

**Directive 2003/59/EC Initial and periodic training of drivers of certain road vehicles for the carriage of goods or passengers – Drivers CPC**

**ARE VEHICLE MOUNTED MEWP DRIVERS EXEMPT FROM CPC REQUIREMENTS UNDER EUROPEAN COMMUNITY DIRECTIVE 2003/59/EC?**

The Directive makes it clear that any driver wishing drive a LGV (C1, C1+E, C, C+E) capable of carrying goods must comply with the CPC training requirements.

Where a vehicle mounted MEWP is registered with the UK Driver and Vehicle Licensing Agency (DVLA) (see registration document V5) as a goods vehicle, the driver must meet the relevant CPC requirements.

Where a vehicle mounted MEWP is registered with the DVLA in the UK as “Mobile Crane” or “Tower Wagon” (see registration document V5), there is an argument that drivers of this classification of vehicle are outside of the scope of the directive as they are not “capable of carrying goods”.

Vehicle mounted MEWP drivers may be exempt from CPC requirement under Article 2 (Exemptions) clause G, of Directive 2003/59/EC, if it can be proved that driving is not a “principal activity”.

It is clear from the introduction, scope and content of training that the Directive is intended to improve road safety and the safety of the LGV driver, by covering safety rules when driving and stopped, defensive driving techniques and fuel economy. If legally challenged, it would be difficult to explain why these principles are less onerous for a vehicle mounted MEWP driver.

Although it is not a legal requirement for drivers of “mobile crane” or “tower wagon” to hold the appropriate LGV licence (C1, C1+E, C, C+E), it would be advisable that they do so. This will demonstrate that the driver has had “adequate” training and has been assessed to drive a specific type/weight of vehicle on the public highway. Where a company imposes this standard, it would be difficult to defend not implementing the CPC requirements as well.

The interpretation of the Directive by the UK Driving Standards Agency (DSA) (see letter at end of document) states that it is the Commission’s view, that persons driving vehicles which are not intended for the carriage of goods or passengers would be exempted from the requirement to hold a CPC. Hence the Commission’s view is that mobile cranes, not intended for the carriage of goods or passengers, do not fall within the scope of the Directive. N.B. following the case of NATIONWIDE ACCESS LIMITED and PTP AERIAL PLATFORMS LIMITED v THE COMMISSIONERS OF CUSTOMS AND EXCISE (CO/1953/1999) [http://www.taxbar.com/documents/nationwide\\_qbd.pdf](http://www.taxbar.com/documents/nationwide_qbd.pdf), vehicle mounted MEWPs above 3.5 tonnes have been allowed the same exemptions as “mobile cranes” and “tower wagons”.

The DSA also advise caution by stating: “However, I should emphasise that the Commission does not regard this as a class exemption applying to all mobile crane drivers and stress that it is only the Commission’s view. It carries no legal weight as only the Courts are able to determine whether a driver requires a CPC in any particular circumstance.”

A number of IPAF training centres wishing to conduct CPC training have been successful in getting some IPAF courses accepted as meeting the requirements of the Directive.





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<i>Article 2</i>	
<b>Exemptions</b>	
This Directive shall not apply to the drivers of:	
(a) vehicles with a maximum authorised speed not exceeding 45 km/h;	
(b) vehicles used by, or under the control of, the armed forces, civil defence, the fire service and forces responsible for maintaining public order;	
(c) vehicles undergoing road tests for technical development, repair or maintenance purposes, or of new or rebuilt vehicles which have not yet been put into service;	
(d) vehicles used in states of emergency or assigned to rescue missions;	
(e) vehicles used in the course of driving lessons for any person wishing to obtain a driving licence or a CPC, as provided for in Article 6 and Article 8(1);	
(f) vehicles used for non-commercial carriage of passengers or goods, for personal use;	
(g) vehicles carrying material or equipment to be used by the driver in the course of his or her work, provided that driving the vehicle is not the driver's principal activity;	Could be argued to include vehicle mounted MEWPs

<p>ANNEX I</p> <p><b>MINIMUM QUALIFICATION AND TRAINING REQUIREMENTS</b></p> <p><b>Section 1: List of subjects</b></p> <p>The knowledge to be taken into account by Member States when establishing the driver's initial qualification and periodic training must include at least the subjects in this list. Trainee drivers must reach the level of knowledge and practical competence necessary to drive in all safety vehicles of the relevant licence category.</p> <p>The minimum level of knowledge may not be less than level 2 of the training-level structure provided for in Annex I to Decision 85/368/EEC (1), i.e. the level reached during compulsory education, supplemented by professional training.</p> <p>1. <i>Advanced training in rational driving based on safety regulations</i></p> <p>All licences</p> <p>1.1. Objective: to know the characteristics of the transmission system in order to make the best possible use of it</p> <p>curves relating to torque, power, and specific consumption of an engine, area of optimum use of revolution counter, gearbox-ratio cover diagrams.</p> <p>1.2. Objective: to know the technical characteristics and operation of the safety controls in order to control the vehicle, minimise wear and tear and prevent disfunctioning;</p> <p>specific features of hydraulic vacuum servobrake circuit, limits to the use of brakes and retarder, combined use of brakes and retarder, making better use of speed and gear ratio, making use of vehicle inertia, using ways of slowing down and braking on downhill stretches, action in the event of failure.</p>
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- 1.3. Objective: **ability to optimise fuel consumption**

optimisation of fuel consumption by applying know-how as regards points 1.1 and 1.2.

**Licences C, C+E, C1, C1+E**

- 1.4. Objective: **ability to load the vehicle with due regard for safety rules and proper vehicle use**

forces affecting vehicles in motion, use of gearbox ratios according to vehicle load and road profile, calculation of payload of vehicle or assembly, calculation of total volume, load distribution, consequences of overloading the axle, vehicle stability and centre of gravity, types of packaging and pallets;

main categories of goods needing securing, clamping and securing techniques, use of securing straps, checking of securing devices, use of handling equipment, placing and removal of tarpaulins.

2. *Application of regulations*

All licences

- 2.1. Objective: to know **the social environment of road transport and the rules governing it**

maximum working periods specific to the transport industry; principles, application and consequences of Regulations (EEC) No 3820/85 and (EEC) No 3821/85; penalties for failure to use, improper use of and tampering with the tachograph; knowledge of the social environment of road transport: rights and duties of drivers as regards initial qualification and periodic training.

Licences C, C+E, C1, C1+E

- 2.2. Objective: **to know the regulations governing the carriage of goods**

transport operating licences, obligations under standard contracts for the carriage of goods, drafting of documents which form the transport contract, international transport permits, obligations under the Convention on the Contract for the International Carriage of Goods by Road, drafting of the international consignment note, crossing borders, freight forwarders, special documents accompanying goods.

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3. *Health, road and environmental safety, service, logistics*

All licences

3.1. Objective: to make **drivers aware of the risks of the road and of accidents at work**

types of accidents at work in the transport sector, road accident statistics, involvement of lorries/coaches, human, material and financial consequences.

3.2. Objective: ability **to prevent criminality and trafficking in illegal immigrants**

general information, implications for drivers, preventive measures, check list, legislation on transport operator liability.

3.3. Objective: ability **to prevent physical risks**

ergonomic principles; movements and postures which pose a risk, physical fitness, handling exercises, personal protection.

3.4. Objective: awareness of **the importance of physical and mental ability**

principles of healthy, balanced eating, effects of alcohol, drugs or any other substance likely to affect behaviour, symptoms, causes, effects of fatigue and stress, fundamental role of the basic work/rest cycle.

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3.5. Objective: **ability to assess emergency situations**

behaviour in an emergency situation: assessment of the situation, avoiding complications of an accident, summoning assistance, assisting casualties and giving first aid, reaction in the event of fire, evacuation of occupants of a lorry/bus passengers, ensuring the safety of all passengers, reaction in the event of aggression; basic principles for the drafting of an accident report.

3.6. Objective: ability **to adopt behaviour to help enhance the image of the company**

behaviour of the driver and company image: importance for the company of the standard of service provided by the driver, the roles of the driver, people with whom the driver will be dealing, vehicle maintenance, work organisation, commercial and financial effects of a dispute.

Licences C, C+E, C1, C1+E



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7 August 2012

Dear David

### **Driver Certificate of Professional Competence (CPC) – Mobile Cranes**

Further to our letter of the 27<sup>th</sup> April regarding exemptions from the Driver CPC requirements for mobile crane drivers, I would like to update you on a recent development.

At a meeting of the Committee on the Training of Professional Drivers (Directive 2003/59/EC) on 25 June 2012, EU Commission officials expressed the view that any interpretation of Article 1 (which defines who is in scope of Driver CPC) should take account of Article 5 (which defines the CPC initial qualification and makes reference to it being for drivers of vehicles intended for the carriage of goods or passengers).

According to this Commission view, persons driving vehicles which are not intended for the carriage of goods or passengers would be exempted from the requirement to hold a CPC.

**The Commission's view is that mobile cranes, not intended for the carriage of goods or passengers, do not fall within the scope of the Directive.**

However, I should emphasise that the Commission does not regard this as a class exemption applying to all mobile crane drivers and stress that it is only the Commission's view. It carries no legal weight as only the Courts are able to determine whether a driver requires a CPC in any particular circumstance.

Although this does not provide the clear cut exemption from CPC for mobile crane drivers which CPA is seeking, it is useful in terms of identifying how the Commission believes the scope of Directive 2003/59/EC should be determined.

As we previously advised, DSA is leading on the Red Tape Challenge in respect of Driver CPC. We will keep you informed of any developments from that work that may impact on mobile cranes.

Steve Nelson  
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