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19 January 2018

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF ROAD TRANSPORT

Since 1 February 2020, the United Kingdom has withdrawn from the European Union and has become a “third country”.¹ The Withdrawal Agreement² provides for a transition period ending on 31 December 2020. Until that date, EU law in its entirety applies to and in the United Kingdom.³

During the transition period, the EU and the United Kingdom will negotiate an agreement on a new partnership, providing notably for a free trade area. However, it is not certain whether such an agreement will be concluded and will enter into force at the end of the transition period. In any event, such an agreement would create a relationship which in terms of market access conditions will be very different from the United Kingdom’s participation in the internal market,⁴ in the EU Customs Union, and in the VAT and excise duty area.

Therefore, all interested parties, and especially economic operators, are reminded of the legal situation applicable after the end of the transition period.

Advice to stakeholders:

To address the consequences set out in this notice, stakeholders are in particular advised the following:

- EU haulage operators should ensure that they and their drivers hold certificates of professional competence issued in the EU and not in the United Kingdom.
- Holders of UK driving licences should ensure that their licence is recognised where they operate in the EU, or should obtain an EU driving licence.

¹ A third country is a country not member of the EU.

² Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, OJ L29, 31.1.2020, p. 7 (“Withdrawal Agreement”).

³ Subject to certain exceptions provided for in Article 127 of the Withdrawal Agreement, none of which is relevant in the context of this notice.

⁴ In particular, a free trade agreement does not provide for internal market concepts (in the area of goods and services) such as mutual recognition, the “country of origin principle”, and harmonisation. Nor does a free trade agreement remove customs formalities and controls, including those concerning the origin of goods and their input, as well as prohibitions and restrictions for imports and exports.

Please note:

This notice does not address

- access to the road haulage market of the EU;
- EU rules on consumer protection and passenger rights;
- EU rules on motor vehicles and tachographs;
- EU rules on transportable pressure equipment;
- EU rules on formalities, checks and controls of goods and persons entering the EU customs territory and the Schengen area.

For these aspects, other notices are in preparation or have been published.⁵

After the end of the transition period, EU law on road transport, in particular Regulation (EC) No 1071/2009,⁶ Regulation (EC) No 1072/2009,⁷ Directive 2003/59/EC,⁸ and Directive 2006/126/EC⁹ no longer apply to the United Kingdom. This has in particular the following consequences:

1. CERTIFICATE OF PROFESSIONAL COMPETENCE OF ROAD TRANSPORT OPERATORS/TRANSPORT MANAGERS

According to Articles 3(1)(d), 4(1) and 8 of Regulation (EC) No 1071/2009, natural persons engaged in the occupation of **road transport operator** in the EU and **transport managers** employed by an undertaking engaged in the occupation of road transport operator have to hold a **certificate of professional competence** issued by authorities of an EU Member State or by bodies duly authorised by an EU Member State for that purpose. After the end of the transition period, certificates of professional competence issued by an authority of the United Kingdom or a body authorised by the United Kingdom will no longer be valid in the EU.

⁵ https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/future-partnership/getting-ready-end-transition-period_en.

⁶ Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC, OJ L 300, 14.11.2009, p.51.

⁷ 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.

⁸ 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.

⁹ Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (Recast), OJ L 403, 30.12.2006, p. 18.

2. CERTIFICATE OF PROFESSIONAL COMPETENCE FOR DRIVERS

In accordance with Directive 2003/59/EC, **drivers** in the Union of a vehicle intended for the carriage of goods or for the carriage of passengers need to hold a **certificate of professional competence** certifying the initial qualification and, where appropriate, certificates of professional competence certifying periodic trainings and issued by competent authorities of an EU Member State or by an approved training centre in an EU Member State. Drivers who are nationals of an EU Member State obtain their initial qualification in the EU Member State of their normal residence while drivers who are nationals of third countries do this in the EU Member State which issued a work permit to them. After the end of the transition period, certificates of professional competence issued by the United Kingdom or by an approved training centre in the United Kingdom will no longer be valid in the EU.

After the end of the transition period, drivers who are nationals of the United Kingdom but employed by an undertaking established in the Union will have to follow the professional drivers training in the EU Member State where the undertaking employing them is established.

3. DRIVING LICENCE

According to Article 2 of Directive 2006/126/EC, driving licences issued by Member States of the Union are mutually recognised. After the end of the transition period, a driving licence issued by the United Kingdom will no longer be recognised by the Member States on the basis of this legislation.

The recognition of driving licences issued by third countries is not addressed in Union law but regulated at Member States level. In Member States which are Contracting Parties to the 1968 Vienna Convention on Road Traffic or to the 1949 Geneva Convention on Road Traffic, these Conventions applies.¹⁰

4. DRIVER ATTESTATION FOR THIRD-COUNTRY DRIVERS

According to Article 3 of Regulation (EC) No 1072/2009, international carriage within the Union shall be subject to a Community licence and, when the driver is a national of a third country, in conjunction with a **driver attestation**.

Thus, after the end of the transition period, drivers who are United Kingdom nationals and do not constitute long-term residents in the Union, within the meaning of Council Directive 2003/109/EC¹¹, and who work for a Union haulier holding a Community licence require a driver attestation. In accordance with Article 5(2) of Regulation (EC) No 1072/2009, this **driver attestation** shall be issued by the competent authorities of the Member State of establishment of the haulier holding a Community licence for each driver who is neither a national nor a long-term resident within the meaning of Council Directive 2003/109/EC whom that haulier lawfully employs or who is put at his disposal.

¹⁰ For further information the responsible authority of the respective Member State should be consulted.

¹¹ Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, OJ L 016, 23.1.2004, p.44.

The website of the Commission on EU rules on road transport (https://ec.europa.eu/transport/modes/road_en) provides general information concerning Union legislation applicable to road transport in the Union. These pages will be updated with further information, where necessary.

European Commission
Directorate-General for Mobility and Transport