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Regulations implementing the Professional Drivers' Qualification Act (Professional Drivers' Qualification Regulations)

Valid in this version since 16 April 2014

Section 1 Obtaining an initial qualification

- (1) A person desiring access to obtain an initial qualification shall not be required to previously obtain a relevant driving licence.
- (2) The initial qualification test shall comprise a theory and a practical test in accordance with Annex 2. The purpose of this test is to enable candidates to demonstrate that they possess the necessary basic knowledge and skills in the subjects listed in Annex 1 for the relevant driving licence categories.
- (3) Holders of certificates of professional competence under Section 4(6) of the Regulations on Admission to the Occupation of Road Passenger Transport Operator or under Section 4(6) of the Regulations on Admission to the Occupation of Road Haulage Operator shall be exempt from the theory test to the extent that the subject matter is already the subject matter of the tests under these Regulations. The duration of the theory test shall be reduced accordingly.
- (4) The test shall be taken at the chamber of industry and commerce responsible for the applicant's place of residence; for the practical test, the chamber may call in officially approved motor vehicle experts or inspectors. The chamber of industry and commerce must call in experts or inspectors referred to in the first sentence if the chamber of industry and commerce does not have staff of its own with an equivalent qualification. The competent chamber of industry and commerce must set a date for testing at least once every quarter if required. Applicants may, with their consent, be referred to another chamber of industry and commerce if, within a quarter, fewer than three applicants have requested a test or the applicants would otherwise suffer detrimental economic effects.
- (5) Applicants shall be deemed to have passed the test if they are awarded a grade of at least "adequate" in both the theory and practical tests.

Section 2 Obtaining an accelerated initial qualification

- (1) A person desiring access to obtain an accelerated initial qualification shall not be required to previously obtain a relevant driving licence.
- (2) The total duration of the course shall be 140 periods of 60 minutes each. During the course, the necessary basic knowledge and skills in the subjects listed in Annex 1 shall be imparted.
- (3) During the course, applicants must drive a motor vehicle of the relevant category for at least ten hours under the supervision of a person who holds a valid driving instructor's licence for the respective driving licence category under the Driving Instructors Act. The motor vehicle must meet the relevant criteria for test vehicles as set out in points 2.2.6 to 2.2.13 of Annex 7 to the Driver Licensing Regulations. In addition, it must meet the requirements set out in point 2.2.16 of Annex 7 to the Driver Licensing Regulations if the applicant does not already hold a driving licence of the

relevant category. Of the driving lessons referred to in the first sentence, up to four can be accounted for by exercises on special terrain as part of a driver training course or on a top-of-the-range simulator.

(4) The test shall comprise a written test lasting 90 minutes and shall include at least one question on each of the relevant objectives listed in Annex 1. In the test, applicants shall demonstrate that they are proficient in the contents of the subjects listed in Annex 1.

(5) The test shall be taken at the chamber of industry and commerce responsible for the applicant's place of residence. The competent chamber of industry and commerce must set a date for testing at least once every quarter if required.

(6) Applicants may, with their consent, be referred to another chamber of industry and commerce if, within a quarter, fewer than three applicants have requested a test or the applicants would otherwise suffer detrimental economic effects.

(7) Applicants shall be deemed to have passed the test if they are awarded a grade of at least "adequate".

(8) Holders of certificates of professional competence under Section 4(6) of the Regulations on Admission to the Occupation of Road Passenger Transport Operator or under Section 4(6) of the Regulations on Admission to the Occupation of Road Haulage Operator shall be exempt from attending the course and taking the test to the extent that the subject matter is already the subject matter of the tests under these Regulations. The duration of course attendance and of the test shall be reduced accordingly.

Section 3 Course and testing requirements in special cases

Drivers engaged in the carriage of goods by road who extend their activity to the carriage of passengers, or drivers engaged in the carriage of passengers who extend their activity to the carriage of goods by road, and who have obtained an initial qualification, shall, when taking the theory and practical tests referred to in section 1(2), only be required to take those parts specific to motor vehicles to which the new initial qualification applies. The total duration of the accelerated initial qualification course shall be 35 periods of 60 minutes each, of which 2.5 periods must be accounted for by driving a motor vehicle of the relevant categories that must meet the requirements set out in the second sentence of section 2(3). In addition, for the drivers referred to in the first sentence, the theory tests shall be confined to those subjects listed in Annex 1 that are relevant to the motor vehicles to which the new initial qualification applies

Section 4 Periodic training

(1) Periodic training is designed to expand on, and to revise, the subjects listed in Annex I, with special emphasis on road safety and fuel-efficient driving.

(2) The total duration of a periodic training course shall be 35 periods of 60 minutes each, which shall be given in separate training units (modules) of at least seven hours each; the modules may be taken at different training centres. Some of the periodic training may be accounted for by exercises on special terrain as part of a driver training course or on a top-of-the range simulator.

Section 5 Evidence

(1) After

1. the test has been passed, the chamber of industry and commerce shall
2. modules referred to in section 4(2) (individual subjects) have been completed and after the periodic training course has been completed, the training centre shall

issue a certificate documenting the driver's (full or partial) achievements.

(2) The initial qualification and periodic training shall be documented by entering the harmonized European Union code on the driving licence (code 95 in accordance with Annex 9 to the Driver Licensing Regulations), provided that a German driving licence can be issued. A driver qualification card issued by another Member State of the European Union or another state party to the Agreement on the European Economic Area, or the entry of the harmonized European Union code on a driving licence issued by another Member State of the European Union or another state party to the Agreement on the European Economic Area shall be equivalent to the evidence referred to in the first sentence.

(3) Drivers within the meaning of section 1(1)(3) of the Professional Drivers' Qualification Act who are

1. engaged in in the carriage of goods by road shall provide evidence of their initial qualification and periodic training by means of a valid driver attestation issued under Article 3(1) of Council Regulation (EEC) No 881/92 of 26 March 1992 on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States (OJ EC No L 95, p. 1), as amended by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded - Annex II: List referred to in Article 20 of the Act of Accession - 8. Transport policy - C. Road transport (OJ EU 2003 No L 236, p. 449), if the latter contains information relating to this;
2. engaged in the carriage of passengers can also provide evidence of their initial qualification and periodic training by means of a national certificate issued in the Federal Republic of Germany, by another Member State of the European Union or by another state party to the Agreement on the European Economic Area.

(4) The harmonized code shall be entered by the authority responsible for issuing driving licences if the certificates referred to in subsection (1) show that the respective initial qualification or periodic training has been obtained. Provided that the conditions set out in the first sentence are met, the entry in the driver attestation in the field "particular remarks" shall be made by the authority responsible for issuing the attestation.

(5) The entry shall read: "95. *Kraftfahrerin/Kraftfahrer ist Inhaberin/Inhaber eines Befähigungsnachweises und die Befähigungspflicht ist nach Artikel 3 der Richtlinie 2003/59/EG vom 15. Juli 2003 bis zum ... erfüllt*" ("95. Driver holding CPC meeting the obligation of professional aptitude provided for by Article 3 of Directive 2003/59/EC of 15 July 2003 until ..."). Provided that the conditions set out in the second half-sentence the first sentence are met, drivers referred to in subsection 3(2) shall be issued a certificate based on the model in Annex 3 by the authority responsible under federal state law.

(6) When drivers are engaged in operations, they shall present the evidence referred to in subsections (2) and (3) to authorized persons for inspection.

Section 6 Approval of training centres

An application for the approval of a training centre for accelerated initial qualification and periodic training shall be made in writing. The documents required for checking whether the conditions for approval have been met shall be enclosed with the application, in particular:

1. the training programme, in which a more detailed account shall be given of the subjects to be taught on the basis of the subjects listed in Annex 1, how the course is to be delivered and what methods of instruction are to be used;
2. the numbers, qualifications and fields of activity of the instructors, including evidence of their didactic and pedagogical knowledge; instructors in the practical part must provide evidence of professional experience as a professional driver, as a skilled transport employee, as a transport supervisor or similar driving experience, in particular as an instructor for heavy goods vehicles or buses and coaches;
3. information on the training venues, the course material, the teaching aids used for practical training and the training vehicles used;
4. the number of participants envisaged.

Annex 1 (re section 1(2), section 2(2) and section 4(1))

List of subjects

1 Advanced training in rational driving based on safety regulations

Driving licence categories C1, C1E, C, CE, D1, D1E, D, DE

1.1 Objective: to know the characteristics of the transmission system in order to make the best possible use of it, curves relating to torque, power, and specific consumption of an engine, area of optimum use of revolution counter, gearbox-ratio cover diagrams.

1.2 Objective: to know the technical characteristics and operation of the safety controls in order to control the vehicle, minimize wear and tear and prevent disfunctioning, in particular: 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.

1.3 Objective: ability to optimize fuel consumption
Optimization of fuel consumption by applying know-how as regards points 1.1 and 1.2.

Driving licence categories C1, C1E, C, CE

1.4 Objective: ability to load the vehicle with due regard for safety rules and proper vehicle use, in particular: 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.

Driving licence categories D1, D1E, D, DE

1.5 Objective: ability to ensure passenger comfort and safety, in particular: adjusting longitudinal and sideways movements, road sharing, position on the road, smooth braking, overhang operation, using specific infrastructures (public areas, dedicated lanes), managing conflicts between safe driving and other roles as a driver, interacting with passengers, peculiarities of certain groups of passengers (disabled persons, children).

1.6 Objective: ability to load the bus or coach with due regard for safety rules and proper vehicle use, in particular: forces affecting buses and coaches in motion, use of gearbox ratios according to vehicle load and road profile, calculation of payload of bus/coach or assembly,

load distribution, consequences of overloading the axle, vehicle stability and centre of gravity.

2 Application of regulations

Driving licence categories C1, C1E, C, CE, D1, D1E, D, DE

2.1 Objective: to know the social environment of the carriage of goods and passengers and the rules governing it, in particular: 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 the carriage of goods and passengers: rights and duties of drivers as regards initial qualification and periodic training.

Driving licence categories C1, C1E, C, CE

2.2 Objective: to know the regulations governing the carriage of goods, in particular: 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.

Driving licence categories D1, D1E, D, DE

2.3 Objective: to know the regulations governing the carriage of passengers, in particular: carriage of specific groups of passengers, safety equipment on board buses and coaches, safety belts, bus and coach load.

3 Health, road and environmental safety, service, logistics

Driving licence categories C1, C1E, C, CE, D1, D1E, D, DE

3.1 Objective: to make drivers aware of the risks of the road and of accidents at work, in particular: 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, in particular: general information, implications for drivers, preventive measures, check list, legislation on transport operator liability.

3.3 Objective: ability to prevent physical risks, in particular: 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, in particular: 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.
- 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, in particular: 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 organization, commercial and financial effects of a dispute.

Driving licence categories C1, C1E, C, CE

- 3.7 Objective: to know the economic environment of road haulage and the organization of the market, in particular: road transport in relation to other modes of transport (competition, shippers), different road transport activities (transport for hire or reward, own account, auxiliary transport activities), organization of the main types of transport company and auxiliary transport activities, different transport specializations (road tanker, controlled temperature, etc.), changes in the industry (diversification of services provided, rail-road, subcontracting, etc.).

Driving licence categories D1, D1E, D, DE

- 3.8 Objective: to know the economic environment of the carriage of passengers by road and the organisation of the market, in particular: carriage of passengers by road in relation to other modes of passenger transport (rail, private car), different activities involving the carriage of passengers by road, crossing borders (international transport), organization of the main types of companies for the carriage of passengers by road.

Annex 2 (re the first sentence of section 1(2))

Test for obtaining an initial qualification

1. The theory test shall consist of a written test comprising three parts:

- a) multiple-choice questions;
- b) questions requiring a direct answer;
- c) case studies.

All the subjects referred to in Annex 1 must be covered. The duration of the theory test shall be 240 minutes.

2. The practical test shall consist of a driving test, a practical test and a test of the driver's ability to cope with critical situations. If, during their training for obtaining an initial qualification, a person does not hold a driving licence of the category required for driving the test vehicle, the candidate must be accompanied by a person who holds a valid driving instructor's licence in accordance with the Driving Instructors Act for the respective driving licence category. During these journeys, the accompanying person shall be deemed to be the driver of the motor vehicle for the purposes of the Road Traffic Act. The objective of the driving test is to assess the candidate's practical driving abilities. It must be conducted on roads within and outside built-up areas, on express roads and motorways and in different traffic density conditions. The driving time on the road must be used in order to assess the candidate in all traffic situations likely to be encountered. The duration of this test shall be 120 minutes. The objective of the practical test is to assess the candidate's knowledge of the subjects listed in points 1.4 (driving licence categories C1, C1E, C, CE), 1.5, 1.6 (driving licence categories D1, D1E, D, DE), 3.2, 3.3 and 3.5 (driving licence categories C1, C1E, C, CE, D1, D1E, D, DE) of Annex 1. The duration of the practical test shall be 30 minutes. The test of the driver's ability to cope with critical situations shall assess, in particular, vehicle handling in different road conditions and the way they change with different atmospheric conditions and the time of day or night. This test shall be conducted on either special terrain or a top-of-the-range simulator. Its duration shall be determined such that the inspector can make the aforementioned assessment; it must not exceed 60 minutes. The motor vehicle used for the practical test must meet the relevant criteria for test vehicles as set out in points 2.2.6 to 2.2.13 and 2.2.16 of Annex 7 to the Driver Licensing Regulations.

Annex 3 (re the fourth sentence of section 5(4))

(Source: Federal Law Gazette I 2006, pp. 2114, 2115)

Model

Federal Republic of Germany

(First page of certificate)

Certificate
of initial qualification and periodic training
for drivers engaged in the carriage of passengers

(In accordance with Article 10(3)(b) third indent of Directive 2003/59/EC of 15 July 2003)

I Name of the competent federal state authority I

This is to certify that

Ms/Mr:
Surname and first name:
Date and place of birth:
Nationality:

Type and number of ID:
Issued on:
At:

Number of driving licence:
Issued on:
At:

Social insurance number:

has submitted certificates proving that he/she has () initial qualification ()
periodic training

The professional skills requirement is fulfilled until

Issued aton.....

.....
signature and official seal of the competent authority

(Second page of the certificate)

General provisions

This certificate is issued in accordance with 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, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ EU No L 226, p. 4).

It is certified that the driver whose name appears on the certificate meets, for the duration of the validity of the certification, the conditions regarding the initial qualification and periodic training required by Directive 2003/59/EC for the carriage of passengers for hire or reward on the territory of the Member States of the European Union or the states parties to the Agreement on the European Economic Area.

The certificate may be withdrawn by the competent German authority that issued it, especially if the holder of the certificate provided incorrect information on facts that were relevant to the issuance of the certificate.

Drivers shall carry the certificate with them in their vehicle and present it to authorized inspecting officers if requested to do so.