



STATUTORY INSTRUMENTS.

S.I. No. 178 of 2020

EUROPEAN UNION (VEHICLE DRIVERS CERTIFICATE OF
PROFESSIONAL COMPETENCE) (AMENDMENT) REGULATIONS 2020

EUROPEAN UNION (VEHICLE DRIVERS CERTIFICATE OF PROFESSIONAL COMPETENCE) (AMENDMENT) REGULATIONS 2020

The Minister for Transport, Tourism and Sport, in exercise of the powers conferred on him by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Directive (EU) 2018/645 of the European Parliament and of the Council of 18 April 2018¹, hereby makes the following regulations:

1. (1) These Regulations may be cited as the European Union (Vehicle Drivers Certificate of Professional Competence) (Amendment) Regulations 2020.

(2) These Regulations come into operation on 23 May 2020.

2. The European Communities (Vehicle Drivers Certificate of Professional Competence) (No. 2) Regulations 2008 (No. 359 of 2008) are amended –

(a) in Regulation 2(1) –

- (i) by the substitution of the following for the definition of “category C”:

“ ‘category C’ has the same meaning as it has in Regulation 6 of the Regulations of 2006;”;
- (ii) by the substitution of the following for the definition of “category C1”:

“ ‘category C1’ has the same meaning as it has in Regulation 6 of the Regulations of 2006;”;
- (iii) by the deletion of the definition “category C+E”,
- (iv) by the insertion of the following definition:

“ ‘category CE’ has the same meaning as it has in Regulation 6 of the Regulations of 2006;”;
- (v) by the deletion of the definition “category C1+E”,
- (vi) by the insertion of the following definition:

“ ‘category C1E’ has the same meaning as it has in Regulation 6 of the Regulations of 2006;”;
- (vii) by the substitution of the following for the definition of “category D”:

¹ OJ No. L112, 2.5.2018, p. 29.

- “ ‘category D’ has the same meaning as it has in Regulation 6 of the Regulations of 2006;”,
- (viii) by the substitution of the following for the definition of “category D1”:
- “ ‘category D1’ has the same meaning as it has in Regulation 6 of the Regulations of 2006;”,
- (ix) by the deletion of the definition “category D+E”,
- (x) by the insertion of the following definition:
- “ ‘category DE’ has the same meaning as it has in Regulation 6 of the Regulations of 2006;”,
- (xi) by the deletion of the definition “category D1+E”,
- (xii) by the insertion of the following definition:
- “ ‘category D1E’ has the same meaning as it has in Regulation 6 of the Regulations of 2006;”,
- (xiii) in the definition of “compulsory periodic retraining course”, by the substitution of “Regulation 12” for “Regulation 10”, and
- (xiv) by the substitution of the following for the definition of “relevant vehicle”:
- “ ‘relevant vehicle’ means a vehicle of category C, C1, CE, C1E, D, D1, DE or D1E;”,
- (b) in Regulation 6(2) -
- (i) by the substitution of the following for subparagraph (b):
- “(b) is used by, or under the control of –
- (i) the Garda Síochána,
 - (ii) the Defence Forces,
 - (iii) a fire brigade,
 - (iv) the Civil Defence,
 - (v) the Irish Prison Service, or
 - (vi) an emergency ambulance service,
- where the carriage is undertaken as a consequence of the tasks assigned to those services.”,
- (ii) by the substitution of the following for subparagraph (e):
- “(e) is used in a state of emergency or assigned to a rescue mission, including a vehicle used in the non-commercial transport of humanitarian aid;”,
- (iii) by the substitution of the following for subparagraph (f):

- “(f) subject to paragraph (3), is used for driving instruction for, and examination of, any person wishing to obtain a driving licence or a CPC, provided that it is not being used for the commercial carriage of goods and passengers.”,
- (iv) in subparagraph (g), by the substitution of “purposes,” for “purposes, or”,
 - (v) in subparagraph (h), by -
 - (I) the substitution of “material, equipment or machinery” for “material or equipment”, and
 - (II) the substitution of “occupation, or” for “occupation.”, and
 - (vi) by the insertion of the following subparagraph:
- “(i) requires a driving licence of category D or D1 and is 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.”,
- (c) by the insertion of the following paragraphs after paragraph (2) of Regulation 6:
- “(3) These Regulations shall not apply to any person wishing to obtain a driving licence or a CPC 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 paragraph (2)(f).
- (4) These Regulations shall not apply where –
- (a) the driver of a vehicle operates in a rural area to supply his or her own business,
 - (b) the driver does not offer transport services, and
 - (c) the journeys are carried out no more than once in a thirty-day period and do not have an impact on road safety.
- (5) These Regulations shall not apply to the driver of a vehicle 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 the driving is part of

the driver's principal activity or the driving exceeds a distance of 25km from the base of the undertaking that owns, hires or leases the vehicle.”,

(d) in Regulation 7 –

- (i) by the substitution of the table in paragraph (3) with the following:

“TABLE

Column (1)	Column (2)
Category	Age in Years
C, CE, C1 or C1E	18
D, DE, D1 or D1E	21

”,

- (ii) by the substitution, in paragraph (8)(a), of “category D, DE, D1 and D1E” for “category D1, D1+E, D and D+E”, and
- (iii) by the substitution, in paragraph (8)(b), of “category C, CE, C1 and C1E” for “category C1, C1+E, C and C+E”,

(e) in Regulation 11 –

- (i) by the substitution, in paragraph (a), of “category D, DE, D1 or D1E” for “category D1, D1+E, D or D+E”, and
- (ii) by the substitution, in paragraph (b), of “category C, CE, C1 or C1E” for “category C1, C1+E, C or C+E”, and

(f) in Regulation 12 –

- (i) by the deletion of paragraph (3A), and
- (ii) by the insertion of the following paragraph after paragraph (7):

“(8) The Authority will take into consideration in the current CPC training cycle certified compulsory periodic retaining completed in another Member State in accordance with the Directive.”.

3. The European Union (International Road Haulage Market) Regulations 2011 (S. I. No. 698 of 2011) are amended by the substitution of the following for Regulation 6(b):

- “(b) issue driver attestations in accordance with Article 5 of the EU Regulation and Articles 10(2) and 10(3) of Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003², and”.



GIVEN under the Official Seal of the
Minister for Transport, Tourism and Sport,
21 May, 2020.

SHANE ROSS,
Minister for Transport, Tourism
and Sport.

² OJ L 226, 10.9.2003, p.4.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the European Communities (Vehicle Drivers Certificate of Professional Competence) (No. 2) Regulations 2008 (No. 359 of 2008) for the purpose of giving effect to Directive (EU) 2018/645 of the European Parliament and of the Council of 18 April 2018.

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