

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for these operators the right to freedom of establishment in national and international transport operations (repealed)

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## [<sup>F1</sup>ANNEX I

### Textual Amendments

- F1** Substituted by [Council Directive 98/76/EC of 1 October 1998 amending Directive 96/26/EC 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.](#)

### LIST OF SUBJECTS REFERRED TO IN ARTICLE 3(4)

The knowledge to be taken into consideration for the official recognition of professional competence by the 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 the training-level structure laid down in the Annex to Decision 85/368/EEC<sup>(1)</sup>, that is the level achieved in training acquired in the course of compulsory education supplemented either by vocational training and supplementary technical training or by secondary-level school technical training.

#### A. Civil law

##### Road haulage and passenger transport

The applicant must, in particular:

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;

##### 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;

##### 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

##### Road haulage and passenger transport

The applicant must, in particular:

1. be familiar with the conditions and formalities laid down for plying the trade, the general obligations incumbent upon transport operators (registration, keeping records, etc.) and the consequences of bankruptcy;

2. have appropriate knowledge of the various forms of commercial company and the rules governing their constitution and operation.

C. Social law

Road haulage and passenger transport

The applicant must, in particular:

1. 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.);
2. be familiar with the employers' social security obligations;
3. 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.);
4. be familiar with the provisions of Regulation (EEC) No 3820/85<sup>(2)</sup> and Regulation (EEC) No 3821/85<sup>(3)</sup>, and the practical arrangements for implementing these Regulations.

D. Fiscal law

Road haulage and passenger transport

The applicant must, in particular, be familiar with the rules governing:

1. 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

Road haulage and passenger transport

The applicant must, in particular:

1. be familiar with the laws and practices regarding the use of cheques, bills of exchange, promissory notes, credit cards and other means or method of payment;
2. be familiar with the various forms of credit (bank credit, documentary credit, guarantee deposits, mortgages, leasing, renting, factoring, etc.) and with the charges and obligations arising from them;
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 undertakings' profitability and financial position, in particular on the basis of financial ratios;
6. be able to prepare a budget;
7. be familiar with his undertaking's cost elements (fixed costs, variable costs, working capital, depreciation, etc.), and be able to calculate costs per vehicle, per kilometre, per journey or per tonne;

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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 with the guarantees and obligations arising therefrom;
11. be familiar with the applications of electronic data transmission in road transport;  
Road haulage
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;  
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  
Road haulage and passenger transport

The applicant must, in particular:

1. be familiar with the occupational regulations governing road transport for hire or reward, industrial vehicle rental and sub-contracting, and in particular the rules governing the official organisation of the occupation, admission to the occupation, authorisations for intra- and extra-Community road transport operations, inspections and sanctions;
2. be familiar with the rules for setting up a road transport undertaking;
3. be familiar with the various documents required for operating road transport services and be able to introduce checking procedures for ensuring 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;

Road haulage

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

Road passenger transport

6. be familiar with the rules on the organisation of the market in road passenger transport;
7. be familiar with the rules for introducing road passenger transport services and be able to draw up transport plans.

G. Technical standards and aspects of operation

## Road haulage and passenger transport

The applicant must, in particular:

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;

### 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 for complying with the rules on the carriage of dangerous goods and waste, notably those arising from Directive 94/55/EC<sup>(4)</sup>, Directive 96/35/EC<sup>(5)</sup>, and Regulation (EEC) No 259/93<sup>(6)</sup>;
9. be able to implement procedures for complying 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 for complying with the rules on the transport of live animals.

## H. Road safety

### Road haulage and passenger transport

The applicant must, in particular:

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 drivers' instructions for checking their compliance with the safety requirements concerning the condition of the vehicles, their equipment and cargo, and concerning preventive measures to be taken;

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4. be able to lay down procedures to be followed in the event of an accident and to implement appropriate procedures for preventing the recurrence of accidents or serious traffic offences;

Road passenger transport

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

## II. ORGANISATION OF THE EXAMINATION

1. Member States shall 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, in particular, their capacity to use the instruments and techniques relating thereto and to fulfil the corresponding executive and coordination duties.

- (a) The compulsory written examination shall involve two tests, namely:
- written questions consisting of either multiple choice questions (each with four possible answers), questions requiring direct answers or a combination of both systems,
  - written exercises/case studies.

The minimum duration of each test is two hours.

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

[<sup>F2</sup>ANNEX Ia

EUROPEAN COMMUNITY]

### Textual Amendments

- F2** Inserted by [Council Directive 98/76/EC of 1 October 1998 amending Directive 96/26/EC 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.](#)

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(Stout fawn paper — Format: DIN A4)

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

Distinctive symbol of the Member State concerned <sup>(1)</sup>

Designation of the competent authority or body <sup>(2)</sup>

CERTIFICATE OF PROFESSIONAL COMPETENCE IN NATIONAL [AND INTERNATIONAL] <sup>(3)</sup> ROAD HAULAGE [PASSENGER TRANSPORT] <sup>(3)</sup>

No ...

We <sup>(2)</sup> ....., hereby certify:

(a) that <sup>(4)</sup> .....

born in ..... on .....

has passed the tests of the examination (year: .....; session: ..... ) <sup>(5)</sup> organised for the award of the certificate of professional competence in national [and international] <sup>(3)</sup> road haulage [passenger transport] <sup>(3)</sup> in accordance with <sup>(6)</sup> .....

(b) that the person referred to in (a) is qualified to work in a professional capacity in an undertaking responsible for road haulage [road passenger transport] <sup>(3)</sup>:

- engaging solely in national transport <sup>(3)</sup>,
— engaging in international transport <sup>(3)</sup>.

This certificate constitutes the sufficient proof of professional competence referred to in Article 10(1) of 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.

Issued at ....., on .....

..... <sup>(7)</sup>

10 (1) Distinctive symbol of the State: (B) Belgium, (CZ) Czech Republic, (DK) Denmark, (D) Germany, (EST) Estonia, (GR) Greece, (E) Spain, (F) France, (IRL) Ireland, (I) Italy, (CY) Cyprus, (LV) Latvia, (LT) Lithuania, (L) Luxembourg, (H) Hungary, (M) Malta, (NL) Netherlands, (A) Austria, (PL) Poland, (P) Portugal, (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 forenames; place and date of birth.
(5) Identification of the examination.
(6) Reference to the provisions of national law adopted in this field in accordance with the abovementioned Directive.
(7) Signature and stamp of the competent authority or body issuing the certificate.

ANNEX II

PART A

REPEALED DIRECTIVES

(referred to in Article 14)

— Directive 74/561/EEC

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- Directive 74/562/EEC
- Directive 77/796/EEC

and their successive amendments:

- Directive 80/1178/EEC
- Directive 80/1179/EEC
- Directive 80/1180/EEC
- Directive 85/578/EEC
- Directive 85/579/EEC
- Directive 89/438/EEC
- Regulation (EEC) No 3572/90: only Articles 1 and 2

#### PART B

<i>Directive</i>	<i>Deadline for implementation or application</i>
74/561/EEC (OJ No L 308, 19. 11. 1974, p. 18)	1 January 1977 1 January 1978
80/1178/EEC (OJ No L 350, 23. 12. 1980, p. 41)	1 January 1981
85/578/EEC (OJ No L 372, 31. 12. 1985, p. 34)	1 January 1986
89/438/EEC (OJ No L 212, 22. 7. 1989, p. 101)	1 January 1990
74/562/EEC (OJ No L 308, 19. 11. 1974, p. 23)	1 January 1977 1 January 1978
80/1179/EEC (OJ No L 350, 23. 12. 1980, p. 42)	1 January 1981
85/579/EEC (OJ No L 372, 31. 12. 1985, p. 35)	1 January 1986
89/438/EEC (OJ No L 212, 22. 7. 1989, p. 101)	1 January 1990
77/796/EEC (OJ No L 334, 24. 12. 1977, p. 37)	1 January 1979
80/1180/EEC (OJ No L 350, 23. 12. 1980, p. 43)	1 January 1981
89/438/EEC (OJ No L 212, 22. 7. 1989, p. 101)	1 January 1990



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## ANNEX III

## CORRELATION TABLE

<b>Directive 74/561/EEC</b>	<b>Directive 74/562/EEC</b>	<b>Directive 89/438/EEC</b>	<b>Directive 77/796/EEC</b>	<b>This Directive</b>
Article 1 (1)	Article 1 (1)			Article 1 (1)
Article 1 (2) first indent	—			Article 1 (2) first indent
—	Article 1 (2) first indent			Article 1 (2) second indent
Article 1 (2) second indent	Article 1 (2) second indent			Article 1 (2) third indent
Article 2 (1), (2)	—			Article 2 (1), (2)
—	Article 1 (3)			Article 2 (3)
Article 3	Article 2			Article 3
Article 4	Article 3			Article 4
Article 5	Article 4			Article 5
Article 6	Article 5			Article 6
Article 6a	Article 5a			Article 7
Article 7	Article 6			—
			Article 1 (1)	Article 8 (1)
			Article 3	Article 8 (2)
			Article 4	Article 9
			Article 5 (1)	Article 10 (1)
			Article 5 (2)	Article 10 (2)
—	—	Article 4		Article 10 (3)
			Article 6	Article 11
			Article 1 (2)	Article 12
—	—	Article 5		Article 13
—	—			Article 14
Article 8	Article 7			Article 15
Annex point A. 1	Annex point A. 1			Annex I point A (Law)
Annex point A. 2, 3, 4, 5	—			Annex I point A. 1 (a), (b), (c), (d)
—	Annex point A. 2, 3, 4, 5			Annex I point A. 2 (a), (b), (c), (d)

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Annex point B	Annex point B			Annex I point B
—	—	—	—	Annex II Part A
—	—	—	—	Annex II Part B
—	—	—	—	Annex III

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- (1) [<sup>F1</sup>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).
- (2) Council Regulation (EEC) No 3820/85 of 20 December 1985 on the harmonisation of certain social legislation relating to road transport (OJ L 370, 31. 12. 1985, p. 1).
- (3) Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport (OJ L 370, 31. 12. 1985, p. 8). Regulation as last amended by Commission Regulation (EC) No 1056/97 (OJ L 154, 12. 6. 1997, p. 21).
- (4) Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road (OJ L 319, 12. 12. 1994, p. 7). Directive as last amended by Commission Directive 96/86/EC (OJ L 335, 24. 12. 1996, p. 43).
- (5) Council Directive 96/35/EC of 3 June 1996 on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway (OJ L 145, 19. 6. 1996, p. 10).
- (6) Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community (OJ L 30, 6. 12. 1993, p. 1). Regulation as last amended by Regulation (EC) No 120/97 (OJ L 22, 24. 1. 1997, p. 14).]

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#### **Textual Amendments**

- F1** Substituted by [Council Directive 98/76/EC of 1 October 1998 amending Directive 96/26/EC 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.](#)