



## Austrian case study on the implementation of the European Directive 2003/59/EC (WP 2, del 07)

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### A. Baseline

To become a professional driver in Austria, there are three options:

1. Class C (or D) driving licence and an accident-free driving experience (the longer the better). Professional requirements are defined as: good eyesight; concentration ability; C driving licence; good orientation sense; good responsiveness; willingness to travel and technical skills.<sup>1</sup> After a three-year work experience in truck (bus) driving with C (or D) licence and a minimum age of 21 years, a person can participate in the final apprenticeship exam to become a professional driver.<sup>2</sup>
2. In Austria we have the dual system for vocational education and training; this refers to a reciprocal and complementary system between education and company training during the apprenticeship. Since 1987, a three-year apprenticeship prepares for cargo transportation as well as passenger transportation; the focus depends on the apprentice's employer. Requirements for apprenticeships in professional driving are defined as: physical endurance; technical understanding; eye-hand coordination; insensitivity of the skin; spatial imagination; mathematical and computational skills; organizational talent; interpersonal competences; logical and analytical thinking; good responsiveness; retentiveness; working independently and psychic endurance. Within the three-year apprenticeship, the apprentice makes his class C (or D) driving license. This is already possible at the age of 17 and the apprentice then can drive for training purposes. After the three-year apprenticeship the apprentice takes the final apprenticeship examination, which is recognized as initial qualification (theoretical as well as practical) for the Certificate of Professional Competence (CPC).
3. If a person has already completed an apprenticeship as construction technician, motor-vehicle electrician, motor-vehicle technician, agricultural-engines technician or forwarding merchant, and also has the C driving licence, then the person is allowed to participate in the final apprenticeship examination to become a professional driver. They also have to complete a simplified additional test.<sup>3</sup>

Before the implementation of the Directive, many companies voluntarily offered training programs for their drivers. Often, they were conducted as company instructions. For example, authorised agents for dangerous goods held specialised trainings. Important topics during the trainings were road responsibilities and economically efficient driving.<sup>4</sup>

<sup>1</sup> [http://www.beruflexikon.at/sonstige\\_beruf2895\\_2](http://www.beruflexikon.at/sonstige_beruf2895_2) (20.06.2011).

<sup>2</sup> [http://www.beruflexikon.at/sonstige\\_beruf2895\\_3](http://www.beruflexikon.at/sonstige_beruf2895_3) (20.06.2011).

<sup>3</sup> [http://www.beruflexikon.at/lehre\\_beruf8\\_1](http://www.beruflexikon.at/lehre_beruf8_1) (31.01.2011).

<sup>4</sup> Cf. Interview 2, 16 June 2011.

## B. Preparing for the Directive's implementation

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In preparation for the Directive's implementation, several preliminary meetings were held to hear the opinions of stakeholders such as employers and employees, social partners, trade unions, etc. In 2006, the requirements of directive 2003/59 were laid down in the Bundesgesetzblatt BGBl I Nr. 153/2006 and hence legally anchored in Austrian Law.<sup>5</sup> Detailed provisions for implementing Directive 2003/59 were issued with „Bundesgesetzblatt BGBl II Nr. 139/2008“ (Federal Law Gazette) in 2008. Both BGBl's regulate the CPC qualification (initial and periodic training) in Austria. Responsible for the implementation of the Directive 2003/59 is the Ministry for Transport, Innovation and Technology, although the provincial governments of Austria's nine provinces are in charge for implementing the Directive. The CPC is inscribed in the driving license with the Code 95 (C95).

The biggest change in Austria in the context of the new regulations is that every professional driver who received his C/C1 driving licence (license for road freight transport) after 9 September 2009 must acquire the initial qualification, whereas drivers who obtained their licences before 10 September 2009 do not have to acquire the initial qualification, but have to complete the periodic training within five years (until 2014).<sup>6</sup>

Before the implementation of the Directive, professional drivers in Austria did not have systematic training: Class-C licence holders had to renew their licence every five years; the only requirement to receive the extension was to provide a medical certificate. Previously there had been vocational education and training (VET) programmes and opportunities for professional drivers in Austria (for example, ADR- or cargo security courses), but training was not mandatory. The decision to participate depended basically on the company employing the driver.

## C. Directive implemented

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As mentioned previously, Austria's Bundesgesetzblätter BGBl I Nr. 153/2006 and BGBl II Nr. 139/2008 regulate the CPC qualification and its implementation. Austria has chosen the **test-only option for the initial training**. Therefore, only the exam has to be completed; vocational education and training is not needed to receive the initial qualification for CPC. The results of the exams indicate that some candidates are not able to complete the test without any regular training. In 2010, 282 drivers registered for the initial qualification exam in the course of their C-driving licence, 78 of them failed the initial qualification test.<sup>7</sup> An expert from the ministry of transportation believes that the driving schools do not sufficiently cover all the subject areas. Therefore, some experts recommend a compulsory number of training units. However, a VET-provider stated that the final examination would be so easy that anyone could pass without any trouble. He therefore does not believe there is any reason to offer vocational education and training for the drivers to pass the initial qualification.

Until now, VET-providers do not have a complete evaluation of the **periodic training**, since drivers have to complete the periodic training until 2014. The periodic training was generally estimated as very positive, but some experts criticised that Austria and the Directive do not have specific regulations as to whether the periodic training should be theoretical or practical – that training will probably only be theoretical and not practical, because costs are lower for theoretical training. Generally, the experts welcomed the Directive's intent to give an already experienced driver the possibility for further development. However, an interviewed VET provider fears that the employers will arrange in-company trainings for all their employees and choose the cheapest possible provider. This probably will not achieve the desired learning effects.<sup>8</sup>

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<sup>5</sup> [http://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA\\_2006\\_I\\_153/BGBLA\\_2006\\_I\\_153.pdf](http://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2006_I_153/BGBLA_2006_I_153.pdf).

<sup>6</sup> Professional drivers who received their driving license D (license for passenger transport) after 9 September 2008 must participate in the initial and periodic training. Drivers with license D, who received their licences before 10 September 2008, do not have to do the initial training, but they must have regular training within five years.

<sup>7</sup> Cf. Interview 2, 16 June 2011.

<sup>8</sup> Cf. Interview 5, 2 July 2011.

Some interviewees raised concerns about the Directive's implementation, because **problems** are appearing **concerning the practical implementation** and, in particular, the recognition of the CPC in cross-border traffic. Many stakeholders in Austria expressed a concern that drivers receive a compulsory vocational education and training, which they thought the Directive required. An expert stated that he and many other stakeholders wanted the introduction of measures beyond the Directive.<sup>9</sup> A VET provider explained that, in general, he welcomes the measures set by the Directive. However, the implementation failed in bigger parts, because the freight carriers put through most of their interests. In his opinion, the Directive's implementation is a farce, since the examination can be easily passed without preparation. In this sense, it might not be an appropriate tool to increase the quality of the profession.<sup>10</sup>

However, an expert criticised that employers still do not have the obligation to make sure that their drivers receive the CPC; the drivers themselves are responsible to complete the initial qualification.<sup>11</sup> Several other interviewees also addressed this problem. Another expert stated that this is one of the biggest problems, because the employers are not responsible for supervising the fulfilment of the initial CPC qualification. Trade unions and the Chamber of Labour (*Arbeiterkammer*) in Austria have tried to hand over the responsibilities from the driver to the companies, because currently the initial qualification means another obstacle for drivers, and most of the interviewed experts fear that this finally contributes to a decreasing number of drivers.<sup>12</sup> Since 2011 there is a new collective agreement for cargo transportation (*Kollektivvertrag Güterbeförderung*); according to this agreement employers are obliged to pay for the periodic training courses for their employees and have to release them from work for participating in the training courses, although the time for participating in the training course is not paid.<sup>13</sup> In 2009, 9,234 people received a C driving licence in Austria; in 2010, this number decreased to about a third (3,745). However, only 282 applicants made the initial qualification at the same time. Those figures show the decrease of C driving licence holders in Austria even within one year.<sup>14</sup>

Another expert criticised the implementation as improper because, originally, the initial qualification should have been arranged independently from the apprenticeship. At first, the apprenticeship was not accepted as equivalent with the initial qualification. This was changed afterwards, now the final apprenticeship examination is recognised as initial qualification in accordance with the Directive.<sup>15</sup> However, those drivers who do the apprenticeship also must participate in the periodic training. Through the implementation of the Directive 2003/59/EC, Austria has enhanced the apprenticeship, although so far it has no impact on the number of apprentices.

An expert explained that by doing the apprenticeship one receives, at least, a formal job security (*Berufsschutz*).<sup>16</sup> In Austria, very few apprentices are in professional driving; in 2009, there were 12 apprentices in professional driving, in 2010, this number decreased to seven apprentices.<sup>17</sup> In the opinion of an expert, so few people do the apprenticeship, because the law does not allow a person to drive a truck at the age of 15 years when apprenticeships usually start in Austria. Thus, apprentices will only be engaged by those companies that can offer

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<sup>9</sup> Cf. Interview 4, 23 June 2011.

<sup>10</sup> Cf. Interview 5, 2 July 2011.

<sup>11</sup> Cf. Interview 4, 23 July 2011.

<sup>12</sup> *Ibid.*

<sup>13</sup> Cf. Interview 6, 8 July 2011. Since 2012 for drivers in the passenger transportation employers have to pay for periodic training courses and, if training courses are conducted on weekends the employer has to pay surcharges to driver, since drivers are obliged to keep their resting time (45 hours). For cargo transportation this is not yet regulated accordingly.

<sup>14</sup> Cf. Interview 2, 16 June 2011.

<sup>15</sup> Interview 2, 16 June 2011.

<sup>16</sup> The *Berufsschutz* is part of the Austrian Retirement Law and concerns qualified employees (e.g. an apprenticeship of minimum two years).

If a qualified employee is disabled, then the *Berufsschutz* can - after a specific assessment - result in a disability pension. Online: <http://www.ak-tirol.com/online/page.php?P=332&IP=47755&AD=47751&REFP=0#faq47753> (04.07.2011).

<sup>17</sup> Cf. <http://wko.at/statistik/Extranet/Lehrling/inhalt.htm> (29.01.2011).

their apprentices additional tasks to learn besides driving a truck. Therefore, it would make more sense to start the apprenticeship in professional driving at the age of 18 years.<sup>18</sup>

#### D. Exams

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The initial qualification consists of a theoretical and a practical test. The theoretical test takes 4.5 hours for the oral and written sections. In the first part, multiple-choice questions have to be answered (60 to 80 multiple-choice questions differing from province to province). In the second part of the theoretical exam, the candidates discuss 'real life scenarios'. The **theoretical part** tests knowledge on the following subjects: rational driving; fuel consumption; cargo safety; social and labour law; health, transport and environmental safety; and economic environment of the transport market.<sup>19</sup> The **practical test** for the initial qualification has two options: If the CPC and the practical exam for the driver's license are pursued together, then the candidate completes a 45 minute practice test (driving a vehicle) for the driving licence and then continues with another 45 minutes of driving to pass the CPC qualification. If the candidate is only performing the practical exam for the initial qualification, then a 90-minute practice test (driving a vehicle) has to be completed. To take part, the candidate has to register for the exam at least six weeks before the exam with the appropriate provincial government office, although the examination must not take place in the federal province of residence. The exam to receive the initial qualification varies from province to province: costs for the initial qualification range from 260 to 270 Euros (2011).<sup>20</sup>

No specific regulations apply to the periodic training; the periodic training does not necessarily need to be conducted in theoretical or practical courses. The 35 hours of periodic training can be done only as theory without practice. The periodic training does not have an examination, but the candidate has to be present in the different modules.<sup>21</sup>

#### E. Periodic training

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In order to continue practising the profession, drivers must participate every five years in training courses (35 hours). The subjects of these training courses contain an actualisation of the knowledge of the drivers, emphasising traffic safety and rational fuel consumption. The modules can be mainly theoretical or practical. Of the total 35 hours, 28 hours are assigned to specific topics: improvement in rational driving (7 hours); optimisation of fuel consumption (7 hours); ensuring cargo safety (5 hours); knowledge of social law conditions (4 hours); knowledge of the rules of the road for freight transportation (1 hour); health, transport and environmental safety, service and logistics (3 hours) and knowledge of the business environment (1 hour). The remaining seven hours can be done in special training courses for C licence. An approved training body must conduct the periodic training.

Drivers who want to do the periodic training for both C and D licences he must complete 42 hours of periodic training – 28 hours to a prescribed topic, 7 hours in special training courses for C licence and 7 hours in special training courses for D licence.

To obtain the authorization as a training centre to conduct CPC trainings, a request has to be made in the appropriate provincial government office. The following documents must be presented: a training program,

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<sup>18</sup> Cf. Interview 2, 16 June 2011.

<sup>19</sup> Grundqualifikation und Weiterbildung – Berufskraftfahrer – WKO. Online: [http://portal.wko.at/wk/suche.wk?DstID=0&ChID=0&reiter=InternetAktiveInhalte&init=1&itemoffset=0&pagesize=20&details=1&sortierung=TopInhalte&suchbegriffertext=Grundqualifikation&quicksearch\\_submit=Suchen](http://portal.wko.at/wk/suche.wk?DstID=0&ChID=0&reiter=InternetAktiveInhalte&init=1&itemoffset=0&pagesize=20&details=1&sortierung=TopInhalte&suchbegriffertext=Grundqualifikation&quicksearch_submit=Suchen), p. 1-2. (30.01.2011).

<sup>20</sup> Ibid., p. 2-3.

<sup>21</sup> Cf. Grundqualifikation und Weiterbildung für LKW- und Buslenker, Februar 2009, p. 18.

information about instructors, information about teaching materials, the estimated class size and the description of a quality-assurance system. Every training provider has its particular measures of quality assurance.<sup>22</sup>

## F. Execution of the training by public and private providers

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As aforementioned Austria's Bundesgesetzblätter BGBl I Nr. 153/2006 and BGBl II Nr. 139/2008 regulate the initial and periodic training for the CPC. The local governments of the nine provinces are responsible for the implementation of the Directive.

The *Fachausschuss Berufskraftfahrer* is an institution of the *Arbeiterkammer* (The Chamber of Labour) and the *Österreichischer Gewerkschaftsbund* (Austrian Federation of Trade Unions) and consults with drivers on employment conditions, training or salaries. Since 2008, the *Fachausschuss* also serves as an approved training centre for CPC qualification.

Other VET key players such as the WIFI (*Weiterbildungsinstitut der Wirtschaftskammer* – Institute for Further Training in Business of the Chamber of Commerce), the bfi (*Berufsförderungsinstitut* – Vocational Training Institute), the 'ÖAMTC' (Austrian Automotive Club) as well as officially approved driving schools are authorized to offer courses for CPC qualification. Each of the nine Austrian provinces can approve its own training bodies.

According to a stakeholder, the free market will indicate which provider will be most suitable to conduct the trainings. In his opinion, it would be the best, if private providers took over this job. In any case, they would have to prove that they have the adequate training methods and contents required by the Directive.<sup>23</sup>

An expert from the Chamber of Commerce (WKO) regretted that Austria has chosen the test-only option for the initial training, without requiring participation in specific training courses. The expert thinks a minimum amount of educational units and stronger and more standardized regulations would be necessary. The exam results show that some drivers do not manage to pass the test without a proper vocational education and training. According to data from Lower Austria (*Niederösterreich*), 2,305 people received the C licence in 2010, but only 125 of them participated in the test to receive the initial qualification. In opposition to the previously mentioned stakeholder, an expert of the WKO believes that driving schools could not cover the needed subject matters; for example, they do not have enough expertise concerning specific regulations or social provisions. When asked who should be responsible for the training, he opted for independent institutes that do not concentrate primarily on their revenues; for example, the bfi, the WIFI or the provincial chambers of labour (*Arbeiterkammer*). He knew, however, that so far the courses are rarely visited, which is a result of the non-mandatory procedure and the long transition period. The expert also mentioned problems with the AMS (Austrian Public Employment Service), which offered the payment of C licences for unemployed people to increase the number of professional drivers, but the costs for the initial qualification were not included; therefore, the measure did not have the desired effects.<sup>24</sup>

## G. Reflection on the implementation

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According to the experts, the regulation means **an additional burden on the driver**. The drivers must fulfil the requirements of the new regulation, so they are personally responsible for obtaining the CPC (although costs for periodic training have to be covered by the employer). A stakeholder from a logistics company estimated that currently a maximum of 20% of freight carriers invest in their drivers and pay the initial CPC qualification for them. According to an interviewed stakeholder, the regulation is a generally useful instrument to increase road safety

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<sup>22</sup> Cf. BGBl II Nr. 139/2008, p. 11.

<sup>23</sup> Cf. Interview 3, 22 June 2011.

<sup>24</sup> Cf. Interview 4, 23 June 2011.

and to minimize fuel consumption. However, he perceives technical developments as more relevant for these issues.<sup>25</sup> From a freight carrier's perspective, the labour value of the driver is increasing because of the Directive; however, this leads to increased labour costs for the freight carriers. In a best-case scenario, this could result in more productivity. The stakeholder was sceptical towards this aspect, because he did not believe in this best-case scenario. In his opinion, most drivers are not very ambitious about becoming further educated.<sup>26</sup>

To address the **shortage of professional drivers**, experts believe that different measures are needed. The Directive alone can not solve this problem. According to an expert, the salaries are not the only problem, but also the modalities of the driver's total payment: a basic salary plus specific wages. Moreover, many other circumstances impede the drivers from working appropriately: The many controls on the roads mean that every week a driver must face several controls; in particular when crossing borders. Often drivers face problems when driving internationally because of the different deadlines for implementing the Directive in other Member States.<sup>27</sup> Also, a driver shortage results from the bad image of working conditions for professional driving, such as not family-friendly working time, long hours of sitting, the bad perception of truck accidents in the media, etc. Therefore, a change of image and new political strategies is needed. In addition, the freight carriers must assume responsibility for the CPC of their drivers (not only for periodic, but also for the initial CPC qualification). All these factors lead to the result that many young people are not becoming professional drivers. In Austria, to be competitive and to maintain the status quo, the sector needs labour migrants. However, most migrant drivers who come to Austria already have a CPC issued in their home countries (for example, Poland, Czech Republic).

## H. Competition and European context

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According to an expert, the Directive should have the long-term aim of comparability. Until now, the situation is still too unregulated and has many unresolved questions, for example, acknowledgement of the CPC in other European Member States. Even within Austria there are no uniform regulations.<sup>28</sup> Most of the experts in Austria do not believe that the Directive leads to more mobility of Austrian drivers within Europe, although it is easier for professional drivers from Eastern European Countries to find work in Austria.

### Methodology:

This case study is based on **desk research** and the evaluation of seven **interviews** with stakeholders and experts from the Chamber of Commerce, the Ministry of Transport, the Chamber of Labour, a logistic company, a freight carrier and VET providers. The case study also contains the results of a **group discussion** with drivers who currently visit CPC courses in a driving school.

For further information on the project please consult:

[www.project-profdrv.eu](http://www.project-profdrv.eu)

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<sup>25</sup> Cf. Interview 1, 14 June 2011.

<sup>26</sup> Cf. Interview 3, 22 June 2011.

<sup>27</sup> Cf. Interview 1, 14 June 2011.

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