determined and published by the competent authorities.
 2. There is a clear and demonstrable link between the qualifications levels in the national qualifications frameworks or systems and the level descriptors of the EQF.
 3. The national qualifications frameworks or systems and their qualifications are based on the principle and objective of learning outcomes and related to arrangements for validation of non-formal and informal learning and, where appropriate, to credit systems.
 4. The procedures for inclusion of qualifications in the national qualifications framework or for describing the place of qualifications in the national qualification system are transparent.
 5. The national quality assurance system(s) for education and training refer(s) to the national qualifications frameworks or systems and are consistent with the principles on quality assurance as specified in Annex IV to this recommendation.
 6. The referencing process shall include the stated agreement of the relevant quality assurance bodies that the referencing report is consistent with the relevant national quality assurance arrangements, provisions and practice.
 7. The referencing process shall involve international experts and the referencing reports shall contain the written statement of at least two international experts from two different countries on the referencing process.
 8. The competent authority or authorities shall certify the referencing of the national qualifications frameworks or systems with the EQF. One comprehensive report, setting out the referencing, and the evidence supporting it, shall be published by the competent authorities, including the EQF National Coordination Points, and shall address separately each of the criteria. The same report can be used for self-certification to the Qualifications Framework of the European Higher Education Area, in accordance with the self-certification criteria of the latter.
 9. Within 6 months from having referenced or updated the referencing report, Member States and other participating countries shall publish the referencing report and provide relevant information for comparison purposes on the relevant European portal.
 10. Further to the referencing process, all newly issued documents related to qualifications that are part of the national qualifications frameworks or systems (e.g. certificates, diplomas, certificate supplements, diploma supplements) and/or qualification registers issued by the competent authorities should contain a clear reference, by way of national qualifications frameworks or systems, to the appropriate EQF level.
-

ANNEX IV

Quality assurance principles for qualifications that are part of national qualifications frameworks or systems referenced to the European Qualifications Framework (EQF)

All qualifications with an EQF level should be quality assured to enhance trust in their quality and level.

In accordance with national circumstances and taking into account sectoral differences quality assurance of qualifications with an EQF level should ⁽¹⁾ ⁽²⁾:

1. address the design of qualifications as well as application of the learning outcomes approach;
2. ensure valid and reliable assessment according to agreed and transparent learning outcomes-based standards and address the process of certification;
3. consist of feedback mechanisms and procedures for continuous improvement;
4. involve all relevant stakeholders at all stages of the process;
5. be composed of consistent evaluation methods, associating self-assessment and external review;
6. be an integral part of the internal management, including sub-contracted activities, of bodies issuing qualifications with an EQF level;
7. be based on clear and measurable objectives, standards and guidelines;
8. be supported by appropriate resources;
9. include a regular review of existing external monitoring bodies or agencies, carrying out quality assurance;
10. include the electronic accessibility of evaluation results.

⁽¹⁾ These common principles are fully compatible with the European Standards and Guidelines (ESG) for Quality Assurance in the European Higher Education Area and with European Quality Assurance in VET (EQAVET).

⁽²⁾ Depending on national circumstances, these principles may not apply to general education.

ANNEX V

Principles for credit systems related to national qualifications frameworks or systems referenced to the European Qualifications Framework (EQF) ⁽¹⁾

The EQF and national qualifications frameworks or systems, by using the learning outcomes approach, should better support individuals when moving (i) between various levels of education and training; (ii) within and between sectors of education and training; (iii) between education and training and the labour market; and (iv) within and across borders. Without prejudice to national decisions to (i) make use of credit systems; and (ii) relate them to national qualifications frameworks or systems, different credit systems, where appropriate, should work together with national qualifications frameworks or systems to support transitions and facilitate progression. To this aim, credit systems related to national qualifications frameworks or systems where appropriate, should respect the following principles:

1. Credit systems should support flexible learning pathways, for the benefit of individual learners.
2. When designing and developing qualifications, the learning outcomes approach should be systematically used to facilitate the transfer of (components of) qualifications and progression in learning.
3. Credit systems should facilitate transfer of learning outcomes and progression of learners across institutional and national borders.
4. Credit systems should be underpinned by explicit and transparent quality assurance.
5. The credit acquired by an individual should be documented, expressing the acquired learning outcomes, the name of the competent credit awarding institution and, where relevant, the related credit value.
6. Systems for credit transfer and accumulation should seek synergies with arrangements for validation of prior learning, working together to facilitate and promote transfer and progression.
7. Credit systems should be developed and improved through cooperation between stakeholders at the appropriate national and Union levels.

⁽¹⁾ These common principles are fully compatible with the European Credit Transfer and Accumulation System (ECTS) and the European Credit system for Vocational Education and Training (ECVET).

ANNEX VI

Elements for data fields for the electronic publication of information on qualifications with an EQF level

DATA			Required/ Optional
Title of the qualification			Required
Field (*)			Required
Country/Region (code)			Required
EQF Level			Required
Description of the qualification (***)	Either	Knowledge	Required
		Skills	Required
		Responsibility and autonomy	Required
	Or	Open text field describing what the learner is expected to know, understand and able to do	Required
Awarding body or competent authority (**)			Required
Credit points/notional workload needed to achieve the learning outcomes			Optional
Internal quality assurance processes			Optional
External quality assurance/regulatory body			Optional
Further information on the qualification			Optional
Source of information			Optional
Link to relevant supplements			Optional
URL of the qualification			Optional
Information language (code)			Optional
Entry requirements			Optional
Expiry date (if relevant)			Optional

DATA		Required/ Optional
Ways to acquire qualification		Optional
Relationship to occupations or occupational fields		Optional

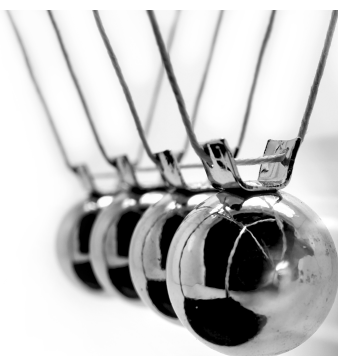
(*) ISCED FoET2013

(**) The minimum required information on the awarding body or the competent authority should facilitate to find information about it, which would include its name, or if applicable the name of the group of awarding bodies or competent authorities, completed with a URL or contact information.

(***) This description shall consist of open text fields, with no prescribed use of standard terminology and no obligation for the Member States to translate the description into other EU languages.



EUROPEAN
LOGISTICS
ASSOCIATION



EUROPEAN QUALIFICATION STANDARDS for LOGISTICS PROFESSIONALS



QUALIFICATION
STANDARDS

Standards

Reference

Network



European
Qualifications
Framework

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Preface

The European Logistics Association (ELA) introduced since 1998 a set of Standards in Logistics and Supply Chain Management, which form the foundation for the European Certification Board for Logistics (ECBL) to certify individuals who meet these Standards.

We are delighted to present the ELAQF Standards of Competence that lead to the ELA Certificate.

These standards are not only fully revised, with addition of the latest trends in Supply Chain and Logistics, but are also aligned to the European Qualification Framework (EQF). Using EQF enables learners and workers to have their skills and qualifications recognised in many countries.

At this point the levels directly related to the ELA Certification are incorporated

- Level 4: Supervisory/Operational management
- Level 6: Senior management
- Level 7: Strategic management

Our National Certification Centres implement these ELAQF Qualification Standards in their assessment procedures leading to ELA Certification. The Standards provide us with an excellent structure for assessing the knowledge, skills and competence of logistics professionals.

We address our warmest thanks to all those who contributed to the multinational research and to the dialogue with international specialists and member countries.

Join us in the implementation, as well as the continuous development and evolution of the new ELAQF Qualification Standards.

Jos Marinus

President of the European Logistics Association

Standards

Reference

Network



General information

1 Nature

The competence system – adopted for the ELA Certification – reflects the expectations of workplace performance. The ELAQF Qualification Standards have been developed with and agreed by industry. The Standards are outcome-based and form the basis of assessment. Assessment is independent of any learning programmes.

The official version of the Standards is published in English. However National Certification Centres can provide the Standards in their local language(s).

2 Assessment Procedure and Criteria

With the ELA Certification we only aim at certifying individual competences and assessment is not linked in any way to training path or approach. It does not prescribe in any way the methods or courses by which candidates may attain or develop the knowledge and skills required to demonstrate competence to meet the Standards. Thus, formal training is not a prerequisite for ELA certification. It is expected that many established institutions and places of education and training will devise programmes to meet the needs of local candidates. The structure of educational programmes does not necessarily have to follow the structure of competence modules as described in this document. The ability of candidates to meet the required Standards will be assessed by National Certification Centres (NCCs) established in each participating country/region.

The ELAQF Certification Standards – and any programmes based on the Standards – are intended for logistics managers. Individual National Certification Centres may develop assessment strategies to meet their own country's educational requirements. There are no specific guidelines for the period of experience that candidates require. Individual National Certification Centres may wish to offer guidance on the period of experience but the three level descriptors should provide the benchmark for assessment. The assessor should be satisfied that a candidate has demonstrated competence at the appropriate level.

3 Quality Assurance

ECBL continuously manages and improves its certification processes. It documents them in professionally maintained procedures. It constantly monitors the performance of its constituent bodies and assessors.

4 Structure

The ELAQF Qualification Standards are based on a common framework, the details for each level can be found in the following chapters. It is important to note that the term module refers to areas of competence, not necessarily to training modules. All modules are cross levels. Some of the modules are compulsory (e.g. Business Principles and Logistics and Supply Chain Design), others are optional (e.g. Logistics and Supply Chain Planning and Logistics and Supply Chain Execution).

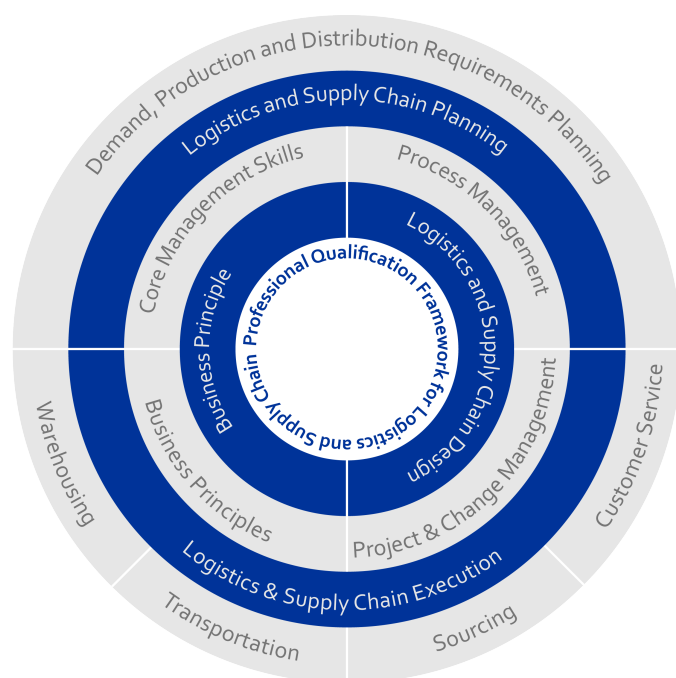
Due to the constant progress in Information and communication technologies (ICT), specific technologies are not defined in the modules. It is a prerequisite, though, that current technologies must be applied in all relevant fields. ICT competences are implicit in every module.

Standards

Reference

Network





Supervisory/Operational Management level European Junior Logistician - EJLog EQF Level 4

Business Principles Level 4

Business Principles

4.1.01.01	Understands the elements of a Profit and Loss (P&L) statement and balance sheet
4.1.01.02	Understands the meaning of financial terminology
4.1.01.03	Calculates the costs of inventory holding
4.1.01.04	Monitors supplier and customer payment terms
4.1.01.05	Understands the importance of benchmarking in performance management
4.1.01.06	Understands the link between shareholder value and supply chain improvements
4.1.01.07	Describes the use of 4Ps in a marketing plan

Core Management Skills

4.1.02.01	Plans own and team professional development
4.1.02.02	Understands the principles of change management
4.1.02.03	Participates in cross functional teams
4.1.02.04	Has good oral and written communication skills
4.1.02.05	Demonstrates decision making ability
4.1.02.06	Chairs meetings
4.1.02.07	Manages a team

Standards

Reference

Network



Supply Chain and Logistics Design Level 4

Process Management

4.2.03.01	Understands the trade-offs within the supply chain
4.2.03.02	Describes a value chain
4.2.03.03	Understands the effect of demand variability on the supply chain?
4.2.03.04	Understands the basic concept of lean
4.2.03.05	Understands how to calculate total supply chain costs
4.2.03.06	Understands the use of a Quality Management Systems (QMS)
4.2.03.07	Uses business test scenario's
4.2.03.08	Understands the different types of data used in organisations
4.2.03.09	Understands process reference models

Change and Project Management

4.2.04.01	Maintains project documentation
4.2.04.02	Understands project management tools

Standards

Reference

Network



Supply Chain and Logistics Planning Level 4

Demand, Production and Distribution Requirements Planning

4.3.05.01	Calculates total supply chain/logistics lead time
4.3.05.02	Uses inventory replenishment models
4.3.05.03	Establishes and maintains Bill of Materials (BOM) and Bill of Labour (BOL)
4.3.05.04	Calculates stocks turns or weeks cover and reports it
4.3.05.05	Understands stock ageing report
4.3.05.06	Allocates available products to orders
4.3.05.07	Uses ABC analysis to differentiate inventory management
4.3.05.08	Uses forecasting methods to create a demand forecast
4.3.05.09	Understands the concept of Available to Promise (ATP)
4.3.05.10	Understands different planning techniques
4.3.05.11	Understands different inventory management optimisation tactics
4.3.05.12	Understands the functionality of planning systems

Standards

Reference

Network



Supply Chain and Logistics Execution Level 4

Warehousing

4.4.06.01	Understands the key challenges in warehouse management
4.4.06.02	Has a detailed understanding of the warehousing processes
4.4.06.03	Understands different order picking strategies
4.4.06.04	Understands different order picking methods
4.4.06.05	Deploys appropriate warehouse handling equipment
4.4.06.06	Understands how to design a warehouse layout
4.4.06.07	Organises stock taking
4.4.06.08	Optimises packing of goods prior to dispatch
4.4.06.09	Understands the implications of storing hazardous goods
4.4.06.10	Understands the role of logistics service providers
4.4.06.11	Implements warehouse safety procedures
4.4.06.12	Understands the functionalities of Warehouse Management Systems (WMS)

Transportation

4.4.07.01	Describes the shipment process
4.4.07.02	Manages transport routing and scheduling
4.4.07.03	Describes the transport procurement process
4.4.07.04	Manages day to day shipment operations
4.4.07.05	Understands key elements of transport cost
4.4.07.06	Understands the European transport policies, legislation and procedures
4.4.07.07	Understands the implications of shipping hazardous goods
4.4.07.08	Understands the functionalities of Transport Management Systems (TMS)

Sourcing

4.4.08.01	Describes the procedures covering the procurement process cycle
4.4.08.02	Supports supply market analysis
4.4.08.03	Describes the different purchasing approaches
4.4.08.04	Understands supplier evaluation and selection process
4.4.08.05	Understands the negotiation process
4.4.08.06	Uses Key Performance Indicators (KPIs) to measure supplier performance

Standards

Reference

Network



- | | |
|-----------|---|
| 4.4.08.07 | Describes the goal of a supplier certification and the process steps |
| 4.4.08.08 | Understands functionalities of Electronic (e)-Procurement Information Technology (IT) tools |

Customer Service

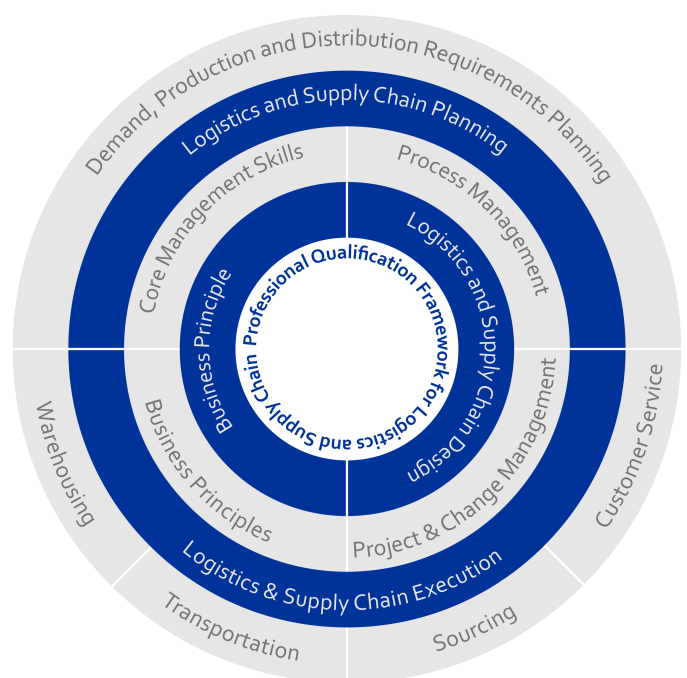
- | | |
|-----------|---|
| 4.4.09.01 | Understands customer service procedures |
| 4.4.09.02 | Uses Key Performance Indicators (KPIs) for measuring customer service |
| 4.4.09.03 | Understands multi channel customer communication |
| 4.4.09.04 | Understands the key functionalities of Customer Relationship Management (CRM) Systems |

Standards

Reference

Network





Senior Management level European Senior Logistician - ESLog EQF Level 6

Business Principles Level 6

Business Principles

6.1.01.01	Understands the financial impact of holding inventory
6.1.01.02	Understands cash to cash (C2C) cycle
6.1.01.03	Is able to calculate Net Present Value (NPV)
6.1.01.04	Monitors actual costs versus budgeted costs
6.1.01.05	Prepares a business plan
6.1.01.06	Understands how a pricing strategy is defined
6.1.01.07	Assesses business performance
6.1.01.08	Makes outsourcing decisions
6.1.01.09	Defines and implements a performance scorecard
6.1.01.10	Designs an appropriate organisation structure

Core Management Skills

6.1.02.01	Demonstrates excellent communication skills
6.1.02.02	Influences and coaches others to achieve superior performance
6.1.02.03	Demonstrates strategic thinking
6.1.02.04	Facilitates change
6.1.02.05	Understands the principles of situational leadership
6.1.02.06	Understands the principles of Management By Objectives (MBO) and performance evaluation

Standards

Reference

Network



Supply Chain and Logistics Design Level 6

Process Management

6.2.03.01	Analyses the supply chain by using value stream mapping
6.2.03.02	Understands what is required to implement a lean & agile supply chain
6.2.03.03	Applies problem solving techniques
6.2.03.04	Implements reverse logistics
6.2.03.05	Understands the elements of a Cost-to-Serve model
6.2.03.06	Identifies and implements supply chain Key Performance Indicators (KPIs)
6.2.03.07	Applies lean techniques to identify process improvement opportunities
6.2.03.08	Uses modelling to explore the impact of options on the supply chain
6.2.03.09	Performs software functionality tests

Change and Project Management

6.2.04.01	Defines and manages the scope of a project
6.2.04.02	Establishes project governance structure
6.2.04.03	Understands the concept of project management life cycle
6.2.04.04	Applies phase gate process to a project
6.2.04.05	Coaches projects managers
6.2.04.06	Applies a project methodology whilst managing a project
6.2.04.07	Manages the costs of project
6.2.04.08	Understands project quality management
6.2.04.09	Implements a continuous improvement programme

Standards

Reference

Network



Supply Chain and Logistics Planning Level 6

Demand, Production and Distribution Requirements Planning

- | | |
|-----------|---|
| 6.3.05.01 | Improves the demand management process |
| 6.3.05.02 | Implements collaborative forecasting |
| 6.3.05.03 | Understands push/pull planning |
| 6.3.05.04 | Optimises planning parameters to fine tune inventory holding |
| 6.3.05.05 | Establishes safety stock |
| 6.3.05.06 | Optimise Distribution Requirements Planning (DRP) |
| 6.3.05.07 | Understands how to adapt inventory holding taking into account product cycle |
| 6.3.05.08 | Identifies causes for stock obsolescence and redundancy and propose ways for minimising this |
| 6.3.05.09 | Runs the demand management, supply management and the scenario analysis of the Sales and Operations Planning (S&OP) process |
| 6.3.05.10 | Understands functionalities of inventory optimisation tools |
| 6.3.05.11 | Implements Vendor Management Inventory (VMI) process |
| 6.3.05.12 | Develops Key Performance Indicators (KPIs) relative to inventory management |
| 6.3.05.13 | Selects and implements appropriate Information Technology Systems (ITS) such as Advanced Planning Systems (APS) |

Standards

Reference

Network



Supply Chain and Logistics Execution Level 6

Warehousing

6.4.06.01	Optimises warehouse costs
6.4.06.02	Implements a health and safety programme
6.4.06.03	Improves receipt of goods from suppliers
6.4.06.04	Selects appropriate storage systems
6.4.06.05	Implements a 5S programme in warehouse environment
6.4.06.06	Performs warehouse risk management assessments
6.4.06.07	Defines and implements Key Performance Indicators (KPIs) to improve warehouse operations
6.4.06.08	Understands and implements appropriate technology in warehousing
6.4.06.09	Selects and implements appropriate IT systems such as a warehouse management system (WMS)

Transportation

6.4.07.01	Optimises transport mode selection
6.4.07.02	Evaluates freight market and selects appropriate carriers
6.4.07.03	Implements transport supplier agreements
6.4.07.04	Optimises transport scheduling
6.4.07.05	Selects logistics service providers
6.4.07.06	Designs a distribution network
6.4.07.07	Defines and implements Key Performance Indicators (KPIs) to improve transportation
6.4.07.08	Selects and Implements appropriate Information Technology (IT) systems such as a transport management systems (TMS)

Sourcing

6.4.08.01	Prepares sourcing plans
6.4.08.02	Establishes supplier agreements
6.4.08.03	Creates and manages collaborative supplier relationships
6.4.08.04	Optimises negotiation strategies with all involved stakeholders
6.4.08.05	Standardises and optimises operational purchasing processes
6.4.08.06	Selects and implements electronic (e)-Procurement tools

Standards

Reference

Network



Customer Service

- | | |
|-----------|--|
| 6.4.09.01 | Implements a customer service policy |
| 6.4.09.02 | Establishes a customer service organisation |
| 6.4.09.03 | Defines and implements Key Performance Indicators (KPIs) to improve customer service |
| 6.4.09.04 | Selects and implements appropriate Information Technology Systems (ITS) such as Customer Relationship Management (CRM) systems |

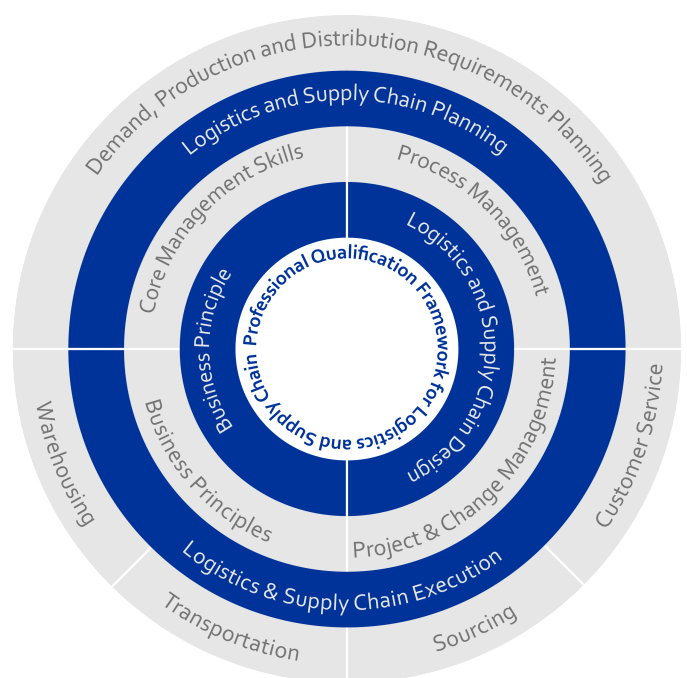
Standards

Reference

Network



European
Qualifications
Framework



Strategic Management level European Master Logistician - EMLog EQF Level 7

Business Principles Level 7

Business Principles

7.1.01.01	Understands the impact of supply chain design on company taxation
7.1.01.02	Identifies and manages enterprise risk
7.1.01.03	Evaluates the impact of government and politics on business strategy
7.1.01.04	Understands the implications of contract law
7.1.01.05	Develops appropriate Key Performance Indicators (KPIs) and Service Level Agreements (SLAs) for inclusion in contracts
7.1.01.06	Manages contracts life cycle with third party service providers and suppliers

Core Management Skills

7.1.02.01	Demonstrates excellent communication skills
7.1.02.02	Influences and coaches others to achieve superior performance
7.1.02.03	Demonstrates strategic thinking
7.1.02.04	Facilitates change

Standards

Reference

Network



Supply Chain and Logistics Design Level 7

Process Management

7.2.03.01	Understands the drivers to supply chain transformation
7.2.03.02	Understands leading and lagging Key Performance Indicators (KPIs)
7.2.03.03	Derives an appropriate supply chain strategy from the business strategy
7.2.03.04	Understands how sustainability might impact on the supply chain
7.2.03.05	Understands the impact of technological innovation on supply chain design
7.2.03.06	Manages lean projects to identify and reduce waste
7.2.03.07	Improves synchronisation along the supply chain
7.2.03.08	Understands and implements lean flow principles

Change and Project Management

7.2.04.01	Acts as an expert in phase gate models in projects
7.2.04.02	Applies principles of change management
7.2.04.03	Coaches managers to manage change
7.2.04.04	Initiates change management programmes
7.2.04.05	Completes project risk assessment
7.2.04.06	Makes the business case for supply chain automation and systems

Standards

Reference

Network



Supply Chain and Logistics Planning Level 7

Demand, Production and Distribution Requirements Planning

7.3.05.01	Improve forecasting process
7.3.05.02	Implements Sales and Operations Planning (S&OP) process
7.3.05.03	Implements push/pull planning systems
7.3.05.04	Optimises inventory within a multi echelon inventory management systems
7.3.05.05	Understands relationship between New Product Development (NPD) and Supply Chain Management (SCM)
7.3.05.06	Assesses supply chain risks
7.3.05.07	Manages the Material Review Board (MRB)
7.3.05.08	Implements process to achieve end-to-end supply chain visibility
7.3.05.09	Deploys a multi criteria inventory categorisation model

Standards

Reference

Network



Supply Chain and Logistics Execution Level 7

Warehousing

7.4.06.01	Determines whether to outsource warehouse operations
7.4.06.02	Implements sustainable warehouse policies and practices
7.4.06.03	Implements lean warehouse policies
7.4.06.04	Implements collaborative agreements with service providers

Transportation

7.4.07.01	Seeks collaboration to improve load utilisation
7.4.07.02	Implements freight optimisation strategies
7.4.07.03	Implements sustainable transportation management programmes
7.4.07.04	Links transportation costs with business strategy

Sourcing

7.4.08.01	Establishes a strategic procurement programme
7.4.08.02	Manages outsourcing projects
7.4.08.03	Manages Total Costs of Ownership (TCO) of sourced services and goods
7.4.08.04	Implements Supplier Relationship Management (SRM)
7.4.08.05	Implements a category management approach

Customer Service

7.4.09.01	Understands use of social media in customer service processes
7.4.09.02	Implements Voice of the Customer (VOC) programmes
7.4.09.03	Implements effective Service Level Agreements (SLA)
7.4.09.04	Implements preventive complaint handling process

Standards

Reference

Network



REGULATION (EC) No 1071/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 21 October 2009
establishing common rules concerning the conditions to be complied with to pursue the occupation
of road transport operator and repealing Council Directive 96/26/EC
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71(1) thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the European Data Protection Supervisor ⁽²⁾,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) The completion of an internal market in road transport with fair conditions of competition requires the uniform application of common rules on admission to the occupation of road haulage operator or road passenger transport operator (the occupation of road transport operator). Such common rules will contribute to the achievement of a higher level of professional qualification for road transport operators, the rationalisation of the market and an improved quality of service, in the interests of road transport operators, their customers and the economy as a whole, together with improvements in road safety. They will also facilitate the effective exercise of the right of establishment by road transport operators.
- (2) Council Directive 96/26/EC of 29 April 1996 on admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications intended to facilitate for these operators the right to freedom of establishment in national and international transport operations ⁽⁴⁾ lays down minimum conditions governing admission to the occupation of road transport

operator and the mutual recognition of the documents required in this connection. However, experience, an impact assessment and various studies show that that Directive is being applied inconsistently by Member States. Such disparities have several adverse consequences, in particular a distortion of competition and a lack of market transparency and of uniform monitoring, as well as the risk that undertakings employing staff with a low level of professional qualification may be negligent in respect of, or less compliant with, the rules on road safety and social welfare, which may harm the image of the sector.

- (3) These consequences are all the more detrimental as they are liable to disturb the smooth functioning of the internal market in road transport, since the market in the transport of international goods and certain cabotage operations is accessible to undertakings throughout the Community. The only condition imposed on such undertakings is that they have a Community licence, which can be obtained provided they satisfy the conditions governing admission to the occupation of road transport operator laid down in 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 ⁽⁵⁾ and Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services ⁽⁶⁾.
- (4) It is therefore appropriate to modernise the existing rules on admission to the occupation of road transport operator in order to ensure that those rules are applied more uniformly and effectively. Since compliance with those rules constitutes the main condition governing access to the Community market, and the applicable Community instruments in this field are Regulations, a Regulation would appear to be the most appropriate instrument to govern admission to the occupation of road transport operator.
- (5) Member States should be allowed to adapt the conditions with which to comply in order to pursue the occupation of road transport operator in the outermost regions referred to in Article 299(2) of the Treaty because of the special characteristics of, and constraints in, those regions. However, the undertakings established in those regions which comply with the conditions to pursue the occupation of road transport operator only as a result of such adaptation should not be able to obtain a Community licence. The adaptation of the conditions to pursue the occupation of road transport operator should not hinder

⁽¹⁾ OJ C 151, 17.6.2008, p. 16.

⁽²⁾ OJ C 14, 19.1.2008, p. 1.

⁽³⁾ Opinion of the European Parliament of 21 May 2008 (not yet published in the Official Journal), Council Common Position of 9 January 2009 (OJ C 62 E, 17.3.2009, p. 1), Position of the European Parliament of 23 April 2009 (not yet published in the Official Journal) and Council Decision of 24 September 2009.

⁽⁴⁾ OJ L 124, 23.5.1996, p. 1.

⁽⁵⁾ See page 72 of this Official Journal.

⁽⁶⁾ See page 88 of this Official Journal.

- undertakings which would have been admitted to the occupation of road transport operator and which comply with the general conditions laid down in this Regulation from carrying out transport operations in the outermost regions.
- (6) In the interests of fair competition, the common rules governing the exercise of the occupation of road transport operator should apply as widely as possible to all undertakings. However, it is unnecessary to include within the scope of this Regulation undertakings which only perform transport operations with a very small impact on the transport market.
- (7) It should be the responsibility of the Member State of establishment to verify that an undertaking satisfies at all times the conditions laid down in this Regulation so that the competent authorities of that Member State are able, if necessary, to decide to suspend or withdraw the authorisations which allow that undertaking to operate on the market. Proper compliance with, and reliable monitoring of, the conditions governing admission to the occupation of road transport operator presuppose that undertakings have an effective and stable establishment.
- (8) Natural persons with the requisite good repute and professional competence should be clearly identified and designated to the competent authorities. Such persons (transport managers), should be resident in a Member State and effectively and continuously manage the transport activities of road transport undertakings. It is therefore appropriate to specify the conditions under which a person is considered to effectively and continuously manage the transport activities of an undertaking.
- (9) The good repute of transport managers is conditional on their not having been convicted of a serious criminal offence or not having incurred a penalty, for a serious infringement, in particular, of Community rules relating to road transport. A conviction or penalty incurred by a transport manager or a road transport undertaking in one or more Member States for the most serious infringements of Community rules should result in the loss of good repute provided that the competent authority has ascertained that a duly completed and documented investigation procedure granting essential procedural rights took place before its final decision and that appropriate rights of appeal were respected.
- (10) It is necessary for road transport undertakings to have a minimum financial standing to ensure their proper launching and administration. A bank guarantee or a professional liability insurance may constitute a simple and cost-efficient method of demonstrating the financial standing of undertakings.
- (11) A high level of professional qualification should increase the socioeconomic efficiency of the road transport sector. It is therefore appropriate that applicants for the post of transport manager should possess high-quality professional knowledge. In order to ensure greater uniformity of examinations and to promote a high quality of training, it is appropriate to provide that Member States may authorise examination and training centres according to criteria to be defined by them. Transport managers should possess the requisite knowledge for managing both national and international transport operations. The list of subjects of which knowledge is required in order to obtain a certificate of professional competence and the procedures for the organisation of examinations are likely to evolve with technical progress, and provision should be made for updating them. It should be possible for Member States to exempt from the examinations persons who can provide proof of continuous experience in managing transport activities.
- (12) Fair competition and road transport that is fully compliant with the rules call for a uniform level of monitoring by Member States. The national authorities responsible for monitoring undertakings and the validity of their authorisations have a crucial role to play in this respect, and it is appropriate to ensure that they take suitable measures if necessary, in particular in the most serious cases by suspending or withdrawing authorisations or declaring as unsuitable transport managers who are repeatedly negligent or who act in bad faith. This must be preceded by due consideration of the measure with respect to the proportionality principle. An undertaking should, however, be warned in advance and should have a reasonable period of time within which to rectify the situation before incurring such penalties.
- (13) Better organised administrative cooperation between Member States would improve the effectiveness of the monitoring of undertakings operating in several Member States and would reduce administrative costs in the future. Electronic registers of undertakings interconnected throughout the Community, which comply with the Community rules on the protection of personal data, would facilitate such cooperation and reduce the costs involved in checks for both undertakings and administrations. National registers already exist in several Member States. Infrastructure has also been set up with a view to promoting interconnection between Member States. A more systematic use of electronic registers could therefore make a significant contribution to reducing the administrative costs of checks and to improving their effectiveness.
- (14) Some data contained in national electronic registers concerning infringements and penalties are personal. Member States should therefore take the measures necessary to ensure compliance with Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽¹⁾, in particular with regard to the monitoring of the

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

processing of personal data by public authorities, the right of data subjects to be provided with information, their right of access and their right to object. For the purposes of this Regulation, it would appear to be necessary to retain such data for at least 2 years to ensure that disqualified undertakings do not establish themselves in other Member States.

- (15) In order to improve transparency and to allow the client of a transport undertaking to verify whether that undertaking is in possession of the appropriate authorisation, certain data contained in the national electronic register should be made publicly accessible, in so far as the relevant provisions on data protection are complied with.
- (16) It is essential to gradually interconnect national electronic registers so as to enable information to be exchanged rapidly and efficiently between Member States and to guarantee that road transport operators are not tempted to commit, or to take the risk of committing, serious infringements in Member States other than their Member State of establishment. Interconnection of this kind entails the joint definition of the precise format of the data to be exchanged and the technical procedures for the exchange of that data.
- (17) In order to ensure the efficient exchange of information between Member States, national contact points should be designated and certain common procedures relating as a minimum to time limits and the nature of the information to be forwarded, should be specified.
- (18) In order to facilitate freedom of establishment, the production of appropriate documents issued by a competent authority in the Member State where the transport manager used to reside should be accepted as sufficient proof of good repute for admission to the occupation of road transport operator in the Member State of establishment, provided that the persons concerned have not been declared unfit to pursue that occupation in other Member States.
- (19) With regard to professional competence, in order to facilitate freedom of establishment, a single model certificate issued in accordance with this Regulation should be regarded as sufficient proof by the Member State of establishment.
- (20) Closer monitoring of the application of this Regulation at Community level is required. This presupposes the forwarding to the Commission of regular reports, drawn up on the basis of national registers, on the good repute, financial standing and professional competence of undertakings in the road transport sector.
- (21) Member States should provide for penalties applicable to infringements of this Regulation. Such penalties should be effective, proportionate and dissuasive.
- (22) Since the objective of this Regulation, namely the modernisation of the rules governing admission to the occupation of road transport operator in order to ensure that those rules are applied more uniformly and effectively in the Member States, cannot be sufficiently achieved by the Member States and can therefore by reason of the scale and effects of the action be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve that objective.
- (23) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.
- (24) In particular, the Commission should be empowered to draw up a list of categories, types and degrees of seriousness of infringements leading to the loss of good repute of road transport operators, to adapt to technical progress Annexes I, II and III to this Regulation concerning the knowledge to be taken into consideration for the recognition of professional competence by the Member States and the model certificate of professional competence, and to draw up a list of infringements which in addition to those set out in Annex IV to this Regulation may lead to the loss of good repute. Since those measures are of general scope and are designed to amend non-essential elements of this Regulation, *inter alia*, by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (25) Directive 96/26/EC should be repealed,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter and scope

1. This Regulation governs admission to, and the pursuit of, the occupation of road transport operator.
2. This Regulation shall apply to all undertakings established in the Community which are engaged in the occupation of road transport operator. It shall also apply to undertakings which intend to engage in the occupation of road transport operator. References to undertakings engaged in the occupation of road transport operator shall, as appropriate, be considered to include a reference to undertakings intending to engage in such occupation.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

3. As regards the regions referred to in Article 299(2) of the Treaty, the Member States concerned may adapt the conditions to be complied with in order to pursue the occupation of road transport operator, in so far as operations are fully carried out in those regions by undertakings established there.

4. By way of derogation from paragraph 2, this Regulation shall, unless otherwise provided for in national law, not apply to:

- (a) undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles or combinations of vehicles the permissible laden mass of which does not exceed 3,5 tonnes. Member States may, however, lower this limit for all or some categories of road transport operations;
- (b) undertakings engaged in road passenger transport services exclusively for non-commercial purposes or which have a main occupation other than that of road passenger transport operator;
- (c) undertakings engaged in the occupation of road transport operator solely by means of motor vehicles with a maximum authorised speed not exceeding 40 km/h.

5. Member States may exempt from the application of all or some of the provisions of this Regulation only those road transport operators engaged exclusively in national transport operations having only a minor impact on the transport market because of:

- (a) the nature of the goods carried; or
- (b) the short distances involved.

Article 2

Definitions

For the purposes of this Regulation:

1. 'the occupation of road haulage operator' means the activity of any undertaking transporting goods for hire or reward by means either of motor vehicles or combinations of vehicles;
2. 'the occupation of road passenger transport operator' means the activity of any undertaking operating, by means of motor vehicles so constructed and equipped as to be suitable for carrying more than nine persons, including the driver, and intended for that purpose, passenger transport services for the public or for specific categories of users in return for payment by the person transported or by the transport organiser;
3. 'the occupation of road transport operator' means the occupation of road passenger transport operator or the occupation of road haulage operator;
4. 'undertaking' means any natural person, any legal person, whether profit-making or not, any association or group of persons without legal personality, whether profit-making or not, or any official body, whether having its own legal personality or being dependent upon an authority having such personality, engaged in the transport of passengers, or any natural or legal person engaged in the transport of freight with a commercial purpose;
5. 'transport manager' means a natural person employed by an undertaking or, if that undertaking is a natural person, that person or, where provided for, another natural person designated by that undertaking by means of a contract, who effectively and continuously manages the transport activities of that undertaking;
6. 'authorisation to pursue the occupation of road transport operator' means an administrative decision which authorises an undertaking which satisfies the conditions laid down in this Regulation to pursue the occupation of road transport operator;
7. 'competent authority' means a national, regional or local authority in a Member State which, for the purpose of authorising the pursuit of the occupation of road transport operator, verifies whether an undertaking satisfies the conditions laid down in this Regulation, and which is empowered to grant, suspend or withdraw an authorisation to pursue the occupation of road transport operator;
8. 'Member State of establishment' means the Member State in which an undertaking is established, regardless of whether its transport manager originates from another country.

Article 3

Requirements for engagement in the occupation of road transport operator

1. Undertakings engaged in the occupation of road transport operator shall:
 - (a) have an effective and stable establishment in a Member State;
 - (b) be of good repute;
 - (c) have appropriate financial standing; and
 - (d) have the requisite professional competence.
2. Member States may decide to impose additional requirements, which shall be proportionate and non-discriminatory, to be satisfied by undertakings in order to engage in the occupation of road transport operator.

Article 4

Transport manager

1. An undertaking which engages in the occupation of road transport operator shall designate at least one natural person, the transport manager, who satisfies the requirements set out in Article 3(1)(b) and (d) and who:
 - (a) effectively and continuously manages the transport activities of the undertaking;

(b) has a genuine link to the undertaking, such as being an employee, director, owner or shareholder or administering it, or, if the undertaking is a natural person, is that person; and

(c) is resident in the Community.

2. If an undertaking does not satisfy the requirement of professional competence laid down in Article 3(1)(d), the competent authority may authorise it to engage in the occupation of road transport operator without a transport manager designated in accordance with paragraph 1 of this Article, provided that:

(a) the undertaking designates a natural person residing in the Community who satisfies the requirements laid down in Article 3(1)(b) and (d), and who is entitled under contract to carry out duties as transport manager on behalf of the undertaking;

(b) the contract linking the undertaking with the person referred to in point (a) specifies the tasks to be performed on an effective and continuous basis by that person, and indicates his or her responsibilities as transport manager. The tasks to be specified shall comprise, in particular, those relating to vehicle maintenance management, verification of transport contracts and documents, basic accounting, the assignment of loads or services to drivers and vehicles, and the verification of safety procedures;

(c) in his or her capacity as transport manager, the person referred to in point (a) may manage the transport activities of up to four different undertakings carried out with a combined maximum total fleet of 50 vehicles. Member States may decide to lower the number of undertakings and/or the size of the total fleet of vehicles which that person may manage; and

(d) the person referred to in point (a) performs the specified tasks solely in the interests of the undertaking and his or her responsibilities are exercised independently of any undertakings for which the undertaking carries out transport operations.

3. Member States may decide that a transport manager designated in accordance with paragraph 1 may not in addition be designated in accordance with paragraph 2, or may only be so designated in respect of a limited number of undertakings or a fleet of vehicles that is smaller than that referred to in paragraph 2(c).

4. The undertaking shall notify the competent authority of the transport manager or managers designated.

CHAPTER II

CONDITIONS TO BE MET TO SATISFY THE REQUIREMENTS LAID DOWN IN ARTICLE 3

Article 5

Conditions relating to the requirement of establishment

In order to satisfy the requirement laid down in Article 3(1)(a), an undertaking shall, in the Member State concerned:

(a) have an establishment situated in that Member State with premises in which it keeps its core business documents, in particular its accounting documents, personnel management documents, documents containing data relating to driving time and rest and any other document to which the competent authority must have access in order to verify compliance with the conditions laid down in this Regulation. Member States may require that establishments on their territory also have other documents available at their premises at any time;

(b) once an authorisation is granted, have at its disposal one or more vehicles which are registered or otherwise put into circulation in conformity with the legislation of that Member State, whether those vehicles are wholly owned or, for example, held under a hire-purchase agreement or a hire or leasing contract;

(c) conduct effectively and continuously with the necessary administrative equipment its operations concerning the vehicles mentioned in point (b) and with the appropriate technical equipment and facilities at an operating centre situated in that Member State.

Article 6

Conditions relating to the requirement of good repute

1. Subject to paragraph 2 of this Article, Member States shall determine the conditions to be met by undertakings and transport managers in order to satisfy the requirement of good repute laid down in Article 3(1)(b).

In determining whether an undertaking has satisfied that requirement, Member States shall consider the conduct of the undertaking, its transport managers and any other relevant person as may be determined by the Member State. Any reference in this Article to convictions, penalties or infringements shall include convictions, penalties or infringements of the undertaking itself, its transport managers and any other relevant person as may be determined by the Member State.

The conditions referred to in the first subparagraph shall include at least the following:

- (a) that there be no compelling grounds for doubting the good repute of the transport manager or the transport undertaking, such as convictions or penalties for any serious infringement of national rules in force in the fields of:
 - (i) commercial law;
 - (ii) insolvency law;
 - (iii) pay and employment conditions in the profession;
 - (iv) road traffic;
 - (v) professional liability;
 - (vi) trafficking in human beings or drugs; and
- (b) that the transport manager or the transport undertaking have not in one or more Member States been convicted of a serious criminal offence or incurred a penalty for a serious infringement of Community rules relating in particular to:
 - (i) the driving time and rest periods of drivers, working time and the installation and use of recording equipment;
 - (ii) the maximum weights and dimensions of commercial vehicles used in international traffic;
 - (iii) the initial qualification and continuous training of drivers;
 - (iv) the roadworthiness of commercial vehicles, including the compulsory technical inspection of motor vehicles;
 - (v) access to the market in international road haulage or, as appropriate, access to the market in road passenger transport;
 - (vi) safety in the carriage of dangerous goods by road;
 - (vii) the installation and use of speed-limiting devices in certain categories of vehicle;
 - (viii) driving licences;
 - (ix) admission to the occupation;
 - (x) animal transport.

2. For the purposes of point (b) of the third subparagraph of paragraph 1:

- (a) where the transport manager or the transport undertaking has in one or more Member States been convicted of a serious criminal offence or incurred a penalty for one of the most serious infringements of Community rules as set out in Annex IV, the competent authority of the Member State

of establishment shall carry out in an appropriate and timely manner a duly completed administrative procedure, which shall include, if appropriate, a check at the premises of the undertaking concerned.

The procedure shall determine whether, due to specific circumstances, the loss of good repute would constitute a disproportionate response in the individual case. Any such finding shall be duly reasoned and justified.

If the competent authority finds that the loss of good repute would constitute a disproportionate response, it may decide that good repute is unaffected. In such case, the reasons shall be recorded in the national register. The number of such decisions shall be indicated in the report referred to in Article 26(1).

If the competent authority does not find that the loss of good repute would constitute a disproportionate response, the conviction or penalty shall lead to the loss of good repute;

- (b) the Commission shall draw up a list of categories, types and degrees of seriousness of serious infringements of Community rules which, in addition to those set out in Annex IV, may lead to the loss of good repute. Member States shall take into account information on those infringements, including information received from other Member States, when setting the priorities for checks pursuant to Article 12(1).

Those measures, designed to amend non-essential elements of this Regulation by supplementing it and which relate to this list, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 25(3).

To this end, the Commission shall:

- (i) lay down the categories and types of infringement which are most frequently encountered;
- (ii) define the degree of seriousness of infringements according to their potential to create a risk of fatalities or serious injuries; and
- (iii) provide the frequency of occurrence beyond which repeated infringements shall be regarded as more serious, by taking into account the number of drivers used for the transport activities managed by the transport manager.

3. The requirement laid down in Article 3(1)(b) shall not be satisfied until a rehabilitation measure or any other measure having an equivalent effect has been taken pursuant to the relevant provisions of national law.

*Article 7***Conditions relating to the requirement of financial standing**

1. In order to satisfy the requirement laid down in Article 3(1)(c), an undertaking shall at all times be able to meet its financial obligations in the course of the annual accounting year. To this end, the undertaking shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, it has at its disposal capital and reserves totalling at least EUR 9 000 when only one vehicle is used and EUR 5 000 for each additional vehicle used.

For the purposes of this Regulation, the value of the euro in the currencies of Member States which do not participate in the third stage of the economic and monetary union shall be fixed every year. The rates to be applied shall be those obtained on the first working day of October and published in the *Official Journal of the European Union*. They shall have effect from 1 January of the following calendar year.

The accounting items referred to in the first subparagraph shall be understood as those defined in Fourth Council Directive 78/660/EEC of 25 July 1978 based on Article 54(3)(g) of the Treaty on the annual accounts of certain types of companies ⁽¹⁾.

2. By way of derogation from paragraph 1, the competent authority may agree or require that an undertaking demonstrate its financial standing by means of a certificate such as a bank guarantee or an insurance, including a professional liability insurance from one or more banks or other financial institutions, including insurance companies, providing a joint and several guarantee for the undertaking in respect of the amounts specified in the first subparagraph of paragraph 1.

3. The annual accounts referred to in paragraph 1, and the guarantee referred to in paragraph 2, which are to be verified, are those of the economic entity established in the Member State in which an authorisation has been applied for and not those of any other entity established in any other Member State.

*Article 8***Conditions relating to the requirement of professional competence**

1. In order to satisfy the requirement laid down in Article 3(1)(d), the person or persons concerned shall possess knowledge corresponding to the level provided for in Part I of Annex I in the subjects listed therein. That knowledge shall be demonstrated by means of a compulsory written examination which, if a Member State so decides, may be supplemented by an oral examination. Those examinations shall be organised in accordance with Part II of Annex I. To this end, Member States may decide to impose training prior to the examination.

2. The persons concerned shall sit the examination in the Member State in which they have their normal residence or the Member State in which they work.

'Normal residence' shall mean the place where a person usually lives, that is for at least 185 days in each calendar year, because of personal ties which show close links between that person and the place where he is living.

However, the normal residence of a person whose occupational ties are in a different place from his personal ties and who, consequently, lives in turn in different places situated in two or more Member States, shall be regarded as being in the place of his personal ties, provided that such person returns there regularly. This last condition shall not be required where the person is living in a Member State in order to carry out a task of a definite duration. Attendance at a university or school shall not imply transfer of normal residence.

3. Only the authorities or bodies duly authorised for this purpose by a Member State, in accordance with criteria defined by it, may organise and certify the written and oral examinations referred to in paragraph 1. Member States shall regularly verify that the conditions under which those authorities or bodies organise the examinations are in accordance with Annex I.

4. Member States may duly authorise, in accordance with criteria defined by them, bodies to provide applicants with high-quality training to prepare them for the examinations and transport managers with continuous training to update their knowledge if they wish to do so. Such Member States shall regularly verify that these bodies at all times fulfil the criteria on the basis of which they were authorised.

5. Member States may promote periodic training on the subjects listed in Annex I at 10-year intervals to ensure that transport managers are aware of developments in the sector.

6. Member States may require persons who possess a certificate of professional competence, but who have not managed a road haulage undertaking or a road passenger transport undertaking in the last 5 years, to undertake retraining in order to update their knowledge regarding the current developments of the legislation referred to in Part I of Annex I.

7. A Member State may exempt the holders of certain higher education qualifications or technical education qualifications issued in that Member State, specifically designated to this end and entailing knowledge of all the subjects listed in Annex I from the examination in the subjects covered by those qualifications. The exemption shall only apply to those sections of Part I of Annex I for which the qualification covers all subjects listed under the heading of each section.

A Member State may exempt from specified parts of the examinations holders of certificates of professional competence valid for national transport operations in that Member State.

⁽¹⁾ OJ L 222, 14.8.1978, p. 11.

8. A certificate issued by the authority or body referred to in paragraph 3 shall be produced as proof of professional competence. That certificate shall not be transferable to any other person. It shall be drawn up in accordance with the security features and the model certificate set out in Annexes II and III and shall bear the seal of the duly authorised authority or body which issued it.

9. The Commission shall adapt Annexes I, II and III to technical progress. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 25(3).

10. The Commission shall encourage and facilitate the exchange of experience and information between Member States, or through any body it may designate, concerning training, examinations and authorisations.

Article 9

Exemption from examination

Member States may decide to exempt from the examinations referred to in Article 8(1) persons who provide proof that they have continuously managed a road haulage undertaking or a road passenger transport undertaking in one or more Member States for the period of 10 years before 4 December 2009.

CHAPTER III

AUTHORISATION AND MONITORING

Article 10

Competent authorities

1. Each Member State shall designate one or more competent authorities to ensure the correct implementation of this Regulation. Those competent authorities shall be empowered to:

- (a) examine applications made by undertakings;
- (b) grant authorisations to engage in the occupation of road transport operator, and suspend or withdraw such authorisations;
- (c) declare a natural person to be unfit to manage the transport activities of an undertaking in the capacity of transport manager;
- (d) carry out the requisite checks to verify whether an undertaking satisfies the requirements laid down in Article 3.

2. The competent authorities shall publish all the conditions laid down pursuant to this Regulation, any other national provisions, the procedures to be followed by interested applicants and the corresponding explanations.

Article 11

Examination and registration of applications

1. A transport undertaking which complies with the requirements laid down in Article 3 shall, upon application, be authorised to engage in the occupation of road transport operator. The competent authority shall ascertain that an undertaking which submits an application satisfies the requirements laid down in that Article.

2. The competent authority shall record in the national electronic register referred to in Article 16 the data relating to undertakings which it authorises and which are referred to in points (a) to (d) of the first subparagraph of Article 16(2).

3. The time limit for the examination of an application for authorisation by a competent authority shall be as short as possible and shall not exceed 3 months from the date on which the competent authority receives all documents necessary to assess the application. The competent authority may extend this time limit for one additional month in duly justified cases.

4. Until 31 December 2012, the competent authority shall verify, in case of any doubt when assessing the good repute of an undertaking, whether at the time of application the designated transport manager or managers are declared, in one of the Member States, unfit to manage the transport activities of an undertaking pursuant to Article 14.

From 1 January 2013, when assessing the good repute of an undertaking, the competent authority shall verify, by accessing the data referred to in point (f) of the first subparagraph of Article 16(2), either by direct secure access to the relevant part of the national registers or by request, whether at the time of the application the designated transport manager or managers are declared, in one of the Member States, unfit to manage the transport activities of an undertaking pursuant to Article 14.

Measures designed to amend non-essential elements of this Regulation and relating to a postponement for a maximum of 3 years of the dates referred to in this paragraph shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 25(3).

5. Undertakings with an authorisation to engage in the occupation of road transport operator shall, within a period of 28 days or less, as determined by the Member State of establishment, notify the competent authority which granted the authorisation of any changes to the data referred to in paragraph 2.

Article 12

Checks

1. Competent authorities shall monitor whether undertakings which they have authorised to engage in the occupation of road transport operator continue to fulfil the requirements laid down in Article 3. To that end, Member States shall carry out checks targeting those undertakings which are classed as posing an increased risk. For that purpose, Member States shall extend the risk classification system established by them pursuant to Article 9 of Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the

implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities ⁽¹⁾ to cover all infringements specified in Article 6 of this Regulation.

2. Until 31 December 2014, Member States shall carry out checks at least every 5 years to verify that undertakings fulfil the requirements laid down in Article 3.

Measures designed to amend non-essential elements of this Regulation and relating to a postponement of the date referred to in the first subparagraph shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 25(3).

3. Member States shall carry out individual checks to verify whether an undertaking meets the conditions governing admission to the occupation of road transport operator whenever the Commission so requests in duly motivated cases. It shall inform the Commission of the results of such checks and of the measures taken if it is established that the undertaking no longer fulfils the requirements laid down in this Regulation.

Article 13

Procedure for the suspension and withdrawal of authorisations

1. Where a competent authority establishes that an undertaking runs the risk of no longer fulfilling the requirements laid down in Article 3, it shall notify the undertaking thereof. Where a competent authority establishes that one or more of those requirements is no longer satisfied, it may set one of the following time limits for the undertaking to rectify the situation:

- (a) a time limit not exceeding 6 months, which may be extended by 3 months in the event of the death or physical incapacity of the transport manager, for the recruitment of a replacement transport manager where the transport manager no longer satisfies the requirement as to good repute or professional competence;
- (b) a time limit not exceeding 6 months where the undertaking has to rectify the situation by demonstrating that it has an effective and stable establishment;
- (c) a time limit not exceeding 6 months where the requirement of financial standing is not satisfied, in order to demonstrate that that requirement will again be satisfied on a permanent basis.

2. The competent authority may require an undertaking whose authorisation has been suspended or withdrawn to ensure that its transport managers have passed the examinations referred to in Article 8(1) prior to any rehabilitation measure being taken.

3. If the competent authority establishes that the undertaking no longer satisfies one or more of the requirements laid down in Article 3, it shall suspend or withdraw the authorisation to engage in the occupation of road transport operator within the time limits referred to in paragraph 1 of this Article.

⁽¹⁾ OJ L 102, 11.4.2006, p. 35.

Article 14

Declaration of unfitness of the transport manager

1. Where a transport manager loses good repute in accordance with Article 6, the competent authority shall declare that transport manager unfit to manage the transport activities of an undertaking.

2. Unless and until a rehabilitation measure is taken in accordance with the relevant provisions of national law, the certificate of professional competence, referred to in Article 8(8), of the transport manager declared to be unfit, shall no longer be valid in any Member State.

Article 15

Decisions of the competent authorities and appeals

1. Negative decisions taken by the competent authorities of the Member States pursuant to this Regulation, including the rejection of an application, the suspension or withdrawal of an existing authorisation and a declaration of unfitness of a transport manager, shall state the reasons on which they are based.

Such decisions shall take account of available information concerning infringements committed by the undertaking or the transport manager which are such as to detract from the good repute of the undertaking and of any other information at the disposal of the competent authority. They shall specify the rehabilitation measures applicable in the event of the suspension of an authorisation or a declaration of unfitness.

2. Member States shall take steps to ensure that the undertakings and persons concerned have the possibility of appealing the decisions referred to in paragraph 1 to at least one independent and impartial body or a court of law.

CHAPTER IV

SIMPLIFICATION AND ADMINISTRATIVE COOPERATION

Article 16

National electronic registers

1. For the purposes of the implementation of this Regulation, and in particular Articles 11 to 14 and Article 26 thereof, each Member State shall keep a national electronic register of road transport undertakings which have been authorised by a competent authority designated by it to engage in the occupation of road transport operator. The data contained in that register shall be processed under the supervision of a public authority designated for that purpose. The relevant data contained in the national electronic register shall be accessible to all the competent authorities of the Member State in question.

By 31 December 2009, the Commission shall adopt a Decision on minimum requirements for the data to be entered in the national electronic register from the date of its setting-up in order to facilitate the future interconnection of registers. It may recommend the inclusion of the vehicle registration marks in addition to the data referred to in paragraph 2.

2. National electronic registers shall contain at least the following data:

- (a) the name and legal form of the undertaking;
- (b) the address of its establishment;
- (c) the names of the transport managers designated to meet the conditions as to good repute and professional competence or, as appropriate, the name of a legal representative;
- (d) the type of authorisation, the number of vehicles it covers and, where appropriate, the serial number of the Community licence and of the certified copies;
- (e) the number, category and type of serious infringements, as referred to in Article 6(1)(b), which have resulted in a conviction or penalty during the last 2 years;
- (f) the name of any person declared to be unfit to manage the transport activities of an undertaking, as long as the good repute of that person has not been re-established pursuant to Article 6(3), and the rehabilitation measures applicable.

For the purposes of point (e), Member States may, until 31 December 2015, choose to include in the national electronic register only the most serious infringements set out in Annex IV.

Member States may choose to keep the data referred to in points (e) and (f) of the first subparagraph in separate registers. In such a case, the relevant data shall be available upon request or directly accessible to all the competent authorities of the Member State in question. The requested information shall be provided within 30 working days of receipt of the request. The data referred to in points (a) to (d) of the first subparagraph shall be publicly accessible, in accordance with the relevant provisions on personal data protection.

In any case, the data referred to in points (e) and (f) of the first subparagraph shall only be accessible to authorities other than the competent authorities where they are duly endowed with powers relating to supervision and the imposition of penalties in the road transport sector and their officials are sworn to, or otherwise are under a formal obligation of, secrecy.

3. Data concerning an undertaking whose authorisation has been suspended or withdrawn shall remain in the national electronic register for 2 years from the expiry of the suspension or the withdrawal of the licence, and shall thereafter be immediately removed.

Data concerning any person declared to be unfit for the occupation of road transport operator shall remain in the national electronic register as long as the good repute of that person has not been re-established pursuant to Article 6(3). Where such a rehabilitation measure or any other measure having an equivalent effect is taken, the data shall be immediately removed.

The data referred to in the first and second subparagraphs shall specify the reasons for the suspension or withdrawal of the authorisation or the declaration of unfitness, as appropriate, and the corresponding duration.

4. Member States shall take all necessary measures to ensure that all the data contained in the national electronic register is kept up to date and is accurate, in particular the data referred to in points (e) and (f) of the first subparagraph of paragraph 2.

5. Without prejudice to paragraphs 1 and 2, Member States shall take all necessary measures to ensure that the national electronic registers are interconnected and accessible throughout the Community through the national contact points defined in Article 18. Accessibility through national contact points and interconnection shall be implemented by 31 December 2012 in such a way that a competent authority of any Member State is able to consult the national electronic register of any Member State.

6. Common rules concerning the implementation of paragraph 5, such as the format of the data exchanged, the technical procedures for electronic consultation of the national electronic registers of the other Member States and the promotion of the interoperability of these registers with other relevant databases, shall be adopted by the Commission in accordance with the advisory procedure referred to in Article 25(2) and for the first time before 31 December 2010. Those common rules shall determine which authority is responsible for access to data and further use and updating of data after access and, to this effect, shall include rules on data logging and data monitoring.

7. Measures designed to amend non-essential elements of this Regulation and relating to a postponement of the time limits referred to in paragraphs 1 and 5 shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 25(3).

Article 17

Protection of personal data

With regard to the application of Directive 95/46/EC, Member States shall ensure in particular that:

- (a) all persons are informed when data relating to them is recorded or is planned to be forwarded to third parties. The information provided shall specify the identity of the authority responsible for processing the data, the type of data processed and the reasons for such action;
- (b) all persons have a right of access to data relating to them held by the authority responsible for processing those data. That right shall be exercisable without constraint, at reasonable intervals and without excessive delay or cost for the applicant;
- (c) all persons whose data are incomplete or inaccurate have the right to have those data rectified, erased or blocked;

- (d) all persons have the right to oppose, on compelling legitimate grounds, the processing of data relating to them. Where there is justified opposition, the processing may no longer involve those data;
- (e) undertakings comply, where applicable, with the relevant provisions on the protection of personal data.

Article 18

Administrative cooperation between Member States

1. Member States shall designate a national contact point responsible for the exchange of information with the other Member States with regard to the application of this Regulation. Member States shall forward to the Commission the names and addresses of their national contact points by 4 December 2011. The Commission shall draw up a list of all contact points and forward it to the Member States.

2. Member States which exchange information in the framework of this Regulation shall use the national contact points designated pursuant to paragraph 1.

3. Member States which exchange information on the infringements referred to in Article 6(2) or on transport managers declared to be unfit shall comply with the procedure and time limits referred to in Article 13(1) of Regulation (EC) No 1072/2009 or, as appropriate, Article 23(1) of Regulation (EC) No 1073/2009. A Member State which receives notification of a serious infringement which has resulted in a conviction or a penalty in another Member State shall record that infringement in its national electronic register.

CHAPTER V

MUTUAL RECOGNITION OF CERTIFICATES AND OTHER DOCUMENTS

Article 19

Certificates of good repute and equivalent documents

1. Without prejudice to Article 11(4), the Member State of establishment shall accept as sufficient proof of good repute for admission to the occupation of road transport operator the production of an extract from a judicial record or, failing that, an equivalent document issued by a competent judicial or administrative authority in the Member State where the transport manager or any other relevant person used to reside.

2. Where a Member State imposes on its own nationals certain conditions relating to good repute, and proof that these conditions are met cannot be provided by means of the document referred to in paragraph 1, that Member State shall accept as sufficient proof for nationals of other Member States a certificate issued by a competent judicial or administrative authority in the Member State(s) where the transport manager or any other relevant person used to reside stating that these conditions have been met. Such certificate shall relate to the specific information taken into consideration in the Member State of establishment.

3. If the document referred to in paragraph 1 or the certificate referred to in paragraph 2 has not been issued by the Member State(s) where the transport manager or any other relevant person used to reside, that document or certificate may be replaced by a declaration on oath or by a solemn declaration made by the transport manager or any other relevant person before a competent judicial or administrative authority or, where appropriate, before a notary in the Member State where the transport manager or any other relevant person used to reside. Such authority or notary shall issue a certificate authenticating the declaration on oath or the solemn declaration.

4. A document referred to in paragraph 1 and a certificate referred to in paragraph 2 shall not be accepted if produced more than 3 months after their date of issue. This condition shall also apply to a declaration made in accordance with paragraph 3.

Article 20

Certificates relating to financial standing

Where a Member State imposes on its nationals certain conditions relating to financial standing in addition to those set out in Article 7, that Member State shall accept as sufficient proof for nationals of other Member States a certificate issued by a competent authority in the Member State(s) where the transport manager or any other relevant person used to reside stating that these conditions have been met. Such certificate shall relate to the specific information taken into consideration in the new Member State of establishment.

Article 21

Certificates of professional competence

1. Member States shall recognise as sufficient proof of professional competence a certificate which complies with the model certificate set out in Annex III and which is issued by the authority or body duly authorised for that purpose.

2. A certificate issued before 4 December 2011 as proof of professional competence pursuant to the provisions in force until that date shall be deemed to be equivalent to a certificate which complies with the model certificate set out in Annex III and shall be recognised as proof of professional competence in all Member States. Member States may require that holders of certificates of professional competence valid only for national transport pass the examinations, or parts of the examinations, referred to in Article 8(1).

CHAPTER VI

FINAL PROVISIONS

Article 22

Penalties

1. Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation, and shall take all the measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by 4 December 2011 at the latest and shall notify it without delay of any subsequent amendment affecting them. Member States shall ensure that all such measures are applied without discrimination as to the nationality or place of establishment of the undertaking.

2. The penalties referred to in paragraph 1 shall include, in particular, suspension of the authorisation to engage in the occupation of road transport operator, withdrawal of such authorisation and a declaration of unfitness of the transport manager.

Article 23

Transitional provisions

Undertakings which before 4 December 2009 have an authorisation to engage in the occupation of road transport operator shall comply with the provisions of this Regulation by 4 December 2011.

Article 24

Mutual assistance

The competent authorities of the Member States shall cooperate closely and shall give each other mutual assistance for the purposes of applying this Regulation. They shall exchange information on convictions and penalties for any serious infringements, and other specific information liable to have consequences for the pursuit of the occupation of road transport operator, in compliance with the provisions applicable to the protection of personal data.

Article 25

Committee procedure

1. The Commission shall be assisted by the Committee set up by Article 18(1) of Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport ⁽¹⁾.

2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Article 26

Reporting

1. Every 2 years, Member States shall draw up a report on the activities of the competent authorities and shall forward it to the Commission. This report shall comprise:

- (a) an overview of the sector with regard to good repute, financial standing and professional competence;
- (b) the number of authorisations granted by year and by type, those suspended, those withdrawn, the number of declarations of unfitness and the reasons on which those decisions were based;
- (c) the number of certificates of professional competence issued each year;
- (d) core statistics relating to the national electronic registers and their use by the competent authorities; and
- (e) an overview of exchanges of information with other Member States pursuant to Article 18(2), including in particular the annual number of established infringements notified to other Member States and the replies received, as well as the annual number of requests and replies received pursuant to Article 18(3).

2. On the basis of the reports referred to in paragraph 1, the Commission shall, every 2 years, submit a report to the European Parliament and to the Council on the pursuit of the occupation of road transport operator. That report shall contain, in particular, an assessment of the operation of the exchange of information between Member States and a review of the functioning and data contained in the national electronic registers. It shall be published at the same time as the report referred to in Article 17 of Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport ⁽²⁾.

⁽¹⁾ OJ L 370, 31.12.1985, p. 8.

⁽²⁾ OJ L 102, 11.4.2006, p. 1.

*Article 27***List of competent authorities**

Each Member State shall forward to the Commission by 4 December 2011 a list of competent authorities which it has designated to authorise the pursuit of the occupation of road transport operator and a list of the authorised authorities or bodies responsible for organising the examinations referred to in Article 8(1) and issuing the certificates. A consolidated list of those authorities and bodies throughout the Community shall be published by the Commission in the *Official Journal of the European Union*.

*Article 28***Communication of national measures**

Member States shall communicate to the Commission the text of the laws, regulations and administrative provisions which they adopt

in the field governed by this Regulation no later than 30 days after their date of adoption and for the first time by 4 December 2011.

*Article 29***Repeal**

Directive 96/26/EC is hereby repealed.

*Article 30***Entry into force**

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply with effect from 4 December 2011.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 21 October 2009.

For the European Parliament
The President
J. BUZEK

For the Council
The President
C. MALMSTRÖM

ANNEX I

I. LIST OF SUBJECTS REFERRED TO IN ARTICLE 8

The knowledge to be taken into consideration for the official recognition of professional competence by Member States must cover at least the subjects listed below for road haulage and road passenger transport respectively. In relation to these subjects, applicant road haulage and road passenger transport operators must have the levels of knowledge and practical aptitude necessary for the management of a transport undertaking.

The minimum level of knowledge, as indicated below, may not be below level 3 of the training-level structure laid down in the Annex to Council Decision 85/368/EEC ⁽¹⁾, namely the level of knowledge acquired during the course of compulsory education, which is supplemented either by vocational training and supplementary technical training or by secondary school or other technical training.

A. Civil law

The applicant must, in particular, in relation to road haulage and passenger transport:

1. be familiar with the main types of contract used in road transport and with the rights and obligations arising therefrom;
2. be capable of negotiating a legally valid transport contract, notably with regard to conditions of carriage;

in relation to road haulage:

3. be able to consider a claim by his principal regarding compensation for loss of or damage to goods during transportation or for their late delivery, and to understand how such a claim affects his contractual liability;
4. be familiar with the rules and obligations arising from the CMR Convention on the Contract for the International Carriage of Goods by Road;

in relation to road passenger transport:

5. be able to consider a claim by his principal regarding compensation for injury to passengers or damage to their baggage caused by an accident during transportation, or regarding compensation for delays, and to understand how such a claim affects his contractual liability.

B. Commercial law

The applicant must, in particular, in relation to road haulage and passenger transport:

1. be familiar with the conditions and formalities laid down for plying the trade, the general obligations incumbent upon transport operators (registration, record keeping, etc.) and the consequences of bankruptcy;
2. have appropriate knowledge of the various forms of commercial companies and the rules governing their constitution and operation.

C. Social law

The applicant must, in particular, in relation to road haulage and passenger transport, be familiar with the following:

1. the role and function of the various social institutions which are concerned with road transport (trade unions, works councils, shop stewards, labour inspectors, etc.);
2. the employers' social security obligations;

⁽¹⁾ Council Decision 85/368/EEC of 16 July 1985 on the comparability of vocational training qualifications between the Member States of the European Community (OJ L 199, 31.7.1985, p. 56).

3. the rules governing work contracts for the various categories of worker employed by road transport undertakings (form of the contracts, obligations of the parties, working conditions and working hours, paid leave, remuneration, breach of contract, etc.);
4. the rules applicable to driving time, rest periods and working time, and in particular the provisions of Regulation (EEC) No 3821/85, Regulation (EC) No 561/2006, Directive 2002/15/EC of the European Parliament and of the Council ⁽¹⁾ and Directive 2006/22/EC, and the practical measures for applying those provisions; and
5. the rules applicable to the initial qualification and continuous training of drivers, and in particular those deriving from Directive 2003/59/EC of the European Parliament and of the Council ⁽²⁾.

D. Fiscal law

The applicant must, in particular, in relation to road haulage and passenger transport, be familiar with the rules governing:

1. value added tax (VAT) on transport services;
2. motor-vehicle tax;
3. the taxes on certain road haulage vehicles and tolls and infrastructure user charges;
4. income tax.

E. Business and financial management of the undertaking

The applicant must, in particular, in relation to road haulage and passenger transport:

1. be familiar with the laws and practices regarding the use of cheques, bills of exchange, promissory notes, credit cards and other means or methods of payment;
2. be familiar with the various forms of credit (bank credit, documentary credit, guarantee deposits, mortgages, leasing, renting, factoring, etc.) and the charges and obligations arising therefrom;
3. know what a balance sheet is, how it is set out and how to interpret it;
4. be able to read and interpret a profit and loss account;
5. be able to assess the undertaking's profitability and financial position, in particular on the basis of financial ratios;
6. be able to prepare a budget;
7. be familiar with the cost elements of the undertaking (fixed costs, variable costs, working capital, depreciation, etc.), and be able to calculate costs per vehicle, per kilometre, per journey or per tonne;
8. be able to draw up an organisation chart relating to the undertaking's personnel as a whole and to organise work plans, etc.;
9. be familiar with the principles of marketing, publicity and public relations, including transport services, sales promotion and the preparation of customer files, etc.;
10. be familiar with the different types of insurance relating to road transport (liability, accidental injury/life insurance, non-life and luggage insurance) and the guarantees and obligations arising therefrom;
11. be familiar with the applications of electronic data transmission in road transport;

in relation to road haulage:

⁽¹⁾ Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

⁽²⁾ 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 (OJ L 226, 10.9.2003, p. 4).

12. be able to apply the rules governing the invoicing of road haulage services and know the meaning and implications of Incoterms;
13. be familiar with the different categories of transport auxiliaries, their role, their functions and, where appropriate, their status;

in relation to road passenger transport:

14. be able to apply the rules governing fares and pricing in public and private passenger transport;
15. be able to apply the rules governing the invoicing of road passenger transport services.

F. Access to the market

The applicant must, in particular, in relation to road haulage and passenger transport, be familiar with the following:

1. the occupational regulations governing road transport for hire or reward, industrial vehicle rental and subcontracting, and in particular the rules governing the official organisation of the occupation, admission to the occupation, authorisations for intra-Community and extra-Community road transport operations, inspections and penalties;
2. the rules for setting up a road transport undertaking;
3. the various documents required for operating road transport services and the introduction of checking procedures to ensure that the approved documents relating to each transport operation, and in particular those relating to the vehicle, the driver, the goods and luggage are kept both in the vehicle and on the premises of the undertaking;

in relation to road haulage:

4. the rules on the organisation of the market in road haulage services, as well as the rules on freight handling and logistics;
5. border formalities, the role and scope of T documents and TIR carnets, and the obligations and responsibilities arising from their use;

in relation to road passenger transport:

6. the rules on the organisation of the market in road passenger transport;
7. the rules for introducing road passenger transport services and the drawing up of transport plans.

G. Technical standards and technical aspects of operation

The applicant must, in particular, in relation to road haulage and passenger transport:

1. be familiar with the rules concerning the weights and dimensions of vehicles in the Member States and the procedures to be followed in the case of abnormal loads which constitute an exception to these rules;
2. be able to choose vehicles and their components (chassis, engine, transmission system, braking system, etc.) in accordance with the needs of the undertaking;
3. be familiar with the formalities relating to the type approval, registration and technical inspection of these vehicles;
4. understand what measures must be taken to reduce noise and to combat air pollution by motor vehicle exhaust emissions;
5. be able to draw up periodic maintenance plans for the vehicles and their equipment;

in relation to road haulage:

6. be familiar with the different types of cargo-handling and loading devices (tailboards, containers, pallets, etc.) and be able to introduce procedures and issue instructions for loading and unloading goods (load distribution, stacking, stowing, blocking and chocking, etc.);
7. be familiar with the various techniques of 'piggy-back' and roll-on roll-off combined transport;
8. be able to implement procedures to comply with the rules on the carriage of dangerous goods and waste, notably those arising from Directive 2008/68/EC ⁽¹⁾ and Regulation (EC) No 1013/2006 ⁽²⁾;
9. be able to implement procedures to comply with the rules on the carriage of perishable foodstuffs, notably those arising from the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP);
10. be able to implement procedures to comply with the rules on the transport of live animals.

H. Road safety

The applicant must, in particular, in relation to road haulage and passenger transport:

1. know what qualifications are required for drivers (driving licence, medical certificates, certificates of fitness, etc.);
2. be able to take the necessary steps to ensure that drivers comply with the traffic rules, prohibitions and restrictions in force in different Member States (speed limits, priorities, waiting and parking restrictions, use of lights, road signs, etc.);
3. be able to draw up instructions for drivers to check their compliance with the safety requirements concerning the condition of the vehicles, their equipment and cargo, and concerning preventive measures to be taken;
4. be able to lay down procedures to be followed in the event of an accident and to implement appropriate procedures to prevent the recurrence of accidents or serious traffic offences;
5. be able to implement procedures to properly secure goods and be familiar with the corresponding techniques;

in relation to road passenger transport:

6. have elementary knowledge of the layout of the road network in the Member States.

II. ORGANISATION OF THE EXAMINATION

1. Member States will organise a compulsory written examination which they may supplement by an optional oral examination to establish whether applicant road transport operators have achieved the required level of knowledge in the subjects listed in Part I and in particular their capacity to use the instruments and techniques relating to those subjects and to fulfil the corresponding executive and coordination duties.

- (a) The compulsory written examination will involve two tests, namely:

- (i) written questions consisting of either multiple choice questions (each with four possible answers), questions requiring direct answers or a combination of both systems;
- (ii) written exercises/case studies.

The minimum duration of each test will be two hours.

- (b) Where an oral examination is organised, Member States may stipulate that participation is subject to the successful completion of the written examination.

⁽¹⁾ Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13).

⁽²⁾ Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1).

2. Where Member States also organise an oral examination, they must provide, in respect of each of the three tests, for a weighting of marks of a minimum of 25 % and a maximum of 40 % of the total number of marks to be given.

Where Member States organise only a written examination, they must provide, in respect of each test, for a weighting of marks of a minimum of 40 % and a maximum of 60 % of the total number of marks to be given.

3. With regard to all the tests, applicants must obtain an average of at least 60 % of the total number of marks to be given, achieving in any given test not less than 50 % of the total number of marks possible. In one test only, a Member State may reduce that mark from 50 % to 40 %.
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ANNEX II

Security features of the certificate of professional competence

The certificate must have at least two of the following security features:

- a hologram,
 - special fibres in the paper which become visible under UV light,
 - at least one microprint line (printing visible only with a magnifying glass and not reproduced by photocopying machines),
 - tactile characters, symbols or patterns,
 - double numbering: serial number and issue number,
 - a security design background with fine guilloche patterns and rainbow printing.
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ANNEX III

Model of the certificate of professional competence**EUROPEAN COMMUNITY**(Colour Pantone stout fawn, format DIN A 4 cellulose paper 100 g/m² or more)

(Text in the official language(s) or one of the official languages of the Member State issuing the certificate)

Distinguishing sign of the Member State concerned ⁽¹⁾ Name of the authorised authority or body ⁽²⁾**CERTIFICATE OF PROFESSIONAL COMPETENCE IN ROAD HAULAGE/PASSENGER TRANSPORT ⁽³⁾**

No

We

hereby certify that ⁽⁴⁾

born on in

has successfully passed the tests for the examination (year:; session:) ⁽⁵⁾ necessary for the award of the certificate of professional competence in road haulage/passenger transport ⁽³⁾ in accordance with Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator ⁽⁶⁾.

This certificate constitutes the sufficient proof of professional competence referred to in Article 21 of Regulation (EC) No 1071/2009.

Issued at, on ⁽⁷⁾

⁽¹⁾ The distinguishing signs of the Member States are: (B) Belgium, (BG) Bulgaria, (CZ) Czech Republic, (DK) Denmark, (D) Germany, (EST) Estonia, (IRL) Ireland, (GR) Greece, (E) Spain, (F) France, (I) Italy, (CY) Cyprus, (LV) Latvia, (LT) Lithuania, (L) Luxembourg, (H) Hungary, (M) Malta, (NL) Netherlands, (A) Austria, (PL) Poland, (P) Portugal, (RO) Romania, (SLO) Slovenia, (SK) Slovakia, (FIN) Finland, (S) Sweden, (UK) United Kingdom.

⁽²⁾ Authority or body designated in advance for this purpose by each Member State of the European Community to issue this certificate.

⁽³⁾ Delete as appropriate.

⁽⁴⁾ Surname and forename; place and date of birth.

⁽⁵⁾ Identification of the examination.

⁽⁶⁾ OJ L 300, 14.11.2009, p. 51

⁽⁷⁾ Seal and signature of the authorised authority or body issuing the certificate.

ANNEX IV

Most serious infringements for the purposes of Article 6(2)(a)

1. (a) Exceeding the maximum 6-day or fortnightly driving time limits by margins of 25 % or more.
(b) Exceeding, during a daily working period, the maximum daily driving time limit by a margin of 50 % or more without taking a break or without an uninterrupted rest period of at least 4,5 hours.
 2. Not having a tachograph and/or speed limiter, or using a fraudulent device able to modify the records of the recording equipment and/or the speed limiter or falsifying record sheets or data downloaded from the tachograph and/or the driver card.
 3. Driving without a valid roadworthiness certificate if such a document is required under Community law and/or driving with a very serious deficiency of, inter alia, the braking system, the steering linkages, the wheels/tyres, the suspension or chassis that would create such an immediate risk to road safety that it leads to a decision to immobilise the vehicle.
 4. Transporting dangerous goods that are prohibited for transport or transporting such goods in a prohibited or non-approved means of containment or without identifying them on the vehicle as dangerous goods, thus endangering lives or the environment to such extent that it leads to a decision to immobilise the vehicle.
 5. Carrying passengers or goods without holding a valid driving licence or carrying by an undertaking not holding a valid Community licence.
 6. Driving with a driver card that has been falsified, or with a card of which the driver is not the holder, or which has been obtained on the basis of false declarations and/or forged documents.
 7. Carrying goods exceeding the maximum permissible laden mass by 20 % or more for vehicles the permissible laden weight of which exceeds 12 tonnes, and by 25 % or more for vehicles the permissible laden weight of which does not exceed 12 tonnes.
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