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I

(Legislative acts)

REGULATIONS

REGULATION (EU) 2018/643 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 18 April 2018
on rail transport statistics
(recast)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 338(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

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

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) Regulation (EC) No 91/2003 of the European Parliament and of the Council ⁽³⁾ has been substantially amended several times ⁽⁴⁾. Since further amendments are to be made, that Regulation should be recast in the interests of clarity.
- (2) Railways are an important part of the Union's transport networks.
- (3) Statistics on the transport of goods and passengers by rail are necessary to enable the Commission to monitor and develop the common transport policy, as well as the transport elements of policies relating to the regions and to trans-European networks.
- (4) Statistics on rail safety are also necessary to enable the Commission to prepare and monitor Union action in the field of transport safety. The European Union Agency for Railways collects data on accidents under Annex I to Directive 2004/49/EC of the European Parliament and of the Council ⁽⁵⁾ as regards common safety indicators and common methods of calculating accident costs.
- (5) Statistics at Union level on rail transport are also required in order to fulfil the monitoring tasks provided for in Article 15 of Directive 2012/34/EU of the European Parliament and of the Council ⁽⁶⁾.
- (6) Statistics at Union level on all modes of transport should be collected according to common concepts and standards, with the aim of achieving the fullest practicable comparability between transport modes.

⁽¹⁾ Opinion of 6 December 2017 (not yet published in the Official Journal).

⁽²⁾ Position of the European Parliament of 14 March 2018 (not yet published in the Official Journal), and decision of the Council of 12 April 2018.

⁽³⁾ Regulation (EC) No 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics (OJ L 14, 21.1.2003, p. 1).

⁽⁴⁾ See Annex IX.

⁽⁵⁾ Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) (OJ L 164, 30.4.2004, p. 44).

⁽⁶⁾ Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p. 32).

- (7) It is important to avoid duplication of work and to optimise the use of existing information that is capable of being used for statistical purposes. To that end, and with a view to providing easily accessible and useful information to Union citizens and other stakeholders on rail transport safety and interoperability of the rail system, including the rail infrastructure, appropriate cooperation agreements on statistical activities should be established between the Commission's services and relevant entities, including at international level.
- (8) A balance should be struck between the needs of the users and the burden on respondents when producing European statistics.
- (9) In its report to the European Parliament and to the Council on its experience acquired in applying Regulation (EC) No 91/2003, the Commission referred to the fact that long-term developments will probably result in the suppression or the simplification of the data already collected under that Regulation, and that the aim is to reduce the data transmission period for annual data on rail passengers. The Commission should continue to provide reports at regular intervals on the implementation of this Regulation.
- (10) The coexistence of publicly and privately owned railway undertakings operating in a commercial rail transport market requires an explicit specification of the statistical information which should be provided by all railway undertakings and disseminated by Eurostat.
- (11) Since the objective of this Regulation, namely the creation of common statistical standards which permit the production of harmonised data and which are to be implemented in each Member State under the authority of the bodies and institutions in charge of producing official statistics, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (12) Regulation (EC) No 223/2009 of the European Parliament and of the Council ⁽¹⁾ provides a reference framework for the provisions laid down by this Regulation.
- (13) In order to reflect new developments in the Member States while, at the same time, maintaining the harmonised collection of rail transport data across the Union, and with a view to maintaining the high quality of the data transmitted by the Member States, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending this Regulation to adapt the technical definitions and to provide for additional technical definitions. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ⁽²⁾. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (14) The Commission should ensure that those delegated acts do not impose a significant additional burden on the Member States or on the respondents.
- (15) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards the specification of the information to be supplied for the reports on the quality and comparability of the results, and the arrangements for the dissemination of those results by the Commission (Eurostat). Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽³⁾.
- (16) The European Statistical System Committee has been consulted,

⁽¹⁾ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

⁽²⁾ OJ L 123, 12.5.2016, p. 1.

⁽³⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

HAVE ADOPTED THIS REGULATION:

Article 1

Objective

The objective of this Regulation is to establish common rules for the production of rail transport statistics at Union level.

Article 2

Scope

This Regulation shall cover all railways in the Union. Each Member State shall report statistics which relate to rail transport on its national territory. Where a railway undertaking operates in more than one Member State, the national authorities concerned shall require the undertaking to provide data separately for each country in which it operates so as to enable national statistics to be compiled.

Member States may exclude from the scope of this Regulation:

- (a) railway undertakings which operate entirely or mainly within industrial and similar installations, including harbours;
- (b) railway undertakings which mainly provide local tourist services, such as preserved historical steam railways.

Article 3

Definitions

1. For the purposes of this Regulation, the following definitions apply:

- (1) 'reporting country' means the Member State transmitting data to Eurostat;
- (2) 'national authorities' means national statistical institutes and other bodies responsible in each Member State for producing European statistics;
- (3) 'railway' means a line of communication made up by rail exclusively for the use of railway vehicles;
- (4) 'railway vehicle' means mobile equipment running exclusively on rails, moving either under its own power (tractive vehicles) or hauled by another vehicle (coaches, railcar trailers, vans and wagons);
- (5) 'railway undertaking' means any public or private undertaking which provides services for the transport of goods and/or passengers by rail. Undertakings whose only business is to provide services for the transport of passengers by metro, tram and/or light rail are excluded;
- (6) 'transport of goods by rail' means the movement of goods using railway vehicles between the place of loading and the place of unloading;
- (7) 'transport of passengers by rail' means the movement of passengers using railway vehicles between the place of embarkation and the place of disembarkation. The transport of passengers by metro, tram and/or light rail is excluded;
- (8) 'metro' (also known as 'subway', 'metropolitan railway' or 'underground') means an electric railway for the transport of passengers with the capacity for a heavy volume of traffic and characterised by exclusive rights-of-way, multi-car trains, high speed and rapid acceleration, sophisticated signalling as well as the absence of level crossings to allow a high frequency of trains and high platform load. Metros are also characterised by closely spaced stations, normally meaning a distance of 700 to 1 200 m between the stations. 'High speed' refers to the comparison with trams and light rail, and means here approximately 30 to 40 km/h on shorter distances, 40 to 70 km/h on longer distances;
- (9) 'tram (streetcar)' means a passenger road vehicle designed to seat more than nine persons (including the driver), which is connected to electric conductors or powered by diesel engine and which is rail-borne;
- (10) 'light rail' means a railway for the transport of passengers that often uses electrically powered rail-borne cars operating singly or in short trains on fixed duo-rail lines. There is generally a distance of less than 1 200 m between stations/stops. In comparison to metros, light rail is more lightly constructed, is designed for lower traffic volumes and usually travels at lower speeds. It is sometimes difficult to make a precise distinction between light rail and trams; trams are generally not separated from road traffic, whereas light rail may be separated from other systems;

- (11) 'national transport' means rail transport between two places (a place of loading/embarkation and a place of unloading/disembarkation) located in the reporting country. It may involve transit through a second country;
- (12) 'international transport' means rail transport between a place (of loading/embarkation or unloading/disembarkation) in the reporting country and a place (of loading/embarkation or unloading/disembarkation) in another country;
- (13) 'transit' means rail transport through the reporting country between two places (a place of loading/embarkation and a place of unloading/disembarkation) outside the reporting country. Transport operations involving loading/embarkation or unloading/disembarkation of goods/passengers at the border of the reporting country from/onto another mode of transport are not considered as transit;
- (14) 'rail passenger' means any person, excluding members of the train crew, who makes a trip by rail. For accident statistics, passengers trying to embark/disembark onto/from a moving train are included;
- (15) 'number of passengers' means the number of trips by rail passengers, where each trip is defined as the movement from the place of embarkation to the place of disembarkation, with or without transfers from one rail vehicle to another. If passengers use the services of more than one railway undertaking, when possible they shall not be counted more than once;
- (16) 'passenger-km' means the unit of measure representing the transport of one passenger by rail over a distance of one kilometre. Only the distance on the national territory of the reporting country shall be taken into account;
- (17) 'weight' means the quantity of goods in tonnes (1 000 kilograms). The weight to be taken into consideration includes, in addition to the weight of the goods transported, the weight of packaging and the tare weight of containers, swap bodies, pallets as well as road vehicles transported by rail in the course of combined transport operations. If the goods are transported using the services of more than one railway undertaking, when possible the weight of goods shall not be counted more than once;
- (18) 'tonne-km' means the unit of measure of goods transport which represents the transport of one tonne (1 000 kilograms) of goods by rail over a distance of one kilometre. Only the distance on the national territory of the reporting country shall be taken into account;
- (19) 'train' means one or more railway vehicles hauled by one or more locomotives or railcars, or one railcar travelling alone, running under a given number or specific designation from an initial fixed point to a terminal fixed point. A light engine, that is to say, a locomotive travelling on its own, is not considered to be a train;
- (20) 'train-km' means the unit of measure representing the movement of a train over one kilometre. The distance used is the distance actually run, if available, otherwise the standard network distance between the origin and destination shall be used. Only the distance on the national territory of the reporting country shall be taken into account;
- (21) 'full train load' means any consignment comprising one or more wagonloads transported at the same time by the same sender at the same station and forwarded with no change in train composition to the address of the same consignee at the same destination station;
- (22) 'full wagon load' means any consignment of goods for which the exclusive use of a wagon is required, whether or not the total loading capacity is utilised;
- (23) 'TEU (Twenty-foot Equivalent Unit)' means a standard unit based on an ISO container of 20 feet length (6,10 m), used as a statistical measure of traffic flows or capacities. One standard 40' ISO Series 1 container equals 2 TEUs. Swap bodies under 20 feet correspond to 0,75 TEU, between 20 feet and 40 feet to 1,5 TEU and over 40 feet to 2,25 TEU.

2. The Commission is empowered to adopt delegated acts in accordance with Article 10 amending this Article to adapt the technical definitions set out in points (8), (9), (10), (21), (22) and (23) of paragraph 1 of this Article and to provide for additional technical definitions, when needed to take into account new developments which require a certain level of technical detail to be defined in order to ensure the harmonisation of statistics.

When exercising that power the Commission shall ensure that the delegated acts do not impose a significant additional burden on the Member States or on the respondents. Furthermore, the Commission shall duly justify the statistical actions for which those delegated acts provide, using, where appropriate, cost-effectiveness analysis, including an assessment of the burden on respondents and of the production costs, as referred to in point (c) of Article 14(3) of Regulation (EC) No 223/2009.

*Article 4***Data collection**

1. The statistics to be collected are set out in the Annexes to this Regulation. They shall cover the following types of data:
 - (a) annual statistics on goods transport — detailed reporting (Annex I);
 - (b) annual statistics on passenger transport — detailed reporting (Annex II);
 - (c) quarterly statistics on goods and passenger transport (Annex III);
 - (d) regional statistics on goods and passenger transport (Annex IV);
 - (e) statistics on traffic flows on the rail network (Annex V).
2. Member States shall report under Annexes I and II data for undertakings that have:
 - (a) a total volume of goods transport of at least 200 000 000 tonne-km or at least 500 000 tonnes;
 - (b) a total volume of passenger transport of at least 100 000 000 passenger-km.Reporting under Annexes I and II shall be optional in respect of undertakings falling below the thresholds referred to in points (a) and (b).
3. Member States shall report under Annex VIII the total data for undertakings falling below the thresholds referred to in paragraph 2 if those data are not reported under Annexes I and II, as specified in Annex VIII.
4. For the purposes of this Regulation, goods shall be classified in accordance with Annex VI. Dangerous goods shall additionally be classified in accordance with Annex VII.

*Article 5***Data sources**

1. Member States shall designate a public or private organisation to participate in collecting the data required in accordance with this Regulation.
2. The necessary data may be obtained using any combination of the following sources:
 - (a) compulsory surveys;
 - (b) administrative data, including data collected by regulatory authorities, in particular the rail freight waybill if one is available;
 - (c) statistical estimation procedures;
 - (d) data supplied by professional organisations in the rail industry;
 - (e) ad hoc studies.
3. The national authorities shall take measures for the coordination of the data sources used and to ensure the quality of the statistics transmitted to Eurostat.

*Article 6***Transmission of statistics to Eurostat**

1. Member States shall transmit the statistics referred to in Article 4 to Eurostat.
2. The Commission shall adopt implementing acts laying down the arrangements for the transmission of the statistics referred to in Article 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).

*Article 7***Dissemination**

1. Statistics based on the data specified in Annexes I to V and VIII shall be disseminated by the Commission (Eurostat).
2. The Commission shall adopt implementing acts laying down the arrangements for the dissemination of results. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).

*Article 8***Quality of statistics**

1. In order to assist Member States in maintaining the quality of statistics in the domain of rail transport, Eurostat shall develop and publish methodological recommendations. These recommendations shall take account of the best practices of national authorities, of railway undertakings and of professional organisations for the railway industry.
2. Member States shall take all measures necessary to ensure the quality of the data transmitted.
3. The quality of the statistical data shall be evaluated by Eurostat. To this end, on request by Eurostat, Member States shall supply information on the methods used in producing the statistics.
4. For the purposes of this Regulation, the quality criteria to be applied to the data to be transmitted are those referred to in Article 12(1) of Regulation (EC) No 223/2009.
5. The Commission shall adopt implementing acts specifying the detailed arrangements, structure, periodicity and comparability elements for the standard quality reports. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).

*Article 9***Reports on implementation**

By 31 December 2020 and every four years thereafter, the Commission, after consulting the European Statistical System Committee, shall submit a report to the European Parliament and to the Council on the implementation of this Regulation and on future developments.

In that report, the Commission shall take account of relevant information provided by Member States relating to the quality of the data transmitted, the data collection methods used and information on potential improvements and on users' needs.

In particular, that report shall:

- (a) assess the benefits, accruing to the Union, the Member States and the providers and users of statistical information, of the statistics produced, in relation to their costs;
- (b) assess the quality of the data transmitted, the data collection methods used and the quality of the statistics produced.

*Article 10***Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 3(2) shall be conferred on the Commission for a period of five years from 13 December 2016. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 3(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 3(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 11

Committee procedure

1. The Commission shall be assisted by the European Statistical System Committee established by Regulation (EC) No 223/2009. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 12

Repeal

Regulation (EC) No 91/2003 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex X.

Article 13

Entry into force

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

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

Done at Strasbourg, 18 April 2018.

For the European Parliament
The President
A. TAJANI

For the Council
The President
L. PAVLOVA

ANNEX I

ANNUAL STATISTICS ON GOODS TRANSPORT — DETAILED REPORTING	
List of variables and units of measurement	Goods transported in: — tonnes — tonne-km Goods train movements in: — train-km Number of intermodal transport units carried in: — number — TEU (20-foot-equivalent unit) (for containers and swap bodies)
Reference period	One year
Frequency	Every year
List of tables with the breakdown for each table	Table I1: goods transported, by type of transport Table I2: goods transported, by type of goods (Annex VI) Table I3: goods transported (for international and transit traffic) by country of loading and country of unloading Table I4: goods transported, by category of dangerous goods (Annex VII) Table I5: goods transported, by type of consignment (optional) Table I6: goods transported in intermodal transport units, by type of transport and by type of transport unit Table I7: number of loaded intermodal transport units carried, by type of transport and by type of transport unit Table I8: number of empty intermodal transport units carried, by type of transport and by type of transport unit Table I9: goods train movements
Deadline for transmission of data	Five months after end of reference period
First reference period for tables I1, I2 and I3	2003
First reference period for tables I4, I5, I6, I7, I8 and I9	2004
Notes	1. Type of transport is broken down as follows: — national — international-incoming — international-outgoing — transit 2. Type of consignment may be broken down as follows: — full train loads — full wagon loads — other

ANNUAL STATISTICS ON GOODS TRANSPORT — DETAILED REPORTING

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| | <ol style="list-style-type: none">3. Type of transport unit is broken down as follows:<ul style="list-style-type: none">— containers and swap bodies— semi-trailers (unaccompanied)— road vehicles (accompanied)4. For Table I3, Eurostat and the Member States may make arrangements to facilitate consolidation of data originating from undertakings in other Member States, in order to ensure the coherence of these data.5. For Table I4, Member States shall indicate which categories of traffic, if any, are not covered by the data.6. For tables I2 to I8 where complete information on transit transport is not available, Member States shall report all available data. |
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ANNEX II

ANNUAL STATISTICS ON PASSENGER TRANSPORT — DETAILED REPORTING	
List of variables and units of measurement	Passengers transported in: — number of passengers — passenger-km Passenger train movements in: — train-km
Reference period	One year
Frequency	Every year
List of tables with the breakdown for each table	Table II1: passengers transported, by type of transport Table II2: international passengers transported, by country of embarkation and by country of disembarkation Table II3: passenger train movements
Deadline for transmission of data	Eight months after end of reference period
First reference period	2016
Notes	1. Type of transport is broken down as follows: — national — international 2. For Tables II1 and II2, Member States shall report data including information from ticket sales outside the reporting country. This information may be obtained either directly from the national authorities of other countries or through international compensation arrangements for tickets.

ANNEX III

QUARTERLY STATISTICS ON GOODS AND PASSENGER TRANSPORT	
List of variables and units of measurement	Goods transported in: — tonnes — tonne-km Passengers transported in: — number of passengers — passenger-km
Reference period	One quarter
Frequency	Every quarter
List of tables with the breakdown for each table	Table III1: goods transported Table III2: passengers transported
Deadline for transmission of data	Three months after end of reference period
First reference period	First quarter of 2004
Notes	1. Tables III1 and III2 may be reported on the basis of provisional data, including estimates. For Table III2, Member States may report data based on ticket sales in the reporting country or any other available source. 2. These statistics shall be supplied for the undertakings covered by Annexes I and II.

ANNEX IV

REGIONAL STATISTICS ON GOODS AND PASSENGER TRANSPORT	
List of variables and units of measurement	Goods transported in: — tonnes Passengers transported in: — number of passengers
Reference period	One year
Frequency	Every five years
List of tables with the breakdown for each table	Table IV1: national goods transport by region of loading and region of unloading (NUTS 2) Table IV2: international goods transport by region of loading and unloading (NUTS 2) Table IV3: national passenger transport by region of embarkation and region of disembarkation (NUTS 2) Table IV4: international passenger transport by region of embarkation and region of disembarkation (NUTS 2)
Deadline for transmission of data	12 months after end of reference period
First reference period	2005
Notes	1. Where the place of loading or unloading (Tables IV1, IV2) or embarkation or disembarkation (Tables IV3, IV4) is outside the European Economic Area, Member States shall report only the country. 2. In order to assist Member States in the preparation of these tables, Eurostat shall provide Member States with a list of UIC station codes and the corresponding NUTS codes. 3. For Tables IV3 and IV4, Member States may report data based on ticket sales or any other available source. 4. These statistics shall be supplied for the undertakings covered by Annexes I and II.

ANNEX V

STATISTICS ON TRAFFIC FLOWS ON THE RAIL NETWORK	
List of variables and units of measurement	Goods transport: — number of trains Passenger transport: — number of trains Other (service trains, etc.) (optional): — number of trains
Reference period	One year
Frequency	Every five years
List of tables with the breakdown for each table	Table V1: goods transport, by network segment Table V2: passenger transport, by network segment Table V3: other (service trains, etc.), by network segment (optional)
Deadline for transmission of data	18 months after end of reference period
First reference period	2005
Notes	- Member States shall define a set of network segments to include at least the rail trans-European network (TEN) on their national territory. They shall communicate to Eurostat: — the geographical coordinates and other data needed to identify and map each network segment as well as the links between segments, — information on the characteristics (including the capacity) of the trains using each network segment. - Each network segment which is part of the rail TEN shall be identified by means of an additional attribute in the data record, in order to enable traffic on the rail TEN to be quantified.

ANNEX VI

NST 2007

Division	Description
01	Products of agriculture, hunting, and forestry; fish and other fishing products
02	Coal and lignite; crude petroleum and natural gas
03	Metal ores and other mining and quarrying products; peat; uranium and thorium
04	Food products, beverages and tobacco
05	Textiles and textile products; leather and leather products
06	Wood and products of wood and cork (except furniture); articles of straw and plaiting materials; pulp, paper and paper products; printed matter and recorded media
07	Coke and refined petroleum products
08	Chemicals, chemical products, and man-made fibres; rubber and plastic products; nuclear fuel
09	Other non-metallic mineral products
10	Basic metals; fabricated metal products, except machinery and equipment
11	Machinery and equipment n.e.c.; office machinery and computers; electrical machinery and apparatus n.e.c.; radio, television and communication equipment and apparatus; medical, precision and optical instruments; watches and clocks
12	Transport equipment
13	Furniture; other manufactured goods n.e.c.
14	Secondary raw materials; municipal wastes and other wastes
15	Mail, parcels
16	Equipment and material utilised in the transport of goods
17	Goods moved in the course of household and office removals; baggage transported separately from passengers; motor vehicles being moved for repair; other non-market goods n.e.c.
18	Grouped goods: a mixture of types of goods which are transported together
19	Unidentifiable goods: goods which for any reason cannot be identified and therefore cannot be assigned to groups 01–16
20	Other goods n.e.c.

ANNEX VII

CLASSIFICATION OF DANGEROUS GOODS

1. Explosives
2. Gases, compressed, liquefied or dissolved under pressure
3. Flammable liquids
- 4.1. Flammable solids
- 4.2. Substances liable to spontaneous combustion
- 4.3. Substances which, in contact with water, emit flammable gases
- 5.1. Oxidising substances
- 5.2. Organic peroxides
- 6.1. Toxic substances
- 6.2. Substances liable to cause infections
7. Radioactive material
8. Corrosives
9. Miscellaneous dangerous substances

Note:

These categories are those defined in the regulations concerning the international carriage of dangerous goods by rail, usually known as the RID, as adopted under Directive 2008/68/EC of the European Parliament and of the Council ⁽¹⁾.

⁽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).

ANNEX VIII

Table VIII.1

LEVEL OF TRANSPORT ACTIVITY IN GOODS TRANSPORT	
List of variables and units of measurement	Goods transported in: — total tonnes — total tonne-km Goods train movements in: — total train-km
Reference period	One year
Frequency	Every year
Deadline for transmission of data	Five months after end of reference period
First reference period	2017
Notes	Only for undertakings with a total volume of freight transport of less than 200 million tonne-km and less than 500 000 tonnes and not reporting under Annex I (detailed reporting).

Table VIII.2

LEVEL OF TRANSPORT ACTIVITY IN PASSENGER TRANSPORT	
List of variables and units of measurement	Passengers transported in: — total passengers — total passenger-km Passenger train movements in: — total train-km
Reference period	One year
Frequency	Every year
Deadline for transmission of data	Eight months after end of reference period
First reference period	2017
Notes	Only for undertakings with a total volume of passenger transport of less than 100 million passenger-km and not reporting under Annex II (detailed reporting).

ANNEX IX

REPEALED REGULATION WITH LIST OF ITS SUCCESSIVE AMENDMENTS

Regulation (EC) No 91/2003 of the European Parliament and of the Council

(OJ L 14, 21.1.2003, p. 1)

Commission Regulation (EC) No 1192/2003

(OJ L 167, 4.7.2003, p. 13)

Commission Regulation (EC) No 1304/2007

Only Article 3

(OJ L 290, 8.11.2007, p. 14)

Regulation (EC) No 219/2009 of the European Parliament and of the Council

Only point 4.4 of the Annex

(OJ L 87, 31.3.2009, p. 109)

Regulation (EU) 2016/2032 of the European Parliament and of the Council

(OJ L 317, 23.11.2016, p. 105)

ANNEX X

CORRELATION TABLE

Regulation (EC) No 91/2003	This Regulation
Articles 1, 2 and 3	Articles 1, 2 and 3
Article 4(1), introductory wording	Article 4(1), introductory wording
Article 4(1)(a)	Article 4(1)(a)
Article 4(1)(c)	Article 4(1)(b)
Article 4(1)(e)	Article 4(1)(c)
Article 4(1)(f)	Article 4(1)(d)
Article 4(1)(g)	Article 4(1)(e)
Article 4(2), (3) and (4)	Article 4(2), (3) and (4)
Article 4(5)	—
Articles 5, 6 and 7	Articles 5, 6 and 7
Article 8(1)	Article 8(1)
Article 8(1a)	Article 8(2)
Article 8(2)	Article 8(3)
Article 8(3)	Article 8(4)
Article 8(4)	Article 8(5)
Articles 9, 10 and 11	Articles 9, 10 and 11
—	Article 12
Article 13	Article 13
Annex A	Annex I
Annex C	Annex II
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Annex J	Annex VI
Annex K	Annex VII
Annex L	Annex VIII
—	Annex IX
—	Annex X

REGULATION (EU) 2018/644 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 18 April 2018
on cross-border parcel delivery services
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

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

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) The tariffs applicable to cross-border parcels and other postal items for low volume senders, particularly small and medium-sized enterprises (SMEs) and individuals, are still relatively high. This has a direct negative impact on users seeking cross-border parcel delivery services, especially in the context of e-commerce.
- (2) Article 14 of the Treaty on the Functioning of the European Union (TFEU) highlights the place occupied by services of general economic interest, such as postal services, in the shared values of the Union, as well as their role in promoting social and territorial cohesion. It states that care is to be taken that such services operate on the basis of principles and conditions which enable them to fulfil their missions.
- (3) Protocol No 26 on services of general interest, annexed to the Treaty on European Union (TEU) and the TFEU, further highlights that the shared values of the Union in respect of services of general economic interest within the meaning of Article 14 TFEU include the differences in the needs and preferences of users that might result from different geographical, social or cultural situations as well as a high level of quality, safety and affordability, equal treatment and the promotion of universal access and of user rights.
- (4) Article 169(1) and point (a) of Article 169(2) TFEU provide that the Union is to contribute to the attainment of a high level of consumer protection through measures adopted pursuant to Article 114 thereof.
- (5) There are fundamental differences between Member States when it comes to competences conferred on national regulatory authorities with regard to market monitoring and regulatory oversight of parcel delivery service providers. For example, some authorities are able to successfully require providers to supply relevant price information. The existence of such differences has been confirmed by a joint opinion of the Body of European Regulators for Electronic Communications and the European Regulators group for Postal Services, which concluded that national regulatory authorities need the appropriate regulatory powers to intervene and that such powers do not seem to be present in all Member States. Those differences result in additional administrative burdens and compliance costs for parcel delivery service providers who operate across borders. Those differences therefore constitute an obstacle to the cross-border provision of parcel delivery services and thus have a direct effect on the functioning of the internal market.
- (6) Due to the international nature of the postal and parcel sector, the further development of European and international technical standards is important in order to benefit users and the environment, and to broaden market opportunities for businesses. Furthermore, users often report quality of service issues when sending, receiving or

⁽¹⁾ OJ C 34, 2.2.2017, p. 106.

⁽²⁾ Position of the European Parliament of 13 March 2018 (not yet published in the Official Journal) and decision of the Council of 12 April 2018.

returning cross-border parcels. There is, therefore, an equal need for further improvements in the quality of service standards and in the interoperability of cross-border parcel delivery services. Both should be prioritised further in accordance with Directive 97/67/EC of the European Parliament and of the Council ⁽¹⁾, through the European Committee for Standardization (CEN) and otherwise. More progress is also needed in making services more efficient, which should, in particular, take into account the interests of users.

- (7) Standardisation of postal services and the improvement of quality of service in support of Directive 97/67/EC is a strategic priority of the Union, which should be further pursued. Technical standardisation is indispensable for the promotion of interoperability between national networks and for the existence of an efficient universal service. In August 2016, the Commission submitted a fourth standardisation request to CEN with the aim of establishing a work programme and providing a final report in August 2020 ⁽²⁾. That work programme should, in particular, take into account the interests of users and environmental considerations, as well as efficiency, and should contribute to promoting the creation of a Digital Single Market for the Union.
- (8) The market for cross-border parcel delivery services is diverse, complex and competitive, with different providers offering different services and prices depending on weight, size and format of parcels sent, as well as on their destination, any added value features, such as traceability systems, and the number of parcels sent. In several Member States, universal service providers do not have a majority share of the parcel delivery service market. That diversity makes it hard for consumers and users to compare parcel delivery services offered by different providers, in terms of quality and price, because they are often not aware of the existence of different parcel delivery options for similar services in cross-border online trade. It should be made easier, in particular, for SMEs and individuals to access the relevant information. Moreover, small and medium-sized traders have identified delivery concerns as an obstacle when selling cross-border.
- (9) In order to improve cross-border parcel delivery services, especially for individuals and micro and small businesses, including those in remote or sparsely populated areas, and for individuals with disabilities or with reduced mobility, it is necessary to improve the access to and transparency of public lists of tariffs for a limited set of cross-border parcel delivery services. Making cross-border prices more transparent and easily comparable across the Union should encourage the reduction of unreasonable differences between tariffs, including, where applicable, unjustified differences between domestic and cross-border tariffs.
- (10) Single-piece parcel services are part of the universal service in every Member State and also represent the services that are most frequently used by individuals and small businesses. Improving the transparency and affordability of single-piece tariffs is necessary for the further development of e-commerce.
- (11) Many companies that sell, used to sell or have tried to sell online consider high delivery costs together with expensive complaints processes and guarantees to be a problem. Further action is needed in particular to ensure that SMEs and individuals in remote areas fully benefit from seamless cross-border parcel delivery services to which they have access and to ensure that those services are reasonably priced.
- (12) The term 'universal service providers' refers to postal operators that provide a universal postal service or parts thereof within a specific Member State. Universal service providers who operate in more than one Member State should be classified as a universal service provider only in the Member State or States in which they provide a universal postal service.
- (13) Currently, postal services are regulated by Directive 97/67/EC. That Directive establishes common rules governing the provision of postal services and the universal postal service within the Union. It focuses primarily, but not exclusively, on national universal services and does not address regulatory oversight of parcel delivery service providers. Compliance with the minimum universal service requirements laid down in that Directive is ensured by national regulatory authorities designated by Member States. This Regulation therefore complements, insofar as cross-border parcel delivery services are concerned, the rules set out in Directive 97/67/EC. This Regulation is without prejudice to the rights and guarantees set out in Directive 97/67/EC, including in particular the continued provision of a universal postal service to users.

⁽¹⁾ Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service (OJ L 15, 21.1.1998, p. 14).

⁽²⁾ Commission Implementing Decision of 1 August 2016 on a standardisation request to the European Committee of Standardization as regards postal services and the improvement of quality of service in support of Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997.

- (14) This Regulation does not alter the definition of postal item in point 6 of Article 2 of Directive 97/67/EC or national law definitions based thereon.
- (15) An estimated 80 % of addressed parcels generated by e-commerce today weigh less than two kilograms, and they are often processed in the letter-post mail stream. There is a lack of information on the weight of parcels delivered by other means. It is important that those lighter items are subject to this Regulation.
- (16) For the purpose of implementing this Regulation, it is important to provide clear definitions of parcels, parcel delivery services and parcel delivery service providers and to specify which postal items are covered by those definitions. It is assumed that postal items which are over 20 mm thick contain goods other than items of correspondence, whether handled or not by the universal service provider. Postal items consisting only of correspondence should not fall within the scope of parcel delivery services. This Regulation should therefore, in line with consistent practice, cover parcels containing goods with or without commercial value weighing up to 31,5 kg, since heavier items cannot be handled by a single average individual without mechanical aids and this activity is part of the freight transport and logistics sector.
- (17) Providers of parcel delivery services using alternative business models, for example those drawing on the collaborative economy and e-commerce platforms, should be subject to this Regulation if they provide at least one of the steps in the postal delivery chain. Clearance, sorting and distribution, including pick-up services, should be considered parcel delivery services, including when they are provided by express and courier service providers, as well as consolidators, in line with current practice. Transport alone that is not undertaken in conjunction with one of those steps should fall outside the scope of parcel delivery services, including when it is carried out by subcontractors, either in the context of alternative business models or not, as it should in that case be assumed that this activity is part of the transport sector, unless the undertaking concerned, or one of its subsidiaries or linked undertakings, otherwise falls within the scope of this Regulation.
- (18) This Regulation should not apply to undertakings that are established in only one Member State and that have domestic in-house delivery networks only in order to fulfil orders of goods that they themselves have sold under a sales contract within the meaning of point 5 of Article 2 of Directive 2011/83/EU of the European Parliament and of the Council ⁽¹⁾. Undertakings that also use domestic in-house delivery networks for the delivery of goods sold by third parties should be subject to this Regulation.
- (19) The minimum confidential information that should be forwarded to the national regulatory authorities and the procedures followed by those authorities in order to ensure compliance with the commercial nature of national operators should be defined and secure channels should be established for their communication.
- (20) It is necessary for national regulatory authorities to have knowledge, and information for statistical purposes, about parcel delivery service providers active on the market on the basis of appropriate authorisation procedures or other legal requirements. Due to the labour intensive nature of the sector and in order to limit the administrative burden on small parcel delivery service providers who are only active on a national or regional market, a threshold of fewer than 50 persons should be applied, based on the number of persons who were working for the service provider over the previous calendar year and who were involved in the provision of parcel delivery services in the Member State in which the provider is established, unless that provider is established in more than one Member State. That threshold is in line with Commission Recommendation 2003/361/EC ⁽²⁾, reflects the labour intensive nature of the sector, and captures most of the parcel delivery service market, especially in countries with low volumes of parcel flows. That threshold should, in particular, include persons involved in the provision of parcel delivery services such as full-time, part-time and temporary employees and self-employed persons working for the parcel delivery service provider. Breakdowns showing the number of persons by employment status should be in accordance with the national law of the Member States concerned. In certain cases, while taking into account the specificities of the Member State concerned, the national regulatory authority

⁽¹⁾ Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).

⁽²⁾ Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

should be able to lower the threshold to 25 persons, or to request the cross-border parcel delivery service provider to include in the threshold full-time, part-time and temporary employees and self-employed workers for its subcontractors, in order to increase the transparency of the cross-border tariffs and of the market as a whole.

- (21) Any submission to the national regulatory authority of information on the number of persons working for the parcel delivery service provider should be in accordance with established company reporting practices relating to statistical information. It is important in order to ensure comparability of data, while keeping the administrative burden on the providers to a minimum.
- (22) The place at which a provider is established is to be determined in accordance with the case-law of the Court of Justice of the European Union. Where a provider has several places of establishment, it is important to determine the place of establishment from which the actual service concerned is provided.
- (23) When submitting information to the national regulatory authority, the characteristics of the parcel delivery services should include the steps in the postal delivery chain (clearance, sorting, transport and distribution) undertaken by that provider, whether the service is within or outside the scope of the universal service obligation, what the territorial scope of the service (regional, domestic, cross-border) is, and whether added value is offered.
- (24) The list of postal items that are subject to price transparency measures should be limited in order to facilitate comparability and to minimise administrative burdens on cross-border parcel delivery service providers and national regulatory authorities. Standard and registered services should be included, given that these form the basis of the universal service obligation, and given the importance of track and trace functionality for e-commerce, the prices for track and trace and registered parcels should also be included, whether or not they form part of the universal service obligation, in order to ensure comparability across the Union. The focus should be on lighter weights, which make up the majority of postal items delivered by parcel delivery service providers, as well as on the prices for postal items over 20 mm thick, which are processed as letters. Only single-piece tariffs should be included since these are the prices paid by the smallest senders. The postal items concerned should be set out clearly in an Annex to this Regulation. This Regulation does not oblige cross-border parcel delivery service providers to offer all the postal items listed in that Annex. In order to ensure the accuracy of the tariff information, it should be provided by the cross-border parcel delivery service providers themselves. Those tariffs should be published by the Commission on a dedicated website which is neutral and non-commercial in character.
- (25) When national regulatory authorities objectively assess the cross-border tariffs that they consider that it is necessary for them to assess, they should base themselves on elements, such as: the domestic and any other relevant tariffs of the comparable parcel delivery services in the originating Member State and in the destination Member State; any application of a uniform tariff to two or more Member States; bilateral volumes, specific transportation or handling costs; other relevant costs and service quality standards; and, where possible without disproportionate burden, the likely impact of the applicable cross-border tariffs on individual and small and medium-sized enterprise users including those situated in remote or sparsely populated areas, and on individual users with disabilities or with reduced mobility. Those common elements may be complemented by other elements of particular relevance for explaining the tariffs in question, such as whether tariffs are subject to a specific price regulation under national legislation or whether abuses of dominant market position have been established in accordance with relevant applicable law. In addition, in order to reduce the administrative burden on the national regulatory authorities and on parcel delivery service providers subject to the universal service obligation, and in accordance with the principle of proportionality, national regulatory authorities can, when identifying which cross-border tariffs it is necessary to assess, base their identification on an objective pre-assessment filter mechanism.
- (26) Uniform tariffs for cross-border deliveries to two or more Member States might be important for the protection of regional and social cohesion. In that context, consideration should be given to the need to promote e-commerce and to offer new opportunities for remote or sparsely populated areas to participate in online trade, and to enhance their regional economies.
- (27) Significant differences between domestic and cross-border tariffs for parcel delivery services should be justified on the basis of objective criteria, such as specific transportation or handling costs or other relevant costs. It might be necessary for the national regulatory authority to gather evidence for the purposes of the assessment. That evidence, together with any justification of the tariffs under assessment, should be provided to the national regulatory authority upon request.
- (28) In order to ensure transparency across the Union, a non-confidential version of the assessment submitted by each national regulatory authority should be published by the Commission.

- (29) In order to limit the administrative burden, parcel delivery service providers, national regulatory authorities and the Commission should transfer data electronically, and in particular should allow the use of e-signatures, as provided for in Regulation (EU) No 910/2014 of the European Parliament and of the Council ⁽¹⁾.
- (30) As markets for parcel delivery services are changing fast, the Commission should re-assess the efficiency and effectiveness of this Regulation, taking into account developments in e-commerce, and should submit a regular report to the European Parliament and to the Council. That report should be accompanied, where appropriate, by a legislative proposal for review to the European Parliament and the Council. That report should be produced with the involvement of all relevant stakeholders including the European Social Dialogue Committee for the postal sector.
- (31) The Commission should build on valuable input from the European Regulators group for Postal Services composed by representatives of the national regulatory authorities.
- (32) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to establish a form for the submission of such information by parcel delivery service providers to national regulatory authorities. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽²⁾.
- (33) This Regulation respects the fundamental rights, and observes the principles, recognised in particular by the Charter of Fundamental Rights of the European Union, and should be implemented in accordance with those rights and principles.
- (34) Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽³⁾ and Directive (EU) 2016/680 of the European Parliament and of the Council ⁽⁴⁾ apply to the processing of personal data within the framework of this Regulation.
- (35) Member States should lay down rules on penalties applicable to infringements of this Regulation and should ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive.
- (36) Since the objectives of this Regulation, namely to establish the regulatory principles and rules necessary to improve regulatory oversight, to improve transparency of tariffs and to establish certain principles as regards cross-border parcel delivery services that should support competition, with the ultimate goal of fostering better cross-border parcel delivery services for users, and, in doing so, also of increasing consumer confidence in cross-border e-commerce, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve this objective,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter and objectives

This Regulation lays down specific provisions to foster better cross-border parcel delivery services, in addition to those laid down in Directive 97/67/EC, concerning:

- (a) regulatory oversight related to parcel delivery services;

⁽¹⁾ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

⁽²⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

⁽³⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁽⁴⁾ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

- (b) transparency of tariffs, and assessment of tariffs for certain cross-border parcel delivery services for the purpose of identifying those that are unreasonably high;
- (c) information for consumers made available by traders concerning cross-border parcel delivery services.

Article 2

Definitions

For the purposes of this Regulation, the definitions in Article 2 of Directive 97/67/EC and in points 1, 2 and 5 of Article 2 of Directive 2011/83/EU apply. In addition, the following definitions apply:

- (1) 'parcel' means a postal item containing goods with or without commercial value, other than an item of correspondence, with a weight not exceeding 31,5 kg;
- (2) 'parcel delivery services' means services involving the clearance, sorting, transport and distribution of parcels;
- (3) 'parcel delivery service provider' means an undertaking that provides one or more parcel delivery services with the exception of undertakings established in one Member State alone, that only provide domestic parcel delivery services as part of a sales contract and as part of the contract personally deliver goods that are subject of that contract to the user;
- (4) 'subcontractor' means an undertaking that provides the clearance, sorting, transport or distribution of parcels for the parcel delivery service provider.

Article 3

Level of harmonisation

The requirements laid down in this Regulation are minimum requirements and shall not prevent any Member State from maintaining or introducing additional necessary and proportionate measures in order to achieve better cross-border parcel delivery services, provided that those measures are compatible with Union law.

CHAPTER II

REGULATORY OVERSIGHT

Article 4

Provision of information

1. All parcel delivery service providers shall submit to the national regulatory authority of the Member State in which they are established the following information, unless that national regulatory authority has already requested and received it:

- (a) their name, legal status and form, registration number in a trade or similar register, VAT identification number, the address of their establishment and the contact details of a contact person;
- (b) the characteristics, and, where possible, a detailed description, of the parcel delivery services they offer;
- (c) their general terms and conditions for parcel delivery services, including details of complaints procedures for users and any potential limitations of liability.

2. Parcel delivery service providers shall inform the national regulatory authority of any change to the information referred to in paragraph 1 within 30 days.

3. By 30 June of each calendar year, all parcel delivery service providers shall submit to the national regulatory authority of the Member State in which they are established the following information, unless that national regulatory authority has already requested and received it:

- (a) the annual turnover in parcel delivery services for the previous calendar year in the Member State in which they are established, broken down into domestic, incoming and outgoing cross-border parcel delivery services;
- (b) the number of persons working for them over the previous calendar year involved in the provision of parcel delivery services in the Member State in which they are established, including breakdowns showing the number of persons by employment status, and in particular, those working full-time and part-time, those who are temporary employees and those who are self-employed;

- (c) the number of parcels handled over the previous calendar year in the Member State in which they are established, broken down into domestic, incoming and outgoing cross-border parcels;
 - (d) the names of their subcontractors, together with any information that they hold concerning the characteristics of parcel delivery services provided by those subcontractors;
 - (e) where available, any publicly accessible price list applicable on 1 January of each calendar year for parcel delivery services.
4. By 23 September 2018, the Commission shall adopt an implementing act, establishing a form for the submission of the information referred to in paragraphs 1 and 3. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 12.
5. The national regulatory authorities may impose information requirements additional to those referred to in paragraphs 1 and 3, provided that they are necessary and proportionate.
6. Paragraphs 1 to 5 shall not apply to any parcel delivery service provider which had over the previous calendar year on average fewer than 50 persons working for it and involved in the provision of parcel delivery services in the Member State in which that provider is established, unless that provider is established in more than one Member State. A national regulatory authority may include in the threshold of 50 persons the persons working for the parcel delivery service provider's subcontractors.
7. Notwithstanding paragraph 6, a national regulatory authority may request the information to be submitted under paragraphs 1 to 5 by any parcel delivery service provider which employed over the previous calendar year on average between 25 and 49 persons where the specificities of the Member State concerned so require and provided that it is necessary and proportionate to ensure conformity with this Regulation.

Article 5

Transparency of cross-border tariffs

1. All cross-border parcel delivery service providers other than those excluded by Article 4(6) and (7) shall provide the national regulatory authority of the Member State in which they are established with the public list of tariffs applicable on 1 January of each calendar year for the delivery of single-piece postal items, other than items of correspondence, falling within the categories listed in the Annex. That information shall be provided by 31 January of each calendar year.
2. The national regulatory authorities shall without delay and by 28 February of each calendar year submit the public lists of tariffs obtained in accordance with paragraph 1 to the Commission. The Commission shall publish them on a dedicated website by 31 March of each calendar year, and shall ensure that the dedicated website is neutral and non-commercial in character.

Article 6

Assessment of cross-border single-piece parcel tariffs

1. On the basis of the public lists of tariffs obtained in accordance with Article 5, the national regulatory authority shall identify, for each of the single-piece postal items listed in the Annex, the cross-border tariffs of the parcel delivery service provider that originates in its Member State and that are subject to a universal service obligation that the national regulatory authority objectively considers necessary to assess.
2. The national regulatory authority shall objectively assess, in accordance with the principles in Article 12 of Directive 97/67/EC, the cross-border tariffs identified under paragraph 1 in order to identify those cross-border tariffs that it considers to be unreasonably high. In that assessment, the national regulatory authority shall in particular take into account the following elements:
- (a) the domestic and any other relevant tariffs of the comparable parcel delivery services in the originating Member State and in the destination Member State;
 - (b) any application of a uniform tariff to two or more Member States;
 - (c) bilateral volumes, specific transportation or handling costs, other relevant costs and service quality standards;
 - (d) the likely impact of the applicable cross-border tariffs on individual and small and medium-sized enterprise users including those situated in remote or sparsely populated areas, and on individual users with disabilities or with reduced mobility, where possible without imposing a disproportionate burden.

3. In addition to the elements in paragraph 2, the national regulatory authority may, when it considers it to be necessary, in particular also take into account the following elements:

- (a) whether tariffs are subject to a specific price regulation under national legislation;
- (b) abuses of dominant market position established in accordance with relevant applicable law.

4. The Commission shall set out guidelines on the methodology to be used in respect of the elements listed in paragraphs 2 and 3.

5. For the purposes of the assessment referred to in paragraph 2, the national regulatory authority shall, when it considers that it is necessary, request any further relevant evidence in relation to those tariffs that is needed for the assessment to be made.

6. The evidence referred to in paragraph 5 shall be provided to the national regulatory authority within one month of receipt of the request, together with any justification of the tariffs under assessment.

7. The national regulatory authority shall submit its assessment to the Commission by 30 June of the relevant calendar year. In addition, the national regulatory authority shall provide a non-confidential version of that assessment to the Commission.

8. The Commission shall publish the non-confidential version of the assessment provided by the national regulatory authorities without delay and in any event within one month of receipt.

Article 7

Information to consumers

For contracts falling within the scope of Directive 2011/83/EU, all traders concluding sales contracts with consumers that include the sending of cross-border parcels shall, where possible and applicable, make available, at the pre-contractual stage, information about the cross-border delivery options in relation to the specific sales contract and charges payable by consumers for the cross-border parcel delivery, as well as, where applicable, their own complaints handling policies.

CHAPTER III

FINAL PROVISIONS

Article 8

Penalties

1. Member States shall lay down the rules on the penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

2. Member States shall, by 23 November 2019, notify the Commission of the provisions of their laws which they adopt pursuant to paragraph 1 and shall notify it, without delay, of any subsequent amendment affecting them.

Article 9

Confidentiality

Any confidential business information provided in accordance with this Regulation to national regulatory authorities or to the Commission shall be subject to strict confidentiality requirements under the applicable provisions of Union and national law.

Article 10

Application

Except where this Regulation specifically provides otherwise, this Regulation shall be without prejudice to Union and national law, to appropriate authorisation procedures applicable to parcel delivery service providers, to social and employment rules and to requirements to submit information to national regulatory authorities.

*Article 11***Review**

By 23 May 2020, and thereafter every three years, the Commission shall submit to the European Parliament, the Council and the European Economic and Social Committee an evaluation report on the application and implementation of this Regulation, accompanied, where necessary, by a legislative proposal for its review. All relevant stakeholders should be involved and informed before the production of that report.

The Commission shall evaluate at least the following:

- (a) the contribution of this Regulation to the improvement of cross-border parcel delivery services, including the affordability for SMEs and individuals, especially those located in remote or sparsely populated areas and whether the transparency of cross-border tariffs has improved;
- (b) the impact of this Regulation on cross-border parcel delivery levels and e-commerce, including data on delivery charges;
- (c) the extent to which national regulatory authorities have had difficulties applying this Regulation, including a quantitative analysis of the administrative consequences;
- (d) progress made concerning other initiatives for completing the single market for parcel delivery services, and in particular progress in the fields of consumer protection and development of standards.

*Article 12***Committee procedure**

1. The Commission shall be assisted by the Postal Directive Committee established by Article 21 of Directive 97/67/EC. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

*Article 13***Entry into force**

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

This Regulation shall apply from 22 May 2018, with the exception of Article 8, which shall apply from 23 November 2019.

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

Done at Strasbourg, 18 April 2018.

For the European Parliament

The President

A. TAJANI

For the Council

The President

L. PAVLOVA

ANNEX

Single-piece postal items for which parcel delivery service providers' tariffs are subject to the price transparency measures and the assessment provided for in Articles 5 and 6:

- (a) a 500 g (domestic and intra Union) standard letter;
- (b) a 1 kg (domestic and intra Union) standard letter;
- (c) a 2 kg (domestic and intra Union) standard letter;
- (d) a 500 g (domestic and intra Union) registered letter;
- (e) a 1 kg (domestic and intra Union) registered letter;
- (f) a 2 kg (domestic and intra Union) registered letter;
- (g) a 500 g (domestic and intra Union) track and trace letter;
- (h) a 1 kg (domestic and intra Union) track and trace letter;
- (i) a 2 kg (domestic and intra Union) track and trace letter;
- (j) a 1 kg (domestic and intra Union) standard parcel;
- (k) a 2 kg (domestic and intra Union) standard parcel;
- (l) a 5 kg (domestic and intra Union) standard parcel;
- (m) a 1 kg (domestic and intra Union) track and trace parcel;
- (n) a 2 kg (domestic and intra Union) track and trace parcel;
- (o) a 5 kg (domestic and intra Union) track and trace parcel.

The postal items listed in points (a) to (o) shall meet the following criteria:

- (a) The size limits of the postal items listed in points (a) to (i) (letter mail products) shall follow the following rule:

Length, width and thickness combined: 900 mm, the greatest dimension shall not exceed 600 mm, the smallest dimension shall exceed 20 mm;

- (b) The parcels listed in points (j) to (o) shall not be smaller than the size prescribed for those listed in points (a) to (i).

Elements to be taken into account when providing the information on the tariffs for points (a) to (o):

- (*) The tariffs corresponding to the postal items shall be single piece and not contain any special discounts on the basis of volumes or on any other special treatment.
 - (**) The value of the tariffs shall be provided to the national regulatory authorities net of VAT.
 - (***) Providers who offer more than one postal item meeting the criteria above should report the least expensive tariff.
 - (****) The tariffs above shall correspond to postal items delivered at the home or other premises of the addressee in the destination Member State, or at other premises requested by the addressee if such tariff includes that option without additional charge.
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DIRECTIVES

DIRECTIVE (EU) 2018/645 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 18 April 2018

amending Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers and Directive 2006/126/EC on driving licences

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

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

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) In its White Paper of 28 March 2011, entitled 'Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system', the Commission sets out a 'vision zero' objective according to which the Union should move to a position in which there are close to zero fatalities in road transport by 2050.
- (2) The Commission, in its communication on policy orientations on road safety for 2011-2020, entitled 'Towards a European road safety area: policy orientations on road safety for 2011-2020', proposed the goal of further halving the overall number of road fatalities in the Union by 2020, starting from 2010. With a view to reaching this goal, the Commission laid down seven strategic objectives, including improving the education and training of road users and the protection of vulnerable road users.
- (3) A binding target of a domestic reduction in economy-wide greenhouse gas emissions of at least 40 % by 2030 compared to 1990 was endorsed by the European Council of 23 to 24 October 2014. This target for emissions reduction will help to fulfil the Paris Agreement long-term goals and all sectors of the economy should contribute to achieving it. The transport sector needs a comprehensive approach for the promotion of emission reductions and energy efficiency. Progress should be made towards low-emission mobility, inter alia, through research and through the introduction of technological advances that are already available. Drivers need to be properly trained to drive in the most efficient manner.
- (4) Having evaluated the implementation of Directive 2003/59/EC of the European Parliament and of the Council ⁽³⁾, the Commission identified a number of shortcomings. The main shortcomings identified were difficulties relating to, and legal uncertainty in, the interpretation of exemptions; the content of the training, which was found to be only partially relevant for drivers' needs; difficulties for drivers in obtaining mutual recognition of completed or

⁽¹⁾ OJ C 288, 31.8.2017, p. 115.

⁽²⁾ Position of the European Parliament of 13 March 2018 (not yet published in the Official Journal) and decision of the Council of 12 April 2018.

⁽³⁾ 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 L 226, 10.9.2003, p. 4).

partially completed training undergone in another Member State; and inconsistencies of minimum age requirements between Directives 2003/59/EC and 2006/126/EC of the European Parliament and of the Council ⁽¹⁾.

- (5) In order to improve legal clarity in Directive 2003/59/EC, all references to repealed or replaced Union acts should be removed or amended.
- (6) In order to provide certainty and consistency with other Union acts, a number of changes should be made to the exemptions to Directive 2003/59/EC, taking into account similar exemptions under Regulation (EC) No 561/2006 of the European Parliament and of the Council ⁽²⁾. Some of those exemptions relate to situations where driving is not the principal activity of the driver and where it would impose a disproportionate burden on drivers to require them to comply with the requirements of Directive 2003/59/EC. Generally, driving is deemed not to be the driver's principal activity where it occupies less than 30 % of the rolling monthly working time.
- (7) Where the driving occurs infrequently, takes place in rural areas and is carried out by drivers who are supplying their own business, exemptions should apply, provided that road safety is still ensured. Due to the different conditions in rural areas within the Union in terms of geography, climate and population density, Member States should have discretion in determining whether such driving can be considered to be occasional and whether such an exemption has an impact on road safety: for example on the basis of the type of road, the traffic volume or the presence of vulnerable road users.
- (8) Since the distances that persons working in agriculture, horticulture, forestry, farming and fishery, who are exempted from this Directive, need to cover in the course of their work vary across the Union, it should be left to Member States to determine, in their national law, maximum permissible distances, calculated from the undertaking's base, to which the exemptions apply.
- (9) Those drivers who were exempted from the initial qualification requirement should, while continuing to benefit from this exemption, nonetheless be required to undergo periodic training to ensure that their knowledge of matters which are essential for their work remains up-to-date.
- (10) Member States, in cooperation with the Commission, should electronically exchange information on certificates of professional competence (CPC). They should develop the necessary electronic platform, taking into account a cost-benefit analysis by the Commission, including the option of expanding the EU driving licence network set up under Directive 2006/126/EC. Among other benefits, this will allow Member States to easily access information on completed training which is not documented on the driving licence of the driver. It is important that Member States and the Commission make efforts to develop this functionality further, with the goal of real-time access during roadside checks.
- (11) Taking into account developments in training and education, and in order to enhance the contribution of Directive 2003/59/EC to road safety and the relevance of training for drivers, subjects relating to road safety should be strengthened in the training courses, such as hazard perception; the protection of vulnerable road users, in particular pedestrians, cyclists and persons with limited mobility; fuel-efficient driving; driving in extreme weather conditions and carrying abnormal loads. In this context, the courses should also relate to intelligent transport systems and should evolve in order to keep pace with technological developments.
- (12) Member States should be provided with a clear option to improve and modernise training practices with the use of information and communication technology (ICT) tools, such as e-learning and blended learning, for part of the training, while ensuring the quality of the training. When improving and modernising training practices with the use of ICT tools, it is important to take into account the fact that some specific topics require hands-on training and cannot be properly addressed with these learning tools: for example, fitting snow chains or securing the loads, or other training elements where the practical side is important. Practical training could, but does not have to, consist of driving. A substantial amount of the training required under this Directive should be carried out at an approved training centre.
- (13) To ensure consistency between the different forms of training required under Union law, Member States should have the possibility to combine different types of relevant training: for example, it should be possible for them to combine training on the transport of dangerous goods, on disability awareness or on animal transport, with the training provided for in Directive 2003/59/EC.

⁽¹⁾ Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (OJ L 403, 30.12.2006, p. 18).

⁽²⁾ 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 and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

- (14) To prevent differing practices between Member States from impeding mutual recognition and restricting the right of drivers to undergo the periodic training in the Member State where they work, Member State authorities should be required, if completed training cannot be marked on the driving licence, to issue a driver qualification card, in the form prescribed by the standard models, that will ensure mutual recognition for every driver who fulfils the requirements of Directive 2003/59/EC.
- (15) The use of driver attestations by drivers from third countries as evidence of compliance with the training requirements might present an obstacle for drivers when the haulier returns the attestation to the issuing authorities, particularly when those drivers wish to take up employment in another Member State. To avoid situations where, under such circumstances, drivers have to repeat their training when taking up new employment, Member States should be encouraged to cooperate and exchange information on driver qualifications.
- (16) In order to allow for a smooth transition, valid driver attestations and valid driver qualification cards issued in accordance with the rules applying before the application of the provisions amended by this Directive should be recognised for the period until their expiry date. Those amendments do not invalidate the training undergone, or the driving licences issued to certify such training, before their application.
- (17) In order to provide legal clarity and to ensure harmonised minimum age requirements for the purposes laid down in Directive 2003/59/EC, a clear derogation should be provided in Directive 2006/126/EC, stipulating that driving licences may be issued at the minimum ages provided for in Directive 2003/59/EC. This clarification concerns the general minimum age for drivers of certain vehicle categories holding a CPC and does not affect existing options for reducing, or providing exemptions to, such minimum age requirements.
- (18) Amendments to Directive 2006/126/EC should be limited to those directly related to the revision of Directive 2003/59/EC and to the facilitation of the use of alternatively fuelled vehicles. A more thorough analysis of the implementation and application of Directive 2006/126/EC, including the delineation between certain categories of vehicles, appears desirable and should be included in any future review of Directive 2006/126/EC.
- (19) In order to contribute to the reduction of greenhouse gas emissions and the improvement of air quality, by facilitating the use of alternatively fuelled vehicles, Member States should be given the possibility to allow, in their territory, holders of a category B driving licence to drive certain types of alternatively fuelled vehicles of which the maximum authorised mass is greater than 3 500 kg but does not exceed 4 250 kg. That possibility to exceed 3 500 kg should be conditional upon the additional mass allowed being exclusively due to the excess of mass resulting from the alternative propulsion systems and should be subject to limitations and conditions intended to avoid negative effects on road safety.
- (20) Since the objective of this Directive, namely the improvement of the EU-wide standard of initial qualification and periodic training for drivers of certain road vehicles for the carriage of goods or passengers, cannot be sufficiently achieved by the Member States but can rather, by reason of the cross-border nature of road transport and of the issues this Directive is intended to address, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (21) Directives 2003/59/EC and 2006/126/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 2003/59/EC is amended as follows:

- (1) Article 1 is replaced by the following:

‘Article 1

Scope

This Directive shall apply to the activity of driving carried out by:

- (a) nationals of a Member State, and

(b) nationals of third countries who are employed or used by an undertaking established in a Member State,

hereinafter referred to as “drivers”, engaged in road transport within the Union, on roads open to the public, using:

- vehicles for which a driving licence of category C1, C1 + E, C or C + E, as defined in Directive 2006/126/EC of the European Parliament and of the Council (*), or a driving licence recognised as equivalent, is required,
- vehicles for which a driving licence of category D1, D1 + E, D or D + E, as defined in Directive 2006/126/EC, or a driving licence recognised as equivalent, is required.

For the purposes of this Directive, the references to categories of driving licences containing a plus sign (“+”) shall be read in accordance with the correspondence table set out in Annex III.

(*) Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (OJ L 403, 30.12.2006, p. 18).’.

(2) Article 2 is replaced by the following:

‘Article 2

Exemptions

1. This Directive shall not apply to the drivers of vehicles:

- (a) with a maximum authorised speed not exceeding 45 km/h;
- (b) used by, or under the control of, the armed forces, civil defence, the fire service, forces responsible for maintaining public order, and emergency ambulance services, when the carriage is undertaken as a consequence of the tasks assigned to those services;
- (c) undergoing road tests for technical development, repair or maintenance purposes, or the drivers of new or rebuilt vehicles which have not yet been put into service;
- (d) for which a driving licence of category D or D1 is required and which are driven without passengers by maintenance personnel to or from a maintenance centre situated in the vicinity of the nearest maintenance base which is used by the transport operator, provided that driving the vehicle does not constitute the driver’s principal activity;
- (e) used in states of emergency or assigned to rescue missions, including vehicles used in the non-commercial transport of humanitarian aid;
- (f) used for driving instruction for, and examination of, any person wishing to obtain a driving licence or a Certificate of Professional Competence (CPC), in accordance with Article 6 and Article 8(1), provided that they are not being used for the commercial carriage of goods and passengers;
- (g) used for non-commercial carriage of passengers or goods;
- (h) carrying material, equipment or machinery to be used by the drivers in the course of their work, provided that driving the vehicles is not the drivers’ principal activity.

With regard to point (f) of this paragraph, this Directive shall not apply to any person wishing to obtain a driving licence or a CPC, in accordance with Article 6 and Article 8(1), when that person is undergoing additional driving training during work-based learning, where that person is accompanied by another person certified by a CPC, or a driving instructor, for the category of vehicle used for the purpose set out in that point.

2. This Directive shall not apply where all the following conditions are met:

- (a) drivers of vehicles operate in rural areas to supply the driver’s own business,
- (b) drivers do not offer transport services, and
- (c) Member States consider that the transport is occasional and does not have an impact on road safety.

3. This Directive shall not apply to drivers of vehicles used, or hired without a driver, by agricultural, horticultural, forestry, farming or fishery undertakings for carrying goods as part of their own entrepreneurial activity, except if driving is part of the driver's principal activity or the driving exceeds a distance set in national law from the base of the undertaking which owns, hires or leases the vehicle.'.

(3) Article 7 is replaced by the following:

'Article 7

Periodic training

Periodic training shall consist of training to enable holders of a CPC to update the knowledge which is essential for their work, with specific emphasis on road safety, health and safety at work, and the reduction of the environmental impact of driving.

That training shall be organised by an approved training centre, in accordance with section 5 of Annex I. Training shall consist of classroom teaching, practical training and, if available, training by means of information and communication technology (ICT) tools or on top-of-the-range simulators. If a driver moves to another undertaking, the periodic training already undergone must be taken into account.

Periodic training shall be designed to expand on, and to revise, some of the subjects referred in section 1 of Annex I. It shall cover a variety of subjects and shall always include at least one road safety related subject. The training subjects shall take into account developments in the relevant legislation and technology, and shall, as far as possible, take into account the specific training needs of the driver.'.

(4) in Article 9, the first paragraph is replaced by the following:

'Drivers referred to in point (a) of Article 1 of this Directive shall obtain the initial qualification referred to in Article 5 of this Directive in the Member State in which they have their normal residence, as defined in Article 12 of Directive 2006/126/EC.'

(5) Article 10 is replaced by the following:

'Article 10

Union code

1. On the basis of the CPC certifying an initial qualification and the CPC certifying periodic training, Member States' competent authorities shall, taking into account the provisions of Article 5(2) and (3) of this Directive and Article 8 of this Directive, mark the harmonised Union code, "95", provided for in Annex I to Directive 2006/126/EC, alongside the corresponding categories of licence:

— on the driving licence, or

— on the driver qualification card drawn up in accordance with the model shown in Annex II to this Directive.

If the competent authorities of the Member State where the CPC was obtained cannot mark the Union code on the driving licence, they shall issue the driver with a driver qualification card.

The driver qualification card issued by a Member State shall be mutually recognised. When the card is issued, the competent authorities shall check the validity of the driving licence for the category of vehicle concerned.

2. A driver referred to in point (b) of Article 1 who drives vehicles used for the carriage of goods by road shall also be allowed to prove that he or she has the qualification and training provided for in this Directive by means of the driver attestation provided for in Regulation (EC) No 1072/2009 of the European Parliament and of the Council (*), provided that it bears the Union code, "95". For the purposes of this Directive, the issuing Member State shall indicate the Union code, "95" in the remarks section of the attestation if the driver concerned has fulfilled the qualification requirements and training requirements provided for in this Directive.

3. Driver attestations that do not bear the Union code, "95", and that were issued before 23 May 2020 in accordance with Article 5 of Regulation (EC) No 1072/2009, and in particular with paragraph 7 thereof, with a view to certifying compliance with training requirements under this Directive shall be accepted as a proof of qualification until their date of expiry.

(*) 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 (OJ L 300, 14.11.2009, p. 72).'

(6) the following Article is inserted:

'Article 10a

Enforcement network

1. For enforcement purposes, Member States shall exchange information on CPCs issued or withdrawn. For this purpose Member States shall, in cooperation with the Commission, develop an electronic network or work on an extension of an existing network, taking into account the assessment by the Commission of the most cost-effective option.

2. The network may contain information contained in the CPCs as well as information relating to administrative procedures related to CPCs.

3. Member States shall ensure that the processing of personal data is carried out solely for the purposes of verifying compliance with this Directive, in particular the training requirements laid down in this Directive, in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council (*).

4. Access to the network shall be secured. Member States may grant access only to the competent authorities responsible for the implementation of, and for the control of compliance with, this Directive.

(*) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).'

(7) Annexes I and II are amended in accordance with the Annex to this Directive.

Article 2

Directive 2006/126/EC is amended as follows:

(1) Article 4 is amended as follows:

(a) paragraph 4 is amended as follows:

(i) in point (e), the third indent is replaced by the following:

‘— the minimum age for categories C1 and C1E is fixed at 18 years;’;

(ii) in point (g), the second indent is replaced by the following:

‘— the minimum age for categories C and CE is fixed at 21 years;’;

(iii) in point (i), the second indent is replaced by the following:

‘— the minimum age for categories D1 and D1E is fixed at 21 years;’;

(iv) in point (k), the second indent is replaced by the following:

‘— the minimum age for categories D and DE is fixed at 24 years;’;

(b) the following paragraph is added:

‘7. By way of derogation from the minimum ages laid down in points (g), (i) and (k) of paragraph 4 of this Article, the minimum age for issuing a driving licence in categories C and CE; D1 and D1E; and D and DE respectively shall be the minimum age prescribed for the driving of such vehicles for holders of a CPC laid down in Article 5(2), the first paragraph of Article 5(3)(a)(i), the first paragraph of Article 5(3)(a)(ii) or point (b) of Article 5(3) of Directive 2003/59/EC of the European Parliament and of the Council (*) as applicable.

Where, in accordance with the second paragraph of Article 5(3)(a)(i) or the second paragraph of Article 5(3)(a)(ii) of Directive 2003/59/EC, a Member State authorises driving within its territory from a lower age, the validity of the driving licence shall be limited to the territory of the issuing Member State until such time as the licence holder has reached the relevant minimum age referred to in the first subparagraph of this paragraph and holds a CPC.

(*) 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 L 226, 10.9.2003, p. 4).'

(2) in Article 6(4), the following point is added:

‘(c) alternatively fuelled vehicles referred to in Article 2 of Council Directive 96/53/EC (*) with a maximum authorised mass above 3 500 kg but not exceeding 4 250 kg for the transport of goods operating without a trailer by holders of a category B driving licence which was issued at least two years before, provided that the mass in excess of 3 500 kg is due exclusively to the excess of mass of the propulsion system in relation to the propulsion system of a vehicle of the same dimensions, which is equipped with a conventional internal combustion engine with positive ignition or compression ignition, and provided that the cargo capacity is not increased in relation to the same vehicle.

(*) Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic (OJ L 235, 17.9.1996, p. 59).’.

(3) Article 15 is replaced by the following:

‘Article 15

Mutual Assistance

1. Member States shall assist one another in the implementation of this Directive and shall exchange information on the licences they have issued, exchanged, replaced, renewed or revoked. They shall use the EU driving licence network set up for these purposes, once this network is operational.

2. The network may also be used for the exchange of information for control purposes provided for in Union legislation.

3. Member States shall ensure that the processing of personal data referred to in this Directive is carried out solely for the purpose of implementing this Directive and Directives 2003/59/EC and (EU) 2015/413 of the European Parliament and of the Council (*). Any processing of personal data carried out within the framework of this Directive shall be in accordance with Regulations (EU) 2016/679 (**) and (EC) No 45/2001 (***) of the European Parliament and of the Council.

4. Access to the network shall be secured. Member States may grant access only to the competent authorities responsible for the implementation of, and for the control of compliance with, this Directive and Directives 2003/59/EC and (EU) 2015/413.

(*) Directive (EU) 2015/413 of the European Parliament and of the Council of 11 March 2015 facilitating cross-border exchange of information on road-safety-related traffic offences (OJ L 68, 13.3.2015, p. 9);

(**) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1);

(***) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).’.

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 23 May 2020, except for the laws, regulations and administrative provisions necessary to comply with point 6 of Article 1 of this Directive, which shall be brought into force by 23 May 2021. They shall immediately inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 4

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 5

This Directive is addressed to the Member States.

Done at Strasbourg, 18 April 2018.

For the European Parliament

The President

A. TAJANI

For the Council

The President

L. PAVLOVA

ANNEX

The annexes to Directive 2003/59/EC are amended as follows:

(1) Annex I is amended as follows:

(a) Section 1 is amended as follows:

(i) the second paragraph is replaced by the following:

‘The minimum level of qualification shall be comparable at least to level 2 of the European Qualifications Framework as provided for in Annex II to Recommendation of the European Parliament and of the Council of 23 April 2008 (*).

(*) Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning (OJ C 111, 6.5.2008, p. 1).’;

(ii) point 1.2 is replaced by the following:

‘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:

limits to the use of brakes and retarder, combined use of brakes and retarder, making better use of speed and gear ratio, making use of vehicle inertia, using ways of slowing down and braking on downhill stretches, action in the event of failure, use of electronic and mechanical devices such as Electronic Stability Program (ESP), Advanced Emergency Braking Systems (AEBS), Anti-Lock Braking System (ABS), traction control systems (TCS) and in vehicle monitoring systems (IVMS) and other, approved for use, driver assistance or automation devices.’;

(iii) point 1.3 is replaced by the following:

‘1.3. Objective: ability to optimise fuel consumption:

optimisation of fuel consumption by applying know-how as regards points 1.1 and 1.2, importance of anticipating traffic flow, appropriate distance to other vehicles and use of the vehicle's momentum, steady speed, smooth driving style and appropriate tyre pressure, and familiarity with intelligent transport systems that improve driving efficiency and assist in route planning.’;

(iv) the following point is inserted before the heading ‘Licences C, C + E, C1, C1 + E’:

‘1.3a. Objective: ability to anticipate, assess and adapt to risks in traffic:

to be aware of and adapt to different road, traffic and weather conditions, anticipate forthcoming events; to understand how to prepare and plan a journey during abnormal weather conditions; to be familiar with the use of related safety equipment and to understand when a journey has to be postponed or cancelled due to extreme weather conditions; to adapt to the risks of traffic, including dangerous behaviour in traffic or distracted driving (through the use of electronic devices, eating, drinking, etc.); to recognise and adapt to dangerous situations and to be able to cope with stress deriving therefrom, in particular related to size and weight of the vehicles and vulnerable road users, such as pedestrians, cyclists and powered two wheelers;

to identify possible hazardous situations and properly interpret how these potentially hazardous situations may turn into situations where crashes can no longer be averted and selecting and implementing actions that increase the safety margins to such an extent that a crash can still be averted in case the potential hazards should occur.’;

(v) point 1.4 is replaced by the following:

‘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, use of automatic transmission systems, calculation of payload of vehicle or assembly, calculation of total volume, load distribution, consequences of overloading the axle, vehicle stability and centre of gravity, types of packaging and pallets;

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.’;

- (vi) point 1.5 is replaced by the following:

‘1.5. Objective: ability to ensure passenger comfort and safety:

adjusting longitudinal and sideways movements, road sharing, position on the road, smooth breaking, overhang operation, using specific infrastructures (public areas, dedicated lanes), managing conflicts between safe driving and other roles as a driver, interacting with passengers, specificities of certain groups of passengers (disabled persons, children).’;

- (vii) point 1.6 is replaced by the following:

‘1.6. 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, use of automatic transmission systems, calculation of payload of vehicle or assembly, load distribution, consequences of overloading the axle, vehicle stability and centre of gravity.’;

- (viii) point 2.1 is replaced by the following:

‘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 (EC) No 561/2006 (*) and (EU) No 165/2014 (**) of the European Parliament and of the Council; penalties for failure to use, improper use of and tampering with the tachograph; knowledge of the social environment of road transport: rights and duties of drivers as regards initial qualification and periodic training.

(*) 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 and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

(**) Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).’;

- (ix) point 2.2 is replaced by the following:

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

transport operating licences, documents to be carried in the vehicle, bans on using certain roads, road-use fees, obligations under standard contracts for the carriage of goods, drafting of documents which form the transport contract, international transport permits, obligations under the Convention on the Contract for the International Carriage of Goods by Road, drafting of the international consignment note, crossing borders, freight forwarders, special documents accompanying goods.’;

- (x) point 3.7 is replaced by the following:

‘3.7. Objective: to know the economic environment of road haulage and the organisation of the market:

road transport in relation to other modes of transport (competition, shippers), different road transport activities (transport for hire or reward, own account, auxiliary transport activities), organisation of the main types of transport company and auxiliary transport activities, different transport specialisations (road tanker, controlled temperature, dangerous goods, animal transport, etc.), changes in the industry (diversification of services provided, rail-road, subcontracting, etc.).’;

- (xi) point 3.8 is replaced by the following:

‘3.8. Objective: to know the economic environment of the carriage of passengers by road and the organisation of the market:

carriage of passengers by road in relation to other modes of passenger transport (rail, private car), different activities involving the carriage of passengers by road, disability awareness, crossing borders (international transport), organisation of the main types of companies for the carriage of passengers by road.’;

(b) Section 2 is amended as follows:

(i) point 2.1 is replaced by the following:

‘2.1. Option combining both course attendance and a test

Initial qualification must include the teaching of all subjects in the list under section 1. The duration of this initial qualification must be 280 hours.

Each trainee driver must drive for at least 20 hours individually in a vehicle of the category concerned which meets at least the requirements for test vehicles as set out in Directive 2006/126/EC.

When driving individually, the trainee driver must be accompanied by an instructor, employed by an approved training centre. Each trainee driver may drive for a maximum of eight hours of the 20 hours of individual driving on special terrain or on a top-of-the-range simulator so as to assess training in rational driving based on safety regulations, in particular with regard to vehicle handling in different road conditions and the way they change with different atmospheric conditions, the time of day or night, and the ability to optimise fuel consumption.

Member States may allow part of the training to be delivered by the approved training centre by means of ICT tools, such as e-learning, while ensuring that the high quality and the effectiveness of the training are maintained, and by selecting the subjects where ICT tools can most effectively be deployed. In particular Member States shall require reliable user identification and appropriate means of control. Member States may count specific training required under other Union legislation as part of the training. This includes, but is not restricted to, training required under Directive 2008/68/EC of the European Parliament and of the Council (*) for the transport of dangerous goods, training on disability awareness under Regulation (EU) No 181/2011 of the European Parliament and of the Council (**) and training on animal transport under Council Regulation (EC) No 1/2005 (***).

For the drivers referred to in Article 5(5) the length of the initial qualification must be 70 hours, including five hours of individual driving.

At the end of that training, Member States' competent authorities or the entity designated by them shall give the driver a written or oral test. The test must include at least one question on each of the objectives in the list of subjects under section 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).

(**) Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.2.2011, p. 1).

(***) Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 (OJ L 3, 5.1.2005, p. 1).;

(ii) in point 2.2(b), the second subparagraph is replaced by the following:

‘The vehicle used for the practical test must meet at least the requirements for test vehicles set out in Directive 2006/126/EC.’;

(c) Sections 3 and 4 are replaced by the following:

‘Section 3: Accelerated initial qualification provided for in Article 3(2)

Accelerated initial qualification must include the teaching of all subjects in the list in section 1. Its duration must be 140 hours.

Each trainee driver must drive for at least 10 hours individually in a vehicle of the category concerned which meets at least the requirements for test vehicles set out in Directive 2006/126/EC.

When driving individually, the trainee driver must be accompanied by an instructor, employed by an approved training centre. Each trainee driver may drive for a maximum of four hours of the 10 hours of individual driving on special terrain or on a top-of-the-range simulator so as to assess training in rational driving based on safety

regulations, in particular with regard to vehicle handling in different road conditions and the way those road conditions change with different atmospheric conditions, the time of day or night, and the ability to optimise fuel consumption.

The provisions of the fourth paragraph of point 2.1 shall also apply to the accelerated initial qualification.

For the drivers referred to in Article 5(5), the length of the accelerated initial qualification must be 35 hours, including two-and-a-half hours of individual driving.

At the end of that training, Member States' competent authorities or the entity designated by them shall give the driver a written or oral test. The test must include at least one question on each of the objectives in the list of subjects under section 1.

Section 4: Compulsory periodic training provided for in point (b) of Article 3(1)

Compulsory periodic training courses must be organised by an approved training centre. Their duration must be of 35 hours every five years, given in periods of at least seven hours, which may be split over two consecutive days. Whenever e-learning is used, the approved training centre shall ensure that the proper quality of the training is maintained, including by selecting the subjects where ICT tools can most effectively be deployed. In particular, Member States shall require reliable user identification and appropriate means of control. The maximum duration of the e-learning training shall not exceed 12 hours. At least one of the training course periods shall cover a road safety related subject. The content of the training shall take into account training needs specific to the transport operations carried out by the driver and relevant legal and technological developments and should, as far as possible, take into account specific training needs of the driver. A range of different subjects should be covered over the 35 hours, including repeat training where it is shown that the driver needs specific remedial training.

Member States may consider counting the completed specific training as required under other Union legislation for up to one of the stipulated seven-hour periods. That includes, but is not restricted to, training required under Directive 2008/68/EC for the transport of dangerous goods, training on animal transport under Regulation (EC) No 1/2005, and, for the carriage of passengers, training on disability awareness under Regulation (EU) No 181/2011. However, Member States may decide that completed specific training as required under Directive 2008/68/EC for the transport of dangerous goods counts as two of the seven-hour periods, provided that this is the only other training that is taken into account in the periodic training.'

(2) Annex II is amended as follows:

(a) The title is replaced by the following:

'ARRANGEMENTS FOR THE EUROPEAN UNION MODEL FOR A DRIVER QUALIFICATION CARD';

(b) Section 2 is amended as follows:

(i) concerning side 1 of the driver qualification card:

— in point (d), point (9) is replaced by the following:

'9. the categories of vehicles for which the driver satisfies the initial qualification and periodic training requirements;'

— in point (e), the first sentence is replaced by the following:

'the title "European Union model" in the language or languages of the Member State issuing the card and the heading "driver qualification card" in the other official languages of the Union, printed in blue so as to form the background to the card;'

(ii) concerning side 2 of the driver qualification card, in point (a), points (9) and (10) are replaced by the following:

'9. the categories of vehicles for which the driver satisfies the initial qualification and periodic training requirements;

10. the harmonised Union code, "95", provided for in Annex I to Directive 2006/126/EC;'

(c) Section 4 is amended as follows:

(i) the heading is replaced by the following:

‘EUROPEAN UNION MODEL FOR A DRIVER QUALIFICATION CARD’;

(ii) on side 2 of the model, under number 10, ‘Community code’ is replaced by ‘Union code’;

(d) The following section is added:

‘5. Transitional provisions

Driver qualification cards issued before 23 May 2020 shall be valid until their date of expiry.’.

(3) The following Annex is added:

‘ANNEX III

CORRESPONDENCE TABLE FOR THE REFERENCES TO CERTAIN CATEGORIES OF DRIVING LICENCES

Reference in this Directive	Reference in Directive 2006/126/EC
C + E	CE
C1 + E	C1E
D + E	DE
D1 + E	D1E’

DECISIONS

DECISION (EU) 2018/646 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 18 April 2018

on a common framework for the provision of better services for skills and qualifications (Europass) and repealing Decision No 2241/2004/EC

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND 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,

After transmission of the draft legislative act to the national parliaments,

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

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) Individuals, when looking for a job, or making decisions on learning, studying or working, need access to information and guidance on what opportunities are available, on how to assess their skills and on ways to present information about their skills and qualifications.
- (2) Differences in definitions, document formats, languages as well as assessment and validation methods all pose considerable challenges for individuals, employers, competent authorities and bodies. Those challenges arise mainly when individuals move between countries, including third countries, but also when they are looking for a new job or engaging in learning and career management. Clear and widely disseminated information, a shared understanding and improved transparency of skills and qualifications are important in order to address those challenges.
- (3) The New Skills Agenda for Europe, adopted by the Commission on 10 June 2016, invites Member States, social partners, industry and other stakeholders to work together on ten actions to improve the quality and relevance of skills formation, to make skills more visible and comparable and to improve skills intelligence and especially information for better career choices. A revision of the Europass framework was proposed as one of the ten actions that offer a key route to achieving and supporting those objectives.
- (4) Decision No 2241/2004/EC of the European Parliament and of the Council ⁽³⁾ established a framework to address the challenges relating to job seeking, engaging in learning and career management. The aim of that Decision was to achieve better transparency of qualifications and competences through a portfolio of documents known as 'Europass', which individuals can use on a voluntary basis. That Decision also established national bodies, known as National Europass Centres, in order to implement the Europass framework.
- (5) To achieve its main objective, the Europass framework focuses on tools for the documentation of skills and qualifications. Those tools have become widely used through the Europass internet-based information system.

⁽¹⁾ OJ C 173, 31.5.2017, p. 45.

⁽²⁾ Position of the European Parliament of 15 March 2018 (not yet published in the Official Journal) and decision of the Council of 12 April 2018.

⁽³⁾ 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).

- (6) The National Europass Centres provide support to users and promote the documentation of skills and qualifications. The Euroguidance Network, which promotes the European dimension in guidance and provides high quality information on lifelong guidance and transnational mobility for learning purposes, has also contributed to the development of information provision regarding Union tools for skills and qualifications. The European Qualifications Framework National Coordination Points support national authorities in referencing national qualifications frameworks or systems to the European Qualifications Framework ('EQF') and focus on bringing the EQF closer to individuals and organisations. Support for, and greater coordination of, those national services should be ensured in order to enhance their impact while respecting the diversity of national systems.
- (7) In its report to the European Parliament and the Council of 19 December 2013 on the evaluation of Europass, the Commission concluded that the National Europass Centres' mission of raising awareness of Europass and providing the necessary information to interested parties was a satisfactory model for the implementation of Europass. The Commission further concluded, however, that most Europass tools still did not reach all potential users and had an unequal reach in terms of geography and age group, and that better coordination and integration of services supporting guidance and mobility within the Europass framework would enable more potential users to be targeted.
- (8) Evidence shows that Europass is used by social groups with high digital literacy while less advantaged groups, such as people with lower levels of education, older persons or long-term unemployed persons are often not aware of the existence of Europass and its tools and therefore cannot benefit from it.
- (9) The Europass portfolio is one of a number of tools and instruments that have been put in place at Union level to improve transparency and understanding of skills and qualifications.
- (10) The Europass portfolio comprises five document templates. The Europass Curriculum Vitae (CV) template allows individuals to complete their CVs in a standardised format. Since the Europass CV was first established in 2004, more than 100 million Europass CVs have been created online. Two qualification supplement templates, namely the Europass Diploma Supplement and the Europass Certificate Supplement, offer information on the content and learning outcomes associated with a qualification and on the education system of the country issuing the qualification. The Europass Language Passport is used to describe language skills. The Europass Mobility template describes the skills acquired abroad on mobility experiences for learning or work.
- (11) The Council Recommendation of 22 May 2017 ⁽¹⁾ provides a common reference framework to help individuals and organisations compare different qualification systems and the levels of qualifications from those systems.
- (12) The Council Recommendation of 20 December 2012 ⁽²⁾ invited Member States to have in place, by 2018, in accordance with national circumstances and specificities, and as they deem appropriate, arrangements for the validation of non-formal and informal learning, which enable individuals to have their knowledge, skills and competences, which have been acquired through non-formal and informal learning, validated, and to obtain a full qualification, or, where applicable, partial qualification.
- (13) The Council Resolution of 28 May 2004 on strengthening policies, systems and practices in the field of guidance throughout life sets out the key objectives of a lifelong guidance policy for all citizens of the Union. The Council Resolution of 21 November 2008 ⁽³⁾ highlights the importance of guidance for lifelong learning.
- (14) The Learning Opportunities and Qualifications in Europe portal gives access to information on learning opportunities and qualifications offered in different education systems in Europe and on the comparison of national qualifications frameworks using the EQF.
- (15) The EU Skills Panorama provides information on skills for different occupations and specific industries, including demand and supply at national level.

⁽¹⁾ 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 (OJ C 189, 15.6.2017, p. 15).

⁽²⁾ Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning (OJ C 398, 22.12.2012, p. 1).

⁽³⁾ Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council of 21 November 2008 on better integrating lifelong guidance into lifelong learning strategies (OJ C 319, 13.12.2008, p. 4).

- (16) The analysis of job vacancies and of other labour market trends is an established way of developing skills intelligence to understand the issues of skills gaps and shortages as well as qualification mismatches.
- (17) The multilingual European Skills, Competences, Qualifications and Occupations classification ('ESCO'), developed and continuously updated by the Commission, in close cooperation with Member States and stakeholders, aims to promote the transparency of skills and qualifications for education and training, as well as for work-related purposes. Following appropriate testing, and having due regard for the position of Member States, ESCO could be used by the Commission within the Europass framework; the use of ESCO by Member States is on a voluntary basis, following testing with, and evaluation by, the Member States.
- (18) The European network of employment services ('EURES'), established by Regulation (EU) 2016/589 of the European Parliament and of the Council ⁽¹⁾, is a cooperative network for exchanging information and facilitating interaction between jobseekers and employers. It provides free assistance to jobseekers who wish to move to another country and assists employers who wish to recruit workers from other countries. Synergies and cooperation between the Europass and EURES portals could reinforce the impact of both services.
- (19) Labour market processes such as the publication of job vacancies, job applications, skills assessments and recruitment are increasingly managed online through tools that use social media, big data and other technologies. Candidate selection is managed through tools and processes that seek information on skills and qualifications acquired in formal, non-formal and informal settings.
- (20) Formal, non-formal and informal learning currently also takes place in new forms and settings, and is offered by a variety of providers, particularly through the use of digital technologies and platforms, distance learning, e-learning, peer-to-peer learning, massive open online courses and open educational resources. Furthermore, skills, experiences and learning achievements are acknowledged in different forms, for example digital open badges. Digital technologies are also used for skills obtained through non-formal learning such as youth work and volunteering.
- (21) For the purposes of this Decision, skills are understood in a broad sense covering what a person knows, understands and can do. Skills refer to different types of learning outcomes, including knowledge and competences as well as ability to apply knowledge and to use knowhow in order to complete tasks and solve problems. In addition to the acknowledged importance of professional skills, there is an acknowledgement that transversal or soft skills, such as critical thinking, team work, problem solving and creativity, digital or language skills, are increasingly important and are essential prerequisites for personal and professional fulfilment and can be applied in different fields. Individuals could benefit from tools and guidance on assessing and describing those and other skills.
- (22) Traditionally, individuals have presented information on their acquired skills and qualifications in a CV and in supporting documents such as certificates or diplomas. Now, new tools are available which can facilitate the presentation of skills and qualifications by using varied online and digital formats. The new tools can also support self-assessment by individuals of skills acquired in different settings.
- (23) The Europass framework should respond to current and future needs. Users need tools to document their skills and qualifications. In addition, tools for assessment of skills and self-assessment of skills, as well as access to relevant information, including information on validation opportunities and guidance, can be beneficial for making decisions on employment and learning opportunities.
- (24) Union tools for skills and qualifications should adapt to changing practices and advances in technology in order to ensure they remain relevant and beneficial to users. This should be achieved by, among other things, creating innovative features, such as interactive tools, editing and design of documents, by seeking to ensure more comprehensive, effective and efficient tools and simplification, as well as increased technical interoperability and synergies between related tools, including those developed by third parties, and by taking into account the specific needs of people with disabilities. In addition, authentication measures could be used to support the verification of digital documents on skills and qualifications.

⁽¹⁾ Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets, and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013 (OJ L 107, 22.4.2016, p. 1).

- (25) The Europass framework established by Decision No 2241/2004/EC should therefore be replaced by a new framework to address evolving needs.
- (26) The new Europass framework should meet the needs and expectations of all individual end-users, such as learners, job seekers, including unemployed persons and workers, as well as of other relevant stakeholders, such as employers (in particular small and medium-sized enterprises), chambers of commerce, civil society organisations, volunteers, guidance practitioners, public employment services, social partners, education and training providers, youth organisations, youth work providers, responsible national authorities and policy makers. It should also consider the needs of third country nationals arriving or residing in the Union to support their integration.
- (27) The Europass framework should evolve in order to allow for the description of different types of learning and skills and, in particular, those acquired through non-formal and informal learning.
- (28) The Europass framework should be developed through a user-centric approach based on feedback, and through requirements gathering, including through surveys and testing, with attention paid to the particular current and future needs of Europass target groups. Europass' features should in particular reflect the Member States' and the Union's commitment to ensure that persons with disabilities have equal access to the labour market and to information and communication technologies and systems. Europass tools should be perceivable, operable, understandable and robust, thereby enabling them to be more accessible to users, in particular to persons with disabilities.
- (29) Updates and changes to the Europass framework should be made in cooperation with relevant stakeholders, such as employment services, guidance practitioners, education and training providers, the social partners such as trade unions and employers' associations, and in full respect of ongoing political cooperation, such as the Bologna Process in the European Higher Education Area. Constructive collaboration between the Commission, Member States and stakeholders is of paramount importance to the successful development and implementation of the Europass framework.
- (30) Relevant Union law on personal data protection and national implementing measures should apply to the processing of personal data that are stored and processed pursuant to this Decision. Users should have the possibility to restrict access to their personal data.
- (31) Participation in the framework should be open to members of the European Economic Area which are not Member States of the Union, acceding States, candidate States and potential candidate States for accession to the Union, given their long-standing interest and cooperation with the Union in this field. Participation should be in accordance with the relevant provisions of the instruments governing relations between the Union and those countries. Information on skills and qualifications provided through the Europass framework should come from a wider range of countries and education systems than those of participating countries and reflect migration movements from and to other parts of the world.
- (32) The Commission should ensure the coherent implementation and monitoring of this Decision through a Europass advisory group composed of representatives of the Member States and relevant stakeholders. The advisory group should, in particular, develop a strategic approach to the implementation and future development of Europass, and advise on the development of web-based tools, including through testing, and on information provided through the Europass online platform, in cooperation with other groups, where relevant.
- (33) Co-funding for the implementation of this Decision is provided, inter alia, by the Union programme Erasmus+, as established by Regulation (EU) No 1288/2013 of the European Parliament and of the Council ⁽¹⁾. The committee created under that Regulation is involved in strategic discussions on the progress of Europass implementation, and on future developments.
- (34) Since the objective of this Decision, namely the establishment of a comprehensive and interoperable framework of tools and information, in particular for transnational employment and learning mobility purposes, cannot be sufficiently achieved by the Member States but can rather, by reason of the effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Decision does not go beyond what is necessary in order to achieve that objective.

⁽¹⁾ Regulation (EU) No 1288/2013 of the European Parliament and of the Council of 11 December 2013 establishing 'Erasmus+': the Union programme for education, training, youth and sport and repealing Decisions No 1719/2006/EC, No 1720/2006/EC and No 1298/2008/EC (OJ L 347, 20.12.2013, p. 50).

- (35) As a general principle, the obligations and administrative and financial burdens on the Member States should be balanced with regard to costs and benefits.
- (36) The activities carried out in the context of this Decision should be supported by the expertise of the Union agencies, in particular by the European Centre for the Development of Vocational Training, within their domains of competence.
- (37) Decision No 2241/2004/EC should therefore be repealed, without prejudice to the validity or status of previously issued Europass documents. All established Europass document templates should be maintained within the new framework until such time as necessary changes or updates are made in accordance with this Decision. In order to ensure a smooth transition to the Europass online platform, the Europass internet-based information system established by Decision No 2241/2004/EC should continue to operate until the Europass online platform is set up and becomes operational,

HAVE ADOPTED THIS DECISION:

Article 1

Subject matter and scope

1. This Decision establishes a European framework to support the transparency and understanding of skills and qualifications acquired in formal, non-formal and informal settings, including through practical experiences, mobility and volunteering ('Europass').
2. Europass shall consist of web-based tools and relevant available information, including information to support the European dimension of guidance provided through an online platform and supported by national services intended to help users to better communicate and present skills and qualifications and to compare qualifications.
3. Europass shall be targeted at:
 - (a) individual end-users, such as learners, job seekers, workers and volunteers, and
 - (b) relevant stakeholders, such as education and training providers, guidance practitioners, employers, public employment services, social partners, youth work providers, youth organisations and policy makers.
4. The use of Europass shall be voluntary and shall not impose any obligations or confer any rights other than those defined in this Decision.

Article 2

Definitions

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

- (a) 'certificate supplement' means a document attached to a vocational education and training or professional certificate issued by the competent authorities or bodies, in order to make it easier for third persons – particularly in another country – to understand the learning outcomes acquired by the holder of the qualification, as well as the nature, level, context, content and status of the education and training completed and skills acquired;
- (b) 'diploma supplement' means a document attached to a higher education diploma issued by the competent authorities or bodies, in order to make it easier for third persons – particularly in another country – to understand the learning outcomes acquired by the holder of the qualification, as well as the nature, level, context, content and status of the education and training completed and skills acquired;
- (c) 'Europass supplements' means a set of documents, such as diploma supplements and certificate supplements, issued by the competent authorities or bodies;
- (d) 'guidance' means a continuous process that enables individuals to identify their capacities, skills and interests, through a range of individual and collective activities to make educational, training and occupational decisions and to manage their individual life paths in learning, work and other settings in which those capacities and skills are learned or used;
- (e) 'European dimension of guidance' means cooperation and support at Union level to strengthen policies, systems and practices for guidance within the Union;
- (f) 'qualification' means a formal outcome of an assessment and validation process which is obtained when a competent authority or body determines that an individual has achieved learning outcomes to given standards;

- (g) 'assessment of skills' means the process or method used to evaluate, measure and eventually describe, through self-assessment or assessment certified by a third party, or both, the skills of individuals acquired through formal, non-formal or informal settings;
- (h) 'self-assessment of skills' means the process of systematic reflection by individuals on their skills through reference to an established description of skills;
- (i) 'skills intelligence' means available quantitative or qualitative analysis of aggregated data on skills from existing sources in relation to the labour market and of corresponding learning opportunities in the education and training system which can contribute to guidance and counselling, recruitment processes, the choice of education, training and career paths;
- (j) 'authentication services' means technical processes, such as electronic signatures and website authentication, which allow users to verify information, such as their identity, through Europass;
- (k) 'technical interoperability' means the ability of information and communication technology systems to interact so as to enable the sharing of information, achieved through agreement by all parties and owners of the information;
- (l) 'validation' means the process by which a competent authority or body confirms that an individual has acquired learning outcomes, including those acquired in non-formal and informal learning settings, measured against a relevant standard, and which consists of four distinct phases, namely identification, documentation, assessment and certification of the results of the assessment in the form of a full qualification, credits or a partial qualification, as appropriate and in line with national circumstances;
- (m) 'open standards' means technical standards that have been developed in a collaborative process, and have been published for free use by any interested party;
- (n) 'online platform' means a web-based application that provides information and tools to end users and allows them to complete specific tasks online;
- (o) 'personal data' means any information relating to an identified or identifiable natural person.

Article 3

Online platform

1. Europass shall provide, through an online platform, web-based tools for:
 - (a) documenting and describing personal information in a variety of formats, including curriculum vitae (CV) templates;
 - (b) documenting and describing skills and qualifications acquired through working and learning experiences, including through mobility and volunteering;
 - (c) the assessment of skills and self-assessment of skills;
 - (d) documenting the learning outcomes of qualifications, including the Europass supplement templates, as referred to in Article 5.

The use of Europass tools for the assessment of skills and self-assessment of skills as referred to in point (c) shall not lead directly to formal recognition or the issuance of qualifications.

2. The Europass online platform shall provide available information or links to available information on the following topics:
 - (a) learning opportunities;
 - (b) qualifications and qualifications frameworks or systems;
 - (c) opportunities for validation of non-formal and informal learning;
 - (d) recognition practices and relevant legislation in different countries, including third countries;
 - (e) services offering guidance for transnational learning mobility and career management;

- (f) skills intelligence as produced by relevant Union-level activities and agencies within their domains of competence;
- (g) information on skills and qualifications that could be relevant to the particular needs of third country nationals arriving or residing in the Union to support their integration.

Article 4

Main principles and features

1. The Europass online platform and web-based tools, including their content and functionality, shall be user-friendly and secure and be made available free-of-charge to all users.
2. The Europass online platform and web-based tools, including their content and functionality, shall be accessible to persons with disabilities, in accordance with the accessibility requirements established in relevant Union law.
3. Europass web-based tools shall use open standards to be made available free of charge, for reuse by Member States and other stakeholders on a voluntary basis.
4. Europass web-based tools shall refer to the EQF in information on qualifications, descriptions of national education and training systems and other relevant topics, as appropriate and in line with national circumstances.
5. The Europass online platform may include an option for users to store personal data such as a personal profile. Union data protection law shall apply to the processing of such personal data. A number of options shall be made available to users to enable them to restrict access to their data or to certain attributes.
6. Europass shall support authentication services for any digital documents or representations of information on skills and qualifications.
7. Europass web-based tools shall be delivered in the official languages of the institutions of the Union.
8. Europass web-based tools shall support and ensure technical interoperability and synergies with other relevant instruments and services offered at Union and, where appropriate, national levels.

Article 5

Europass supplements

1. Europass supplements shall be issued, in accordance with templates, by the competent authorities or bodies. In particular, the order of each item in the templates shall be respected, to ensure ease of understanding and the provision of complete information.
2. The templates referred to in paragraph 1 shall be developed and, when necessary, revised by the Commission, in close cooperation and consultation with the Member States and other stakeholders such as the Council of Europe and the United Nations Educational, Scientific and Cultural Organisation to ensure relevance and usability of the supplements.
3. Europass supplements shall be issued free of charge and, where possible, in electronic form. Europass supplements shall be issued in the national language and, where possible, in another European language.
4. Europass supplements shall not replace original diplomas or certificates and shall not amount to formal recognition of the original diploma or certificate by competent authorities or bodies of other countries.

Article 6

The Commission's tasks

1. The Commission shall manage the Europass online platform. In that regard the Commission shall:
 - (a) ensure the availability and high quality of Union-level information or links to such available information as referred to in Article 3(2);
 - (b) develop, test and, when necessary, update the Europass online platform, including open standards, in line with user needs and technological advancements as well as changes in labour markets and in the provision of education and training;

- (c) keep up to date with and incorporate, where relevant, the latest technological developments that can improve the accessibility of Europass for older persons and persons with disabilities;
 - (d) ensure that any development or updating of the Europass online platform, including open standards, supports consistency of information and demonstrates clear added value;
 - (e) ensure that any web-based tools, in particular tools for assessment and self-assessment, are fully tested and quality-assured; and
 - (f) ensure the quality and monitor the effectiveness of the Europass online platform including web-based tools in line with user needs.
2. The Commission shall ensure the effective implementation of this Decision. In that regard the Commission shall:
- (a) ensure the active participation and involvement of Member States in strategic planning, including setting and steering strategic objectives, quality assurance and financing, and take due regard of their positions;
 - (b) ensure the active participation and involvement of Member States in the development, testing, updating and evaluation of the Europass online platform, including open standards, and take due regard of their positions;
 - (c) ensure that, at Union level, relevant stakeholders are involved in the implementation and evaluation of this Decision;
 - (d) set up learning activities and best practice exchanges between Member States and, where appropriate, facilitate peer counselling at the request of Member States; and
 - (e) ensure that effective and adequate promotion, guidance and information activities are carried out at Union level in order to reach relevant users and stakeholders, including persons with disabilities.

Article 7

Member States' tasks

1. Each Member State shall be responsible for the implementation of this Decision at national level through the relevant national services and without prejudice to national arrangements in terms of implementation and organisation. In that regard Member States shall:
- (a) coordinate the activities related to the implementation of Europass web-based tools;
 - (b) promote the use and strengthen the awareness and visibility of Europass;
 - (c) promote and provide information on services offering guidance for transnational learning mobility and career management, including, where appropriate, individual guidance services;
 - (d) make information on learning opportunities, qualifications and recognition practices available on the Europass online platform, including through links to relevant national websites;
 - (e) involve stakeholders from all relevant sectors, and promote cooperation among public and private stakeholders, in the activities under their responsibility.
2. The provision of information to the Europass online platform under Article 3(2) shall not create any additional obligations for Member States.

Article 8

Data processing and protection

The measures provided for in this Decision shall be carried out in accordance with Union law on protection of personal data, in particular Directive 95/46/EC of the European Parliament and of the Council ⁽¹⁾ and Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽²⁾.

⁽¹⁾ 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 (OJ L 281, 23.11.1995, p. 31).

⁽²⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

*Article 9***Monitoring and evaluation**

1. The Commission shall report on progress and expected future developments following the adoption of this Decision, as appropriate, in the context of relevant education, training and employment policy frameworks.
2. By 23 May 2023, and every five years thereafter, the Commission shall submit to the European Parliament and to the Council an evaluation report on the implementation and impact of this Decision.
3. The evaluation shall be carried out by an independent body based on qualitative and quantitative indicators developed by the Commission in consultation with Member States.

*Article 10***Participating countries**

1. Participation in the activities referred to in this Decision shall be open to members of the European Economic Area which are not Member States of the Union in accordance with the conditions laid down in the Agreement on the European Economic Area.
2. Participation shall also be open to acceding States, candidate States and potential candidate States for accession to the Union in accordance with their agreements concluded with the Union.

*Article 11***Financial provisions**

The implementation of this Decision at national level shall be co-financed through Union programmes. The annual appropriations shall be authorised by the European Parliament and the Council within the limits of the multiannual financial framework.

*Article 12***Repeal and transitional provisions**

1. Decision No 2241/2004/EC is repealed.
2. The Europass internet-based information system established by Decision No 2241/2004/EC shall continue to operate until such time as the Europass online platform established by this Decision is set up and becomes operational.

*Article 13***Entry into force**

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Strasbourg, 18 April 2018.

For the European Parliament
The President
A. TAJANI

For the Council
The President
L. PAVLOVA

