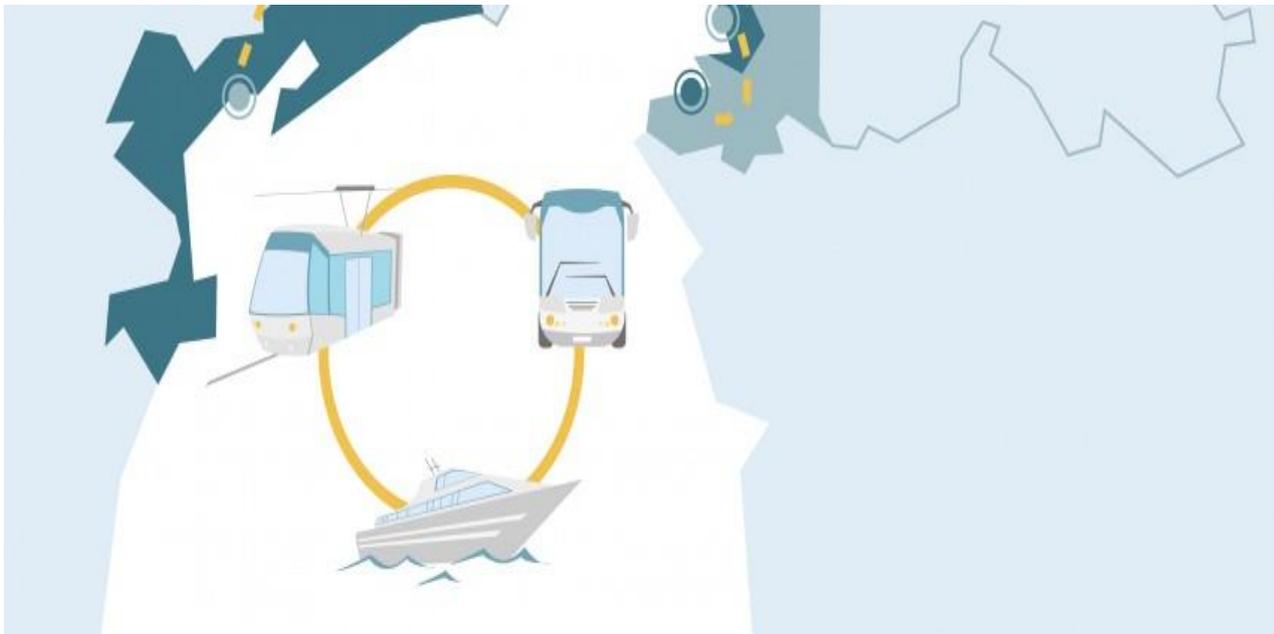


FORTIS

Strengthening Institutional Cooperation in Cross-Border Areas through Innovative Solutions in Public Transport and Civil Motorization Procedures



Deliverable 3.1.2.5 - Report on national and regional procedures and legal background

Summary

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Executive summary

The deliverable 3.1.2.5 Report on national and regional procedures and legal background, provides an analysis, including gaps and synergies, of national and regional procedures and legal background on vehicle registration and licensing procedures in Italy and Slovenia.

The main objective of the FORTIS project is to improve the cross-border public transport services between Italy and Slovenia, and the deliverable 3.1.2.5 supports the project's goal focusing on specific topics, such as **driver's license and trainings**, **civil motorization**, **emergency management** and **heavy freights transport**.

Indeed, the FORTIS project, considering also the effects of the Covid-19 pandemic on the cross-border relation between the two countries, aims to strengthen the cooperation between Italy and Slovenia with practical solutions, such as the creation of a **permanent transnational cross-border joint board**, in order to improve the institutional dialogue. Deliverable 3.1.2.5 provides several useful insights, based on the analysis of current procedures, in support of the creation and activation of the joint board. The main topics taken in consideration by the FORTIS project and part of this deliverable, are national and regional procedures linked to driver's licence and trainings, civil motorization, emergency management and freight transport. Some of these topics, like the emergency managing and vehicles registration have not been yet touched plenty by the EU legislative actions, while for others, such as driver's license and trainings, EU provided several references. Starting from this consideration, it is necessary to understand the current legal framework that defines the context of implementation of the project and particularly for topics this specific deliverable deals with. Therefore, four main aspects this deliverable sheds light on are:

1. **Driver's license - driver's trainings:** analysis of the hierarchic structure of the legislation (EU-ITA-SLO). Communitarian and national regulation, possible divergence or contrasts;
2. **Civil motorization:** vehicles registration (heavy vehicles); procedure, matriculation entities, documentation needed; ways of interrupting vehicle circulation (EU-ITA-SLO levels).
3. **Emergency management**, with specific regard to health issues such as COVID-19 pandemic and their effects on traffic (EU-ITA-SLO levels);
4. **Focus on transnational heavy goods traffic flows:** cross-border relation between Italy and Slovenia.

The fourth element of interest in the FORTIS project is related to the traffic of heavy goods in transit. This specific point has been analysed with particular attention to the relationship between Italy and Slovenia, with the aim of understanding and improving relations between the two countries in the implementation of controls for cross-border heavy goods traffic.

Giving deed of the role of the EU and of national states, the first three clusters frameworks are analysed according to three levels:

- **European level:** analysis of the three key elements considering the EU regulations;
- **National level:** Member States regulations (in case EU regulations are not available) and transposition of the EU directives;
- **Regional level (where possible):** regional regulations and dispositions where the national states' structure allows it.

The last topic of **heavy goods** will be analysed only from a bilateral point of view (Italy-Slovenia).

The fact that these topics were elaborated at geographical-political level allows to better understand if and where there might be regulatory gaps. Once regulatory aspects were defined, a SWOT analysis, outlining the main strengths, weaknesses, opportunities and threats was included. Thanks to the work done in the development of the SWOT analysis, a critical summary that shows possible criticalities and recommendations that PPs must take into careful consideration in the attempt to reach project's objectives, was elaborated. A series of KPIs (Key performance indicators) were

also included in order to enable PPs to better evaluate the results of the institutional dialogue between the two countries. This deliverable includes also an ANNEX I, which summarizes all the legislative elements gathered in the development of the regulatory framework. Furthermore, a questionnaire (ANNEX II) was defined in order to collect contributions from PPs related to possible legal prescriptions, criticalities, policy recommendations and stakeholders not considered in the development of this report. These ANNEXES are included at the end of the report. The report analyses the first three elements at territorial level as mentioned, and then focus is put on heavy goods traffic, with a specific analysis of Italian-Slovenian border traffic.

1. Deliverable D.3.1.2.5 - Analysis of National and Regional Procedures and Legal Framework for Vehicle Registration / Licensing Procedures in Italy and Slovenia

1.1. Analysis of the current situation - Regulatory Framework

In order to create a better collaboration between stakeholders who have central role in the themes touched by the FORTIS project, such as cross-border Local Public Transport (LPT) providers, local/regional PAs (municipalities and motorization departments), it is necessary to define a Regulatory Framework of reference first. Considering that the cross border area in which this project aims to build and develop its activities, it is necessary to explain and understand the current legal framework that defines the context of implementation of the project.

Italy and Slovenia are members of the UE, and the European Union in the previous years has been trying to define and implement a better regulation as far as the civil motorization issue (driving license, vehicles registration, emergency management, etc.) is concerned. In order to give the partnership a better understanding and ask for possible clarification for each competence area, it is important to describe the EU framework and therefore explore the different declinations of these matters in the national context.

The framework of the three clusters is analysed as follows:

- a. Driver's license - driver's trainings: analysis of the hierarchic structure of the legislation (EU-ITA-SLO levels). Communitarian and national regulation, possible divergence or contrasts;
- b. Civil motorization: vehicles registration; procedures, matriculation entities, documentation needed; ways of interrupting vehicle circulation (EU-ITA-SLO levels)
- c. Emergency management, with specific regard to health issues such as COVID-19 pandemic and their effects on traffic (EU-ITA-SLO levels);

1.2. Driver's license and driver's trainings

1.2.1. The European regulation

The European Union, since the beginning of the century has tried to find a way in order to harmonize the different legal frameworks in the transnational context, just like for the civil motorization context.

Define a common European space for transport has been a crucial point of the EU political agenda, concerning the harmonization of the different national procedures for the civil motorization issue. In 2018 the EU implemented the directive 645¹ on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers. **This policy edited the two previous Regulation that manage the area**; the first one was the directive 2003/59/CE with which the EU's (CE, European Community before the Treaty of Lisbon 2007²) institutions tried to define a common base related to the initial qualification and periodic training of drivers of vehicles used for the carriage of goods or passengers. The second one is the 2006/126/CE policy on driving license, **edited by the 2018 directives**.

The three previous directives created the regulatory framework composed by the EU on the civil motorization context.

The current situation created by the Covid-19 pandemic has underlined the necessity to strengthen the transnational cooperation and to create a common ground inside the EU countries. In the cross-border area between Italy and Slovenia, the necessity to find out a common policy related to the transport (emergency dealing, license, vehicle registration) has been enlightened by the pandemic. It has been underlined how a better cooperation between PAs (Public Administrations), both at national and regional levels, is a fundamental issue for improving the transport relations in the cross-border area. The following notions will enucleate the EU legislative actions on which FORTIS is working: **civil motorization, driving license, heavy vehicles (trucks), driver's initial and periodic training, and emergency management**. Topics such the emergency managing and

¹ <https://eur-lex.europa.eu/eli/dir/2018/645/oj/ita/pdf>

² <https://www.europarl.europa.eu/italy/it/scoprire-l-europa/il-trattato-di-lisbona>

the vehicles registration, have not been yet touched plenty by the EU legislative actions. As for these two topics considered by FORTIS as fundamental for an increasing cooperation between the cross-border area, the EU has left to Member States to find a way in order to harmonize and improve the collaboration on these subjects.

1.2.1.1. European directive 2003/59/EC on the initial qualification and periodic training for drivers of certain road vehicles used for the carriage of goods or passengers³.

It is not the first time that the European Parliament has been involved in the civil motorization debate. The minimum level of regulation that Member States must provide is determined by Directive 76/914/CEE. Since the provisions of Regulation 3820/85 applied to a very small percentage of drivers and that at that time compulsory training was provided only by some Member States, the majority of drivers exercised their jobs only on the basis of a driving license. In order to enable drivers to comply with the new needs and evolution of the road transport market, it was considered necessary to apply a common regulation to all drivers, regardless of whether they drive Community legislation independently, on their own or on behalf of third parties. The obligation to train initially and to train on a regular basis was intended to improve road safety and driver's safety.

This directive applied to the driving activity of both citizens of a Member State and non-EU nationals, employed or used by a company established in a Member State. In order to ensure that the driver complied with all the obligations, the Member States would have issued the driver with a certificate of professional ability called 'CAP'⁴ (**Certificate of professional ability**), proving the (periodic) training.

The minimum requirements to be met in the context of initial qualification and periodic training were the safety standards to be met while driving and when the vehicle is parked. The development of preventive driving, risk-taking, taken into account by other road users, to be implemented jointly to rationalize fuel consumption, would have had positive effects for both society and the road transport sector itself. This directive did not affect the rights acquired by the driver who has become the holder of the driving license necessary to carry out the driving activity on a date prior to that of obtaining the zip code proving the corresponding initial qualification or periodic training.

Institutions were also defined to provide periodic training/training and issue subsequent certificates. Member States then designated and entrusted the task of organizing the examinations provided in the context of initial qualification and periodic training to these institutions. Member States, in accordance with the directive, imposed the first periodic training and issued drivers with the corresponding CAP within the next five years or the release date of the CAP proving the initial qualification, or at the end of the set deadline for drivers to assert their acquired rights. A periodic training every five years that the driver would have to follow was also defined.

In order to attest that the citizen driver of a Member State has one of the CAP codes provided for in this directive and to facilitate mutual recognition of the various CAP codes, the Member States adopted the harmonized Community code provided for this purpose, together with the expiry date of the code, on the driver's license or on the new 'driver's qualification card', mutually recognized by the Member States, according to the harmonized model provided by this directive. The card met the same safety requirements as the driver's license, given the importance of the rights it confers for road safety and equal competition conditions. The possibility offered to the Member States to put the Community code on the new charter would have allowed the States to provide for a validity period for driving licenses which does not coincide with the end date of periodic training, since Directive 91/439/CEE stipulates that each Member State must retain the right to set, according to national criteria, the validity period of the licenses it issues. As regards, drivers

³ <https://eur-lex.europa.eu/legal-content/IT/TXT/PDF/?uri=CELEX:32003L0059&from=EN>

⁴ <https://www.ncctitaliani.it/certificato-abilitazione-professionale/>

from a third countries to which this directive applies, states would have made specific provisions for certification.

Drivers of vehicles used to carry out transports whose impact on road safety is considered to be minimal, i.e., where the requirements of this directive impose a disproportionate economic or social burden, were exempted from the application of the Directive. **As previously stated, it is important to understand that the 2003/59 directives has been outdated by the 645/2018 ones.**

1. Field of application

This directive applies to the driving activity:

- a. of the citizens of a Member State;
- b. of the citizens of a third country who are employees of a company established in a Member State or employed by the member,

Drivers, who carry out road transport within the Community, on public roads by means of:

- vehicles for which a C1, C1-E, C, C-E driver's license is required, as defined by Directive 91/439/CEE⁵ or a driver's license recognized as equivalent,
- vehicles for which a category D1, D1,E, D, D-E license is required, defined by Directive 91/439/CEE or a driver's license recognized as equivalent.

2. Derogations

This directive does not apply to drivers:

- a. of vehicles whose maximum authorized speed does not exceed 45 km/h;
- b. of vehicles for use by the armed forces, civil protection, fire brigades and forces responsible for maintaining public order, or made available to them;
- c. of vehicles undergoing road tests for technical improvement, repair or maintenance and new or unprocessed vehicles that have not yet been put into circulation;
- d. of vehicles used for states of emergency or for rescue missions;
- e. of vehicles used for driving lessons for the purpose of obtaining a driving license or CAP;
- f. of vehicles used to transport passengers or goods for private and non-commercial purposes;
- g. of vehicles carrying material or equipment, used by the driver in the operation of their business, provided that driving the vehicle is not the main activity of the driver.

3. Qualification and training

The driving activity is subject to an initial qualification requirement and a periodic training requirement.

To this end, Member States provide:

1. An initial qualification system, Member States choose one of the following two options:

- a. frequency of courses and an examination: the initial qualification provided for compulsory attendance of courses with a specific duration, to be concluded with an examination. In the event of passing this examination, the CAP was released;
- b. only theoretical exams: no mandatory training, only theoretical exams. In the event of passing this examination, the CAP was released.

2. A periodic training

Member States could provide an accelerated initial qualification to enable the driver to drive, the accelerated initial qualification provides for compulsory course attendance. It shall end with an examination. Member States may exempt a driver who has obtained a certificate of professional competence (as referred to in Directive 96/26/EC) from the examinations of subjects included in the test requested by the Directive and, where appropriate, from the obligation to attend the part of the courses relating to those subjects.

Member States were given the option of authorizing the driver, for up to three years, to drive in their territory before obtaining the CAP, if a driver was taking part in a vocational education

⁵ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A31991L0439>

course of at least six months. Member States also had the option of exempting the driver who obtained the certificate of professional eligibility under Directive 96/26/EC⁶ for the subjects included in the examination under that directive and the obligation to attend the part of the courses relating to these subjects.

4. Acquired rights

Drivers exempt from the initial qualification requirement:

- a) holders of a category D1, D1,E, D or D-E driver's license or an equivalent recognized driver's license, issued up to two years after the deadline for implementing this directive;
- b) have a C1, C1-E, C-E or equivalent recognized driver's license, issued at the latest three years after the deadline for this directive to be implemented.

5. Initial Qualification

The initial driver's license was not required to qualify:

- a. the driver of a freight vehicle could drive from the age of 18;
 - b. drivers in the C and C-E driver's license categories, provided that the C-driver's license is owned;
 - c. C1 and C1-E driver's license categories, provided that the C1 and C1-E driver's license categories are owned;
 - d. from the age of 21, vehicles in the C and C-E driver's license categories, provided that the driver own the CAP.
- The driver of a passenger vehicle can drive from the age of 21: Member States could authorize the driver of the vehicles in one of the above categories to drive such vehicles in their territory from the age of 18, provided that they own the CAP. Member States may authorize the driver of the vehicles in one of the above categories to drive such vehicles in their territory from the age of 20, provided that they have the CAP. The age can be reduced to 18 years for driving such vehicles without passengers;
 - the driver of a passenger transport vehicle can drive from the age of 23. With the exception of the age limits expressed in the directive, drivers who transport goods and who have a CAP code are exempt from this CAP code for all categories of vehicles. These provisions apply in the same way as to drivers who carry out passenger transports for the category of vehicles referred to in paragraph 3.

Drivers who carry out freight transports that expand or change their activities to carry out passenger transports, or vice versa, and who are in the postcode referred to in Article 6, are not required to repeat the common sections of the initial qualifications, but only the specific sections relating to the new qualification.

6. CAP Code proving initial qualification

The Member State requires the would-be driver to attend courses at a training centre authorized by the relevant authorities under Annex I, section 5, later referred to as the authorized training centre. These courses cover all the subjects mentioned in section 1 of Annex I. The training ends with the passing of the examination in Annex I, Section 2, paragraph 2.1. The competent authorities of the Member States or any designated entity organize such an examination in order to check whether the would-be driver has the level of knowledge of the aforementioned subjects required by Annex I, Section 1. The aforementioned authorities or entities supervise the examination and, if passed, issue the driver with an initial qualification.

7. CAP Code released on the basis of exams

Member State requires the would-be driver to pass the theoretical and practical examinations. The competent authorities of the Member States or any designated entity organize such examinations in order to check whether the would-be driver has the level of knowledge mentioned in the directive. These authorities or entities supervise the examinations and, in the event of passing, issue the driver a cap proving an initial qualification.

⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31996L0026&from=EN>

8. CAP Code proving accelerated initial qualification

Member State requires the would-be driver to attend courses at a licensed training centre. This training concludes with an examination. The competent authorities of the Member States or any designated entity organize such an examination in order to check whether the would-be driver has the level of knowledge of the aforementioned subjects required by the directive. These authorities or entities supervise the examination and, in the event of passing, issue the driver with an accelerated initial qualification.

9. Periodic training

Periodic training consists of a professional update which allows CAP holders and drivers to refine the essential knowledge for performing their duties, with a particular emphasis on road safety and fuel consumption rationalization. This training is organized by a training centre authorized. In the case of transfer to another company, the periodic training already carried out by the driver must be taken into account.

10. CAP proving periodic training

At the end of the periodic training, the competent authorities of the Member States or the authorized training centre issue the driver with a postcode proving periodic training. A first periodic training course should be attended:

- Cap holder in the five years following the release date of the CAP code;
- Member States may reduce or extend the terms in order to make them coincide with the expiry date of the validity of the driving license or to allow a gradual introduction of periodic training. However, this period may be neither less than three years nor more than seven years;
- the driver who has completed the first phase of periodic training is undergoing periodic training every five years before the end of the CAP period proving periodic training;
- the holder of the CAP as well as the driver referred to who no longer is in a professional driver does not meet the requirements requested, must undergo periodic training before resuming the profession;
- drivers carrying goods or passengers by road who have carried out regular training for one of the categories are exempt from the requirement to attend a regular training course for another of the categories covered in those paragraphs.

▪ Where the training takes place

The initial qualification is acquired in the Member State of residence, or in the Member State in which the company is established or in the Member State that has granted a work permit. Training courses are carried out in the Member State of residence or in the Member State in which driver works.

11. Community code

The relevant authorities in the Member States put the Community code on the corresponding categories of driver's licenses:

- a. on a driver's license;
- b. driver's qualification card;

Member States give each other the driver's qualification card they have issued. At the time of the card release, the relevant authorities ascertain that the driver's license whose number is indicated on the card is invalid. Drivers driving road-transport vehicles for goods are proof of the qualification and training provided for by this directive by means of the Driver's Certificate provided by Regulation (EC) No 484/2002⁷.

The Member State may issue the driver's qualification card to the driver by the corresponding Community Code.

Drivers driving passenger road transport vehicles prove the qualification and training provided by this directive through:

- community code affixed to the Community model driver's license that the driver owns;
- the driver's qualification card which the corresponding Community Code is affixed;

⁷ <https://eur-lex.europa.eu/legal-content/EN/LSU/?uri=CELEX%3A32002R0484>

- the national certificate of which the Member States mutually recognize the validity on their territory.

12. Derogations

This directive did not apply to drivers of vehicles:

- whose maximum speed is not exceeded 45 km/h;
- for the use of the armed forces, civil protection, fire brigades, law enforcement agencies and emergency health transport services, or made available to them, when transport is carried out as a result of tasks assigned to these services;
- subject to road tests for technical refinement, repair or maintenance, or to drivers of new or unprocessed vehicles that have not yet been in circulation;
- for which a category D or D1 license is required and are driven without passengers by maintenance personnel to or from a maintenance centre located near the nearest maintenance site used by the transport operator, provided that driving the vehicle is not the main activity of the driver;
- used for states of emergency or for rescue missions, including vehicles used to transport humanitarian aid for non-commercial purposes;
- used for lessons and driving tests by anyone wishing to obtain a driver's license or a certificate of professional eligibility (CAP), in accordance with the directive, provided that they are not used for the transport of goods and passengers for commercial purposes;
- used to transport passengers or goods for non-commercial purposes;
- carrying material, equipment or machinery used by the driver in the operation of their business, provided that driving vehicles is not the main activity of the driver.

In this paragraph, this directive does not apply to persons wishing to obtain a driver's license or a cap code, in accordance with the directive, when these persons attend additional driving training in the field of learning at work, provided that they are accompanied by another person with a postcode, or by a driving instructor.

This directive did not apply in the following circumstances:

1. vehicle drivers operate in rural areas to supply the driver's own business,
 2. drivers do not offer transport services,
 3. States believe that transport is occasional and does not affect road safety.
- This directive did not apply to drivers of driverless vehicles, from agricultural, horticultural, forestry, livestock or fishing companies to transport goods as part of their business activity, unless the driver is in the driver's main business or exceeds a distance, set by national law, from the location where the company that owns the vehicle is located or that it has been rented or leased.

1.2.1.2. European directive 2006/126/EC concerning driving licenses⁸

The Council's directive, which was adopted on 29 July 1991, has undergone several substantial changes. This directive clarifies the EU's position on this issue. When this directive was drafted, the Union wanted to harmonise the rules on driving licenses, which are an indispensable factor in the common transport policy, which facilitate the free movement of people. Despite progress on driving license rules, there were still significant differences between Member States regarding the renewal of licenses and subcategories of vehicles.

It is not the first time that the European Parliament has been involved in this debate. The 2018 directive does not affect existing driving qualifications, granted or acquired before the application date. Driving licenses are recognized by each other within the EU and states were required to apply the validity period indicated by this directive to a license with no limited administrative validity issued by another Member State and in which the holder has resided for more than two years.

⁸ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:403:0018:0060:EN:PDF>

The rules on the examinations that drivers must pass as well as the issuing of a driving license had to be harmonized, defining the knowledge, skills and behaviours required for driving vehicles, basing the driving test on these concepts and redefining the minimum standards regarding physical and mental fitness for driving. Evidence of compliance with the minimum standards of physical and mental fitness for driving a motor vehicle for drivers of vehicles intended to transport persons or goods was provided when a license was issued. Member States were allowed to impose medical examinations in order to ensure compliance with the minimum standards of physical and mental fitness for driving other vehicles. For reasons of transparency, the examinations were carried out to coincide with a renewal of the license and were therefore determined by the validity of the license. Member States were also allowed to raise the age limit for driving certain categories of vehicles in order to further promote road safety. In exceptional circumstances, Member States could lower the age limit in order to take national situations into account. Category definitions should have been better reflected the technical characteristics of the affected vehicles, as well as the skill required to drive the vehicles themselves. Specific provisions must have been adopted to allow access to driving vehicles for people with disabilities. Member States could apply their national provisions on the withdrawal, suspension, renewal and cancellation of their driving license to any holder who had acquired normal residence in their territory. The driver's license model defined by Directive 91/439/CEE⁹ was to be replaced by a single model in a plasticized card format. This directive established minimum standards relating to access to the profession of driving examiner and training requirements for driving examiners in order to improve the knowledge and skills of examiners, thereby ensuring an objective assessment of applicants for obtaining a license and achieving a better harmonization of driving tests. **It is important to understand that the 2006/126 directives has been outdated by the 645/2018 ones.**

1. Driver's license model

Member States set up a national driver's license in accordance with the Community model. After consultation with the Commission, Member States can enter additional data, provided that this does not interfere in any way with the implementation of this directive.

2. Mutual recognition

Driving licenses issued by the Member States have to be mutually recognized.

3. Categories, definitions and minimum age

The driving license could be issued by the minimum age indicated for each category. The driver's license authorizes driving Motor vehicles:

- vehicle is a motor vehicle, normally intended for the transport of people or property on the road, that is, towing on the road vehicles used to transport people or things. This term also includes trolley buses, i.e., vehicles connected with an electric grid that do not run on rails, but not agricultural or forest tractors;
- agricultural or forestry tractor is defined as any motor vehicle, on wheels or tracked, having at least two axes, whose main function lies in the ability to tow, push, transport or operate machines, equipment or trailers intended to be used on farms or forestry, whose use for road transport of people or things or for the towing on the road of vehicles intended for the transport of people or things;

a) Category B:

- vehicles whose maximum authorized mass does not exceed 3 500 kg and designed and built for the transport of no più of eight people in addition to the driver; motorcycles in this category can be attached to a trailer with a maximum authorized mass of no more than 750 kg;
- the minimum age for category B is 18;

Vehicles in this category can hook a trailer whose maximum authorized mass exceeds 750 kg, provided that the maximum authorized mass of this combination does not exceed 4 250

⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31991L0439&from=en>

kg. If this combination exceeds 3 500 kg, the Member States, in accordance with the provisions of Annex V, require the completion of training to guide the combination. Alternatively, training and passing a test of ability and behaviour may be required.

b) Category BE:

- complexes of vehicles consisting of a category B tractor and a trailer or semi-trailer whose maximum authorized trailer or semi-trailer mass does not exceed 3 500 kg;
- the minimum age for the BE category is set at 18.

c) Category C1:

- vehicles other than those in category D1 or D whose maximum authorized mass is more than 3 500 kg, but not more than 7 500 kg, designed and built for the transport of not more than eight passengers, in addition to the driver; vehicles in this category can be hooked by a trailer whose maximum authorized mass is not more than 750 kg.

d) Category C1E:

- complexes of vehicles consisting of a C1-grade tractor and a trailer or semi-trailer whose maximum self-contained mass is more than 750 kg, provided that the self-contained mass of the complex does not exceed 12 000 kg;
- complexes of vehicles consisting of a category B tractor and a trailer or semi-trailer whose authorized mass is more than 3 500 kg, provided that the authorized mass of the complex does not exceed 12 000 kg;
- the age minimum for categories C1 and C1E is set at 18;

e) Category C

- vehicles other than those of the D1 or D categories whose maximum authorized mass is more than 3 500 kg and designed and built for the transport of not more than eight passengers, in addition to the driver; vehicles in this category can be hooked by a trailer whose maximum self-driving mass does not exceed 750 kg;

f) Category CE:

- complexes of vehicles consisting of a C-grade tractor and a trailer or semi-trailer whose maximum self-contained mass exceeds 750 kg; The minimum age for categories C and EC is set at 21 years, subject to the provisions for driving these vehicles in the 2003/59/EC Directive;

g) Category D1:

- vehicles designed and built for the transport of not more than 16 people, in addition to the driver, and having a maximum length of 8 meters; vehicles in this category can be hooked by a trailer whose maximum self-driving mass does not exceed 750 kg;

h) Category D1E:

- complexes of vehicles consisting of a category D1 tractor and a trailer with a maximum authorized mass of more than 750 kg;
- the minimum age for categories D1 and D1E is set at 21 years, subject to the provisions for driving these vehicles in the 2003/59/EC Directive;

i) Category D:

- vehicles designed and built to transport not more than eight people in addition to the driver; vehicles that can be driven with a category D license can be hooked a trailer whose maximum authorized mass does not exceed 750 kg;

j) Category DE:

- except for the provisions of the approval rules for the affected vehicles, complexes of vehicles composed of a tractor-trailer falling under category D and a trailer whose maximum authorized mass exceeds 750 kg;
- the minimum age for categories D and DE is set at 24 years, subject to the provisions for driving such vehicles in the 2003/59/EC Directive.

Under the agreement of the Commission, Member States may exempt certain particular types of motor vehicles, such as special vehicles for disabled people from the application of this article.

- Member States may exclude vehicles used by the armed forces or civil protection or made available to them from the application of this Directive.

- Member States can change the minimum age for the issuing of a driver's license:
 - a) lowering it to 14 years or raising it to 18 years for the AM category;
 - b) raising it to 18 years for category B1;
- Raising it to 17 or 18 years for category A1:
 - o if there is a two-year interval between the minimum age for category A1 and the minimum age for category A2 and lowering it to 17 for category B and BE.
- Member States may lower the minimum age to 18 for category C and to 21 years for category D for:
 - a) vehicles used by firefighters and for maintaining public order;
 - b) vehicles undergoing road tests for repair or maintenance purposes;
 - c) driving licenses issued to persons under the age of 18 are valid only in the territory of the issuing Member State until the license holder has reached the minimum age limit;
 - d) Member States can recognize the validity in their territory of driving licenses issued to drivers who have not yet reached the minimum age in paragraphs 2 to 4.

4. Conditions and limitations

The driver's license mentions the conditions under which the driver is allowed to drive.

Graduation and equivalences between categories

The driving license is subject to the following conditions:

- the driver's license for categories C1, C, D1 or D can only be issued to drivers who already have a category B license;
- the driver's license for the categories BE, C1E, EC, D1E and DE can be issued only to drivers with a license of categories B, C1, C, D1 or D respectively.

The driver's license validity is fixed as follows:

- the driver's license issued for the categories C1E, EC, D1E, or DE is valid for BE vehicle complexes;
- the driver's license issued for the EC category is valid for the DE category as long as the relevant holder is already in possession of a category D license;
- the license issued for the EC and DE categories is valid for vehicle complexes, respectively, of the categories C1E and D1E;
- the driver's license issued for any of the categories is valid for vehicles in the AM category. However, for driver's licenses issued in its territory, a Member State can limit the equivalences for category AM to categories A1, A2 and A if it requires a practical test as a requisite to obtain the AM category;
- the driver's license for category A2 is also valid for category A1;
- the driver's license issued for categories A, B, C or D is valid for categories A1, A2, B1, C1 or D1, respectively.

- **Member States could authorize the guide on their territory:**

1. of D1 vehicles (with a maximum authorized mass of 3 500 kg, excluding specialized equipment for the transport of disabled passengers) by persons of age not less than 21 and in possession of a category B driver's license for at least two years, assuming that such vehicles are used for social purposes by non-commercial organizations and are guided by unpaid volunteers;
2. of vehicles with a maximum authorized mass of more than 3 500 kg by persons of age not less than 21 and in possession of a category B driver's license for at least two years, provided that these vehicles are essentially intended to be used by stoppages, for educational or recreational purposes, to be used for social purposes by non-commercial organizations and that it have been modified so that they cannot be used for the transport of more than nine people or for the transport of goods of any kind, except those absolutely necessary for the use assigned to them.

5. Release, validity, and renewal

The driver's license is subject to:

1. a test of skills and behaviours and a test of cognition control, as well as the satisfaction of medical standards, in accordance with the provisions of Annex II and III, have been passed;
2. passing a theoretical test exclusively for the AM category; Member States may require the passing of a test of capacity and behaviour testing and a medical examination for this category.

Member States may impose a specific test of capacity and behaviour testing for tricycles and quad bikes in that category. For the differentiation of AM vehicles can be included a national code in the driver's license;

3. at normal residence or proof of student quality for a period of at least six months in the territory of the Member State issuing a driver's license.

Since January 2013, driver's licenses issued by Member States for the categories AM, A1, A2, A, B, B1 and BE have an administrative validity of **10 years**. As of 19 January 2013, driving licenses issued by Member States for categories C, EC, C1, C1E, D, DE, D1, D1E have a **5-years** administrative validity.

Renewing a driving license may trigger a new administrative period for one or more other categories for which the holder is authorized to drive, to the extent that complies with the conditions set out in this directive.

The renewal of the driver's license at the time of its administrative validity expires, is subordinate:

1. to continue to comply with the minimum standards for physical and mental driving fitness described in Annex III for driver's licenses of categories C, EC, C1, C1E, D, DE, D1, D1E;
2. whether a driver has normal residence or proof of her/his qualification as a student in the territory of the Member State issuing a driver's license, for a period of at least six months.

When renewing a driving license for the categories AM, A, A1, A2, B, B1 and BE, Member States may impose a check of the minimum standards for physical and mental driving fitness described in Annex III. Member States can reduce the period of administrative validity referred to in paragraph 2 of driving licenses issued to inexperienced drivers in any category in order to apply specific measures to these drivers to improve road safety. Member States may reduce the administrative validity period of the first license issued to inexperienced drivers for categories C and D to three years in order to be able to apply specific measures to these drivers to improve their road safety. Member States may reduce the administrative validity period in paragraph 2 of individual driving licenses for any category if the frequency of medical checks is necessary or other specific measures such as restrictions on road traffic offenders. Member States may reduce the period of administrative validity referred to in paragraph 2 of driver's licenses whose holders reside in their territory and have completed 50 years of age, in order to increase the frequency of medical checks or apply other specific measures such as refresher courses. This reduced administrative validity period can only be applied when renewing a driver's license.

6. Adaptation to scientific and technical progress

The user may have a single driver's license. Member States take the necessary steps to issue, replace, renew or exchange a driver's license by checking with other Member States whether there is reasonable sense to assume that the applicant is yet holder of another driver's license; The Member State issues the license and ensures that the person meets the requirements set out in this directive by applying national provisions on the withdrawal or withdrawal of the driving license, if it is established that a license has been issued without the requirements being met.

Guide examiners must meet the minimum standards set out in Annex IV of the Directive, those who carry out their duties prior to 19 January 2013 are subject only to quality assurance provisions and periodic continuing training measures.

7. Miscellaneous provisions relating to the replacement, withdrawal, exchange and recognition of a driver's license

- if a driver has acquired normal residence in another Member State, she/he can apply for a driver's license to be replaced with an equivalent. It is up to the Member State to replace it, to check for which category the license submitted is actually being valid;
- unless the principle of territoriality of criminal laws and police regulations is respected, the Member State of normal residence can apply to the holder of a driving license issued by another Member State its national provisions on the restriction, suspension, withdrawal or revocation of the right to drive and, if necessary, can replace the license;
- the Member State that proceeds to replace it returns the old license to the authorities of the Member State which issued it, specifying the reasons for it;
- the Member State may refuse to issue a driver's license to an applicant whose license is restricted, suspended or withdrawn in another Member State.
- a Member State refuses to give a person whose license is restricted, suspended or withdrawn in another state's territory the validity of the driving license issued by that Member State;
- a Member State can refuse to issue a driver's license to an applicant whose license is revoked in another Member State;
- the replacement of a driver's license following loss or theft can only be obtained from the competent authority in the Member State where the holder has a regular residence; the replacement is done based upon the information in possession or, where appropriate, on the basis of a certificate from the competent authority of the Member State that issued the initial license;
- if a Member State replaces a driver's license issued by a third country with a Community model driver's license, that replacement, as well as any subsequent renewal or replacement, are registered on the Community model driver's license. This replacement can only be made if the license issued by a third country has been handed over to the competent authority of the Member State that is proceeding with the replacement. In the case of the transfer of the normal residence of the license holder to another Member State, the latter cannot apply the principle of mutual recognition as defined by the present directive.

8. Normal residence

The Directive recognizes as a normal residence the place where a person usually dwells, i.e., for at least **185 days a year**, for personal and professional interests or, in the case of a person who has no professional interests, for personal interests that reveal close links between people and the place where they live.

However, by the normal residence of a person whose professional interests are located in a place other than personal interests and who therefore alternately resides in different places in two or more Member States, it is the place where that person has personal interests, provided that he/she returns regularly. The latter condition is not necessary if the person is staying in a Member State for the execution of a fixed-term mission. The attendance of university or school courses does not imply the transfer of normal residence.

- Any driving license granted prior to 19 January 2013 is not revoked or in any way limited by the provisions of this Directive.

Further specification could be found in the ANNEXES of the directive

- DRIVER'S LICENSE [MEMBER STATE] ANNEX II¹⁰
- THEORETICAL TEST / TEST OF CAPACITY AND BEHAVIOR ANNEX II
- MINIMUM STANDARDS FOR PHYSICAL AND MENTAL FITNESS FOR DRIVING A MOTOR VEHICLE ANNEX III
- MINIMUM STANDARDS FOR PRACTICAL DRIVING TEST EXAMINERS ANNEX IV

¹⁰ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:403:0018:0060:EN:PDF>

- MINIMUM REQUIREMENTS FOR DRIVER TRAINING AND TESTS FOR COMBINATIONS DEFINED IN ARTICLE 4, PARAGRAPH 4, LETTER B), SECOND PARAGRAPH ANNEX V

1.2.1.3. European directive 2018/645 EU 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 licenses

In the White Paper of 28 March 2011, entitled '[Roadmap to a Single European Transport Area - For a Competitive and Sustainable Transport Policy](#)', the Commission set a 'zero casualties', the European Union should close to zero road fatalities by 2050. In its 2011-2020 Road Safety Guidance, entitled '[Towards a European Road Safety Area: 2011-2020 Road Safety Guidelines](#)', the Commission also proposed the aim of further halving the total number of road fatalities in the EU by 2020 from 2010. To achieve this, seven strategic objectives were defined, including improving education and training of road users and protecting vulnerable users. The European Council of 23 and 24 October 2014, approved a binding target for domestic reduction in all economic sectors of at least 40% of greenhouse gas emissions by 2030, compared with 1990. In this way, the reduction in emissions should have contributed to meet the long-term goals of the Paris Agreement (2015) and all sectors of the economy should have contributed to achieve it. The transport sector, one of the main emission factors, needed a comprehensive approach to promoting emission reduction and energy efficiency. Progress should have been made towards low-emission mobility, including through research and the introduction of technological advances already available. Drivers should have been properly trained to adopt as efficient a driving style as possible. The European Parliament and the Council's 2003/59/EC and 2006/EC directives have already put in place stakes on the issues covered by this directive.

The Commission, analysing the results, found a number of shortcomings. The main ones were found on the legal difficulties and uncertainties in the interpretation of the waivers. The content of the training courses, difficulties in seeing the training activities carried out, in their entirety or in part, recognized in another Member State.

In order to provide greater legal clarity, and to ensure certainty and consistency with other EU acts, some changes had to be made to the exemptions of the 2003/59/EC Directive, taking into account similar exemptions under Regulation 561/2006¹¹ by the European Parliament and the Council. Some of these exemptions relate to situations where driving is not the main activity of the driver and the obligation to comply with the requirements of the 2003/59/CE Directive would impose a disproportionate burden on drivers. In general, driving is not considered to be the main activity of a driver if it occupies less than 30% of the continuous monthly working hours.

The waiver theme was the one that most of all had created complications. One example was driving in rural areas. In this case, the previous directive stipulated that if driving is not frequent and takes place in rural areas as well as carried out by drivers to supply their business, the waiver should have applied on the condition that road safety was still guaranteed; However, due to the different conditions between Member States, they should have had the right to act on discretion in determining whether such driving can be considered occasional and whether such a waiver has an impact on road safety (for example, depending on road type, traffic volume or the presence of vulnerable road users). The distances that people working in the agricultural sectors (e.g., and exempt from this directive) have to travel in the course of their activity, are very different. It was therefore appropriate to leave it to the Member States to determine the maximum distances allowed to which the exemptions apply, calculated from the place of the company. Another important issue was that of qualification and their respective exemptions. Drivers exempt from the initial qualification requirement should, while benefiting from the waiver, still be required to carry out regular training to ensure that their knowledge of the subjects necessary to carry out their work remains up to date.

¹¹ <https://eur-lex.europa.eu/legal-content/IT/ALL/?uri=CELEX%3A32006R0561>

In defining this directive, the EU institutions took into account developments in training and education. In order to improve the contribution of the 2003/59/CE Directive to road safety and training for drivers, training courses should have been further investigated on road safety issues such as perceptions of danger; protecting vulnerable road users, particularly pedestrians, cyclists and people with reduced mobility; Fuel economy driving, extreme weather driving and exceptional transport. In this context, courses should also cover intelligent transport systems and should evolve to keep up with technological developments.

In this way, Member States have an option to improve and modernize training practices with the use of information and communication technology (ICT) tools, such as e-learning and integrated learning, for part of training, while ensuring the quality of training. In improving and modernizing training practices using ICT tools, it is important to take into account that some specific issues require practical training and cannot be adequately addressed with such learning tools: for example, the assembly of snowlines or the fixing of loads, or other elements related to training where the practical aspect is important. Practical training could consist of driving, though not necessarily. A substantial proportion of the training required by this directive should be carried out in an authorized training centre.

In order to maintain consistency between the different types of training prescribed by EU legislation, Member States had the opportunity to combine various types of training (training on the transport of dangerous goods, disability awareness or animal transport, with the training referred to in the 2003/59/CE Directive) as long as the results in the formation were the ones indicated by the European Union.

On the other hand, the authorities of the Member States were obliged, if completed training could not be indicated on their driving license, to issue a driver's qualification card, in the form prescribed by the standard models, which guarantees mutual recognition for each driver who has the requirements of directive 2003/59/CE. The use of driver's certificates by drivers in third countries was a proof of compliance with training requirements and could have been an obstacle for the drivers themselves if the hauler returned the certificate to the authorities who issued it, particularly when those drivers wish to take up a job in another Member State. In order to prevent drivers from being forced to repeat training in the event of a re-employment in this type of situation, Member States should be encouraged to cooperate and exchange information on driver's qualifications. In order to enable a smooth transition, the driver's certificates in progress and the driver's qualifying cards in the course of validity issued in accordance with the applicable rules before the provisions amended by this Directive come into force, should be recognized for the period up to their expiry date. These changes do not invalidate the training carried out, nor the driving licenses issued to prove this training, prior to their application.

The issue of minimum age prescriptions had also been complicated. It is important to note that, for the sake of legal clarity to ensure that the minimum age requirements for the purposes set out in the 2003/59/EC directive are harmonized, the 2006/126/EC Directive should have provided a waiver that stipulated that a driving license could be issued at the minimum age required by Directive 2003/59/CE. This clarification covers the general minimum age for drivers of certain categories of vehicles with a CAP and does not change existing options to reduce or waive minimum age requirements.

The amendments to the 2006/126/EC Directive were thus limited to those directly related to the revision of the 2003/59/CE Directive, aimed at facilitating the use of vehicles powered by alternative fuels. A more in-depth analysis of the implementation and implementation of the 2006/126/EC Directive, including the distinction between certain categories of vehicles, appears desirable and should be envisaged in any future revisions of the 2006/126/CE Directive.

In order to contribute to reducing greenhouse gas emissions and improving air quality by facilitating the use of alternative fuel-powered vehicles, Member States should be allowed to authorize holders of a category B driver's license in their territory to drive certain types of vehicles powered by alternative fuels whose maximum authorized mass is more than 3,500 kg, but no more than 4,250 kg. This possibility of exceeding 3 500 kg should be subject to the fact that the additional

mass allowed is due solely to excess mass resulting from alternative propulsion systems and should be subject to restrictions and conditions to avoid adverse effects on road safety.

It is not the first time that the European Parliament has been involved in this debate. This directive is limited to what is necessary to achieve these objectives in accordance with the principle of proportionality set out in the same article.

Given all the points listed above, the EU institutions felt that it was necessary to amend the 2003/59/CE and 2006/126/EC directives as follow.

The 2003/59/EC directive is amended as follows:

1. Scope

This directive applies to the driving task of:

- a) citizens of a Member State;
- b) citizens of a third country who are employees of a company established in a Member State or employed by the same company;

Drivers: those who carry out road transport within the Union, on roads open to public use by:

- a. vehicles for which a C1, C1-E, C or C-E driver's license is required, as defined by the 2006/126/CE directive of the European Parliament and the Council or a driver's license recognized as equivalent;
- b. Vehicles for which a category D1, D1, D, D or D-E license is required, as defined by Directive 2006/126/CE, or a driver's license recognized as equivalent.

2. Derogations

The Directive does not apply to drivers of vehicles:

- c) whose maximum speed is not exceeded 45 km/h;
- d) for the use of the armed forces, civil protection, fire brigades, law enforcement agencies and emergency health transport services, or made available to them, when transport is carried out as a result of tasks assigned to these services;
- e) subject to road tests for technical refinement, repair or maintenance, or to drivers of new or unprocessed vehicles that have not yet been in circulation;
- f) for which a category D or D1 license is required and are driven without passengers by maintenance personnel to or from a maintenance centre located near the nearest maintenance site used by the transport operator, provided that driving the vehicle is not the main activity of the driver;
- g) used for states of emergency or for rescue missions, including vehicles used to transport humanitarian aid for non-commercial purposes;
- h) used for lessons and driving tests by anyone wishing to obtain a driver's license or a certificate of professional eligibility (CAP), in accordance with Article 6 and Article 8, paragraph 1, provided that they are not used for the transport of goods and passengers for commercial purposes;
- i) used to transport passengers or goods for non-commercial purposes;
- j) carrying material, equipment or machinery used by the driver in the operation of their business, provided that driving vehicles is not the main activity of the driver.

This Directive does not apply to persons wishing to obtain a driver's license or a CAP, when such persons attend additional driving training in the field of learning at work, provided that they are accompanied by another person with a CAP code, or a driving instructor, for the category of vehicles used for the purpose referred to in that letter.

The directive does not apply if the following circumstances:

- a. vehicle drivers operate in rural areas to supply the driver's own business;
- b. drivers do not offer transport services;
- c. States believe that transport is occasional and does not affect road safety.

The directive does not apply to drivers of driverless vehicles, from agricultural, horticultural, forestry, livestock or fishing companies to transport goods as part of their business, unless the

driver is in the driver's main business or exceeds a distance, set by national law, from the location where the company that owns the vehicle is located or that it has been rented or leased.

3. Periodic training

Periodic training consists of a professional update that allows CAP holders to refine the essential knowledge for their work, with a particular emphasis on road safety, occupational health and safety and reducing the environmental impact of driving.

This training is organized by an authorized training centre. Training consists of classroom teaching, practical training and, if available, training through information and communication technologies (ICT) or high-quality simulators. In the case of a transfer to another company, the periodic training already carried out by the driver must be taken into account.

The aim of the periodic training is to deepen and review some of the subjects authorized. It deals with various subjects and always provides for at least one subject related to road safety. The subjects covered in training respond to relevant developments in legislation and technology and take into account, as far as possible, the specific needs of driver training.;

Drivers acquire qualification in the Member State of residence as defined by the 2006/126/CE Directive.

4. Union Code

On the basis of the initial qualification and the number of postcodes, the competent authorities in the Member States, taking into account the provisions of this directive, apply the Union's harmonized code, '95', alongside the corresponding categories of driving licenses:

- a. on the driver's license;
- b. on the driver's qualification card, which is drawn up according to the model in Annex II of this directive.

If the competent authorities of the Member State in which the CAP has been obtained cannot put the EU code on the driver's license, they issue the driver's qualification card to the driver. Member States give each other the driver's qualification card they have issued. At the time of the card release, the relevant authorities make sure that the driver's license is valid for the category of vehicles concerned.

Drivers who drive road-to-air vehicles are also permissible to demonstrate the qualification and training provided by this directive by means of the driver's certificate provided by Regulation 1072/2009 of the European Parliament and the Council¹², provided that it applies to the EU Code '95'. The issuing Member State states the EU code '95' in the section of the certificate reserved for notes if the driver in question has met the qualification requirements and training requirements in this directive. Driver certificates that do not carry the EU's "95" code and were issued before 23 May 2020 under Article 5 of the Regulation (CE) No 1072/2009¹³, in order to certify compliance with the training requirements provided by this Directive are accepted as proof of qualification until their expiry date.

5. Network for enforcement of the provisions

Member States are exchanging information on issued or revoked CAP codes for the purposes of the provisions. To this end, the Member States, in cooperation with the Commission, develop an electronic network or work towards the extension of an existing network, taking into account an assessment by the Commission of the most cost-effective solution. The network may contain information contained in zip codes and information about the administrative procedures related to zip codes. Member States ensure that the processing of personal data is carried out solely for the purposes of verifying compliance with this directive, in particular with regard to the training requirements referred to in this Directive, in accordance with the 2016/679 Regulation¹⁴ of the European Parliament and the Council. Network access is secure. Member States can only grant access to the relevant authorities responsible for implementing and monitoring compliance with this directive.

¹² [Regulation 1072/2009 of the European Parliament and the Council](#)

¹³ <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32009R1072>

¹⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679>

The 2006/126/EC Directive is amended as follows:

- a. the minimum age for categories C1 and C1E is set at 18;
- b. the minimum age for categories C and EC is set at 21;
- c. the minimum age for categories D1 and D1E is set at 21;
- d. the minimum age for categories D and DE is set at 24;

The directive has been modified as follow:

In derogation from the minimum age, the minimum age for issuing a category C and EC driver's license; D1 and D1E; And D and DE corresponds to the minimum age required for driving such vehicles for CAP holders, as appropriate, by the 2003/59/EC directive of the European Parliament and the Council.

If, in accordance with the 2003/59/CE Directive, a Member State authorizes driving in its territory from a lower age, the validity of the driving license is limited to the territory of the Member State that has issued it until the license holder has reached the minimum age requested by this directive and is the holder of a CAP Code.

The use of vehicles powered by alternative fuels under Article 2 of Directive 96/53/CE¹⁵ of the Council with a maximum authorized mass of more than 3 500 kg, but no more than 4.250 kg for the transport of goods and which are operated without a trailer by the holders of a category B driver's license issued for at least two years, provided that the mass of more than 3.500 kg is due solely to the excess mass of the propulsion system in relation to the propulsion system of a vehicle of the same size, equipped with a conventional internal combustion engine with controlled ignition or compression ignition, and provided that there is no increase in load capacity in relation to the same vehicle.

2. Mutual assistance

Member States assist each other in the implementation of this directive and exchange information on the licenses they issue, change, replace, renew or revoke. They use the EU network of driver's licenses set up for these purposes as soon as the network becomes operational. The network can also be used for the exchange of information for control purposes provided by EU legislation.

SEE 2018/645/EU¹⁶ directive

- Driver's qualifying cards issued before 23 May 2020 are valid until their expiry date.

¹⁵ <https://eur-lex.europa.eu/legal-content/IT/ALL/?uri=CELEX:31996L0053>

¹⁶ <https://eur-lex.europa.eu/eli/dir/2018/645/oj/ita/pdf>

1.2.2. Driver license - driver training, the Italian regulation (legislative decree A.G. n. 149)

The draft legislative decree (A.G. 149)¹⁷, transposes the contents of Directive no. 2018/645/EU, amending Directive 2003/59/EC and Directive 2006/126/EC. Below are some of the innovations introduced, giving a summary of the contents, also with reference to the corresponding provisions of the directive itself with respect to the legislative decree scheme. Please refer to the attached text for a detailed analysis of the individual amendments made to the current text of Legislative Decree no. 286 of 2005.

3. Qualification and training of drivers

The decree amends the regulations concerning the initial qualification and periodic training of drivers. It specifies drivers who need the initial qualification and the obligation to undergo periodic training no longer reserved for drivers professionally transporting persons and goods in vehicles (for which a driving license is required in categories C1, C, C1E, CE, D1, D1E, DE), but for drivers engaged in road transport within the European Union, on roads open to the public, with vehicles for which a driving license is required under Article 1 of the Directive.

The new legislation thus defines the qualification required for driver's license. It states that to obtain a driving license, following is required:

- a. Italian citizenship;
- b. Nationals of a Member State of the European Union or the European Economic Area;
- c. Nationals of a third country who are employed by or work for an undertaking established in a Member State.

The reference to residence (both personal and normal) is removed, adapting the national legislation to the directive 2018/645.

4. Exemption from qualification

The cases of exemption from qualification of vehicle drivers are:

- b. vehicles 'for use by, or made available to the armed forces, civil protection, national fire brigade, police and emergency medical transport services, when the transport is carried out as a result of tasks assigned to those services'. The corresponding category of vehicles covered by the Directive mentions vehicles - in addition to those used by the armed forces, civil protection, fire-fighters - forces responsible for the maintenance of law and order and emergency medical transport services;
- c. persons undergoing further training in driving as part of their job learning;
- d. the Directive does not apply to persons wishing to obtain a driving license or a CQC (Driver qualification card), even when such persons undergo further training in driving as part of work experience, provided that they are accompanied by another person holding a CPC, or by a driving instructor, for the category of vehicle used for the purpose referred to in that letter.
- e. occasional transport of a vehicle, for the driving of which a driving license is required for C1; C1E, C, CE, D1, D1E, D, DE, carried out by drivers who do not have the qualification of professional drivers and provided that the specific road transport activity does not constitute the main source of income; non-incidentally transport on road safety is the non-exceptional transport carried out in accordance with the relevant road traffic regulations;
- f. the qualification is not required for drivers of vehicles used or hired without a driver by agricultural, horticultural, forestry, livestock or fishing undertakings for the carriage of goods as part of their business activity, except where driving is not part of the driver's main activity or exceeds a distance of 50 km - the distance fixed, according to the Directive, by the national

¹⁷ <https://temi.camera.it/leg18/dossier/OCD18-13338/recepimento-della-direttiva-ue-2018-645-che-modifica-direttiva-2003-59-ce-relativa-alla-qualificazione-iniziale-e-alla-formazione.html>

legislature - from the place where the undertaking owning the vehicle, hiring or leasing it, is located.

5. Periodic training and certificates

The training courses must be carried out on the basis of the program provided for by the European legislation according to the measures indicated by the decree, following the directive 2018/645. Drivers holding the qualification referred to in the article have the obligation to renew it periodically every five years, attending periodic training courses.

Article 5 amends Article 21 of Legislative Decree No 286¹⁸ concerning the place of initial qualification and periodic training.

- a. these courses are attended in Italy: Italian citizens;
- b. Nationals of a Member State of the European Union and of the European Economic Area who have taken up normal residence in Italy pursuant to Article 118-bis of Legislative Decree No 285 of 30 April 1992¹⁹.
- c. from drivers who are nationals of a country not belonging to the European Union or to the European Economic Area to drivers who are employees of a road haulage company established in Italy (the reference is to nationals of a country not belonging to the European Union or to the European Economic Area, and not to nationals of third countries).

The Directive provides that the drivers referred to in the article shall acquire the initial qualification in the Member State of residence defined by Directive 2006/126/EC. Normal residence is defined as the place where a person is normally resident for at least 185 days a year for personal and occupational interests or, in the case of a person who has no occupational interest, for personal interests revealing close links between the person and the place where he/she lives. However, the normal residence of a person whose occupational interests are situated in a place other than personal interests and who therefore lives in turn in different places in two or more Member States, shall be the place where that person has personal interests, provided that he/she returns there regularly. The latter condition is not necessary if the person is staying in a Member State for the purpose of carrying out a fixed-term mission. The attendance of university or school courses does not imply the transfer of normal residence. Article 6 amends Article 22 of Legislative Decree No 286 concerning the Harmonized Union Code.

The reference to Regulation (EC) 484/2002²⁰ is replaced by the current Regulation (EC) 1072/2009²¹ which provides for the recognition of driver attestations issued before 23 May 2020 until their expiry date. Article 10 of the transposing Directive provides that, on the basis of the certificate of professional competence (CPC) for initial qualification or vocational training, the national authorities shall affix the harmonized code (95), set out in Annex I to Directive 2006/126/EC, next to the corresponding categories of driving licenses. Regulation (EC) 1072/2009 establishes common rules for access to the international road haulage market and provides for the issue of driver attestations by the competent authorities of the Member States. This certificate must bear the Union code. Mutual assistance from the States of the European Union and the European Economic Area (Article 7).

The exchange of information between the Member States of the European Union and the European Economic Area on the qualifications of professional drivers shall take place via the Union electronic network. Access to the network shall be protected and allowed only to the competent authorities responsible for issuing, managing and checking driving licenses and driver's

¹⁸ <https://www.camera.it/parlam/leggi/deleghe/testi/05286dl.htm>

¹⁹ http://www.mit.gov.it/mit/site.php?p=normativa&o=vd&id=1&id_cat=&id_dett=0

²⁰ <https://eur-lex.europa.eu/legal-content/HR/TXT/?uri=CELEX:32002R0484>

²¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32009R1072>

qualifications. The exchange of information on the network shall comply with applicable data protection rules.

The minimum qualification and training requirements shall be equated with the European Union model of the driver's qualification card.

In this sense, it is envisaged that: during individual driving, the would-be driver is assisted by an instructor employed by an authorized driving school, car instruction centres or training organization.

The Directive refers to an instructor employed by "an approved training centre", while the text of the legislative decree under consideration adopts the more specific wording "of an approved driving school, car instruction centre or training body". One of the objectives is to 'prevent' anomalies in the operation of safety devices. The reference to the limits of the use of brakes and retarder, combined use of brakes and retarder, search for the best compromise between speed and gear ratio, use of vehicle inertia, use of retarder and downhill braking devices, conducted in case of failure, use of electronic and mechanical devices mentioning the Electronic Stability Control System (ESP), Advanced Emergency Braking Systems (AEBS), Anti-lock Braking System (ABS), Traction Control Systems (TCS) and Vehicle Monitoring Systems (IVMS) and other type-approved driver assistance or automation devices are considered. With reference to the road transport of people, the mention of the awareness of disability is included. Part of the training can be provided by one of the authorized actors, through ICT tools, such as e-learning, ensuring the high quality and effectiveness of the training; - the reference to training activities related to animal transport in Council Regulation (EC) No 1/2005²² is inserted; - the front of the driver's qualification card bears the new indications and entries. As regards the contents of the Directive concerning the Annex, it should be noted that the "minimum qualification level must be comparable at least to level 2 of the European Qualifications Framework set out in Annex II of the Recommendation of the European Parliament and of the Council of 23 April 2008 (containing the Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning²³).

This recommendation establishes a common scheme, known as the European Qualifications Framework, to help EU countries and educational institutions, employers and citizens compare qualifications across all EU education and training systems, also with a view to developing a European labour market. Annex II contains the Descriptors defining the levels of the European Framework. It should be noted that the current text of Annex I section I of Legislative Decree no. 286 provides that knowledge for the assessment of the initial qualification and periodic trainings of the driver by Member States must cover at least the subjects indicated in the list contained therein. It provides that the minimum level of knowledge may not be lower than level 2 of the structure of training levels set out in Annex I to Council Decision 85/368/EEC of 16 July 1985²⁴, i.e., the level reached during compulsory education supplemented by vocational training.

6. European Union driving license network (art.9 legislative decree A.G. n. 149)

Article 9 inserts the new Article 116-bis in Legislative Decree No 285 of 1992 on the Highway Code. It provides that Member States shall exchange information on driving licenses with each other through the European Union Driving Licensing Network. Access to the network is protected and allowed only to the competent authorities responsible for issuing, managing and monitoring driving licenses and driving license qualifications. The exchange of information on the network shall comply with the applicable data protection rules. The network may also be used for the exchange of information for control purposes as provided for in European Union legislation. Transitional

²² <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32005R0001>

²³ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32008H0506%2801%29>

²⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31985D0368>

provisions and financial invariance clause Article 10, which does not amend Legislative Decree 286, provides that the Ministry of Infrastructure and Transport, within twelve months of the decree coming into force, must update the IT procedures for the communication of the start of initial qualification and periodic training courses, for checking the attendance of students at the courses, for the management of lessons carried out through e-learning, for end-of-course certificates, for the connection with the European Union network of driving licenses and driver's qualifications. Article 11 contains also a financial invariance clause referring to the whole measure.

In this regard, the Technical Report attached to the scheme states that the activities envisaged, in particular, for the adaptation of the IT procedures referred to in Articles 7, 9 and 10 and quantifiable at approximately 80,000 euros, will be implemented with the human, instrumental and financial resources available under current legislation as part of the reprogramming of the procurement of supplies and services of the Directorate-General for Motorization. In particular, this amount is covered by the budget appropriation in Chapter 1277, entitled Costs of operating and developing the computer system relating to the national vehicle register and the national register of drivers. Finally, with regard to the contents of Directive 2018/645, it should be noted that Article 2(2) (amending Article 6(4) of Directive 2006/126/EC on driving licenses) provides that Member States, after consulting the Commission, may also authorize the driving on their territory of vehicles fuelled with alternative fuels as defined in Article 2 of Council Directive 96/53/EC, which have certain characteristics: they have a maximum authorized mass exceeding 3 500 kg, but not exceeding 4 250 kg for the carriage of goods and are operated without a trailer by holders of a category B driving license issued at least two years previously; this is subject to the following conditions - that the mass exceeding 3 500 kg is exclusively due to the excess mass of the propulsion system in relation to the propulsion system of a vehicle of the same size equipped with a conventional positive-ignition or compression-ignition internal combustion engine and that there is no increase in load capacity in relation to the same vehicle.

The report on the scheme in question states in that with regard to that provision of the Directive which allows Member States, in the case of vehicles fuelled by alternative fuels, to permit, within their national territory, the driving of vehicles of a mass not exceeding 3.5 tones used for the carriage of no more than eight passengers, in addition to the driver under the above conditions, it was considered, when preparing the text of the draft legislative decree in question, not to provide for its implementation, on Italian territory, because the provision would create significant operational difficulties for the bodies responsible for road traffic control. In fact, it is noted in the Report, on the registration certificate that indicates only the data required by specific European Union regulations, the mass of the propulsion systems is not indicated, thus making it complex, during the roadside verification, to ascertain whether that specific vehicle can be driven with a category B license. In addition, it should be pointed out in the Report that on vehicles up to 3.5 tones in mass, which are driven with a category B license, it is not necessary to install the tachograph, which is necessary to check compliance with the driving and rest times laid down in EU legislation, as problems of implementation could also arise in this respect, that is in relation to the equipped with tachograph and tachograph card.

1.2.2.1. Friuli-Venezia Giulia Region focus on professional driving license (CQC)

One of the most important elements linked to the issue of driving licences is related to the CQC (Driver Qualification Card for the transport of passengers or goods). In the last part of this deliverable, it is underlined how a reduced number of these licences could be an operational barrier for the development of the institutional dialogue between Italy and Slovenia. For this particular reason, it is important to underline the measures already implemented to overcome this possible problem. The FVG Region, in the person of the Regional Department of Motorisation, has been working in this direction. In order to enable drivers to obtain this specific licence, it has implemented a call for applications for grants to obtain the driver qualification card (CQC). As regards the granting of contributions to support the costs of obtaining the driver's qualification card (CQC - for the exercise of the profession of road haulage operator of goods or persons), the Regional

Civil Motor Vehicle Authority coordinates and supervises the initial and periodic training courses for obtaining the CQC.

The Central Directorate for Infrastructure and Territory and, more specifically, the Regional Civil Motorization Service, are authorised to grant contributions, within the limits of the available resources, up to a maximum of 5,000 euros for each beneficiary, to support the expenses for obtaining the Driver Qualification Card (CQC) for the exercise of the profession of road haulage driver or passenger haulier, also in conjunction with the driving licence for categories C, CE, D, DE, E. As mentioned above, an annual call for applications has been published, indicating the procedures and criteria for assigning these contributions. The annual notice will be published regularly. As of today, it is already possible to see the results of this first "test" linked to the CQC. In fact, the first round, relating to the year 2020, was a success. 120 applications were received, of which 87 were funded. It is quite clear that this could be an important element that will allow the Region to increase the number of qualified drivers that own this license. This measure signals a forward-looking and logical approach by the regional administration that is pursuing a working path that allows an alignment between the interests of the FORTIS project and the ones of FVG Region.²⁵

1.2.3. Driver license - driver training, Slovenian Regulation (Transposition of EU Regulation)²⁶

With regard to the transposition of the European regulations, in Slovenia the directives have been translated into the national legislation.

The directive 59/2003 has been in force in Slovenia since 2008 for buses, and for goods since 2009. The implementation of the European legislation has not presented serious difficulties in Slovenia due to mandatory certifications for drivers already in force.

The last EU Directive, the 2018/645, has already been transposed in Slovenia at the beginning of 2020, aligning the national legislation on the driver license and training issue to the European one. In order to shed some light on this item, the concepts coming from the FORTIS project workshop (held on the 17 and 18 of June 2020)²⁷ are here below reported and developed. The notions provided by the speakers have been fundamental in order to better understand the Slovenian situation.

As far as the driver training arrangements are concerned: initial training is not compulsory, only an examination is carried out. Bodies organize courses, but attendance is optional.

- **There are two possibilities for periodic training:**
 1. one year carrying out a 7-hour training program;
 2. five years carrying out a 35-hour program. If the annual periodic training takes place, there is a specific annual module. At the end of the fifth year, it resumes from the first module. Specific certificates are issued on the basis of the training carried out.
- The agencies that carry out the training must be authorized by the competent Ministry, and tenders were carried out in past years to identify the bodies;
- there are **20 authorized centres** evenly distributed in the Slovenian territory. At present in Slovenia, the training system is being reconsidered and new calls for tenders for the selection of training providers are planned. The calls will specify particular requirements to be met by the institutions: such as qualified teachers, adequate spaces, a fleet of vehicles, etc;
- checks will be made on the periodic training courses and on compliance with the requirements of the bodies. In case of serious violations, the authorization will be revoked. Examinations

²⁵ <https://www.regione.fvg.it/rafvfg/export/sites/default/RAFVG/infrastrutture-lavori-pubblici/motorizzazione-civile/FOGLIA60/allegati/BandoContribCQCMod.pdf>

²⁶ <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/104207>

²⁷ <https://www.ita-slo.eu/it/tutte-le-notizie/news/fortis-workshop-line-con-i-portatori-di-interesse-l-armonizzazione-delle>

are carried out by a committee appointed by the Minister responsible, which establishes the requirements;

- the examination is structured into a theoretical and a practical part. The committee approves its own rules of procedure governing the way it operates. The members of the Commission are road traffic experts from various economic sectors;
- the examination comprises a theoretical part of 4 hours (multiple-choice and direct answer questions plus a case study). The practical part is two hours, 90 minutes of which 60 minutes for the driving test and a 30-minute exercise. Driving simulators can also be used. If the candidate comes from other states of the former Yugoslavia it is possible to take exams in a mother tongue language. Otherwise, the presence of an interpreter is required;
- foreign citizens who want to obtain the CQC must have residence/temporary residence in Slovenia for at least 185 days a year and prove that they have family and economic interests in Slovenia;
- if a Slovenian driver works in Italy, the training must be done in Slovenia. This is required by the law n. 106/10 of the Slovenian code.

As regards the European database mentioned in the previous chapter (2.1.1.4 paragraph 5), the network will enter into force in May 2021. Currently each state has its own database.

Slovenia is working on an upgrade of the information system. Theoretical examinations will take place on computer in order to obtain results in real time. There will be a general adaptation to new technologies and there will be novelties to solve past criticalities.

Mr Mauro Zinnanti, former Director of the Friuli Venezia Giulia Region Civil Motorization Service, reported a significant difference in initial training between Italy and Slovenia. That is, in Italy training is compulsory, in Slovenia training is optional. This has led to a certain migration of people from Italy to Slovenia to obtain the CQC.

For the initial CQC there are various pathways between which countries have been able to opt. The driver can do compulsory training of 280 hours + 20 driving hours, or he/she can opt for the exam only (as chosen by Slovenia). With the new European directive, consideration is being given to introducing compulsory training to obtain the initial qualification in Slovenia as well, but there are contraindications due to a shortage of drivers. Training, even if it becomes compulsory, will never be adequate for the new driver, internships in the company would be needed and this is being reflected on at ministerial level.

As regards the possibility of taking the exam in Slovenia by Italian citizens, as already mentioned, candidates must meet special requirements that are essential. Very often authorized centres for commercial matters refrain from providing full information to the applicant. Therefore, the person who successfully takes the exam in Slovenia has difficulties when he/ she goes to the Prefecture to register the code on his/ her document. This difficulty arises because it appears that the applicant is not resident/domiciled for at least 185 days in Slovenia.

1.3. Civil motorization - vehicle registration (goods and passenger)

1.3.1. The European regulation

Regarding vehicle registration in the EU countries, it is required to register the vehicle in the country of residence. Nonetheless, there is no EU wide law on vehicle registration.

Problems generally occur among people who buy a car in another country and want to bring it to their home country, encountering frequent issues in the registration procedures.

In response, on 4 April 2012 the European Commission adopted a proposal for simpler car registration rules. However, no agreement was reached with the European Parliament and with the Council of the European Union, therefore the Commission withdrew the proposal on 3 July 2018. The Commission is going to reassess the issue further ²⁸.

²⁸ https://ec.europa.eu/growth/sectors/automotive/motor-vehicle-registration_en

Who would be affected:

- people who buy or sell a second-hand car in another EU country would not have to undergo additional technical controls and administrative problems;
- people who spend part of the year in a holiday residence in another EU country would not have to register their car there”;
- people who move permanently to another EU country would have six months to register their car;
- people who work in another EU country and use a car registered by their employer would no longer have to register it in their home country;
- car-rental companies would be able to transfer cars to another EU country during holiday periods without registration. This could lower the price of car rentals.²⁹

What would change:

- the formalities of re-registering a car in another EU country would be reduced to a minimum;
- many controls would be abolished altogether, with authorities getting the technical information they need directly from their colleagues in the country of registration;
- registration authorities would cooperate more, making it easier to track stolen cars;
- it would become impossible to register a stolen car in another EU country.³⁰

Please note: this proposal would not change with:

- Vehicle and registration taxes;
- Vehicles that are re-registered in the same EU country (for example, after being sold).³¹

1.3.2. Italian Regulation:

1. Procedure:

In Italy, Individual and Legal entities are allowed to matriculate a vehicle. For Italian citizens an auto-certification is needed. For citizens enrolled in AIRE/RILL³² (the Register of Italians living abroad) it is necessary to indicate the residence in the other country and temporarily stay in Italy. For citizens from other EU and SEE countries, Switzerland and San Marino, vehicles can circulate in Italy for up to 3 months, then it is necessary to enrol in the registry office and present the request of matriculation in Italy. For not-EU citizens, it is necessary to present valid residence permit and demonstrate the Italian residence. It is possible to ask for temporarily certification for up to 30 days of use of the vehicle.

It is possible to register vehicles, motor-vehicles and trailers (equal to or more than 3,5 tones), used or new, through the STA - Sportelli Telematici dell’Automobilista (Driver telematic points) to obtain the license plates, the registration certificate and the digital property certificate. It is also possible to re-matriculate/renovate the subscription of vehicles, motor-vehicles, and trailers (equal to or more than 3,5 tones), new or used, also in case of stolen, lost, or damaged license plates³³. Property passage: dismantling or exportation are other procedures available at STA³⁴ (Italian Motorist Desk).

A new vehicle in Italy must take a technical control after the 4th year from the first technical control and registration³⁵. Frequent technical and administrative controls on vehicles are made for general road security, with the help of the mobile centre of revision.

Please note: If a Slovenian citizen wants to open a transport company in Italy, he/she needs to enrol in the Italian Chamber of Commerce and follow all the authorization obligations.

²⁹ [Ibidem;](#)

³⁰ [Ibidem;](#)

³¹ [Ibidem;](#)

³² https://www.esteri.it/mae/it/servizi/Italiani-all-estero/aire_0.html

³³ https://europa.eu/youreurope/citizens/vehicles/registration/formalities//italy/index_it.htm

³⁴ <http://www.aci.it/i-servizi/guide-utili/guida-pratiche-auto/sportello-telematico-dellautomobilista-sta.html>

³⁵ https://europa.eu/youreurope/citizens/vehicles/registration/formalities//italy/index_it.htm

2. Documentation needed:³⁶

In order to buy a new vehicle from the factory, the dealer instructs an automotive consultancy firm (car practice agency) to register the vehicle with the provincial office of the Civil Motorization (UMC) and register it in the Public Automobile Registry (PRA).

To register a new vehicle at the UMC³⁷ Uffici della motorizzazione civile (**Civil motorization office**) and at the same time register with the PRA³⁸ through the Motorist's Telematic Desk (STA) for the issuance of the Single Vehicle Registration and Ownership Document (DU), the following documentation is required:

- the buyer's tax code number;
- photocopy of an identity document / identification of the buyer;
- if the document is written in a foreign language, an Italian translation must be attached (except in cases where there are exemptions established by international laws or agreements) certified as conforming to the foreign text by the competent diplomatic or consular representation, or by an official translator;
- unified application for registration with the Civil Motorization Office and registration with the PRA. The unified application is signed by the buyer and, in the cases provided for, also acts as a request for the buyer, an alternative title to the deed of sale. Usually, the unified application is signed at the dealer's premises;
- declaration of conformity or European certificate of conformity with Italian homologation or European certificate of conformity accompanied by the registration declaration issued by the manufacturer;
- if a buyer is a non-EU citizen residing in Italy: copy of the valid residence permit; or copy of the expired residence permit with attached copy of the postal receipt certifying the submission of the renewal request; or a photocopy of the identity document and a photocopy of the receipt certifying the presentation of the first issue application; or a copy of the EC long-term residence permit;
- if a buyer is a non-EU family member of a European Union citizen residing in Italy: copy of the family residence card of a European Union citizen or copy of the permanent residence card for family members of European citizens;

Please Note: it is also possible to matriculate with derogation, with suitable documentation from the producer (Online workshop verbal).

3. License plates³⁹:

Art. 256 of the Regulation art.100, decree 495/1992, defines the types of license plates, which are distinguished between matriculation, recognition, repeater license plates; art. 257 defines criteria for the formation of license plates data for motor vehicles and trailers. Art.258 illustrates the location of matriculation, repeater, recognition license plates. Art. 259 defines the ways of license plates installation. Art. 260 depicts the characteristics for the construction, dimension, photometric, chromatic, readability of license plates, as well as requirements for the suitability of their acceptance. Art.261 states that the license plates models are stored at the Ministry of transport and navigation - general direction of M.C.T.C. (Civil motorisation concessionary transport).

Art.264 provides information for the cessation of the circulation.

³⁶ <http://www.aci.it/i-servizi/guide-utili/guida-pratiche-auto/acquisto-veicolo-nuovo.html>

³⁷ [https://www.ilportaledellautomobilista.it/gms/ricerca/\\$N/\\$N;jsessionid=oMLtdziZl49u5K8NanZo7kVX.eappbe02](https://www.ilportaledellautomobilista.it/gms/ricerca/$N/$N;jsessionid=oMLtdziZl49u5K8NanZo7kVX.eappbe02)

³⁸ https://www.tuttovisure.it/pra/visure-aci-pra?gclid=CjwKCAiAtK79BRAIEiwA4OskBhVu-_RE-ciUvG1xS5cW2hpkC85geK-xw-QrBcS4jCkT5kUelYklylhoCTwMQAvD_BwE

³⁹ <http://www.aci.it/i-servizi/normative/codice-della-strada/titolo-iii-dei-veicoli/art-100-targhe-di-immatricolazione-degli-autoveicoli-dei-motoveicoli-e-dei-rimorchi/regolamento-art-100.html>

4. Ways of interruption of vehicles circulation⁴⁰

Exportation:

In order to definitely export a vehicle, it is required to radiate the vehicle from the National Archive of Vehicles and the Public Automotive Register. The vehicle must be positively reviewed in 6 months before requesting the cancellation.

A. Documentation needed:

- unified application;
- if the request is presented by someone not registered at the Public Register, it is necessary to include the original purchase certificate;
- property certificate, registration certificate or unique document for circulation;
- license plates;
- ID card.

Please note: As a consequence of the entry into force from 1 January 2020 of the new methods of radiation for export that the obligation to carry out the radiation before exporting the vehicle and on condition that the revision has been carried out successfully for at least 6 months from the date of the request, it is no longer possible to transmit such requests through the Consulates for exported vehicles starting from January 1, 2020. Only the radiations for definitive export abroad relating to vehicles exported by 31/12/2019, but re-registered in 2020 can be requested through the Consulate, provided that these vehicles have been re-registered with a foreign license plate at the date of request for the deregistration⁴¹.

5. Scrapping dismantling

Regarding the dismantling process of the vehicle, it is necessary to deliver it to an authorized centre for collection or - in case the vehicle is sold/bought by another one - to the concessionaire/branch of the manufacturer, which must cancel the vehicle from the Public Automotive Register within 30 days, by presenting the request for interrupting the vehicle circulation for dismantling. License plates, registration certificate, property certificate must be delivered together with the vehicle. A certificate for the dismantling is released by the concessionaire/branch of the manufacturer, which hereby indemnifies (civil-penal-administrative responsibility) the owner of the vehicle, with the exception of tributary purposes, for which it is necessary to look at the regional regulatory framework.

If the vehicle is dismantled in a foreign country, the owner may ask the Public Automotive Register the Interruption of vehicle circulation presenting the property certificate, license plates and registration certificate, as well as a presentation document to the Public Register, and the certification from the foreign responsible of the dismantling with translation of the text in annex⁴².

6. Micro-mobility:

L. 160/2019: scooters with electric motor (max 500W and 20Km/h with lights) are officially considered as bicycles, which may now be used on roads with 30Km/h as a limit. Helmets, license plates and insurances are not compulsory⁴³.

7. Historical vehicles⁴⁴:

"New highway code", legislative decree. April 30, 1992 n. 285 and subsequent amendments. Art. 60. Vintage motorcycles and cars of historical and collectible interest constitute the regulatory framework of reference.

- Vintage motorbikes and cars, as well as motorcycles and cars of historical and collectible interest, are considered to belong to the category of vehicles with atypical characteristics;

⁴⁰ <http://www.aci.it/i-servizi/normative/codice-della-strada/titolo-iii-dei-veicoli.html>

⁴¹ <http://www.aci.it/i-servizi/guide-utili/guida-pratiche-auto/esportazione.html>

⁴² <http://www.aci.it/i-servizi/guide-utili/guida-pratiche-auto/demolizione.html>

⁴³ <https://www.hdmotori.it/elettriche/articoli/n514805/monopattini-elettrici-biciclette-regole/#:~:text=I%20monopattini%20elettrici%20potranno%20circolare,finalmente%20davvero%20iniziare%20in%20Italy.>

⁴⁴ <http://www.aci.it/i-servizi/normative/codice-della-strada/titolo-iii-dei-veicoli/art-60-motoveicoli-e-autoveicoli-depoca-e-di-interesse-storico-e-collezionistico.html>

- motor vehicles and vehicles cancelled by the P.R.A. fall into the category of vintage vehicles because they are intended for conservation in museums or public and private premises, for the purpose of safeguarding the original specific technical characteristics of the manufacturer, and which are not adequate in the requirements, devices and equipment to the current prescriptions established for admission to circulation. These vehicles are registered in a special list at the historic centre of the Department for land transport.
- vintage vehicles are subject to the following provisions:
 - a. their circulation may be allowed only on the occasion of specific events or authorized gatherings, limited to the area of the location and the itineraries of the events or gatherings. For this purpose, in order to be able to circulate, vehicles must be provided with a particular authorization issued by the competent office of the Department for land transport in whose district the location of the event or meeting is included and to which it has been previously presented, by the organizing body, the detailed list of participating vehicles. The authorization indicates its validity, the routes established, and the maximum speed allowed in relation to the guarantee of safety offered by the type of vehicle;
 - b. the transfer of ownership of the same must be communicated to the Department for land transport.
- the category of motor vehicles and motor vehicles of historical and collectible interest are all those registered in one of the following registers: ASI, Storico Lancia, Italian FIAT, Italian Alfa Romeo, Storico FMI.
- vehicles of historical or collectible interest can circulate on the roads as long as they meet the requirements for this type of vehicle, determined by the regulations.
- anyone who travels with vintage vehicles without the authorization provided for in paragraph 3, or with vehicles referred to in paragraph 5 that do not meet the requirements for this type of vehicle by the regulation, is subject to the administrative sanction of payment of a sum of € 84 to € 335 in the case of motor vehicles, or from € 41 to € 168 in the case of motorbikes.

8. Commercial vehicles:

- **For commercial-personal use vehicles:** the transport must not constitute prevalent economic activity of the subject but inherent, the enterprise must be the owner of the vehicle. The license is released after the vehicle commission approves the vehicles of more than 6 tons (L.298/1974, art. 31 and 32 is the reference law);
- **third use vehicles:** transport must be in the interest of people different from the owner, and against payment. CE 1071/2009, L. 298/1974, D.lgs 395/2000, L. 244/2007, D.D.MIT n. 291/2011 constitute the regulation of reference. It is necessary to be signed in National Register auto-transporters and National Electronic register, required by D.D.MIT n.291/2011, demonstrating the requirement of the establishment. Successively, the practice of the profession is released, and the vehicle can be matriculated, with the provision of the registration certificate and the property certificate. Requisites for third use vehicles consist of financial and professional eligibility and integrity. In addition to these requirements, it is necessary to access the market according to the requirements of law 244/2007. The business is formalized with a donation, company transfer, company branch transfer, vehicle fleet transfer (at least Euro 5). There is also direct access with vehicles of at least 80 tons (Euro 5);
- regarding the **documentation for commercial vehicles**, the ownership document for commercial vehicles is not yet in use.

9. General regulation to request matriculation of vehicles from other Countries⁴⁵:

Prot. N ° 33292 of 20 December 2018 - Art. 29 bis, decree law 4 October 2018, n.113, converted into law 1 December 2018, n.132 - Circulation in Italy of vehicles registered abroad. **The entry**

⁴⁵ http://www.dgtnordovest.it/joomla/index.php?option=com_content&view=article&id=70%3Anorme-generaliper-richiedere-limmatricolazione-di-veicoli-provenienti-da-stati-esteri-&catid=29%3Aveicoli&Itemid=37&showall=1

into circulation of vehicles from abroad is subject to a prior check of the documentation and takes place:

- by administrative means for vehicles from EU countries and belonging to the international category "M1" or "L" in compliance with the prescribed inspection;
- upon the favourable outcome of the inspection and test of the vehicle if administrative registration is not allowed;
- it is not allowed to issue approval certificates for the nationalization of vehicles of international categories L, M1, N and O except in the case of double testing for the application of superstructures (one of which is for the exclusive internal use of the Office and one for subsequent registration if the seat of the body builder is different from the residence of the vehicle owner);
- vehicles of category N and O must always be subjected to technical testing;
- vehicles of category M2 and M3 and vehicles from non-EU countries, if particularly complex checks are required, must be subjected to testing by the CPA. (Repatriating compatriots or holders abroad who acquire residence in Italy are exempt from producing the technical data sheet. The same applies to compliance with the compulsory EEC legislation in force in Italy at the time of the registration request).

1.3.3. Slovenian Regulation⁴⁶:

1. Procedure:

The vehicle matriculation procedure in Slovenia consists of a rapid process, taking 15 minutes of time and the cost of 20 euros. Before registration it is necessary to carry out identification procedure which takes more time and costs approx. 100 € for passenger vehicle.

Only vehicles inserted in a specific public register can be used. The vehicle owner must have a correlation with Slovenia: residence or temporarily stay. In the case of a business, the legal address must be in Slovenia. To matriculate vehicles from abroad, the owner has 30 days to regulate the vehicle.

2. Matriculation entities:

The tasks of the approval body in the Republic of Slovenia are carried out by the Public Agency of the Republic of Slovenia for Road Safety. The work of the approval authority is directed and supervised by the ministry responsible for transport.⁴⁷

A vehicle can be registered at any administrative unit in Slovenia, at organizations providing road-worthiness tests for motor vehicles, or at companies and individual private entrepreneurs who sell motor vehicles or trailers.

Entities qualified to implement the registration process of particular types of vehicle consist of:

- organization similar to Italian Prefecture for vehicles for international organizations vehicles (consulates, embassies);
- Ministry of the Interior for police vehicles;
- Ministry of Defence for military vehicles;
- specific authorized agencies for other kinds of vehicles.

3. Documentation needed⁴⁸ :

The application for vehicle registration must be accompanied by the following proof:

- proof of ownership of the vehicle (not required if ownership is evident from the document referred to in the second or third indent);
- the latest foreign vehicle registration certificate or other relevant public document, which is proof of ownership of the vehicle according to the regulations of the foreign country in which the vehicle was last registered, if the vehicle was not registered in the Republic of Slovenia;

⁴⁶ <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/104207>

⁴⁷ <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5791>

⁴⁸ <https://www.2slovenia.eu/you-and-your-family/driving-licence-car-registration-in-slovenia/>
<https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/104207>

- the last Slovenian registration certificate, if the vehicle was registered in the Republic of Slovenia or a corresponding certificate, if the last Slovenian registration certificate was lost or stolen, and all evidence of a change of ownership of the vehicle since the last registration of the vehicle;
 - proof of ownership of individual parts of the vehicle that have been adapted, if this adaptation changes the vehicle data entered in the registration certificate;
 - certificate of conformity or consent to registration, in the case of a vehicle for which this document must be issued in accordance with the law, to the extent that it does not appear in the register of registered vehicles;
 - proof of an automobile liability insurance taken out and, in the case of vehicles used for public passenger transport, also of a passenger insurance;
 - proof of the technical integrity of the vehicle, if not shown in the register of registered vehicles;
 - proof of payment of the annual fee for the use of the vehicle in road traffic;
 - proof of payment of the prescribed fees and other obligations;
 - proof of the client's identity (for natural persons a valid document accompanied by a photograph of a person issued by a state body, and for legal persons proof of registration of a legal person and authorization of the legal representative of the legal person);
 - the consent of the user of the vehicle referred to in Article 15 of these Regulations, where applicable;
 - vehicle user's driving license, if information on the validity of the driving license for the vehicle category to be registered cannot be obtained from the official driver records;
1. It is not necessary to attach evidence that can be obtained from official records;
 2. for the vehicles referred to in the second paragraph of article 31 of the law, the indisputability of ownership is established in a declaration procedure under the law governing the general administrative procedure.

4. Documents to be provided according to specific characteristics of vehicle are:

- **for new vehicles:** proof of ownership of the vehicle;
- **for used vehicles:** last Slovenian vehicle registration documents and proof of ownership change from the last registration of vehicle;
- **for vehicles purchased abroad:** last foreign vehicle registration documents; vehicle ownership certificate; a document showing the origin of certain components of the modified vehicle, if the vehicle's data differ from those written on the vehicle's registration document due to these alterations;
- **for temporary registration of a vehicle:** last vehicle registration documents; proof of ownership changes from the last registration of vehicle; a document showing the origin of certain components of the modified vehicle, if the vehicle's data differ from those written on the vehicle registration document due to these alterations.

5. License Plates:⁴⁹

Vehicles registered in the Republic of Slovenia are marked with number plates for:

- a registered vehicle;
- vehicle for export;
- a vehicle for foreign consular and diplomatic missions;
- vintage vehicles.

⁴⁹ <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/104207>

6. Documentation obtained:

The documentation for vehicle registration includes:

- registration certificate (for the time of the validity of the technical examination and payment of all statutory obligations);
- registration plates with a prescribed number (as part of the identification which belongs to the owner of the vehicle).
- if the owner of the vehicles does not respect the type approval they cannot circulate. If the vehicle owner does not have valid driving license, the name of the driver in possess of a regular driving license must be indicated.

Technical controls:

The technical integrity of vehicles involved in road traffic must be verified by means of a technical inspection, i.e., the procedure by which a professional organization determines the vehicle data, condition of vehicle parts, devices and equipment and compliance with other vehicle requirements specified by this Act and on its basis.

7. Ways of interrupting vehicles circulation - Scrapping/Dismantling or exportation:⁵⁰

The owner of a registered vehicle must deregister the vehicle with the registration organization and hand over the number plates at the same time as the deregistration, if:

1. the vehicle is destroyed;
2. the vehicle is separated;
3. the vehicle will be registered abroad for transfer of the owner of the vehicle or for other reasons;
4. the vehicle was stolen;
5. the validity of the registration certificate has expired more than 30 days or more than a year for mopeds, motorcycles, motor tricycles, light quadricycles, quadricycles, caravans, caravans and antiques, or
6. the insurance contract expired during the period of validity of the marketing authorization because the annual obligation was not renewed or was not regulated according to the insurance conditions.

License plates must be sent within 15 days, except for personalized license plates, removed or stolen license plates. License plates must not be given to the owner of the vehicle if they are missing, if the vehicle has been stolen, if plates with the selected brand have been issued or if the vehicle has been disposed of and registered to the new owner at the same time.

The cancellation of a vehicle in the event of a change of ownership is only possible upon simultaneous registration of the new owner of the vehicle in the registers.

If the new owner does not register the vehicle in his/her name at the same time as he/she transfers ownership of the vehicle, he/she must register the vehicle in his/her own name or submit a declaration on the location of the vehicle in accordance with the second paragraph of the article 41 of this law.

8. Micro-mobility:

There is no regulation at the moment for scooters, which cannot be matriculated and therefore cannot circulate. Motorcycles within 25km/h instead, must be matriculated. This law will probably be extended further to scooters and bicycles.

9. Historical vehicles:⁵¹

A natural or legal person wishing to register and start using a vehicle as an antique vehicle must submit an application to the professional organization for the classification of the vehicle as an antique vehicle (hereinafter: antique vehicle). After the vehicle has been identified, the professional organization must classify the vehicle as antique if the vehicle meets the conditions set out

⁵⁰ <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5791>

⁵¹ <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5791>

in the article of reference (Article 25, Motor Vehicles Act, Official Gazette of the Republic of Slovenia, No. 106/10 , 23/15 , 68/16 and 75/17 - ZMV-1): "An antique vehicle is a vehicle that was manufactured 30 or more years ago, preserved and technically maintained in such a way that it conforms to the original composition and construction form and is not used for everyday transportation due to its historical significance and technical".

1.4. Emergency Management (with specific regard to heavy freight vehicles, particularly during COVID-19 epidemic)

1.4.1. European Regulation:

The free movement of goods, one of the four fundamental rights of the European Union, was limited by Member States in order to preserve European citizens' health during the COVID-19 pandemic. However, these limits to products and vehicles circulation also led to frequent cross-border road congestion⁵².

Upcoming EU regulation to modernize mobility and transport in Europe, to increase transport safety and attractiveness for drivers, is yet to be approved. On 4 June the EU Regulation 2020/696 was approved, regarding the extension of certifications, licenses, authorizations for goods transport, and the postponement of certain periodic checks and periodic training in certain areas of transport legislation^{53 54}.

The European Commission also presented the **Re-open EU** online platform to promote the re-start of people and tourism movement inside the EU^{55 56}.

"Green corridors" were instituted by the EU to facilitate the transport of perishable products during the pandemic. However, structural problems increased difficulties encountered in the management of these corridors.

Sixfold, Europe's leading provider of visibility services, developed a border crossing times live map for trucks, supply chain workers, but also government officials, showing accurate traffic information at European Countries' borders, in order to help drivers manage their trips and possibly avoid queues and congestion⁵⁷. There is not a common and exhaustive European regulation on the management of emergencies. Due to this, national Member States have issued internal regulations, implemented by national agencies, in relation so their own specific field (transport, documentation validity etc. In the next pages all data available regarding the handling of Covid-19 pandemic, considering European, national and if possible regional level, also considering the role of public/private agencies in this situation, are collected. During the FORTIS workshop the participants (PPs and SHs shared their concerns, underlining the problematics and lacks inside the transport system management, with regards to the Covid-19 issue). Private companies that manage public services or interested in mobility have tried to contain the problems arising from the pandemic. Their directives have followed government ordinances, seeking to safeguard workers' health, with an eye to economic interests and primary needs.

At an international level, the Italian Ministry of Infrastructures and Transports, within a coordinated activity with other Ministries, initiated an intense relationship with Ministries of Transport of the EU Member States to ensure a re-opening of the borders and to guarantee the circulation and transport of goods, especially towards the central-east Europe⁵⁸.

⁵² <https://www.trasporti-Italy.com/autotrasporto/coronavirus-conftrasporto-emergenza-blocco-camion-anche-ai-confini-con-slovenia-e-croazia/42129>

⁵³ <https://www.uniontrasporti.it/wp-content/uploads/2020/07/Restrizioni-merci-Ue-20.07.2020.pdf>
⁵⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32020R0698&from=RO>

⁵⁵ <https://www.uniontrasporti.it/wp-content/uploads/2020/07/Restrizioni-merci-Ue-20.07.2020.pdf>

⁵⁶ <https://reopen.europa.eu/it>

⁵⁷ <https://covid-19.sixfold.com/>

⁵⁸ <https://www.fedespedi.it/coronavirus-aggiornamento-sulla-circolazione-delle-merci-via-strada/>

Information circulated properly inside Italy and Slovenia, but not between the two nations. Autovie Venete followed protocols for emergencies to allow information to circulate between ports, traffic centres and other subjects that manage cross-border traffic.

The General Director of DG MOVE (**Directorate-General for Mobility and Transport**) of the European Union, acknowledging the exceptional situation caused by COVID-19, indicated to all EU Member States a procedure to enable to know the updated regulations, certificates, documents released⁵⁹ for vehicles and drivers. To achieve this, each Member State had to notify the European Commission about every exemptions, blocks, and decisions made regarding transport⁶⁰.

1.4.2. Italian National Regulation

The handling of the emergency in Italy has been expressed with regards of the Coronavirus emergency. In order to better understand the way in which the State manages a crisis, the measures taken during this current healthy emergency are shown.

All the topics covered by the FORTIS project have been touched by the measures taken by the Italian government. At the beginning motorizations have suspended most of their activities, and all license examinations are suspended. For all the examinations for licenses still to be achieved, are in place the following prorogations:

- **Theory test:** those who submitted their licence application between 1 January 2020 and 31 December 2020 may take the theory test within one year (and not within six months) of the date of submission and acceptance of the application;
- **Pink sheets:** documents expiring between 31 January 2020 and 30 April 2021 are extended until 29 July 2021, i.e., up to 90 days after the end of the state of health emergency, currently set for 30 April 2021.

With regard to licences that have expired and need to be renewed, these are the new deadlines:

- Italian driving licences expiring between 31 January 2020 and 30 April 2021 are valid until 29 July 2021, i.e., up to 90 days after the end of the state of health emergency, currently set for 30 April 2021.⁶¹

This extension applies to Italian licences for driving within the country.

To drive in other EU countries with an Italian licence, the Community rule remains in force, according to which documents expiring between 1 February and 31 August 2020 are valid for seven months after expiry.

Finally, if used as identification documents, Italian licences expiring between 31 January 2020 and 29 April 2021 are valid in Italy until 30 April 2021, and abroad until the expiry date indicated on the document.

Since the emergency has not ended yet, it must be taken into account that all situations are "in progress".

Generally speaking, the first semester of 2020 was characterized by a drop of 53% of passenger traffic (ITC, Confcommercio Transport Index), and of 25% of goods transport, according to the 5th conjunctural Observatory of Transport, elaborated by the Confcommercio and Conftrasporto research office⁶². The need for economic interventions and specific simplifications in the sector were identified as urgent. These are the last updates to date.

⁵⁹ <https://www.confindustria.venezia.it/coronavirus-le-norme-comportamentali-per-prevenire-linfezione/notifiche-alla-commissione-ue-delle-proroghe-in-materia-di-trasporti-degli-stati-ue-per-emergenza-covid-19/>

⁶⁰ <https://www.confindustria.venezia.it/coronavirus-le-norme-comportamentali-per-prevenire-linfezione/covid-19-focus-trasporti/>

⁶¹ <https://www.mit.gov.it/comunicazione/news/patente-covid-19/patenti-le-disposizioni-per-lemergenza-coronavirus>

⁶² <https://www.trasporti-Italy.com/autotrasporto/conftrasporto-nei-primi-sei-mesi-del-2020-registrato-un-calco-di-traffico-per-passeggeri--53-e-merci--25/43327>

In 2020 the Coronavirus emergency and the decision to close the borders to all goods from Italy, led to the suspension by the Ministry of Infrastructures of the usual restrictions to heavy vehicles (of more than 7,5 tones) to circulate during festive period on 13 March (Dm 115/2020), in order to allow the movement of goods and their arrival to specific stores, as well as to unblock the traffic crisis at the Austrian, Croatian, and Slovenian borders which impeded the arrival of goods from Italy. The blocks at transnational borders were also a cause of several contrasts between EU Member States on the heavy transport sector. In fact, vehicles from Italy, carrying Italian goods but with license plates from these other countries or with final destination in these same countries were allowed to pass (but not goods that were only passing through)⁶³. Clearly, after a first moment of confusion and total block, the borders have been re-opened, with some restrictions, but freights traffic has not been suspended since.

In Italy, in order to manage the issues in the transport sector caused by COVID-19, the Ministry of Interior, police and international ambassadors collaborated together. Nevertheless, drivers had to wait for very long periods to circulate. One of the major problems for heavy vehicles drivers was the compilation of the auto-certification to enter to Italy, which was requested to professional drivers carrying goods and people, with legal office outside Italy, combined with the rule to communicate their entrance in the Italian territory to the Prevention Departments⁶⁴.

In January 2021 the Ministry of Health integrated the list of countries from which the entrance to the Italian territory is forbidden (January 2021⁶⁵). However, heavy vehicles carrying goods entering or passing through Italy for not more than 120 hours, are exempted from quarantine, but they must communicate to the sanitary authority in the territory their entrance to Italy, declaring the reasons behind the movement, the commitment to leave the national territory within the authorized period (120 hours or 36 hours for the ones only in transit⁶⁶), and to inform the sanitary authority in case of symptoms⁶⁷.

1. Vehicle registration - circulation, driving license procedures

The COVID-19 pandemic has been very disruptive for all the bureaucratic organization (National authorities). As well as for other aspect of the civil motorization, also for what concerns driver's licenses, administrative terms, circulation authorizations have been affected by the pandemic. Nonetheless, after a first moment of rearrangement, the Italian authorities have answered rapidly to the several requests and issues related to the motorization sector. Firstly, exam authorization and suspension have been extended or postponed, then there has been a new and complete set up for these issues. To date, the situation is under control and stable, with all the procedures and dates updated. Only in case of a severe worsening of the situation in the country it could be possible to consider new suspensions.

Ministerial communications shown the new rules that must be followed in this extraordinary period. As a general rule, for driving licenses, the principle on identity and recognition documents is applied (art. 104 of the "Cura Italy" decree and following updates), while CQC, ADR⁶⁸ CAP and provisional driving permits are covered by the regulation on driving licenses.

Generally speaking, for what concern documents expired or about to expire within the **31.01.2020**:

⁶³ <https://www.ilsole24ore.com/art/coronavirus-sospesi-divieti-tir-smaltire-code-confini-ADzfnLD>

⁶⁴ <https://www.confindustria.venezia.it/coronavirus-le-norme-comportamentali-per-prevenire-linfezione/covid-19-focus-trasporti/>

⁶⁵ <http://www.salute.gov.it/portale/nuovocoronavirus/dettaglioContenutiNuovoCoronavirus.jsp?lingua=Italiano&id=5411&area=nuovoCoronavirus&menu=vuoto>

⁶⁶ <https://www.fedespedi.it/download/d-204-20-coronavirus-proroga-dello-stato-di-emergenza-al-15-October-2020-prescrizioni-per-il-personale-viaggiante/>

⁶⁷ <https://www.confindustria.venezia.it/coronavirus-le-norme-comportamentali-per-prevenire-linfezione/covid-19-focus-trasporti/>

⁶⁸ http://www.motorizzazione.provincia.tn.it/patenti/adr_esame.htm

- The validity of all certificates, attestations, permits, concessions, authorisations and enabling acts however denominated, has been extended as follows until the termination of the status of emergency (imposed for the entire national territory);
- all certificates, attestations, permits, concessions, authorisations and enabling acts however denominated which expired between 1 August 2020 and the date of entry into force of the law converting decree-law no. 125 of 7 October 2020⁶⁹, and which have not been renewed, shall be deemed to be valid until the termination of the status of emergency (imposed for the entire national territory).

Document expired or about to expire	Due since	Extension of validity until	Reference article
Driver license validity (also for licenses released by an EU Member State)	01/02/2020 to 31/08/2020	31/03/2021	Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as amended - Article 1(1) of Decree-Law No 2 of 14 January 2021.
Driver license circulation (Italy)	31/01/2020 to 30/04/2021	29/07/2021	Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as amended - Article 1(1) of Decree-Law No 2 of 14 January 2021.
Driver license for circulation (Italy) valid in EU's Member State territories.	01/02/2020 to 31/08/2020	31/03/2021	Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as amended - Article 1(1) of Decree-Law No 2 of 14 January 2021.
Driver license like ID card	31/01/2020 to 29/04/2021	30/04/2020	Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as amended - Article 1(1) of Decree-Law No 2 of 14 January 2021.
Driver license's control test demand	31/01/2020 to 31/12/2020	Extension of 6 months	Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as amended - Article 1(1) of Decree-Law No 2 of 14 January 2021.
Authorisations to practise driving	31/01/2020 to 30/04/2021	90 days after the end of the emergency status (29/07/2021)	Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as amended - Article 1(1) of Decree-Law No 2 of 14 January 2021.
CQC (valid on Italian territory)	31/01/2020 to 28/12/2020	29/07/2021	Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as amended - Article 1(1) of Decree-

⁶⁹ <https://www.gazzettaufficiale.it/eli/id/2020/10/07/20G00144/sg>

			Law No 2 of 14 January 2021.
CQC (validity on other EU's territory)	31/01/2020 to 28/12/2020	7 months from the expiration	Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as amended - Article 1(1) of Decree-Law No 2 of 14 January 2021.
CQC (Italy and EU)	29/12/2020 to 31/12/2020	7 months from the expiration	Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as amended - Article 1(1) of Decree-Law No 2 of 14 January 2021.
CQC (Italian territory)	01/01/2020 to 30/04/2021	29/07/2021	Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as amended - Article 1(1) of Decree-Law No 2 of 14 January 2021.
CQC rehabilitation examination	CQC holders, for whom the two-year period expires between 31 January 2020 and 30 April 2021 and is extended to 29 July 2021.	Proceed to renew the CQC itself within 545 days of the expiry of the two years, without taking a revalidation test	Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as amended - Article 1(1) of Decree-Law No 2 of 14 January 2021.
Other professional habilitation certificate	31/01/2020 to 30/04/2020	90 days after the end of the emergency status (29/07/2021)	Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as amended - Article 1(1) of Decree-Law No 2 of 14 January 2021.
Courses for obtaining or renewing vocational training certificates for the transport of dangerous goods (Italian territory)	31/01/2020 to 30/04/2021	90 days after the end of the emergency status (29/07/2021)	Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as amended - Article 1(1) of Decree-Law No 2 of 14 January 2021.
Certificates for the transport of dangerous goods (other EU Member states)	01/03/2020 to 01/02/2021	28/02/2021	Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as amended - Article 1(1) of Decree-Law No 2 of 14 January 2021.
ADR ⁷⁰ certification for dangerous goods transportation (Italian territory)	31/01/2020 to 01/02/2021	90 days after the end of the emergency status (29/07/2021)	Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as amended - Article 1(1) of Decree-

⁷⁰ https://it.wikipedia.org/wiki/Accordo_europeo_relativo_al_trasporto_internazionale_su_strada_delle_merci_pericolose

			Law No 2 of 14 January 2021.
ADR exams	Booked	29/07/2021	Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as amended - Article 1(1) of Decree-Law No 2 of 14 January 2021.
ADR certification (Italian territory (other EU Member states))	01/03/2020 to 01/02/2021	28/01/2021	Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as amended - Article 1(1) of Decree-Law No 2 of 14 January 2021.
Certificates to drivers who are 65 years of age or older to drive road trains and articulated vehicles with a gross laden mass exceeding 20 tonnes (CE license)	31/01/2020 to 30/04/2021	90 days after the end of the emergency status (29/07/2021)	Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as amended - Article 1(1) of Decree-Law No 2 of 14 January 2021.
Certificates to drivers aged 60 years or over to drive buses, lorries, articulated lorries, articulated vehicles and articulated vehicles used for the carriage of persons (D1, D1E, D, DE licenses)	31/01/2020 to 30/04/2021	90 days after the end of the emergency status (29/07/2021)	Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as amended - Article 1(1) of Decree-Law No 2 of 14 January 2021.
Medical certificates issued by the medical officers to be attached to an application for a driving licence	31/01/2020 to 30/04/2021	90 days after the end of the emergency status (29/07/2021)	Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as amended - Article 1(1) of Decree-Law No 2 of 14 January 2021.
Provisional driving permits for driving licence holders who have to undergo a medical examination released from 15/09/2020	31/01/2020 to 30/04/2021	90 days after the end of the emergency status (29/07/2021)	Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as amended - Article 1(1) of Decree-Law No 2 of 14 January 2021.
<p>The following new deadlines apply to vehicle inspections: The new EU regulation extends by seven months the revisions of all motor vehicles in categories M (cars), N (commercial vehicles), O3 (trailers with a gross vehicle weight between 3.5 and 10 tones) and O4 (trailers with a gross vehicle weight exceeding 10 tones) due between 1 February and 31 August 2020. Nonetheless, this provision has been integrated with the national one</p>			
Vehicles registered in Italy of category M (e.g., cars, buses, motor caravans), N (e.g., lorries, articulated lorries) and O3-O4 (trailers with a mass greater than 3.5 t) with an expired or future re-registration (Italy and EU circulation)	01/03/2020 to 31/08/2020	7 months after the natural expiration date	Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as amended - Article 1(1) of Decree-Law No 2 of 14 January 2021. Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as

			amended - Article 1(1) of Decree-Law No 2 of 14 January 2021.
Vehicles registered in Italy of category M (e.g., cars, buses, motor caravans), N (e.g., lorries, articulated lorries) and O3-O4 (trailers with a mass greater than 3.5 t) with an expired or future re-registration (Italy circulation)	09/2020	31/12/2020	Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as amended - Article 1(1) of Decree-Law No 2 of 14 January 2021.
Vehicles registered in Italy of category M (e.g., cars, buses, motor caravans), N (e.g., lorries, articulated lorries) and O3-O4 (trailers with a mass greater than 3.5 t) with an expired or future re-registration (Italy circulation)	10/2020 to 12/2020	28/02/2021	Pursuant to Article 103 of Decree-Law No 18 of 17 March 2020, as amended - Article 1(1) of Decree-Law No 2 of 14 January 2021.

2. Driving license examination and driving license review

Examinations for all license categories, after a suspension, have resumed - driving license revision or CQC qualification examinations are taken up.

3. Registration certificates and circulation permits

The last Italian provision, for what concerns the certificate and permits, provides that all certificates, attestations, permits, concessions, authorisations and enabling acts expiring between 31 January 2020 and the date of the declaration of the cessation of the state of epidemiological emergency caused by COVID-19, shall remain valid for 90 days following the declaration of the cessation of the state of emergency. At the same time, all certificates, attestations, permits, concessions, authorizations and enabling acts, which expired between 1 August 2020 and the date of entry into force of the law converting decree-law no. 125 of 7 October 2020, and which have not been renewed, shall remain valid for ninety days following the declaration of the cessation of the state of emergency.

4. Vehicle overhaul

For what concern the disposition with regard to vehicle overhaul, here below has been reported a complete table with all necessary data up to date.

Vehicle	Overhaul date expiration	Extension	Territory	Reference	Note
All	01/10/2020 to 31/12/2020	28/02/2021	Italy	Art. 92 DL 18/2020	Circular Prot. 300/A/8971/20/101 /3/9 of 24/11/2020,

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M,N, 03, 04, Ts	February 2020	31/10/2020	Italy	Art. 92 DL 18/20 20	Until 30/09/2020 extension valid throughout the EU (Reg. 2020/698)
L, 01,	February 2020	31/10/2020	Italy	Art. 92 DL	
M, N, 03, 04, Ts	March 2020	31/10/2020	UE and Italy	Art. 92 DL 18/2020 e Reg. 2020/698	The extension of the Italy rule coincides with the European one
L, 01,	March 2020	31/10/2020	Italy	Art.9 2 DL	Circular Prot. 300/A/8971/20/101
M, N, 03, 04, Ts	April 2020	30/11/2020	Whole EU territory including Italy	Reg. 2020/698	Circular Prot. 300/A/8971/20/101 /3/9 of 24/11/2020,
L, 01., 02	April 2020	31/10/2020	Italy	Art. 92 DL 18/20 20	Circular Prot. 300/A/8971/20/101 /3/9 of 24/11/2020,
M, N, 03, 04, Ts	May 2020	31/12/2020	Whole EU territory including Italy	Reg. 2020/698	Circular Prot. 300/A/8971/20/101 /3/9 of 24/11/2020,
L, 01, 02	May 2020	31/10/2020	Italy	Art. 92 DL 18/	Circular Prot. 300/A/8971/20/101
M, N, 03, 04, 5	June 2020	31/01/2021	Whole EU territory including Italy	Reg. 2020/698	Circular Prot. 300/A/8971/20/101 /3/9 of 24/11/2020,
L, 01, 02	June 2020	31/10/2020	Italy	Art. 92 DL 18/20 20	Circular Prot. 300/A/8971/20/101 /3/9 of 24/11/2020,
M, N, 03, 04, Ts	July 2020	28/02/2021	Whole EU territory including Italy	Reg. 2020/698	Circular Prot. 300/A/8971/20/101 /3/9 of 24/11/2020,
L, 01, 02	July 2020	31/10/2020	Italy	Art. 92 DL 18/2020	Circular Prot. 300/A/8971/20/101
M, N, 03, 04, Ts	August 2020	31/03/2021	Whole EU territory including Italy	Reg. 2020/698	Circular Prot. 300/A/8971/20/101 /3/9 of 24/11/2020,

L, 01, Oi	August 2020	31/12/2020	Italy	Art. 92 DL 18/2020	Extension introduced by DL 76/2020
All	September 2020	31/12/2020	Italy	Art. 92 DL 18/2020	Extension introduced by DL 76/2020
All	October 2020	28/02/2021	Italy	Art. 92 DL 18/2020	Extension introduced by DL 76/2020
All	November 2020	28/02/2021	Italy	Art. 92 DL 18/2020	Extension introduced by DL 76/2020
All	December 2020	28/02/2021	Italy	Art. 92 DL 18/2020	Extension introduced by DL 76/2020

5. General proceedings

The Italian government, in view of the continuing pandemic status, adopted various measures (with regard to national context and also regarding EU and non-EU territories) and took note of and implemented those of the EU. With regard to ongoing administrative proceedings (e.g., applications for the conversion of non-EU licenses), after a moment of suspension (until the 15 of April), then the administrative proceedings are taking place normally, according to Covid-19 restrictions and security measures.

To date, these are the last general provisions adopted in Italy with regard to the transport sector.

- On board of the public means of local transport and of the regional railway transport, with the exclusion of the dedicated school transport, a filling coefficient not higher than 50% is allowed; the regional government provides for the planning of the services supplied by the local public transport companies, also not of line, finalized to the reduction and suppression of the services in relation to the sanitary interventions necessary to contain the emergency COVID-19 on the base of the effective needs and with the only purpose to assure the minimum essential services. The Ministry of Infrastructure and Transport, with a decree adopted in agreement with the Ministry of Health, may order, with the aim of containing the COVID-19 health emergency, reductions, suspensions or limitations in transport services, including international, car, rail, air, sea and inland waterways transport services, also imposing specific obligations on users, crews, as well as carriers and ship owners;
- with regard to training courses in the transport sector, in accordance with the modalities established by appropriate administrative measures and in remote modality the following courses⁷¹ are allowed:
 - road haulage courses;
 - qualifying courses carried out by the civil motorisation offices, driving schools;
 - courses for access to the profession of road haulage and passenger transport operator;
 - courses on the proper functioning of the tachograph;

⁷¹ <https://temi.camera.it/leg18/temi/iniziativa-per-prevenire-e-contrastare-la-diffusione-del-nuovo-coronavirus.html#altri-provvedimenti-in-relazione-all-emergenza>

- courses for obtaining and renewing the vocational training certificate for drivers of vehicles transporting dangerous goods given by driving schools or other training bodies;
- theoretical and practical examinations for the issue and maintenance of authorisations to carry out activities connected with railway traffic safety;
- training courses and qualifying courses or in any case authorised or financed by the Ministry of Infrastructure and Transport;
- theoretical and practical tests carried out by the civil motorisation offices and driving schools are allowed for the attainment and revision of driving licences, professional qualifications and any other qualification required to carry out transport activities.

After a first moment in which the European governments responded on their own to face the pandemic, the EU's institutions emanated several recommendations in order to diffuse a common approach to the pandemic regarding the transport issue. The documents here below indicated resume the main legislative provisions taken by the Italian government, and the EU's institutions, to manage the issue of transports:

- the “Guidelines for the safety of workers and travellers in the transport and logistics sectors (12.10.2020)”⁷²;
- the “Guidelines for free movement in the EU (25.01.2021)”⁷³;
- the “Extension of all driver license validity (professional and private) until the end of the emergency status in Italy;
- the “Extension to scheduled road-worthiness tests” has been extended differently according to the vehicle category (see the tab about vehicle overhaul).

Due to the persistency of the Covid-19 pandemic, the Italian government will work with the expiry date of all these documents. It is necessary to underline that the situation is ongoing, and an update on these issues is expected.

¹ <https://www.mit.gov.it/comunicazione/news/nuovo-coronavirus-covid-19/le-misure-del-mit-per-il-covid-19>

² https://www.mit.gov.it/sites/default/files/media/notizia/2020-09/Dpcm_20200907_Allegati.pdf

³ <https://www.consilium.europa.eu/it/policies/coronavirus/covid-19-travel-and-transport/>

1.4.2.1 Italy Regional transport institutions/organizations (Veneto Region, Friuli-Venezia Giulia Region)

In order to have an overview for what concerns the role, and in some cases of the handling of the Codiv-19 issue, here has been reported) two Italian companies, mentioned also in the FORTIS workshops, that have played playing an important role in the transnational transport and having to deal with the Covid-19 pandemic, are mentioned here below.

1. SDAG:

SDAG (Gorizia's auto-ports cross-border stations) is a society which since 1982 has been managing the heavy vehicles transit service. Each year in this area more than 2 million heavy vehicles transit, and the growing trend is constant. Despite the law in force since 4 March 2020 related to containment of the COVID-19 epidemic through emergency measures, there was still a lack of an emergency plan specific to heavy vehicles. In March, only six passages between Friuli Venezia Giulia region and the Republic of Slovenia has remained open, one of these was the S. Andrea - Vertojba passage. Only heavy vehicles with Slovenia as destination could cross the border, all the other vehicles were rejected. The companies tried to follow the directives of the central state, with security directives and protocol for employees. On 13 March 2020, after a meeting between Prefecture and Gorizia Municipality, SDAG allowed the access to 400 heavy vehicles, making hygienic and food services available. On 16 March, thanks to the diplomatic agreement between the two States, transit corridors were organized by the Police until the second half of April 2020.

⁷² <https://data.consilium.europa.eu/doc/document/ST-11689-2020-REV-1/it/pdf>

⁷³ <https://www.consilium.europa.eu/en/press/press-releases/2020/10/13/covid-19-council-adopts-a-recommendation-to-coordinate-measures-affecting-free-movement/>

Despite this, long lines continued along the border. The need for shared rules to manage emergencies at international level became urgent (Online workshop verbal previously reported in the note).

2. Autovie Venete:

Autovie Venete manages the highway route from Venezia to Trieste and the A28 road, which constitutes transit ways to the borders. During the COVID-19 crisis, traffic reduced of 60% in the area. In order to manage transport security, Autovie Venete applies several protocols with border nations in order to comply with safety measures and try to save businesses (Online Workshop verbal). They have been a point of contact for sharing information among visitors, and for enhancing collaboration between States, managing data of the Italian territory and cross-border areas. Protocols are followed by cross-border States in order to manage traffic in difficult situations such as extreme weather events. Personnel and vehicles are always available for emergencies (Online Workshop verbal).

1.4.3. Slovenian National Regulation:

The Republic of Slovenia reacted immediately to the COVID-19 traffic crisis by blocking internal and external transports. Secondary passages were closed, while sanitary controls were applied in the open ones. Successively, some exemptions were made to allow heavy vehicles to circulate.

On 13 March 2020, the Slovenian authorities decided to block at the Italian border all the heavy vehicles of more than 3,5 tons without Slovenian license plate, with the exception for Italian vehicles directed to Slovenia with perishable, medical and pharmaceutical, humanitarian goods, and mails (all goods that were allowed to transit also inside the Country). However, the vehicles that were only transiting through Slovenia were not allowed to enter, because of the risk of causing longer lines after passing the Country (for example, at Hungarian and Croatian borders)⁷⁴.

On 14 March 2020, Slovenian authorities and neighbour Countries agreed to create passages for vehicles to allow heavy vehicles to reach their Country of origin⁷⁵.

From 20 April 2020, in order to facilitate faster transits between cross-border passages, and to reduce the traffic from Italy, trucks from Italy entering to Slovenia were provided with indications regarding the routes to take to better reach their destination, as well as the refurbishment and stop areas available.

By 5 June 2020, four points of control were instituted in the border area linked to Italy, specifically in these passages: S.Andrea/Vrtojba, Ferneti/Fernetiči, Pese/Krvavi potok, Rabuiese/Skofje, solely passages open to date (September 2020)^{76 77}.

With the last updates after the end of 2020, all the border passages are open, but several restrictions are now still in place regarding healthy issues (Italian region's zone with regard to pandemic situation).

Information with associates, public administrations, and the Chamber of Commerce and Industry of Slovenia - transport association was properly shared. However, the need for more inclusive and rapid information sharing was stressed.

1. Documents submitted regarding Vehicle registration - circulation, driving license procedures:

Regarding the information sharing initiative of the General Director of DG MOVE of the European Union (See paragraph 1.4.1 *European Regulation*), in Slovenia the following documents are identified:

⁷⁴ <https://www.triesteallnews.it/2020/03/13/covid-19-la-slovenia-regola-laccesso-ai-camion-in-transito-dallItaly/>

⁷⁵ <https://www.scortrans.com/it/news/informazioni-sul-traffico-merci-in-europa>

⁷⁶ <https://www.confindustria.venezia.it/coronavirus-le-norme-comportamentali-per-prevenire-linfezione/covid-19-focus-trasporti/>

⁷⁷ <https://www.fedespediti.it/wp-content/uploads/2020/08/Restrizioni-UE-ed-extraUE-alla-circolazione-veicoli-merci-per-emergenza-Coronavirus.pdf>

- entry restrictions depending on the epidemiological situation⁷⁸;
- re-establishment of international public transport - road and rail (12.10.2020)⁷⁹;
- extension of validity of driving licenses, CPC certificates and ADR driver qualification certificates: “the validity of driving licenses, CPC certificates and ADR driver qualification certificates which expire between 01.02.2020 and 31.08.2021 has been extended, following the EU provision (regulation 698/2020)”⁸⁰ for seven months since the of natural expiration of the licence;
- conditions regarding driver’s training and road-worthiness inspections: following, the authorized institutions are allowed to perform road-worthiness tests (technical inspection) and the registration/un-registration of vehicles in the condition that all their recommendations for the prevention of SARS-CoV-2 virus infection by the National Institute of Public Health are taken into account. As of 29.01.2021 updates, the authorized institutions are allowed to perform all training of drivers, as well as all training and proficiency tests for obtaining an initial qualification, periodic training for the renewal of initial qualifications, initial and renewal training of drivers for the transport of dangerous goods, basic and renewal professional training, and qualification tests for emergency transport attendants, medical examinations of candidates for drivers and motor vehicle drivers for the renewal of their driving license and health checks for motor vehicle drivers and trainings and for checking the ability to work safely with tractors and tractor attachments in the condition that all their recommendations for the prevention of SARS-CoV-2 virus infection by the National Institute of Public Health are taken into account”⁸¹.

1.5. Focus on transnational heavy goods traffic

The Fortis project, overall, aims to improve transnational public transport services between Italy and Slovenia. Generally speaking, this project wants to improve the cooperation between these two Countries for what concerns the transport sector, giving citizens better, sustainable and innovative solutions. Nonetheless, one of the greatest issues emerged during the Covid-19 pandemic has been related to freight transports and the enormous difficulty to ensure the transnational safe and smooth flow of heavy goods traffic on the roads. Therefore, the analysis carried out focused on elements not entirely related to local public transport, but included other aspects, such as cross-border controls and considered SH not entirely tied to the focus of the FORTIS project.

The creation of European legislation was emphasised, indicating the main rules, regulations and necessary documents that heavy goods vehicle drivers and companies have to deal with, moreover to ensure **truck transport safe from the technical (vehicles and loadings conditions) and social (driver health and time of driving) point of views**. The European Commission following the European Parliament’s orientation worked towards a clear and comprehensive regulation of the transport system. In the European **White Book of 2011 “Roadmap to a Single European Transport Area - Towards a competitive and sustainable transport policy”**⁸², the European Union defined the main directives for a new regulation of the transport in the European territory. Considering the focus that the FORTIS project wants to have on heavy traffic transport, there are some issues to be considered in this 3.1.2.5 report: technical status of vehicle, goods transportation, technical and fiscal borders checks and transport documents. These elements have been regulated by a new package of legislative measures the “roadworthiness package” implemented in 2014 by the EU.

These three directives that make up the 'roadworthiness package' are: Directive **2014/45/EU on periodic roadworthiness tests**⁸³, Directive **2014/47/EU on technical roadside inspections of**

⁷⁸ <https://www.policija.si/eng/newsroom/news-archive/103470-crossing-the-state-border-during-the-coronavirus-epidemic>

⁷⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1604080584943&uri=CELEX:52020DC0499>

⁸⁰ <https://eur-lex.europa.eu/legal-content/IT/TXT/?uri=CELEX:32020R0698>

⁸¹ https://ec.europa.eu/transport/coronavirus-response_en?modes=3849&category=All

⁸² https://ec.europa.eu/transport/themes/european-strategies/white-paper-2011_en

⁸³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0045&from=EN>

commercial vehicles⁸⁴ and **Directive 2014/46/EU on vehicle registration documents⁸⁵**. These directives are the pillars of the European regulation, and due to their characteristics, they represent the concrete provision that European Member States enforce on the roads. The EU has, over the years, emanated several normative that allow the regulations of many issues related to heavy traffic transports.

An important Directive is the 94/55/EC⁸⁶ of 21 November 1994, that extended the rules of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) to the national transport sector. It was repealed by Directive 2008/68/EC⁸⁷ of 24 September 2008, which established common rules for all aspects of the inland transport of dangerous goods within the EU, by rail, inland waterway and road. Commission Directive 2012/45/EU⁸⁸ of 3 December 2012 updated its content in line with the latest version of the ADR, which is updated every two years. The ADR was recently amended by Council Decision 2018/1485/EU⁸⁹.

1.5.1 European regulation

As already explained above, the European Union, after the implementation and application of the Lisbon Treaty in 2008, has been dealing with the harmonisation of the procedures of the Member States as one of its main objectives. In a general perspective of defining a political and not only an economic European Union, the definition of a common legislative code has been essential for the EU. One of the areas where harmonisation of legislation and procedures has continued over the last 12 years is the transport sector. Below you can find the most important elements relating to the above-mentioned directives. These legislative elements are essential for a project that aims to provide solutions for the transport of passengers and goods between national borders. Below is the text of these earlier directives, considering the articles that are crucial for understanding how transnational cooperation should be developed.

Directive 2014/45/EU of the European parliament and of the council on periodic roadworthiness tests for motor vehicles and their trailers

Subject matter (Art. 1)

This Directive lays down minimum requirements for a regular system of roadworthiness tests for motor vehicles used on public roads.

Scope of application (Art. 2)

This Directive shall apply to vehicles with a design speed exceeding 25 km/h in the following categories, with reference to Directive 2002/24/EC⁹⁰, Directive 2003/37/EC⁹¹ and Directive 2007/46/EC⁹²:

- motor vehicles designed and constructed primarily for the carriage of passengers and their luggage and comprising no more than eight seats in addition to the driver's seat;

⁸⁴ <https://eur-lex.europa.eu/legal-content/EL/TXT/PDF/?uri=CELEX:32014L0047&from=IT>

⁸⁵ <https://eur-lex.europa.eu/legal-content/IT/TXT/PDF/?uri=CELEX:32014L0046&from=en>

⁸⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31994L0055&from=EN>

⁸⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0068&from=EN>

⁸⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012L0045&from=IT>

⁸⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018D1485&from=EN>

⁹⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32002L0024&from=EN>

⁹¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32003L0037&from=en>

⁹² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32007L0046&from=IT>

- vehicles of category M1 - motor vehicles designed and constructed primarily for the carriage of passengers and their luggage and comprising more than eight seats in addition to the driver's seat;
- vehicles of categories M2 and M3;
- motor vehicles designed and constructed primarily for the carriage of goods and having a maximum mass not exceeding 3,5 tonnes - vehicles of category N1;
- motor vehicles designed and constructed primarily for the carriage of goods and having a maximum mass exceeding 3,5 tonnes - vehicles of categories N2 and N3;
- trailers designed and constructed for the carriage of goods or passengers and having a maximum mass exceeding 3,5 tonnes;
- vehicles of categories O3 and O4;
- from 1 January 2022, two or three-wheel vehicles;
- vehicles in categories L3e, L4e, L5e and L7e, with engines of an engine capacity exceeding 125 cm³;
- wheeled tractors of category T5 used mainly on public roads with a maximum design speed exceeding 40 km/h. 2.

Member States may exclude from the scope of this Directive the following vehicles matriculated in their territory:

- vehicles used in exceptional conditions and vehicles which are never, or hardly ever, used on public roads, such as vehicles of historic interest or competition vehicles;
- vehicles enjoying diplomatic immunity;
- vehicles used by the armed forces, forces responsible for law and order, fire services, civil defence, emergency services or rescue services;
- vehicles used for agricultural, horticultural, forestry or fishery activities exclusively within the territory of the Member State and principally in the areas in which those activities are carried out, including agricultural and forestry roads or agricultural land;
- vehicles used exclusively on small islands or in sparsely populated areas;
- specialised vehicles transporting circus and fairground equipment with a maximum design speed not exceeding 40 km/h and operating only on the territory of the Member State concerned;
- vehicles of categories L3e, L4e, L5e and L7e with an engine capacity exceeding 125 cm³ if Member States have put in place effective alternative road safety measures for two- or three-wheel vehicles, taking into account in particular relevant road safety statistics for the last five years.

Member States shall notify such exemptions to the Commission.

Member States may introduce national requirements concerning roadworthiness tests for vehicles registered in their territory which do not fall within the scope of this Directive or for vehicles referred to in paragraph 2.

Definitions (Art. 3)

For the purposes of this Directive only, the following definitions shall apply to:

- 'Vehicle' means any motor vehicle other than a rail vehicle or its trailer;
- 'motor vehicle' means any self-propelled wheeled vehicle propelled by an engine, with a maximum design speed exceeding 25 km/h;
- 'Trailer' means any non-self-propelled wheeled vehicle designed and constructed to be towed by a motor vehicle;

- 'Semi-trailer' means any trailer designed to be coupled to a motor vehicle so that part of it rests on the motor vehicle and a substantial part of its mass and the mass of its load is carried by the motor vehicle;
- 'Two- or three-wheel vehicle' means any motor vehicle on two wheels with or without sidecar, tricycle or quadricycle;
- 'Vehicle registered in a Member State' means any vehicle registered or put into service in a Member State;
- 'Vehicle of historic interest' means any vehicle which is considered to be historic by the Member State of registration or by one of its designated authorizing bodies and which fulfils the following conditions:
 - a. it was built or registered for the first time at least 30 years ago;
 - b. its specific type, within the meaning of the relevant Union or national law, is no longer in production, it is historically preserved and maintained in its original state and has not undergone any substantial change in the technical characteristics of its main components; "holder of a registration certificate": the natural or legal person in whose name the vehicle is registered.
- "Roadworthiness test" means an inspection, in accordance with Annex I, intended to ensure that a vehicle can be used safely on public roads and complies with the required and mandatory environmental characteristics;
- "Type-approval" means the procedure whereby a Member State certifies that a vehicle satisfies the relevant administrative provisions and technical requirements laid down in Directive 2002/24/EC, Directive 2003/37/EC and Directive 2007/46/EC
- "Deficiencies" means technical defects and other types of non-conformity found during a roadworthiness test;
- "Certificate of inspection" means a technical inspection report issued by the competent authority or a testing centre containing the results of the technical inspection;
- "Inspector" means a person authorized by a Member State or its competent authority to carry out technical inspections in a control centre or, where appropriate, on behalf of a competent authority;
- "Competent authority" means an authority or public body to which a Member State confers responsibility for managing the roadworthiness system, including, where appropriate, carrying out roadworthiness tests;
- "Inspection centre" means a public or private body or entity authorized by a Member State to carry out roadworthiness tests;
- "Supervisory body": body set up by a Member State, responsible for the supervision of control centres; the supervisory body may be part of the competent authority or authorities;
- "Small island" means an island with less than 5 000 inhabitants and not connected to other parts of the territory by road bridges or tunnels; "sparsely populated area": a designated area with a population density of less than five persons per square kilometre;
- "Public road": a road of public utility, such as local, regional or national roads, express roads, motorways or motorways.

Liability (Art. 4)

Periodic inspection in accordance with this Directive carried out by inspection centres approved by the Member State in which those vehicles are registered. Each Member State shall ensure that vehicles registered in its territory are subject to an inspection.

The roadworthiness tests shall be carried out by the Member State or by a public body to which that task is entrusted by the State or by bodies or entities designated by the State and under its supervision, including authorized private entities.

In accordance with the principles set out in Regulation (EC) No 715/2007⁹³ of the European Parliament and of the Council (1) and Regulation (EC) No 595/2009⁹⁴ of the European Parliament and of the Council (2), the Commission shall, by 20 May 2018, adopt by means of implementing acts 1.

A set of technical information on braking devices, steering, visibility, lights, catadioptrics, electrical circuits, axles, tyres, suspension, chassis, chassis attachments, other equipment and pollution necessary for the roadworthiness testing of the components to be checked and the use of the testing methods recommended, in accordance with point 3 of Annex I.

Detailed rules concerning the data format and the procedures for access to relevant technical information. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19(2).

Manufacturers shall make the technical information referred to in point (a) of the first subparagraph available to control centres and relevant competent authorities free of charge or at a reasonable price and in a non-discriminatory manner. The Commission shall examine the feasibility of establishing a single point of access to such technical information.

Member States shall ensure that national legislation regulates responsibilities as regards the storage of the vehicle in a compliant and safe condition.

Date and frequency of checks (Art. 5)

- Vehicles shall be subject to roadworthiness testing within at least the following periods, without prejudice to the period of flexibility applied in the Member States in accordance with paragraph 3;
- Vehicles of categories M1 and N1: four years after the date on which the vehicle was first registered and every two years thereafter;
- M1 vehicles used as taxis or ambulances, M2, M3, N2, N3, O3 and O4 vehicles: one year after the date on which the vehicle was first registered and every year thereafter;
- Vehicles of category T5 used mainly on public roads for the carriage of goods by road: four years after the date on which the vehicle was first registered and every two years thereafter;
- Member States shall lay down appropriate intervals within which vehicles of categories L3e, L4e, L5e and L7e with an engine capacity of over 125 cm³ must undergo roadworthiness tests;
- Member States or the competent authority may fix the reasonable period during which roadworthiness tests must be carried out without exceeding the intervals referred to in paragraph 1;
- Irrespective of the date of the last roadworthiness test, the Member State or the competent authority concerned may require a vehicle to undergo a roadworthiness test before the dates referred to in paragraphs 1 and 2 in the following cases;
- After an accident that affects major safety relevant components such as wheels, suspension, deformation zones, airbag systems, steering or brakes;
- When the vehicle's safety and environmental systems and components have been altered or modified;
- When the holder of a vehicle registration certificate has changed;
- When the vehicle has reached a mileage of 160 000 km;
- When road safety is seriously impaired.

Purpose and methods of control (Art. 6)

⁹³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32007R0715&from=EN>

⁹⁴ <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32009R0595>

For the categories of vehicles covered by this Directive, with the exception of categories L3e, L4e, L5e and L7e having an engine capacity of over 125 cm³, Member States shall ensure that roadworthiness tests cover at least the areas referred to in Annex I, point 2.

For the purpose of paragraph 1, the competent authorities in the Member State or the control centre shall conduct a roadworthiness test covering at least the items listed in Annex I, point 3, using the recommended method or an equivalent approved by the competent authority applicable to the testing of those items, as set out in Annex I, point 3. The check may also include a verification that the respective parts and components of the vehicle in question comply with the mandatory environmental and safety characteristics that were in force at the time of type-approval or, where applicable, at the time of retrofitting. Checks should be carried out using currently available techniques and equipment and without the use of tools to dismantle or remove vehicle parts.

For vehicle categories L3e, L4e, L5e and L7e, with an engine capacity of over 125 cm³, Member States shall determine the appropriate areas, items and methods of inspection.

Assessment of deficiencies (Art. 8)

For each item to be checked, Annex I provides a minimum list of possible deficiencies and their level of seriousness. Article 8 Certificate of audit 1. Member States shall ensure that the inspection center or, where appropriate, the competent authority that carried out a roadworthiness test on a vehicle issues a roadworthiness certificate to that vehicle which contains at least the standardized elements of the harmonized Union codes set out in Annex II.

Member States shall ensure that the inspection centers or, where appropriate, the competent authorities make available to the person who presented the vehicle for inspection the roadworthiness certificate or, in the case of an electronic roadworthiness certificate, a certified paper copy of that certificate.

Without prejudice to Article 5, in the case of re-registration of a vehicle already registered in another Member State, the Member State shall recognize the roadworthiness certificate issued by that other Member State, as if it had issued such a certificate itself, provided that the roadworthiness certificate is valid taking into account the frequency of inspections in the Member State carrying out the re-registration. In case of doubt, Member States may check the validity of the certificate of review before recognizing it. Member States shall provide the Commission with a description of the revision certificate before 20 May 2018. The Commission shall inform the Committee referred to in Article 19. This paragraph shall not apply to vehicle categories L3e, L4e, L5e and L7e.

Without prejudice to Article 5(4) and paragraph 3 of this Article, Member States shall, in principle, recognize the validity of roadworthiness certificates in the event of a change of ownership of a vehicle with a valid periodic roadworthiness certificate. A vehicle with deficiencies falling within more than one deficiency group referred to in paragraph 2 shall be classified in the group 5.

As from 20 May 2018 and no later than 20 May 2021, control centers shall communicate electronically to the competent authority of the Member State concerned the information contained in the retest certificates they issue. This communication shall take place within a reasonable period after the issue of each revision certificate. Until the last date mentioned above, control centers may communicate the relevant information to the competent authority by any other means. Member States shall determine the period during which the competent authority shall store such information. The duration of this period shall not be less than 36 months, without prejudice to the national tax systems of the Member States.

Member States shall ensure that, for the purpose of checking the odometer, if it is normally equipped, information from the previous roadworthiness test is made available to inspectors as soon as it is available electronically. Where it is established that an odometer has been tampered with in order to reduce or distort the distance travelled by a vehicle, such tampering shall be punishable by effective, proportionate, dissuasive and non-discriminatory penalties.

Member States shall ensure that the results of the technical check are made available as soon as possible to the authority responsible for the registration of the vehicle. This communication shall contain the information contained in the roadworthiness certificate.

Gap monitoring (Art. 9)

Only in the event of minor deficiencies being found, the inspection shall be deemed to have been passed, the deficiencies shall be rectified and there shall be no obligation to resubmit the vehicle for inspection.

In the case of serious deficiencies, the check shall be deemed not to have been passed. The Member State or the competent authority shall decide on the period of time during which the vehicle in question may be used before undergoing another roadworthiness test. The latter shall be carried out during the period determined by the Member State or the competent authority, but within two months of the initial inspection.

Where dangerous deficiencies are found, the check shall be deemed not to have been passed. The Member State or the competent authority may decide that the vehicle in question may not be used on public roads and that authorization for its use on the road shall be suspended for a limited period, without a new registration procedure, until the deficiencies have been rectified and a new roadworthiness certificate issued.

Certificate of passing the inspection (Art. 10)

The testing center or, where appropriate, the competent authority of the Member State, which carried out the roadworthiness test on a vehicle registered in its territory shall provide a certificate, such as a sticker, or any other easily accessible information, to each vehicle which has passed the test. The certificate shall indicate the date by which the next roadworthiness test must take place. Member States shall provide the Commission with a description of the attestation before 20 May 2018.

If the vehicle in question is in a category of small vehicles subject to registration in the Member State in which it entered into service, that Member State may require that the certificate of a successful inspection be visibly displayed on that vehicle.

For the purposes of free circulation, each Member State shall recognize the certificate issued by an inspection center or the competent authority of another Member State in accordance with paragraph 1.

ADMINISTRATIVE PROVISIONS

Control installations and equipment (Art. 11)

1. Member States shall ensure that the facilities and equipment used to carry out roadworthiness tests comply with the minimum technical requirements set out in Annex III.

2. Member States shall ensure that control centers or, where appropriate, the competent authority maintain control installations and equipment in compliance with the specifications provided by the manufacturers. 3. The equipment used for measurements shall be periodically calibrated according to the provisions of Annex III and tested in accordance with the specifications provided by the Member State or by the manufacturer of the equipment.

Inspection centres (Art. 12)

1. Test facilities where inspectors carry out roadworthiness tests shall be approved by a Member State or its competent authority.

2. In order to meet the minimum requirements in terms of quality management, the test centers shall comply with the requirements laid down by the Member State issuing the approval. Inspection centers shall ensure the objectivity and high quality of roadworthiness tests.

Inspectors (Art. 13)

1. Member States shall ensure that roadworthiness tests are carried out by inspectors who fulfil the minimum competence and training requirements set out in Annex IV. Member States may introduce additional specific competence and training requirements. 2. Competent authorities or, where appropriate, recognized training centers shall issue a certificate to inspectors who fulfil the minimum standards of competence and training. This certificate shall include at least the information mentioned in Annex IV, point 3.

3. Inspectors employed or authorized by the competent authorities of the Member States or by a control center on 20 May 2018 shall be exempted from the requirements of point 1 of Annex IV.

4. When carrying out roadworthiness tests, the inspector shall be free from any conflict of interest in order to ensure, to the satisfaction of the Member State or the competent authority concerned, that a high level of impartiality and objectivity is maintained. The person submitting the vehicle for inspection shall be informed of the risks associated with the vehicle and shall correct them. The results of the roadworthiness test may be amended, where appropriate, only by the inspection body or in accordance with a procedure laid down by the competent authority, if the findings of the roadworthiness test are obviously wrong.

Supervision of control centres (Art. 14)

Member States shall supervise control centers. A supervisory body shall carry out at least the tasks referred to in Annex V, point 1, and fulfil the requirements set out in points 2 and 3 of that Annex. Member States shall make publicly available the rules and procedures regarding the organization, tasks and requirements, including on independence, applicable to the staff of the supervisory bodies.

Control centers operated directly by a competent authority shall be exempted from the approval and supervision requirements where the supervisory body is part of the competent authority. 4. The requirements referred to in paragraphs 2 and 3 of this Article may be considered as fulfilled by Member States which require control centers to be accredited in accordance with Regulation (EC) No 765/2008.

Administrative cooperation between Member States (Art. 15)

Member States and the Commission concerning the application of this Directive. Member States shall designate a national contact point responsible for the exchange of information with the other Member States. Member States shall forward the names and contact details of their national contact point to the Commission by 20 May 2015 and shall immediately notify any changes thereto.

The Commission shall draw up a list of all national contact points and forward it to the Member States.

- **EU Directive - 2014/47/EU on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union and repealing Directive 2000/30/EC**

Roadworthiness testing of vehicles is part of a wider regime aimed at ensuring that vehicles are kept in a safe and environmentally acceptable condition during use. This regime should include periodic roadworthiness testing of vehicles and technical roadside inspections of vehicles used for commercial road transport activities, as well as provisions on the registration procedure to allow for the suspension of the vehicle's roadworthiness if it presents an immediate risk to road safety. Periodic inspections should be the main tool for ensuring compliance. Roadside inspections of commercial vehicles should only be complementary to periodic inspections. Numerous technical standards and vehicle safety and environmental requirements have been adopted in the Union. It is necessary to ensure, by means of a system of unannounced technical roadside inspections, that vehicles continue to meet roadworthiness requirements.

Technical roadside inspections are an essential element in achieving a high and consistent level of roadworthiness of commercial vehicles throughout their useful life. They not only improve road safety and reduce vehicle emissions, but also help to avoid unfair competition in road transport resulting from the acceptance of different test levels in the Member States.

Regulation (EC) No 1071/2009⁹⁵ of the European Parliament and of the Council established the European Register of Road Transport Undertakings (ERRU). The register allows for the interconnection of national electronic registers of transport undertakings throughout the Union, subject to compliance with Union rules on the protection of personal data. The use of such a system, managed by the competent authority of each Member State, facilitates cooperation between Member States.

This Directive should apply to certain commercial vehicles with a maximum design speed exceeding 25 km/h and belonging to the categories defined in Directive 2007/46/EC of the European Parliament and of the Council. However, it should not prevent Member States from subjecting vehicles falling outside the scope of this Directive to technical roadside inspections or from controlling other aspects of road transport, in particular those relating to driving and resting time or the transport of dangerous goods.

Wheeled tractors with a maximum design speed above 40 km/h are increasingly used to replace heavy vehicles in local transport activities and for road haulage purposes. Their potential risk is comparable to that of heavy vehicles and vehicles in this category, which are mainly used on public roads, should receive the same treatment as heavy vehicles with regard to roadworthiness tests.

The reports on the implementation of Directive 2000/30/EC⁹⁶ of the European Parliament and of the Council clearly show the importance of technical roadside inspections. The reports also show very significant differences between the results of inspections in different Member States. In the period between 2009 and 2010, the rate of detection of certain deficiencies ranged from 2.1 % of the total number of vehicles checked in one Member State to 48.3 % in another. In order to achieve a more balanced approach, Member States must commit to carrying out an adequate number of checks, proportionate to the number of commercial vehicles registered and/or circulating on their territory.

⁹⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&from=EN>

⁹⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32000L0030&from=EN>

Vans, like N1 vehicles, and their trailers are not subject to the same EU road safety requirements as heavy goods vehicles, such as driving time requirements, training of professional drivers or the installation of speed limiters. Although not covered by this Directive, Member States should take these N1 vehicles into account in their overall road safety and roadside enforcement strategies.

In order to avoid unnecessary administrative burdens and costs and to improve the efficiency of inspections, the competent national authorities should be able to priorities the selection of vehicles operated by undertakings which do not meet road safety and environmental standards, while vehicles operated by responsible and well-maintained operators should be checked less frequently. Selecting vehicles for roadside inspection on the basis of the risk profile of operators could be a useful tool for monitoring more closely and more frequently.

Article 2 Area of application

- a. this Directive shall apply to commercial vehicles with a design speed exceeding 25 km/h of the following categories as defined in Directive 2003/37/EC of the European Parliament and of the Council and Directive 2007/46/EC;
- b. motor vehicles designed and constructed primarily for the carriage of passengers and their luggage and comprising more than eight seats in addition to the driver's seat- vehicles of category M2 and M3;
- c. motor vehicles designed and constructed primarily for the carriage of goods and having a maximum mass exceeding 3,5 tones - vehicles of category N2 and N3;
- d. trailers designed and constructed for the carriage of goods or for the accommodation of passengers and having a maximum mass exceeding 3,5 tones - vehicles in categories O3 and O4;
- e. wheeled tractors of category T5 used mainly on public roads for the commercial carriage of goods by road and with a maximum design speed exceeding 40 km/h.

This Directive shall not affect the right of Member States to carry out technical roadside inspections of vehicles not covered by this Directive, such as light commercial vehicles with a maximum mass not exceeding 3,5 tones of category N 1 and to check other aspects of transport and road safety, or to carry out inspections at places other than public roads. Nothing in this Directive shall prevent a Member State from restricting the use of a particular type of vehicle to certain parts of its road network for reasons of road safety.

Definitions (art. 3)

For the purposes of this Directive:

1. "Vehicle" means any motor vehicle with the exception of a vehicle running on rails or its trailer;
2. "Motor vehicle" means any self-propelled, wheeled vehicle propelled by an engine with a maximum design speed exceeding 25 km/h;
3. "Trailer means" any non-self-propelled wheeled vehicle designed and constructed to be towed by a motor vehicle;
4. "Semi-trailer" means any trailer designed to be coupled to a motor vehicle in such a way that part of it rests on the motor vehicle and a substantial part of its mass and of the mass of its load is borne by the motor vehicle;
5. "Load" means all goods normally placed in or on the part of a vehicle designed to carry a load and which are not permanently attached to the vehicle, including objects in containers such as cages, swap bodies or containers, which are carried by vehicles;
6. "Commercial vehicle" means a motor vehicle and its trailer or semi-trailer primarily used for the carriage of goods or passengers for commercial purposes, such as carriage for hire or reward or own account transport, or for other professional purposes;

7. “Vehicle registered in a Member State” means a vehicle registered or put into service in a Member State;
8. “Holder of a registration certificate’ means the natural or legal person in whose name the vehicle is registered;
9. “Undertaking” means an undertaking within the meaning of Article 2(4) of Regulation (EC) No 1071/2009;
10. “Technical roadside inspection” means an unannounced technical roadside inspection of a commercial vehicle carried out by the competent authorities of a Member State or under their direct supervision;
11. Public road” means a road of public use, such as local, regional or national roads, motorways or motorways;
12. “Roadworthiness test” means an inspection in accordance with Article 3(9) of Directive 2014/45/EU;
13. “Roadworthiness certificate” means a roadworthiness report issued by the competent authority or by an inspection center containing the results of the roadworthiness test;
14. “Competent authority” means an authority or public body to which the Member State confers responsibility for the management of the system of technical roadside inspections including, where appropriate, the performance of technical roadside inspections;
15. “Inspector” means a person authorized by a Member State or its competent authority to carry out initial and/or more detailed technical roadside inspections;
16. “Deficiencies” means technical defects and other types of non-compliances found during a technical roadside inspection;
17. “Concerted roadside inspection” means a technical roadside inspection carried out jointly by the competent authorities of two or more Member States;
18. “Operator’ means the natural or legal person who uses the vehicle as owner or who is authorized by the owner to use the vehicle;
19. “Mobile testing unit” means a transportable system of testing equipment necessary for carrying out more extensive technical roadside inspections and employing competent inspectors to carry out more extensive technical roadside inspections;
20. “Dedicated roadside inspection facility” means a designated area for the purpose of carrying out initial and/or more extensive technical roadside inspections, which may also be equipped with permanently installed test equipment.

CHAPTER II TECHNICAL ROADSIDE INSPECTION SYSTEM AND GENERAL OBLIGATIONS

The system of technical roadside inspections shall include the initial technical roadside inspections referred to in Article 10(1) and the more extensive technical roadside inspections referred to in Article 10(2).

Liability (Art. 7)

Member States shall require that the roadworthiness certificate for the most recent periodic roadworthiness test or a copy thereof or, in the case of an electronic roadworthiness certificate, a certified hard copy or the original hard copy of that certificate and the report of the most recent roadworthiness test, if available, be kept on board the vehicle. Member States may authorize their authorities to accept electronic evidence of such inspections where such information is accessible.

Member States shall require undertakings and drivers of a vehicle undergoing a technical roadside inspection to cooperate with inspectors and to allow access to the vehicle, its parts and any documentation relevant to the inspection.

Member States shall ensure that the responsibilities of undertakings for maintaining their vehicles in a safe and compliant condition are defined without prejudice to the responsibilities of the driver of such vehicles.

CHAPTER III INSPECTION PROCEDURES

Selection of vehicles for initial roadworthiness testing (Art. 9)

When identifying vehicles for an initial technical roadside inspection, inspectors may give priority to selecting vehicles used by undertakings with a high-risk profile within the meaning of Directive 2006/22/EC⁹⁷. Vehicles may also be selected at random for inspection or where it is suspected that they present a risk to road safety or the environment.

Content and methods of technical roadside inspections (Art. 10)

Member States shall ensure that vehicles selected in accordance with Article 9 undergo an initial technical roadside inspection.

In each initial technical roadside inspection carried out on a vehicle, the inspector shall:

- a. check the last roadworthiness certificate and the last report of a technical roadside inspection, if available, kept on board, or the relevant electronic attestations in accordance with Article 7(1);
- b. shall carry out a visual assessment of the technical condition of the vehicle;
- c. may carry out a visual assessment of the vehicle's load securing in accordance with Article 13;
- d. may carry out roadworthiness tests by any method it considers appropriate. (d) may carry out roadworthiness tests by any method deemed appropriate. Such roadworthiness tests may be carried out in order to give reasons for the decision to subject the vehicle to a more detailed technical roadside inspection or to request that deficiencies be rectified without delay in accordance with Article 14(1).

The inspector shall verify that any deficiencies reported in the previous roadside inspection report have been rectified.

- On the basis of the result of the initial check, the inspector shall decide whether the vehicle or its trailer should be subjected to a more extensive roadside inspection;
- a more detailed technical roadside inspection shall cover the items listed in Annex II which are considered necessary and relevant, taking into account in particular the safety of brakes, tyres, wheels and chassis and any adverse effects, and the recommended methods for checking these items;
- where the certificate of review or a roadside inspection report shows that any of the items listed in Annex II has been checked within the previous three months, the inspector shall not check it unless he is motivated to do so by an obvious deficiency.

Control equipment (Art. 11)

1. A more extensive technical roadside inspection shall be carried out by means of a mobile roadside inspection unit or a dedicated roadside inspection facility or in a roadworthiness testing center in accordance with Directive 2014/45/EU⁹⁸;
2. where more extensive checks have to be carried out at a roadside inspection center or dedicated roadside inspection facility, they shall be carried out as soon as possible at the nearest available center or facility;

⁹⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32006L0022&from=EN>

⁹⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0045&from=IT>

3. mobile inspection units and dedicated roadside inspection facilities shall have adequate equipment to carry out a more extensive technical roadside inspection, including the necessary equipment to assess the condition and performance of the brakes, steering, suspension and vehicle impairment as prescribed. Where mobile inspection units or dedicated roadside inspection facilities do not have the necessary equipment to check an item identified at the initial inspection, the vehicle is directed to an inspection center or facility where a thorough check of the item can be carried out.

Deficiency assessment (Art. 12)

1. For each item to be checked, Annex II provides a list of possible cautions and their level of severity to be used during technical roadside inspections.
2. Deficiencies detected during technical roadside inspections shall be classified into one of the following groups:
 - a. minor deficiencies which do not significantly affect vehicle safety or affect the environment and other minor cases of non-compliance;
 - b. serious deficiencies which may prejudice the safety of the vehicle or affect the environment or endanger the safety of other road users and other more significant cases of non-compliance;
 - c. dangerous deficiencies which constitute a direct and immediate risk to road safety or have an impact on the environment.
3. A vehicle with deficiencies falling within more than one group of deficiencies referred to in paragraph 2 shall be classified in the group corresponding to the most serious deficiency. A vehicle with several deficiencies related to the same roadworthiness areas defined in point 1 of Annex II may be placed in the next higher group of deficiencies if the combined effect of these deficiencies is considered to result in a higher risk to road safety.

Control of load securing (Art. 13)

During a roadside check, a vehicle may be subject to an inspection of the securing of its load in accordance with Annex III, to ensure that the load is secured in such a way that it does not interfere with the safe driving of the vehicle or pose a threat to life, health, property or the environment. Checks may be made to ensure that during all phases of vehicle operation, including emergency situations and uphill starting maneuvers.

- The loads can only undergo minor changes in position relative to each other and to the walls and surfaces of the vehicle, and
 - the loads cannot escape from the goods compartment or move outside the load area.
1. Without prejudice to the requirements applicable to the carriage of certain categories of goods such as those covered by the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), the securing of the load and the checking of the securing of the load may be carried out in accordance with the principles and, where appropriate, the rules set out in Annex III, section I. The latest version of the standards referred to in Annex III, Section I, point 5 may be used;
 2. the procedures concerning the consequences referred to in Article 14 may also be applied in the event of serious or hazardous cargo securing deficiencies;
 3. Member States shall ensure that personnel involved in checking the securing of cargo receive appropriate training for this purpose.

Follow-up in case of serious or hazardous deficiencies (Art. 14)

1. Without prejudice to Article 14(3), Member States shall ensure that any serious or major deficiencies found during an initial inspection or a more extensive inspection are rectified before the vehicle is put back into service on the public road network;
2. the inspector may decide to have the vehicle subjected to a complete roadworthiness test within a specified period if the vehicle is registered in the Member State where the roadworthiness test took place. If the vehicle is registered in another Member State, the competent authority may request the competent authority of that Member State, through the contact points referred to in Article 17, to carry out a new roadworthiness test of the vehicle in accordance with the procedure referred to in Article 18(2). Where serious or hazardous deficiencies are detected on a vehicle registered outside the Union, Member States may decide to inform the competent authority of the country of registration of the vehicle;
3. in the case of deficiencies requiring immediate or rapid rectification due to a direct and immediate risk to road safety, the Member State or the competent authority concerned shall require that the use of the vehicle be restricted or prohibited until such deficiencies have been rectified. The use of the vehicle in question may be allowed to proceed to one of the nearest workshops where such deficiencies can be rectified, provided that the dangerous deficiencies in question have been rectified in such a way as to allow the vehicle to proceed to that workshop without immediate risk to the safety of its occupants or other road users. In the case of deficiencies which do not require immediate rectification, the Member State or the competent authority concerned may decide under what conditions and for what reasonable period of time the vehicle may be used before the deficiency is rectified.

If the vehicle cannot be repaired in order to reach the workshop, it may be taken to an available location where it can be repaired.

Control rights (Art. 15)

Where deficiencies are found as a result of a more detailed inspection, Member States may charge a reasonable and proportionate fee for an amount commensurate with the cost of carrying out an inspection.

Inspection report and database of technical roadside inspections (Art. 16)

1. The following information shall be communicated to the competent authority for each initial technical roadside inspection carried out:
 - a. country of registration of the vehicle;
 - b. category of the vehicle;
 - c. the result of the initial technical roadside inspection.

On completion of a more detailed inspection, the inspector shall draw up a report in accordance with Annex IV. Member States shall ensure that the driver of the vehicle receives a copy of the inspection report.

The inspector shall inform the competent authority of the results of the more extensive roadside inspection within a reasonable period after the inspection in question. The competent authority shall retain this information in accordance with the applicable data protection legislation for at least 36 months from the date of its receipt.

CHAPTER IV COOPERATION AND EXCHANGE OF INFORMATION

Designation of a contact point (Art. 17)

Member States shall designate a contact point to:

- ensure coordination with the contact points designated by the other Member States with regard to actions taken pursuant to Article 18;
- forwards to the Commission the data referred to in Article 20;
- ensure, where appropriate, any other exchange of information and assistance to the contact points of the other Member States.

Cooperation between Member States (Art. 18)

1. Where serious or dangerous deficiencies or deficiencies leading to restriction or prohibition of use of the vehicle are detected in a vehicle which is not registered in the Member State where the check takes place, the contact point shall notify the contact point of the Member State where the vehicle is registered of the results of the check. This notification shall contain the elements of the roadside inspection report referred to in Annex IV and shall be communicated preferably via the national electronic registers referred to in Article 16 of Regulation (EC) No 1071/2009⁹⁹. The Commission shall adopt detailed rules on the procedures for the notification of vehicles with serious or hazardous deficiencies to the contact point of the Member State of registration in accordance with the examination procedure referred to in Article 23(2);
2. where serious or dangerous deficiencies are found in a vehicle, the contact point of the Member State where the vehicle has been checked may request the competent authority of the Member State of registration of the vehicle, through the contact point of the latter Member State, to take appropriate measures, such as subjecting the vehicle to a further roadworthiness test in accordance with Article 14.

Concerted technical roadside inspections (Art. 19)

On an annual basis, Member States shall regularly **carry out roadside** checks in concert. Member States may combine these activities with those referred to in Article 5 of Directive 2006/22/EC.

ANNEX I Directive 2014/47/UE (elements of the risk classification system)

ANNEX II Directive 2014/47/EU

ANNEX III Directive 2014/47/EU

ANNEX IV Directive 2014/47/EU

ANNEX V Directive 2014/47/EU

- **Checks on products entering the Community market from non-Schengen (EU) countries**

Since the implementation of the unique market in 1968, the European cooperation bodies (CEE, CE, EU) removed barriers regarding commercialization of goods between the communitarian Member States. Previously it has been explained generally how the EU countries should work in order to assure a correct exchange of goods among EU countries. A particular issue is related to freights coming from non-EU countries (outside of the single market and the Schengen area), and from vehicle not registered in one of the EU Member State. This burden is particularly important for countries bordering with non-EU countries. The regulation done by the European Union provides that member states shall take measures to safeguard the single market and in particular to control such goods arriving at the external borders of the union. The following regulation 765/2008¹⁰⁰,

⁹⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&from=EN>

¹⁰⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008R0765&from=IT>

art. 27/28/29, explains the responsibilities and controls that EU countries need to apply when goods arrive from outside the EU.

Nonetheless, it is important to understand the general disposition that the EU emanated regarding the entering of goods transported by heavy trucks in the EU single market. At the same time, it is important to understand that these are the rules that every EU Member State applies (normative, controls, sanctions for example) in the daily routine of commerce (transnational included).

The already mentioned Directive 96/53/EC¹⁰¹ of 25 July 1996 lay down the maximum authorised weights and dimensions for national and international traffic. This is the reference text for the dimensional standards which apply in the Union to all heavy goods vehicles travelling between Member States. However, Article 4 of that Directive grants certain national derogations: Member States may allow vehicles exceeding the limits set out in the Annex to the Directive (18.75 m and 40 t) for transport operations that do not appreciably affect international competition in the transport sector (such as, for example, logging and forestry operations). Member States must forward the measures taken to the Commission, which then establishes the derogations.

It is supplemented and amended by Directive 97/27/EC¹⁰² of 22 July 1997 (which was subsequently repealed by Regulation (EC) No 661/2009¹⁰³ of 13 July 2009) and Directive 2002/7/EC of 18 February 2002, which aims to harmonise bus and coach size standards to enable free movement within the Union and, in particular, to ensure that cabotage operations for passenger transport have been operating efficiently.

Directive (EU) 2015/719 of 29 April 2015, amended Directive 96/53/EC and established, for certain road vehicles circulating in the Union, the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic. Directive 96/53/EC of 25 July 1996 laying down the maximum authorised dimensions and weights for national and international traffic is the reference text for the dimensional standards which in the Union apply to all heavy goods vehicles circulating between Member States. However, Article 4 of that Directive grants certain national derogations: Member States may allow vehicles exceeding the limits set out in the Annex to the Directive (18.75 m and 40 t) for transport operations that do not appreciably affect international competition in the transport sector (such as, for example, logging and forestry operations). Member States must forward the measures taken to the Commission, which then establishes the derogations.

Directive (EU) 2015/719¹⁰⁴ of 29 April 2015, amended Directive 96/53/EC and established, for certain road vehicles circulating in the Union, the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic.

It is supplemented and amended by Directive 97/27/EC of 22 July 1997 (which was subsequently repealed by Regulation (EC) No 661/2009 of 13 July 2009) and Directive 2002/7/EC¹⁰⁵ of 18 February 2002, which aims to harmonise bus and coach size standards to enable free movement within the Union and, in particular, to ensure that cabotage operations for passenger transport have been operating efficiently.

Nonetheless, the action of the European Union has not stopped to the definition of indicators to be respected by heavy trucks, or for companies that transport heavy goods. The Union has also tried to ensure the safety of transport, and not only the safety of drivers, but also the security of the goods transported. For this reason, the EU, with her legislative action, has also tried to harmonize the subject of controls.

¹⁰¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31996L0053&from=en>

¹⁰² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31997L0027&from=en>

¹⁰³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R0661&from=IT>

¹⁰⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015L0719&from=IT>

¹⁰⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32002L0007&from=IT>

In this specific case it is essential to underline the general regulation that the EU emanated regarding the control of freights that enter in the European common market from non-EU states.

- **Regulation (EU) 2019/1020 - On market surveillance and product conformity**

European authorities have always attached particular importance to products entering the EU borders. Regulation 1020/2019 is the latest, and therefore current, legislation governing the conformity of goods that can enter the EU single market. Non-conformity and non-compliance are the basis for controls that are then carried out by individual EU states. Below are the main regulations implemented by the EU, which are of particular relevance to the objectives of the FORTIS project.

- **Controls on products entering the Union market (Art. 24)**

Member States shall designate the customs authorities, one or more market surveillance authorities or any other authority within their respective territories as the authorities responsible for monitoring products entering the Union market. Each Member State shall inform the Commission and the other Member States of the authorities designated in accordance with the first subparagraph and their respective areas of competence by means of the information and communication system referred to in Article 34. The authorities designated in accordance with paragraph 1 shall have the necessary powers and resources to perform properly the tasks referred to in that paragraph. Products subject to Union law which are to be placed under the customs procedure of 'release for free circulation' shall be subject to controls carried out by the authorities designated pursuant to paragraph 1 of this Article. The authorities shall carry out such checks on the basis of a risk analysis in accordance with Articles 46 and 47 of Regulation (EU) No 952/2013 and, where appropriate, on the basis of the risk-based approach referred to in the second subparagraph of Article 11(3) of this Regulation. Risk-related information is exchanged between:

The authorities designated pursuant to paragraph 1 of this Article in accordance with Article 47(2) of Regulation (EU) No 952/2013; and the customs authorities in accordance with Article 46(5) of Regulation (EU) No 952/2013. Where the customs authorities at the first point of entry have reason to believe that products subject to Union law placed in temporary storage or under a customs procedure other than "release for free circulation" do not comply with the applicable Union law or present a risk, they shall transmit all relevant information to the competent customs office of destination. Market surveillance authorities shall provide the authorities designated in accordance with paragraph 1 with information on the product categories or the identity of economic operators at higher risk of non-compliance.

By 31 March each year, Member States shall provide the Commission with detailed statistical data on the controls carried out in the preceding calendar year by the authorities designated pursuant to paragraph 1 in respect of products subject to Union legislation. The statistical data shall cover the number of interventions in the context of checks on such products, in relation to product safety and product conformity; By 30 June each year, the Commission shall draw up a report containing the information submitted by the Member States for the previous calendar year and an analysis of the data provided. The report shall be published in the information and communication system referred to in Article 34. Where the Commission becomes aware that products subject to Union law imported from a third country present a serious risk, it shall recommend to the Member State concerned to take appropriate market surveillance measures. The Commission, after consulting the network, may adopt implementing acts laying down benchmarks and techniques for controls on the basis of a common risk analysis at Union level, in order to ensure consistent application of Union law, to strengthen controls on products entering the Union market and to ensure an effective and uniform level of such controls. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 43(2).

The Commission shall adopt implementing acts further specifying the data to be submitted in accordance with paragraph 6 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 43(2).

Suspension of release for free circulation¹⁰⁶ (Art. 25)

The authorities designated pursuant to Article 25(1) shall suspend the release of a product for free circulation if, when carrying out checks in accordance with Article 25(3), it is established that:

1. the product is not accompanied by the documentation required by Union law to be applicable to it or there is reasonable doubt as to the authenticity, accuracy or completeness of that documentation;
2. the product is not marked or labelled in accordance with such Union law as may be applicable to it;
3. the product bears the CE marking or other marking prescribed by that applicable Union law affixed in a false or misleading manner;
4. the name, registered trade name or registered trade mark and the contact details, including postal address, of an economic operator carrying out tasks relating to the product subject to Union harmonization legislation are not indicated or identifiable in accordance with Article 4; or (e) for any other reason, where there is reason to believe that the product does not comply with the Union law applicable to it or that it presents a serious risk to health, safety, the environment or any other public interest referred to in Article 1. 2. The authorities designated pursuant to Article 25(1) shall immediately inform the market surveillance authorities of any suspension of the release for free circulation referred to in paragraph 1 of this Article. 3. Where the market surveillance authorities have reasonable grounds to believe that a product does not comply with the Union law applicable to it or presents a serious risk, they shall request the authorities designated pursuant to Article 25(1) to suspend the procedure for its release for free circulation;
5. communications pursuant to paragraph 2 and requests pursuant to paragraph 3 of this Article may be made via the information and communication system referred to in Article 34, including the use of electronic interfaces between that system and the systems used by the customs authorities, where available.

Release for free circulation¹⁰⁷ (Art. 27)

A product the release of which has been suspended pursuant to Article 26 shall be released for free circulation when all other requirements and formalities pertaining to such release are met and any of the following conditions are met (a) within four working days of the suspension, the market surveillance authorities have not requested the authorities designated in accordance with Article 25(1) to maintain the suspension; (b) the market surveillance authorities have communicated to the authorities designated in accordance with Article 25(1) their approval of the release for free circulation. Release for free circulation shall not be considered as proof of compliance with Union law.

Refusal of release for free circulation (Art. 28)

Where the market surveillance authorities conclude that a product presents a serious risk, they shall take measures to prohibit the placing on the market of that product and shall instruct the authorities designated pursuant to Article 25(1) not to release it for free circulation. They shall also require those authorities to enter the following endorsement in the customs' computerized system and, where appropriate, in the commercial invoice accompanying the product and in any

¹⁰⁶ <https://www.adm.gov.it/portale/-/ii-sospensione>

¹⁰⁷ <https://www.adm.gov.it/portale/dogane/operatore/regimi-e-istituti-doganali/i-regimi-doganali/libera-pratica-1>

other relevant accompanying document: "Product not in conformity - release for free circulation not authorized - Regulation (EU) 2019/1020". Market surveillance authorities shall immediately enter this information into the information and communication system referred to in Article 34. 3. Where the product referred to in paragraph 1 or 2 is subsequently declared for a do-gooding regime other than release for free circulation, and provided that the market surveillance authorities do not object, the endorsements referred to in paragraphs 1 or 2 shall also be included, under the same conditions as laid down in the respective paragraphs, in the documents used in connection with that regime. 4. Where they deem it necessary and proportionate, the authorities designated pursuant to Article 25(1) may destroy or otherwise render inoperable a product which presents a risk to the health and safety of end-users. The costs of such measure shall be borne by the natural or legal person who has declared the product for free circulation. Articles 197 and 198 of Regulation (EU) No 952/2013¹⁰⁸ shall apply accordingly.

The previous one is the regulation defined and implemented by the EU. Here below are defined technical methods and inspections requested by the EU, to be carried out by national Member State by virtue of their membership of the EU (Regulations→ mandatory and directly applied in the EU countries without necessity of stata actions; Directives→ mandatory in the aims but not in the means).

1.6. Documentation required for the transport of goods in EU countries

A particular issue for goods transportations could be related to the documentation that every truck and driver should have for entering in the European single market and consequently in the territory of one of the Member States. These provisions need to be respected in a harmonized way by every European country. Therefore, contextualizing these legislations with the FORTIS project, even traffic of goods between Italy and Slovenia are regulated in this way. Here below it is provided an explanation regarding the documents needed by driver (companies that want to move good from outside toward the EU and even intra-EU.

• Documents required for transport of goods in the EU

1. Physical evidence of a **transport contract** (undertaking by the carrier to carry certain goods from one place to another, with all the attendant responsibilities) identifying the transport of the goods in question and recognized as a document representing this undertaking at national and/or international level;
2. the **return copy of the Community transit document T1**¹⁰⁹, in certified copy, together with the certificate of arrival from the office of destination, proving carriage to the place of destination; in the case of operations under the NCTS procedure, a copy of the computer print-out showing discharge by the customs authorities of the third country shall be obtained by the competent customs authority;
3. Any other document or documents (other than those referred to in Article 17(1) and (2)
 - **Proving the transfer of the goods** and containing the elements necessary to verify the proper completion of the operation (quantity and description of the goods, identity of the means of transport, place and date of departure and place of destination);
 - or required by national transport regulations and containing the elements necessary to verify the proper completion of the transport operation (quantity and description of the goods, identity of the means of transport, place and date of departure and place of destination).

¹⁰⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R0952&from=EN>

¹⁰⁹ <https://www.adm.gov.it/portale/documents/20182/3889586/Manuale+Transito+Parte+VI.pdf/26dce34f-8b34-4427-9fdb-e915ea134599>

- **Essential documents for transport**

Some documents are essential when a control occurs.

1. **CMR international consignment note**¹¹⁰ or a document considered equivalent by the national legislation of the exporting Member State. namely:
 - Accompanying documents for road transport¹¹¹;
 - FCR (take-over certificate)¹¹²;
 - FCA (transport certificate)¹¹³;
 - Document equivalent to CMR meeting the requirements of Act No 47 (of 10.3.1965 DK);
2. **TIR Carnet**¹¹⁴, a special guarantee document to which international road haulage traffic is bound, enabling a vehicle to reach its destination in a foreign country without being subject to customs visas for each country crossed;
3. For road transport, carried out by the recipient of the refund or the buyer:
 - a certificate issued by the haulier certifying that the goods have been transported in the company's lorry (registration number of the vehicle), provided that the registration number of the vehicle appears on the customs document attesting to the exit from the customs territory of the Community;
 - document or authorization provided for in the national legislation of the exporting Member State relating to transport by lorry.
3. **Declaration for customs on form 302**¹¹⁵;
4. **Transit document T1** for consignments to EFTA countries (Iceland, Norway, Liechtenstein and Switzerland) and former Visegrad countries; in case of operation under the NCTS procedure, a copy of the computer printout showing discharge by the customs authority of the third country will be acquired by the competent customs. In case of transport by land with the crossing of a stretch of sea on a regular ferry, the appropriate document to prove the transport is the CMR or other land document, from which the final destination can be deduced and from which the signatures of the exporter, the transporter and the receiver are shown at the bottom;
5. **FIATA documents** (International Federation of Freight Forwarders' Associations bill of lading)¹¹⁶;
6. **Combined transport bill of lading** (combiconbill, adopted by BIMCO in January 1971)¹¹⁷;
7. Other combined transport bills of lading issued by a shipping company or group of companies (multimodal transport, rules of the International Chamber of Commerce).
8. For rail transport:
 - **Waybill CIM and TIEX**¹¹⁸;
 - Delivery note for large container transports carried out by transport companies on behalf of railway undertakings;
 - International consignment note **SMGS**¹¹⁹;

¹¹⁰ <https://www.edgectp.com/all/what-is-an-international-consignment-note-cmr/>

¹¹¹ <https://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupMeetingDoc&docid=15358>

¹¹² <https://intertradedynamics.com/fcr-forwarder-certificate-receipt/>

¹¹³ <https://www.mglobe.it/altre-tematiche/tutte-le-news/fca-incoterms-2020-polizza-di-carico-marittima-e-pagamento-nolo-e-sosta.kl>

¹¹⁴ <https://www.adm.gov.it/portale/dogane/operatore/regimi-e-istituti-doganali/carnet-tir>

¹¹⁵ <https://www.adm.gov.it/portale/web/saisa/-/esemplare-3-a>

¹¹⁶ https://fiata.com/fileadmin/user_upload/documents/Diverses/FIATA_Documents_and_Forms.pdf

¹¹⁷ https://so.camcom.it/sites/default/files/fileallegati/Trasporto_0.pdf

¹¹⁸ <https://trade.ec.europa.eu/access-to-markets/en/content/additional-customs-clearance-documents>

¹¹⁹ <https://unece.org/fileadmin/DAM/trans/doc/2009/wp5/GE2-wkshp1-CIT.pdf>

9. consignment note for combined transport of packages (by rail or road, issued by a branch of the Railway Company in the Netherlands)¹²⁰;
 10. delivery note (large container transports carried out by transport companies on behalf of railway companies).
 11. sea transport:
 - **Bill of Lading**¹²¹;
 - **Direct Bill of Lading** (door to door)¹²²;
 12. **Bill of lading for transport in containers** (full bill of lading)¹²³;
 13. **Parcel receipt** (bill of lading, issued by the shipping agent instead of a bill of lading)¹²⁴;
 14. **River waybill**, river bill of lading, Rhine manifest;
 15. **Air way bill**;
 16. Other recognised documents:
 - **FIATA** documents (International Federation of Freight Forwarders' Associations bills of lading);
 - combined transport bill of lading (combiconbill);
 - other combined transport bills of lading issued by a shipping company or group of companies;
 - **TM-CCI** documents (multimodal transport).
- **The following are not considered necessary transport documents**
 1. movement certificate EUR 1;
 2. carrier's invoice even if endorsed by customs office;
 3. certificate of dispatch;
 4. container transport - Groupage.

If a company specializing in groupage does not provide its exporting customer with a copy of the full bill of lading because goods from several exporters have been grouped together in the same container, but instead provides a shortened form of the bill of lading, that shortened bill of lading, which generally does not contain all the data necessary to identify the goods, cannot be accepted as a transport document, unless it contains a cargo specification. No transport document needs to be presented when the customs office of exit from the Community territory and the customs office of final importation are adjacent to each other, in which case the transport document is deemed to have been presented.

➤ Italian regulation on commercial transport vehicle

In respect of the characteristics of the European Directives that impose to the EU Member States to reach the objectives of the European disposition, with freedom in the means to reach it, Italy has transposed communitarian directives in the national legislative code respecting the deadlines. With these actions, the country transforms its regulation concerned the control on goods traffic and vehicle, harmonizing its legislation with the one disposed by the EU. At the same time, Italy, like all the EU Member States, applies directly the regulations and strictly act in accordance with the EU institutions' decision/recommendations. Thanks to this legislative course of action, the EU defines a common regulatory framework that allows Member States to overcome possible differences regarding controls, documents needed, legislative provision. This uniformity

¹²⁰ https://ptp.porttechnologylivorno.it/wp-content/uploads/2020/08/1.4-Sea-railCombinedTransport_Final_Version.pdf

¹²¹ <https://www.mglobale.it/altre-tematiche/tutte-le-news/crediti-documentari-preparare-bill-of-lading.kl>

¹²² <https://howtoexportimport.com/Different-types-of-Bill-of-Lading-46.aspx>

¹²³ <https://www.icecargo.com.au/bill-of-lading/>

¹²⁴ <https://www.nderinger.com/glossary/parcel-receipt/>

is fundamental for the prosperity of the EU single market and facilitate the everyday life of the professionals that need to enforce the communitarian provisions every day.

➤ **Slovenian regulation on goods transport vehicle**

In respect of the characteristics of the European Directives, that impose to the EU Member States to reach the objectives of the European disposition, with freedom in the means to reach it, Slovenia has transposed communitarian directives in the national legislative code. With these actions, the country transforms its regulation concerned the control on goods traffic and vehicle, harmonizing her legislation with the one disposed by the EU. At the same time, Slovenia, like all the EU Member States, applies directly the regulations and strictly acts in accordance with the EU institutions' decision/recommendations. Thanks to this legislative course of action, the EU defines a common regulatory framework that allows Member States to overcome possible differences regarding controls, documents needed, legislative provision. This uniformity is fundamental for the prosperity of the EU single market and facilitate the everyday life of the professionals that need to enforce the communitarian provisions every day.

2. SWOT analysis

In the previous phase of the project, PPs participated in a two-day workshop (Deliverable 3.1.2.4 - “Online workshop with stakeholders for the harmonization of civil motorization procedures”). During the workshop, PPs described some of the most important factors about the Italian and Slovenian regulatory procedures (national and regional if any) for civil motorization and emergencies management issues, highlighting existing gaps and points for further improvement.

The table (ANNEX I) summarizes the current regulatory framework based on the EU-ITA-SLO regulations taken in consideration by this report.

The following SWOT analysis was conducted considering the outputs of the regulatory analysis done here above in the report. It is crucial to point out the relevance of the workshop in the definition of the SWOT. In this deliverable strengths and weaknesses, threats and opportunities were identified analysing the state of the art of the topics considered by the FORTIS project, with the aim to better understand the current trend and find the best solutions for the Italian and Slovenian cross-border issues.

According to Pickton and Wright (1998)¹²⁵, SWOT analysis consists of a simple and practical analytical tool used widely and for many purposes and it reveals key issues affecting business development and growth.

In general terms, the following simplification may be applied to identify the SWOT elements: Strengths and Weaknesses can be seen as internal factors, i.e., related to the organization, its assets, processes, and people, while Opportunities and Threats as external factors, arising from the wider context:

- Strengths: endogenous/internal positive
- Weaknesses: endogenous/internal negative
- Opportunities: exogenous/external positive
- Threats: exogenous/external negative



- Strengths (**endogenous**) are things that an organization does particularly well, internal. These might be the motivation of the staff, access to certain materials, or a strong set of processes, alliance, collaboration, shared protocols and agreement with strong partners. Strengths are be an integral part of the organization and it is necessary to asks what the

¹²⁵ https://www.researchgate.net/publication/246915222_What%27s_SWOT_in_strategic_analysis

company does better than anyone else, what values drive the business, unique resources. A strength is such if it brings a clear advantage.

- **Weaknesses (endogenous):** a SWOT analysis will only be valuable if all the information needed are gathered. Weaknesses, like strengths, are inherent features of the subject, so it is necessary to be focused on people, resources, systems, and procedures. Budget limitations, a weak brand, higher-than-average turnover, high levels of debt, an inadequate supply or low service-quality, lack of capital. Everything that could discourage SHs such as internal infrastructural lacks.
- **Opportunities (exogenous)** are openings or chances for something positive to happen. Usually, opportunities arise from situations outside the organization and require an eye to what might happen in the future. They might arise as developments in the market or in the technology you use. Being able to exploit opportunities can make a huge difference in the competition. Even small advantages can increase competitiveness. It is important to consider what could have an impact on the sector. Changes in government policy (national or EU) or infrastructural improvements related to the field must be considerate. At the same time changes in social patterns, population profiles, and lifestyles can create interesting opportunities
- **Threats (exogenous)** include anything that can negatively affect the business from the outside, such as supply chain problems, shifts in market requirements, or a shortage of recruits, opposite policies. It is vital to anticipate threats and to take action against them before subjecting to them. Evolving technology is an ever-present threat, as well as an opportunity. Debt or cash-flow problems, for example, that could create vulnerabilities.

The following SWOT has been defined with a contextualization on the FORTIS project topics.

Strengths

- S1.** Existing collaboration between Italian and Slovenian PPs (related to Covid-19 crisis - GECT GO¹²⁶). Transnational agreements between PAs (2007 Italy-Slovenia agreement on cross-border police cooperation - Law, 07/04/2011 n° 60, G.U. 02/05/2011);
- S2.** Presence of an existing dialogue (shared protocols, procedures) between PPs that could facilitate the management of the crisis;
- S3.** Exchange of good practices/business models (between Italian and Slovenian PAs, PPs, organizations, agencies);
- S4.** LPT and ICTs stakeholders already involved;
- S5.** Presence of public LPT providers (among PPs or SHs);
- S6.** Dedicated funds/tools/resources (staff) to the project;
- S7.** Presence among PPs of freights commerce experts (regulations, documents needed);
- S8.** Existing dialogue with law enforcement officer/agencies/authorities for have a clear picture of the requirements/necessities to provide access for freights in an EU Member State;
- S9.** Business links already established between PPs of different EU countries (ITA-SLO);

¹²⁶ <https://euro-go.eu/it/>

S10. Existing knowledge of requirements (documents and normative) for freights commercialization or entry, coming from non-EU companies;

S11. Existing knowledge of registration normative/documents for vehicles (trucks) coming from other EU countries and non-EU);

S12. Utilization of ERRU system by SHs connected to the project and /or PPs.

S14. Existing spots for freight controls at borders;

S15. Italian Slovenian cooperation through ECR, Euro Control Route;

Weaknesses

W1. Lack of dialogue between Italian and Slovenian Public administrations, SHs, PPs, for the harmonization of regulations and transport management.

W2. Missing shared certified protocols, strategies, and agreement among PPs, to manage emergencies and enhance collaboration between Italian and Slovenian institutions (e.g., management of traffic incidents, health issues, public transport, transport of goods and people).

W3. Structured platforms for sharing updated information and discussions between Italian and Slovenian public entities and traffic management private/public organizations still need to be developed.

W4. Internal lacks related to PPs or to the project. Infrastructural - financial - political - operational barriers to the achievement of a well shared institutional dialogue are identified.

W5. Asymmetries between objectives and resources (capacities or possibilities) defined by PPs;

W6. Overly diversified system of rules between the two sides (PAs/PPs/SHs) of the cooperation area with regard to motorization procedures, documentation needed, traffic and emergencies management, vehicle registration.

W7. High costs to develop new policies/management tools/joint board in relation to the resources of the project;

W8. Lack of technologic improvements/means/solutions among PPs to facilitate the cooperation (implement sustainable transports);

W9. Missing knowledge of procedures/documents/disposition/regulations regarding commerce in the EU single market;

W10. Lack of a European vision of trades, in the globalised world of the new millennium;

W11. Uncertainty of the future commercial (freights) relations between Italy and Slovenia;

W12. Lack of knowledge on normative regarding vehicles registration of other EU and non-EU countries;

W13. Non-compliance of EU Member States with EU legislative provisions;

W14. Lack of enforcement of borders controls;

W15. Missing spots (inspection centres) for borders checks;

Opportunities

O1. Existence of regional macro-strategies such as EUSAIR, EUSALP. Government or European policy can facilitate the achievement of the objectives.

O2. Implementation of small pilots and experiments to start with and test new procedures (e.g., new communication platforms, safe parking areas, tools to manage traffic).

O3. Involvement of relevant national - regional - local stakeholders with fundamental interests could facilitate the achievement of the project objectives.

O4. New EU information systems and database, such as EUCARIS would be useful for the project targets: European Car and Driving License Information System dedicated to European vehicles and driving licenses to share information on the registration of cars and other means of transport, but also of driving licenses, combat vehicle theft and fraud in matriculation.

O5. Exploitation of European funds such as the SURE¹²⁷, Recovery funds¹²⁸, national funds.

O6. Possible commercial agreements (existing or new) between Italy and Slovenia or among PPs, SHs;

O7. Exploitation of European program for transnational cooperation (i.e: **ADRION, ALPINE SPACE, CENTRAL EUROPE, MED**);

O8. Exploitation of European program cross-border cooperation (i.e: **INTERREG ITALIA AUSTRIA, ITALIA SLOVENIA**)

O9. Exploitation of European program interregional cooperation (i.e: **ESPON, INTERREG EUROPE, INTERACT, URBACT**)

O10. Exploitation of embassies and consulates, useful to implement and improve the cooperation, development of protocols and agreements;

O11. EU initiatives and regulations implemented to harmonize the Italian and Slovenian procedures (EU Regulations for vehicle registration, EU qualified driving licenses; creation of green corridors and information platforms during COVID-19 pandemic);

O12. Collaboration with PPs/SHs/other actors' participant to other cross-border projects with connections to FORTIS;

O13. New legislations emanate by the Union, in favour of an easier commerce between EU Member State;

O14. New commercial agreements between Italy and Slovenia (between central governments or private companies);

¹²⁷ https://ec.europa.eu/info/sites/info/files/economy-finance/sure_factsheet_it.pdf

¹²⁸ <https://www.consilium.europa.eu/it/policies/eu-recovery-plan/>

O15. Presence of a commercial agreement between the EU and the third country that want to entering with his freights into the EU single market¹²⁹ (Schengen Area¹³⁰);

O16. Participation to the ECR (Euro Route control);

O17. Implementation of new and larger spots for border controls;

O18. FVG regional tender to increase the number of CQC¹³¹.

Threats

T1. Possible occurrence of new health emergency that cause national lockdowns and traffic blocks;

T2. Disincentive of transport companies of goods and passengers (SHs) due to difficulties in traffic in the cross-border area (thefts and loss of capital, un-safe areas, traffic congestions, etc.);

T3 Lack of financial incentives dedicated to cross-border traffic management, inter-modal transport such as development of an efficient train network;

T4. Persistent discrepancies in the European regulatory - infrastructural - operational framework;

T5. Failure of the European/national economic system to recover;

T6. Government changes that forbid the continuation of the collaboration;

T7. Infrastructural problems (in the management of the EU green corridors to facilitate the transport of perishable goods, particularly during the pandemic. Problems in highways management, in public transport management);

T8. Changes of the EU regulations on freights transport (documents, legislative requirements, costs of access);

T9. Goods transport towards EU country (Italy or Slovenia) carried on a non-EU registered truck;

T10. Missing commercial agreements between the EU and the third country from which comes the truck/freight¹³²;

T11. Different provisions/documents needed for trucks coming from a non-EU country;

T12. Lack of contact points to allow cooperation between EU Member States;

T13. Refusal/suspension of the release of free circulation for a specific product (Regulation (EU) 2019/1020 Art. 25/28);

¹²⁹ https://ec.europa.eu/growth/single-market_en

¹³⁰ https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen_en

¹³¹ <https://www.regione.fvg.it/rafvig/export/sites/default/RAFGV/infrastrutture-lavori-pubblici/motorizzazione-civile/FOGLIA60/allegati/BandoContribCQCMod.pdf>

¹³² <https://www.consilium.europa.eu/it/policies/trade-policy/trade-agreements/#>

2.1. Critical summary: gaps - objectives and recommendations

Criticalities (gaps)

Developing a cross-border project means also considering weaknesses and barriers that may arise during the project activities. FORTIS aims at identifying the problems related to civil motorization, considering the potential regulatory differences between the two countries and the elements (infrastructural, legislative, financial, political and technological) that could hinder the development of a strong institutional cooperation in the cross-border area.

Indeed, the lack of cooperation between national and regional actors of the two countries could pose a serious threat to the project objectives. The following table summarizes criticalities considered in the workshops and adds new ones resulting from the analysis of the framework previously developed.

Infrastructural - Technological Barriers	<ul style="list-style-type: none"> - Infrastructural problems in the management of the EU green corridors to facilitate the transport of perishable goods, particularly during the pandemic. Long queues for drivers. - Lack of a link between Italy and Slovenia in the circulation of updated information regarding vehicles, transport, cross-border traffic management. - Lack of safe parking zones along EU cross-border highways for heavy vehicles. Problem of frequent thief and goods-capital loss. - General reduction of traffic, movement of goods and people. -Lack of intermodal transport in the cross-border area.
Operational Barriers	<ul style="list-style-type: none"> - Differences between vehicle matriculation in Italy and Slovenia: in Italy different certificates were substituted by a unique Registration Document, which reduces the time needed to ultimate the procedure. - Reduced number of new CQC driving licenses. - Difficulties of heavy vehicle drivers in the compilation of the auto-certification to enter to Italy.
Financial Barriers	<p>Lack of inter-modal incentives for traffic in Slovenia, also for the creation of an efficient train network by inter-modal operators.</p>
Political - Legislative Barriers	<ul style="list-style-type: none"> - A comma to the art.14 of the Italian d-lgs 50/2020 which transposes the EU Directive 2018/645, according to which it is possible to rent vehicles without driver for specific activities such as agriculture activities, forest, breeding, fishing, transport of goods, in contrast with regulation that forbids the rent without drivers of vehicles that necessitate the specific driving license. - Problems in Slovenia for the matriculation of historical vehicles from other countries because frequently not all the necessary documents are available. - Different ways of formation of drivers: in Slovenia the attendance of courses is optional, while in Italy it is compulsory. This led to a certain migration of people from Italy to Slovenia to obtain the CQC. This phenomenon is decreasing because Slovenia does not provide sufficient information regarding the requisites to obtain the CQC in the Country, therefore Italians have then problems in the Prefecture for the registration, because they should have been residents in Slovenia for at least 185 days Slovenia is considering introducing the compulsory formation, although there is also a lack of new drivers, therefore this upgrade could disincentive prospective drivers. - Limits to the free movement of goods and people in the EU. - Lack of a specific emergency plan and shared rules to manage the COVID-19 pandemic at EU and national levels.

Objectives

Considering the previous analysis related to the Fortis topics, the criticalities and the SWOT analysis, specific objectives in order to reach the overall target of the current deliverable were identified.

- **Improvement of public cross-border linkages:** Support, improvement and increase of the institutional dialogue.
- **Knowledge and harmonization of procedures:** need for a new and wider cooperation between states (bilateral and at European level), in order to implement a regulation that makes the different regulations harmonized. And to regulate some issues not yet legislated. In particular:
 - **Civil motorization - vehicles registration;**
 - **Driver license and trainings;**
 - **Emergency management** (particularly during COVID-19 pandemic).
 - **Cross-border heavy goods traffic controls (collaboration cooperation and implementation, definition of common protocols, bilateral controls);**
- **Improvement of cross-border infrastructures for heavy vehicles, drivers and public transport** (public and intermodal transport, charging stations, advertisements, parking zones, etc.);
- **Higher collaboration between public and private agencies, companies and providers;**
- **Collaboration between national/regional and local authorities (PAs and police authorities) to implement and improve the borders control for heavy goods transports.**

Policy recommendations

This section shows the most important strategies, best practices and ICTs tools recommended by PPs through the workshop and the 3.1.2.5 analysis.

Potential Synergies	National Level	Regional Level	Local Level
Strategies	<ul style="list-style-type: none"> • Creation of a permanent round table of central PAs within ITA-SLO; • National SHs involvement; • Financial investments; • Involvement of National SHs/PAs focused on freights transport; • Implement a physical structure for controls at border crossing (or extend the existing ones); • Definition of agreements between central governments for the implementation of road controls; • Define a common archive of companies operating and moving goods across the Italian-Slovenian border (facilitating the controls); 	<ul style="list-style-type: none"> • Creation of collaborations between regional PAs and private agencies in the transport sector, to manage the project issues; • Regional SHs involvement; • Involvement of regional police authorities (Guardia di Finanza, Polizia di Stato, Carabinieri) that carry out on field controls; • Involvement of Regional referents/agencies for traffic/trades regulations; • Italian Region Friuli Venezia Giulia should take contact with MIT Ministry (Infrastructure and Transport), to define who is entitled to define agreements and similar with Slovenia for border controls; 	<ul style="list-style-type: none"> • Start the project with the implementation of small pilot experiments to test the new uniformed procedures; • Local PAs/SHs involvement; • Involvement of Local authorities that play a role in the enforcement of border crossings controls activities; • Collaboration between cross-border local authorities for pointing controls in the right direction (specific trucks/drivers/products); • Schedule border checks between borders police authorities;
Best Practices	<ul style="list-style-type: none"> • Exchanges of knowledge: BM/strategies/policy/ICTs tools between national PAs/ actors; • Coordination between national authorities that carry out control. Definition of synergic controls; • Intel exchange (National/Regional/local) between authorities, organized by MIT Ministry about 	<ul style="list-style-type: none"> • Involve DARS, and/or other similar SHs both in Italy and Slovenia (Motorway Society of the Republic of Slovenia), in the institutional dialogue regarding inter-modal traffic; • Share of information about possible trafficking/transport that does not comply with EU laws; 	<ul style="list-style-type: none"> • Sharing BMs/BPs between local actors in a transnational environment; • Share of information (ITA-SLO) about national registration rules; • PPs should take contact with local (Italian and Slovenian) authorities that carry out control (in order

	technologies/methods and towards who/what the controls must directed;	<ul style="list-style-type: none"> • Exchange of information on documents needed to pass border crossing; • PPs should make an analysis to understand how borders checks are enforced with other neighbouring countries; 	to know procedures and necessities-documents for transnational trades);
ICT tools	<ul style="list-style-type: none"> • Creation of a web platform with which national and regional actors (PAs, SHs) could share information and keep an open dialogue (e.g., updated traffic situation; COVID-19 last news concerning cross-border traffic); • Creation/use of a common database for Driver license; • Participation to the ECR¹³³ (Euro control route) and exploitation of the ECR database/technologies; 	<ul style="list-style-type: none"> • ICT tools know-how sharing between regional actors and SHs; • Use of ERRU system; • Establish a direct contact with border crossing authorities (through web platform or similar) and maintain a constant dialogue thanks to ICTs instruments; • Involvement of Regional authorities and referents in the ECR matters for border regions (FVG); 	<ul style="list-style-type: none"> • Sharing of ICT tools implemented by local authorities or SHs to facilitate the cooperation between Italy and Slovenia; • Indirect involvement of local authorities (police authorities/who leads the controls) in the ECR activities; • Exploitation of SHs technologies/spots to implements border controls;

2.2. Expected Results and KPIs Analysis:

In order to better achieve the deliverable targets, the main results coming from the previous dialogue with the institutional subjects are described, as well as the most important indicators that could be used in order to monitor and verify the achievements and the impact of the deliverable: these items will be crucial to estimate the impact, effect and relevance of the institutional dialogue.

	Expected Results	KPIs
General quantitative results	Agreements between Italian and Slovenian public authorities, protocols structured, creation of shared databases.	Number of documentations created.
	Stakeholders - Target Groups involved in the project.	Level of participation (number of SHs and TGs) to the institutional dialogue through events, knowledge exchanges (Policies, ICTs, BMs, BPs), web/physical meetings.
	Increase of overall traffic of people and goods.	Number of trucks and buses circulating in a determined period of time in the cross-border area.

¹³³ <https://www.euro-controle-route.eu>

Qualitative results	Characteristics of Stakeholders involved.	Work Sector; level of influence, interest of the Stakeholders.
	Feasibility of the proposals and actions.	Effectiveness (sustainability, replicability, transferability of outputs); equity and legitimacy (winners and losers) of the policy recommendations and actions relative to Stakeholders and Target Groups.
	Partnership achieved between inter-national, national, regional, local authorities.	Level of Governance of the institutional actors involved or participating.
Economic results	Economic efficiency of the project: expected economic benefits relative to costs regarding goods transport, loss or recovering of capital due to facilities or services implemented by the project.	Cost-benefits analysis; Number of theft events reduced along highways thanks to the project achievements.
Time spent	Effective use of time to achieve the project objectives; Increased rapidity in updated information exchange.	time needed and spent for taking action and achieving results, from the start of the process to its conclusion.

3. Conclusion

The results of the analysis conducted give to the partnership the instruments necessary to better understand the regulatory framework in which the FORTIS project executes its activities. The legislative elements that were previously described show how the work carried out by the European Union has been extensive, but not definitive. Indeed, there are some issues that even today create divergences between Member States. At the same time, National States usually tend to consider purely national interests forgetting the importance of the transnational cooperation.

As beforehand mentioned, the Covid-19 pandemic had and still has an enormous impact on relations between European Member States. Understanding discrepancies, different regulations, different procedures might be the best way to remain focused on the main problems. Even if the general goal of the project is to improve and promote cross-border public transport services and allow heavy freights control, with sustainable solutions, without a real collaboration between the Member States (in this particular case Italy and Slovenia), these issues cannot be solved. As stated above, without a proper knowledge of the normative framework, PPs cannot understand why, where and how to act in order to reach the FORTIS goals. A SWOT analysis, gaps, recommendations, objectives and KPIs were defined so that project partner can have a clear picture of the situation, and act accordingly to achieve the project aims. Main conclusions gathered from this analysis are:

1. Cooperation between EU Member States is essential;
2. Public (PAs and public owned companies) and private (SHs) must collaborate to reach the project goals;
3. The EU regulations are fundamentals for the FORTIS project, and their knowledge is mandatory;
4. EU nations should implement communitarian directives without delays, allowing citizens and companies to respect them;
5. Involvement of some specific SHs (police authorities, regional and central PAs, private/public companies that deal with local public transport and last mile logistic issues);
6. Involvement of specific PAs and authorities (police and authority for financial controls) is essential in order to improve the issue related to heavy goods traffic;
7. Cooperation between national police authorities is crucial;
8. Freight transport among EU nations is facilitated by European regulation, but with 3rd countries a definition of the commercial agreements/settlements to allow easier transports is essential;
9. Citizens and transport companies can have an important role, like users of the services that the FORTIS project wants to implement;
10. ICTs tools play a critical role in the success of the project;
11. Exploitation of the EU instruments and cooperation elements is essential;
12. Sharing of best practices and business model could be very important for the project aims;
13. Borders bodies PAs or private (police authorities, municipalities, companies or SHs) must be engaged in the project;
14. Participation to European cooperation bodies (not only institutions of the European Union) could provide place of facilitate collaboration (ECR - Euro Control Route¹³⁴)

The ANNEXES provided here below testify what was reached with the development of the 3.1.2.5 report and give PPs instruments for collaboration.

The information gathered inside the 3.1.2.5 report should be used as inputs for the work of the joint board (3.1.2.6). In particular, PPs should, with regard to the 3.1.2.6 deliverable, pay attention to the ANNEX II on Stakeholders map.

¹³⁴ <https://www.euro-controle-route.eu>

4. ANNEX I: master regulatory table

The following table represents a summary of all the regulations founded during the current research.

Regulatory Framework	EU Regulation	Slovenian Regulation	Italian Regulation
Civil Motorization (Vehicle matriculation)	<p>Regarding vehicle registration in EU, it is required to register the vehicle in the country of residence.</p> <p>There is no EU wide law on vehicle registration.</p> <p>Problems generally occur among people who buy a car in another country and want to bring it to their home country, encountering frequent issues in the registration procedures.</p> <p>In response, the European Commission adopted a proposal for simpler car reregistration rules on 4 April 2012. However, no agreement was reached with the European Parliament and with the Council of the European Union, therefore the Commission withdrew the proposal on 3 July 2018. The Commission is going to reassess the issue further</p>	<p>Rapid process.</p> <p>Only vehicles inserted in a specific public register can be used. The vehicle owner must have a correlation with Slovenia: residence or temporarily stay. In the case of a business, the legal address must be in Slovenia. To matriculate vehicles from abroad, the owner has 30 days to regulate the vehicle.</p>	<p>Physical and Juridical entities can matriculate.</p> <p>For Italian citizens an auto-certification is needed.</p> <p>For citizens enrolled in AIRE it is necessary to indicate the residence in the other country and temporarily stay in Italy.</p> <p>For citizens from other EU and SEE countries, Switzerland and San Marino, vehicles can circulate in Italy for up to three months, then it is necessary to present the valid residence permit or Italian residence, or temporarily authorization for not more than 30 days</p>
		<p>matriculation entities:</p> <p>The tasks of the approval body in the Republic of Slovenia are carried out by the Public Agency of the Republic of Slovenia for Road Safety. The work of the approval authority is directed and supervised by the ministry responsible for transport.</p> <p>A vehicle can be registered at any administrative unit in Slovenia, at organizations providing road-worthiness tests for motor vehicles, or at companies and individual private entrepreneurs who sell motor vehicles or trailers.</p> <p>vehicles for international organizations: organization similar to Italian Prefecture;</p> <p>police vehicles: ministry of the Interior;</p> <p>military vehicles: ministry of Defence;</p>	<p>It is possible to register vehicles, motor-vehicles and trailers (equal to or more than 3,5 tonnes), used or new, through the STA - Sportelli Telematici dell'Automobilista (Driver telematic points) to obtain the license plates, the registration certificate, and the digital property certificate. It is also possible to re-matriculate/renovate the subscription of vehicles, motor-vehicles, and trailers (equal to or more than 3,5 tonnes), new or used, also in case of stolen, lost, or damaged license plates²⁶; property passage; dismantling or exportation are other procedures available at STA.</p>

		<p>other kinds of vehicles: authorized agencies</p>	
		<p>documentation needed in order to circulate: certificate of vehicle possession; conformity certificate; insurance certificate; car tax payment technical control certificate if the vehicle owner does not have valid driving license, they must indicate the name of the driver in possess of a regular driving license</p>	<p>Documentation needed: unique document for circulation (DUC), released by MIT; - declaration of conformity released by vehicle producer.</p> <p>Possibility to matriculate with derogation, with appropriate documentation from the producer.</p> <p>For commercial vehicles: property document not available yet.</p>
		<p>License plates: Vehicles registered in the Republic of Slovenia are marked with number plates for: - a registered vehicle; - vehicle for export; - a vehicle for foreign consular and diplomatic missions; - vintage vehicles.</p>	<p>License plates: Art. 256 of the Regulation art.100, decree 495/1992, defines the types of license plates, which are distinguished between matriculation, recognition, repeater license plates; art. 257 defines criteria for the formation of license plates data for motor vehicles and trailers. Art.258 illustrates the location of matriculation, repeater, recognition license plates. Art. 259 defines the ways of license plates installation. Art. 260 depicts the characteristics for the construction, dimension, photometric, chromatic, readability of license plates, as well as requisites for the suitability of their acceptance. Art.261 states that the license plates models are stored at the Ministry of transport and navigation - general direction of M.C.T.C. Art.264 provides information for the cessation of the circulation.</p>
		<p>scrapping or exportation: - automatic elimination from public register - selling - transfer to other country - matriculation expired from more than 30 days</p>	<p>Exportation: In order to definitely export a vehicle, it is required to radiate the vehicle from the National Archive of Vehicles and the Public Automotive Register. The vehicle must be positively reviewed in 6 months before requesting the cancellation. Documentation needed:</p>

		<ul style="list-style-type: none"> - insurance expired - withdrawal of the agreement between owner and driver - withdrawal of conformity certificate <p>license plates must be sent within 15 days</p>	<ul style="list-style-type: none"> - unified application; - if the request is presented by someone not registered at the Public Register, it is necessary to include the original purchase certificate; - property certificate, registration certificate or unique document for circulation; - license plates; - ID card. <p>Please note: As a consequence of the entry into force from 1 January 2020 of the new methods of radiation for export that the obligation to carry out the radiation before exporting the vehicle and on condition that the revision has been carried out successfully for at least 6 months from the date of the request , it is no longer possible to transmit such requests through the Consulates for exported vehicles starting from January 1, 2020. Only the radiations for definitive export abroad relating to vehicles exported by 31/12/2019 but re-registered in 2020 can be requested through the Consulate, provided that these vehicles have been re-registered with a foreign license plate at the date of request for the deregistration³¹.</p> <p>Scrapping-dismantling: Regarding the dismantling process of the vehicle, it is necessary to deliver it to an authorized centre for collection or - in case the vehicle is sold to buy another one - to the concessionaire/branch of the manufacturer, which must cancel the vehicle from the Public Automotive Register within 30 days, by presenting the request for interrupting the vehicle circulation for dismantling. License plates, registration certificate, property certificate must be delivered together with the vehicle. A certificate for the dismantling is released by the concessionaire/branch of the manufacturer, which hereby indemnifies (civil-penal-administrative responsibility) the owner of the vehicle, with the exception of tributary purposes, for which it is</p>
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			<p>necessary to look at the regional regulatory framework.</p> <p>If the vehicle is dismantled in a foreign country, the owner can ask the Public Automotive Register the Interruption of vehicle circulation presenting the property certificate, license plates and registration certificate, as well as a presentation document to the Public Register, and the certification from the foreign responsible of the dismantling with translation of the text in annex³².</p>
		<p>Micro-mobility: there is not regulation at the moment for scooters, which cannot circulate. Motorcycles within 25km/h must be matriculated. This law will be extended to scooters and bicycles</p>	<p>Micro-mobility: L. 160/2019: scooters with electric motor (max 500W and 20Km/h with lights) are officially considered as bicycles, which could now be used on roads with 30Km/h as a limit. Helmets, license plates and insurances are not compulsory</p>
		<p>Historical vehicles: only if 30 years old, with original structures and pieces. Problems with vehicles from other countries which do not usually have all the documentation</p>	<p>Historical vehicles: "New highway code", legislative decree. April 30, 1992 n. 285 and subsequent amendments. Art. 60. Vintage motorcycles and cars of historical and collectible interest constitute the regulatory framework of reference.</p> <p>Commercial vehicles: - for personal use vehicles: the transport must not constitute prevalent economic activity but inherent, the enterprise must be owner of the vehicle. The license is released after vehicle commission approves the vehicles of more than 6 tonnes (L.298/1974, art. 31 and 32) - third use vehicles: CE 1071/2009, L. 298/1974, D.lgs 395/2000, L. 244/2007, D.D.MIT n. 291/2011. necessity to be signed in Albo Nazionale autotrasportatori and National Electronic register.</p> <p>Requisites: financial and professional eligibility, integrity;</p> <p>constant controls on vehicles are made</p>

<p>Emergency Management (with specific regard to heavy freight vehicles, particularly during COVID-19 epidemic)</p>	<ul style="list-style-type: none"> - Upcoming EU regulation to modernize mobility and transport in Europe, increase transport safety and attractiveness for drivers - EU instituted “green corridors” to facilitate the transport of perishable products during the pandemic. There is not an exhaustive regulations on this issue. 	<p>in Slovenia the following documents submitted are identified:</p> <ul style="list-style-type: none"> -Entry restrictions depending on the epidemiological situation⁵⁶; -Re-establishment of international public transport - road and rail(13.06.2020)⁵⁷; -Temporary and limited relaxation of the enforcement of driving and rest times for the drivers of vehicles transporting goods -Extension of validity of driving licenses, CPC certificates and ADR driver qualification certificates (20.03.2020) -Conditions regarding driver's training and road-worthiness tests 	<p>Several ministerial communications shown the new rules that must be followed in this extraordinary period. As a general rule, for driving licenses, the principle on identity and recognition documents is applied (art. 104 of the "Cura Italy" decree), while CQC, ADR CAP and provisional driving permits are covered by the regulation on driving licenses.</p> <p>Examinations for all license categories are suspended - driving license revision or CQC qualification examinations are also suspended.</p> <p>For what concern documents expired or about to expire, their validity has been extended.</p>
<p>Driver License</p>	<p>EU Directive 2003/59: necessity to have a CPC (Certificate of Professional Competence) for people or products transport.</p> <p>Methods to obtain it:</p> <ul style="list-style-type: none"> -titles: qualification course, formation and exam -documentation: course exemption and exam <p>Who can obtain it:</p> <p>driving license owners, released by UE Member State, or SEE Member States, or EU and SEE dependent states, from a transport company in a Member State.</p> <p>Drivers for products transport (C1, C, C1E or CE driving</p>	<p>From 2008 the 59/2003 directive is valid for auto buses; from 2009 for products.</p> <p>The implementation was easy because compulsory certifications to obtain driving license were already available.</p>	<p>D.Lgs. 286/2005 that transposes the EU directive 2003/59</p>

	<p>licenses) or people (D1, D1E, D or DE)</p> <p>vehicle drivers exempted from CPC: 45km/h max vehicles military service, civil protection, VF, etc. maintenance, reparation, vehicles not yet in circulation emergency issues driving lessons private transports of people and products materials, equipment transport for private activity</p> <p>point-based system: points reduction and recovery after illegal activities and re-qualifications, respectively.</p> <p>5 years renovations</p> <p>entities that deliver the course: driving schools, entities authorized by Ministry of infrastructures and transports</p>		
	<p>European directive 2006/126/EC concerning driving licenses:</p> <p>Driver's license model Member States set up a national driver's license in accordance</p>	<p>The directive 59/2006 has been in force in Slovenia since 2008 for buses and for goods since 2009. The implementation of the European legislation has not presented serious difficulties in Slovenia because there were already mandatory certifications to carry out the activity of driver.</p>	

	<p>with the Community model. After consultation with the Commission, Member States can enter additional data, provided that this does not interfere in any way with the implementation of this directive.</p> <p>Mutual recognition Driving licenses issued by the Member States had to be recognized by each other by the same members. Categories, definitions and minimum age</p>		
	<p>Directive EU 2018/645</p> <p>periodic formation course programs organized by an authorized entity by the ministry of infrastructures and transports. The formation course integral program has a common part and a specific part for materials and people transport.</p> <p>Innovations: - possibility for Member States to implement formation courses by using instruments and technologies for information and communication (ICT) such as e-learning (max 10 hours) information on qualifications and documents can be shared among Member States</p>	<p>Transposed in early 2020. initial formation is not compulsory but optional (only exam)</p> <p>formation courses are provided by agencies authorized by competent ministry.</p> <p>Exams managed by a commission identified by competent ministry of transport experts. Theoretical and practical exam.</p> <p>Citizens from other countries must have residence or temporarily stay in Slovenia, familiar or economic interests in Slovenia to obtain CPC.</p> <p>Slovenia is currently working on upgrading the information system, to run theoretical exams with IT devices to obtain instant results</p>	<p>D-Lgs 50/2020 that transposes the EU directive 2018/645 with important news regarding qualification and formation of drivers for products transport.</p> <p>Art. 14: to drive it is compulsory to have an initial qualification and periodic formation (Cl, C1E, C, CE, D1, D1E, D, DE</p> <p>Art. 16: this is not required when:</p> <ul style="list-style-type: none"> - drivers operate in rural areas - drivers do not offer transport services - transport is occasional and do not influence transport security - vehicles are borrowed by agriculture companies to transport products for occasional short distances.

	<p>- compulsory practical formation for setting snow chains, charges (regulations deferred to Ministerial law)</p> <p>as part of initial formation (not periodic), specific activities from other European laws must be recognized (dangerous material transport, living animals transport, disabilities)</p> <p>periodic formation: updating for the driver on driving, working security, safety, environmental impact reduction</p>		
<p>Focus on heavy goods traffic and control</p>	<ul style="list-style-type: none"> • White Book of 2011 “Roadmap to a Single European Transport Area - Towards a competitive and sustainable transport policy” • Directive 2014/45/EU on periodic roadworthiness tests¹³⁵, • Directive 2014/47/EU on technical roadside inspections of commercial vehicles¹³⁶ • Directive 2014/46/EU on vehicle registration documents • Directive 2012/45/EU 		

¹³⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0045&from=EN>

¹³⁶ <https://eur-lex.europa.eu/legal-content/EL/TXT/PDF/?uri=CELEX:32014L0047&from=IT>

	<ul style="list-style-type: none"> • Council Decision 2018/1485/EU • Directive 2002/24/EC¹³⁷, • Directive 2003/37/EC¹³⁸ • Directive 2007/46/EC • Regulation (EC) No 715/2007 • Regulation (EC) No 595/2009 • Regulation (EC) No 765/2008 • Regulation (EC) No 1071/2009 • Directive 2000/30/EC • Directive 2006/22/EC • Regulation (EC) No 1071/2009 • Regulation (EC) No 661/2009 • Directive (EU) 2015/719 • Regulation (EU) No 952/2013 • Regulation (EU) 2019/1020 		
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¹³⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32002L0024&from=EN>

¹³⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32003L0037&from=en>

5. ANNEX II: Stakeholders mapping

Stakeholders Mapping

In order to improve the transnational cooperation between the institutional and private actors, the most relevant stakeholders (and their characteristics) must be involved in the project activities. These actors are identified according to their level of interest, influence and potentiality to contribute to the project, ways of further involvement. Partners, considering the ANNEX II, should act through the engagement plan in order to concretely involve SHs.

In order to allow PPs to proceed with a simplified work of researching and listing of stakeholders, the main actors already involved in the project through the previously mentioned project workshops (held on 17/18 June) are named here below:

- SDAG, Gorizia interport;
- Autovie Venete;
- Chamber of Commerce and industry of Slovenia;
- DARS, Company for motorways of the Republic of Slovenia;
- RRA LUR, Regional Development Agency - Ljubljana Urban Regions;
- ACI, Automobile Club of Italy;
- MZI Slovenia, Ministry of Infrastructure of Slovenia;
- AssiFormat FIAP Molise Region;
- Region Friuli-Venezia Giulia civil motorization;
- Trieste Civil motorization office;
- FIAP, Italian hauliers federation.

Thanks to these information, PPs could fulfill the following table with the idea of which SHs have been already involved in the FORTIS project.

Stakeholder name/group	Type of Stakeholder	Level of Influence (High, Medium, Low)	Type of Interest/Impact	Ways of possible contribution of the stakeholder to the project	Barriers to the stakeholder involvement	Strategies to further engage the stakeholder in the project
<i>e.g. national ministry of transport</i>	<i>Public authority</i>	<i>High influence - high interest</i>	<i>The Ministry of Infrastructure and Transport is the executive structure of the Italian State responsible for: planning, financing, construction and management of infrastructural networks of national interest and public works, concerning the system of cities and metropolitan areas activities related to transport, traffic</i>	<i>This fundamental political institution would be interested in the achievement of projects' objectives such as the improvement of cross-border transport. The publication of information in the MIT website - newsletter section could already be a great achievement for the projects' aims</i>	<i>Since it is one of the institutions at the highest levels of governance in Italy, there could be general bureaucratic issues to involve it in a cross-border project, moving such a big interest like the one of a central PA</i>	<i>The topics treated through the institutional dialogue will be the best strategies in order to involve this SH. It will be important reach the right reference inside the several branches of the MIT.</i>

			<i>and logistics in the area</i>			