

Department Of The Environment:

Consultation On Proposals For Implementing

The 3rd EC Directive On Driving Licences



30th April 2010

Right To Ride Response

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Department Of The Environment:

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Right To Ride welcomes the opportunity to respond to the Department's consultation on the implementation of the requirements of the 3rd EC Directive on Driving Licences (Directive 2006/126/EC).

This response is the representative views of Right To Ride Ltd which is a Non Government Organisation (NGO) registered as a non profit company limited by guarantee (Registered Number N1073799).

Right To Ride's objectives are: To carry on activities, in particular (without limitation) to promote awareness and understanding of training, environmental road safety and security issues relating to the use of those vehicles classed in law as motorcycles, scooters, mopeds, motorcycle combinations and tricycles and to research and investigate solutions to these topics. To do all such other lawful things as may be incidental or conducive to the attainment of the above objects.

Right To Ride's views regarding the implementation of the requirements of the 3rd EC Directive on Driving Licences (Directive 2006/126/EC) were obtained through our previous experience of dealing with the co-decision progress in the European Parliament and obtaining through communication, the views of other organisations, motorcycle clubs, individual motorcyclists and our own expertise.

Trevor Baird

Right To Ride Ltd

As set out in the consultation, the Directive 2006/126/EC must be transposed into national legislation by 19th January 2011 and enter into force as of 19th January 2013, the directive is designed to harmonize motorcycle licences across Europe, however the European Commission has emphasised that member states have 3 choices in terms of progressive access from categories A1 to A2, and A2 to A:

- To offer riders the choice of either training or a test
- To impose training only
- To impose testing only

The consultation also indicates that the 3rd Directive contains several provisions where Member States are given options.¹

- Member States can reduce the minimum age for moped riders to 14
- Have a minimum age of 18 for drivers of cars and light vans.

However given the variety of provisions within the directive that can be picked and chosen and bearing in mind that the Department for Transport (in Great Britain) has already completed its consultation and responded with a consultation report², which lays out the intentions of the GB government, especially regarding the imposition of testing between categories instead of the option of training only as laid down in the directive.

¹ Annex 1 proposed Licence scenario for the UK and access to motorcycle licence categories

² Driver Testing, Training, Examining And Licensing Implementing New European Union Requirements
<http://www.writetoride.co.uk/3dldconsultation/DEP2010-0920.doc>

The directive sets out to harmonize rider training and testing to deliver what riders and trainee riders require which is a structured, relevant and cost-effective basic training to give the novice rider the essential skills and knowledge capable of safely operating a motorcycle in normal traffic situations on public roads.

However the proposed implementation of the directive across Europe seems to only harmonize the licence categories and even then the ages that riders may access the categories can be picked and chosen by the member states.

Although we have said we welcome the opportunity to respond to this consultation and agree with most of the proposals that the DOE have picked from the directive, we have reservations and serious concerns regarding some of the proposals wishes to implement.

Our opinion is that if the DOE wishes to destroy motorcycling in Northern Ireland and associated businesses that support motorcycling, from Training Schools to Motorcycle Dealerships to Motorcycle Accessory Dealers (Clothing and Accessories) then the introduction of these proposed prescriptive and convoluted regulations and legislation will achieve this!

Minimum Age

We welcome the following proposals and retention of present practice.

- We have no plans to change our general principles for novice motorcyclists which, to protect their safety, have been for many years that the minimum age for riding motorcycles is 17 and the youngest riders should not normally ride a machine with an engine capacity of more than 125cc.
- Since 1996 our engine capacity for a learner motorcycle has been aligned with the upper limit for EU category A1.
- This remains true, so we do not plan to alter the minimum age of 17 for access to category A1.

Unrestricted motorcycle (Category A) provisional licensing for a rider taking the direct access route

We welcome the introduction as outlined by the directive regarding the following.

- In line with the 3rd Directive we will introduce a direct access route to unrestricted category A entitlement.

Moped (Category AM) Provisional Licensing

We generally welcome as outlined by the directive and the introduction to Northern Ireland finally Compulsory Basic Training (CBT).

- Currently very few riders seek a full moped licence. Our plans are to implement the new EU category retaining the same fundamental safety provisions.

To ride a moped on the road a learner will have to:

- Obtain a provisional AM licence (which will include all those light mopeds already subject in the UK to driver licensing)
- Satisfy the minimum age of 16 years
- Satisfactorily complete CBT to validate the provisional licence to ride on the road.

- Provisional licence holders will be able to ride unaccompanied any moped on L plates during the two year validity period of the training certificate. If a learner does not qualify for a full category AM licence (by passing a relevant theory and practical tests) during those two years and wishes to continue riding a moped afterwards, the learner will have to take a refresher training course to re-validate the provisional licence for a further two years..

Small Motorcycle (Category A1) Provisional Licensing

We plan to retain the same fundamental safety provisions as operate at present.

- To drive a category A1 motorcycle on the road a learner will have to:·
- Obtain a provisional A1 licence
- Satisfy the minimum age of 17 years
- Satisfactorily complete CBT (Compulsory Basic Training) to validate the provisional licence to ride on the road.
- On successful completion, riders will be entitled to ride unaccompanied any A1motorcycle on L plates during the two year validity period of the training course certificate.
- If a learner has not passed the relevant theory and practical tests by the end of that two year period, and wishes to continue riding the A1 motorcycle, the learner will have to take a refresher training course to re-validate the provisional licence for a further two years.

We generally agree that riders of motorcycles in categories AM and A1 should take a refresher training course – we assume this is CBT (Compulsory Basic Training) - to re-validate the provisional licence for a further two years if the rider wishes to only ride this category of motorcycle/moped.

There can be various reasons for a rider not wanting to move through progressive access which include, size of motorcycle/moped suiting the physical properties of the rider, financial reasons or that particular category of motorcycle/moped.

While a rider in these two categories AM and A1 may take a test to move up to the next category (AM to A1 and A1 to A2 and A2 to A) to introduce a refresher course (that has been no syllabus laid out on what the cost or hours involved are required) as well as the requirement to take the test which is not required by the directive, is too prescriptive and in our opinion is not cost beneficial for riders or beneficial for rider safety.

Especially considering that the consultation document has dismissed out of hand, mainly for reasons of cost and economical viability, based on DSA Driving Standards estimates for GB, to introduce under the terms of the Directive a training option as the qualifying event to progressive access to the motorcycle categories.

The consultation says, “In addition, the consistency of the training would be difficult to monitor and quality assure”, we assume that present training is monitored and quality assured, if it is it should not be difficult to extend monitoring and quality assurance so that riders and rider trainees get the quality of training that they should be receiving.

If it is not and as set out in Annex B of the consultation, “the DVA will establish a Register of AMIs”.

The consultation is at odds regarding training, as it recognises that a route involving progressive stages of training, **7 hours maximum** approved training, could offer greater benefits in improving young riders’

skills and attitudes than simply relying on the validation of standards provided by a practical test of skills and behaviour.

It is mostly at odds regarding training between categories that as above, regarding the cost the consultation proposes, that riders take a refresher course between categories before they take a test, thus introducing training between categories as well as having to take a test.

ACEM (Association des Constructeurs Européens de Motocycles) - The Motorcycle Industry in Europe document – “ACEM Position on 3DLD European Driving License Directive 2006/126/EC Age, training, testing, equivalences, test vehicles”³ document proposes **training for progressive access for riders:**

When stepping up from the A1 light motorcycle to the A2 motorcycle, after having gained 2 years of experience, and equally when stepping up from the A2 to the A motorcycle.

In its present form, the training requirement in Annex VI ignores the rider's previous training and experience. Nonetheless, the IRT Initial Ride Training Programme⁴ Supervisory Board members, including ACEM, propose a review of Annex VI so that the IRT modular approach can be reflected in future European legislative requirements.

The motorcycle industry can agree to the **7 hours training** prescribed in the annex VI of 3DLD, conditional upon some general principles to be observed, such as:

- “The progressive access training should be designed to actually enhance motorcycle safety; and not merely be a check in traffic to demonstrate that the rider has the required skills to operate a motorcycle in traffic (to ensure that the rider has actually been riding over the last 2 years after having obtained the license).
- The progressive access training should not merely be a refreshment course, but include specifically designed modules that address the main causes of accidents involving motorcycles (MAIDS⁵). Hazard perception training hence needs to be integrated, as well as some information on the benefits of advanced braking systems on motorcycles, which aim to support the rider in critical situations.
- The progressive access training period of 7 hours can be extended by the trainer, should the trainee show a clear and demonstrable lack of skills in properly operating the motorcycle.
- The progressive access training should take account of the riders' acquired skills and experiences on the lower category motorcycle. This implies making use of the modular approach as designed under the European IRT project.
- In order to make training attractive to motorcycle riders, and be a stimulating experience, the training should be conceived in such a way that the trainer is “coaching” the rider, and where the rider can gradually build a personal development curriculum.
- It is general wisdom that humans tend to learn better when they enjoy the lessons and when they join them with full consent and motivation. Such “coaching concept” would be in line with the latest educational experiences in various disciplines, and as offered in some state-of-the-art motorcycle training courses”.

We recommend that the DOE investigate further and deliver a cost beneficial **7 hours** structured, relevant and cost-effective basic training to give the rider moving between licence categories, the essential skills and knowledge capable of safely operating a motorcycle continuously in normal traffic situations on public roads.

³ http://www.writetoride.co.uk/3dldconsultation/ACEM_3DLD_Position_CIECA_16June09.pdf

⁴ Initial Rider Training <http://www.initialridertraining.eu> The IRT programme is being revised at present by the European Commission to improve the programme.

⁵ <http://www.maids-study.eu>

When dealing with the co-decision progress in the European Parliament regarding the directive, we had concerns regarding the complexity of the directive, in comparison the DOE proposals appear to go well beyond the spirit and intentions of the 3rd European Driving Licence Directive.

The consultation proposes:

- “A person granted a full category A1 licence will also be granted a provisional category A licence.
- This avoids the cost and inconvenience of the person subsequently having to apply to the DVA for a new licence with provisional category A entitlement.
- However, the provisional entitlements to Category A2 (and A) will not immediately become “live”.
- The provisional category A2 entitlement to drive on the road will become “live” only when the person has held a full category A1 licence for a minimum of two year.
- Similarly, the provisional category A entitlement to drive on the road will become “live” only when the person has held a full category A2 licence for a minimum of two years.
- The rider will not be authorised to carry pillion passengers, ride on a motorway or in another EU State on an A2 motorcycle until they hold a full category.
- A2 licence. The licensing rules would be explained in the official documentation, in the same way that it is done currently for the initial two-year restricted entitlement for new category A licences to ride large motorcycles.
- If the provisional A2 entitlement had not been upgraded to a full category A2 licence within two years of the provisional entitlement becoming live, the person would have to take a refresher training course in order to revalidate the provisional category A2 licence for a further two years”.

Apart from the complexity of this proposal which offers no benefit to riders, we strongly disagree with the consultation proposals to introduce provisional licences granted for all categories of licence entitlement for the next category.

The granting of provisional licences for all categories of driving entitlement seems to be outside the spirit of the directive, especially regarding the type of motorcycle in the A2 Category.:

Motorcycles, with or without a sidecar, of a power not exceeding 35 kW
A power/weight ratio not exceeding 0.2 kW/kg
And not derived from a vehicle of more than double its power

The motorcycle in this A2 category must not be derived from a vehicle of more than double its power and the power not exceeding 35kW (46.6 bhp) and power to weight ratio is different than the present similar restriction.

For example, a full standard category A licence permits a person to ride any motorcycle with a power output of up to 25kW (33bhp) and a power-to-weight ratio not exceeding 0.16kW/kg without ‘L’ plates, carry pillion passengers and use motorways. The rider is restricted to a motorcycle up to 25kW for two years (not counting any periods of disqualification). After two years the person may ride any size motorcycle.

At present riders may restrict a “full” power motorcycle of any kW/bhp output, this is usually accomplished by physical restriction of the power output of the motorcycle (Restrictor Kit) and should be accompanied by documents that prove that the motorcycle is restricted so that a rider is riding the correct power output for the motorcycle matched to the restrictions for their licence. After the two year restriction the rider may remove the physical restriction.

This present system is hard to enforce, however in the spirit of the law it ensures that the motorcycle during the restriction period is limited to the speed and acceleration that it can achieve when ridden. The rider can carry pillion passengers and use motorways.

Now the proposed situation is reliant on riders understanding that they are riding the correct motorcycle for their licence conditions without a physical check in place. This situation would be reliant on law enforcement officers being knowledgeable regarding licence categories.

This allows “novice” riders access to full power motorcycles and undermines the road safety claims for raising the minimum age a rider can take Direct Access to unrestricted motorcycles to 24 years old.

The consultation states that:

“We want our provisional licensing arrangements for mopeds and motorcycles to be user-friendly, proportionate and cost-effective, but not to:

- undermine the EU minimum driving age and experience requirements for progressive access to full motorcycle entitlement;
- undermine the EU minimum driving age requirements for direct access to full motorcycle entitlements;
- undermine the EU qualifying arrangements for obtaining a driving licence”;

We consider that the consultation has set out proposals which will effectively undermine the EU directive on all counts and encourage riders to become “permanent learners”, who will be able to ride indefinitely on a provisional licence and to not progress.

Unrestricted motorcycle (Category A) provisional licensing for a rider taking the direct access route/taking the progressive access route

We welcome the introduction to Northern Ireland of a Direct Access Scheme (DAS) for potential riders who have reached the age of 24 for direct access or 21 through the progress access route.

However more needs to be explained regarding the proposal that the rider will need to satisfactorily complete the initial component of the direct access syllabus to ride on the road or to satisfactorily complete the direct access syllabus before taking the practical tests for a category A licence

What is the initial component of the direct access syllabus?

Is this different than completing the direct access syllabus?

What is involved in the practical test for a category A licence?

We understand as outlined in the consultation, the two year validity period of the initial training certificate to ride with L plates, but only when accompanied by an approved motorcycle instructor on another motorcycle in radio contact with the learner, with a maximum trainee/trainer ratio of 2:1

However more needs to be explained about what the initial training certificate is and what is required to achieve this.

While we also understand that the learner will not be allowed to ride a category A vehicle in another EU State or carry a pillion passenger on a category A vehicle until they hold a full category A licence, there should be new provisions made to allow the learner to ride on a motorway, as above when accompanied, as part of the learning process for riding on all types of road.

Regarding direct access for a rider taking the progressive access route - Who holds a full A2 licence and will thus have a provisional category A entitlement to ride on the road when they :

- have held a full category A2 licence for a minimum two years; and
- have satisfactorily completed the refresher training course.
- (This course might serve as a first module in a training course satisfying the qualifying event for a full licence within Progressive Access.)

Therefore it would appear that to move to a provisional A category, the rider will have to complete the refresher training course which is the same as saying that to retain their A2 entitlement the rider will have to complete the refresher training course.

However if the rider has progressed through the progressive access route they will hold a full A2 licence category and they would not need to take a refresher training course.

The directive states that through progressive access the rider should be 21 years and to progress to a A licence the rider is required to pass a practical test or complete training with no theory test.

It is not clear in the consultation what will be required in the practical test for riders obtaining full licenses through progressive access.

However we reiterate our position that through progress access the route from the lower category should be through a maximum of 7 hours approved training.

That direct access to a full A category motorcycle licence at age 24 years should be just that, with no access through the proposed provisional licensing scheme.

The consultation reports that in GB some 80% of applicants for a full motorcycle licence seek to ride the full range of motorcycles using the provisions of the current DAS.

Furthermore, learners in that scheme must be accompanied by a DSA authorised instructor. Trainers have advised DSA that it has become the norm for learner riders in the current DAS to take a five or six day training course (including the time spent on the CBT course).

We would therefore surmise that that in Northern Ireland the take up for direct access for 24 year and over will be high and we hope that the DOE/DVA will make provisions for this high uptake, bearing in mind it is also possible that these riders will wait until Direct Access is available rather than take the previous test.

Response to ANNEXES - Annex G - PARTIAL REGULATORY IMPACT ASSESSMENT

Options

Option 2 as regards to the motorcycle part of the directive:

- Complete implementation of the requirements of the Directive.

We agree that there should be complete implementation of the requirements of the directive.

- Our approach is, where possible, to exercise those options contained in the Directive which allow us to continue current practice. Where we cannot avoid change, we plan to accommodate our own priorities and otherwise.

We disagree with the options that the consultation has presented.

(ii) Other costs

- There would be implementation costs for DVA and it is estimated that these would amount to £930k. It is also estimated that operating costs of £260k (plus annual increase) per annum would be required thereafter.
- The Directive introduces new categories and a variety of methods for motorcycle licence upgrades. Based on GB's analysis, the cheapest route in terms of public expenditure is a "test" based system. Again, based on GB calculations, if the more expensive "training" based arrangement for upgrades was selected, it could almost double DVA's implementation costs to £1700k and almost quadruple operating costs to £960k per annum.

We disagree that the consultation has based the cost of implementation analysis on GB calculations.

A full cost benefit analysis and regular impact assessment should be carried out based on Northern Ireland calculations and how this affects the people of Northern Ireland.

We would assume that implementation and the costs for the directive will be paid from the Northern Ireland budget.

That the training based arrangement should be reviewed and consideration given to the way in which other countries in the European Union are implementing the directive, especially regarding the training route.

We would recommend that ACEM the motorcycle industry in Europe should be contacted especially in regards to the 3rd Driving Licence Directive Workshop taking place on 6th May 2010, Autoworld Museum, Brussels⁶. Participation in this workshop would be highly beneficial for those putting together the final draft for Northern Ireland.

Training professionals, policy-makers and industry representatives will attend this workshop, organised by ACEM and supported by CIECA, FIM, FEMA and Suzuki and is an opportunity for a status report on the activities carried out by other Member States.

The European Commission's DG MOVE Road Safety Unit will shed light on open points and questions raised about the directive. CIECA will present case studies and illustrate best practices, with the aim of fostering the right of free movement and enhancing road safety.

This event will also offer the opportunity for specialists to meet and exchange views, discussing the challenges encountered by Member States within the transposition process.

We understand that Finland and France are considering implementing training between categories would perhaps be beneficial for the DOE to contact their opposite numbers in the authorities there before dismissing the training between categories.

Conclusion

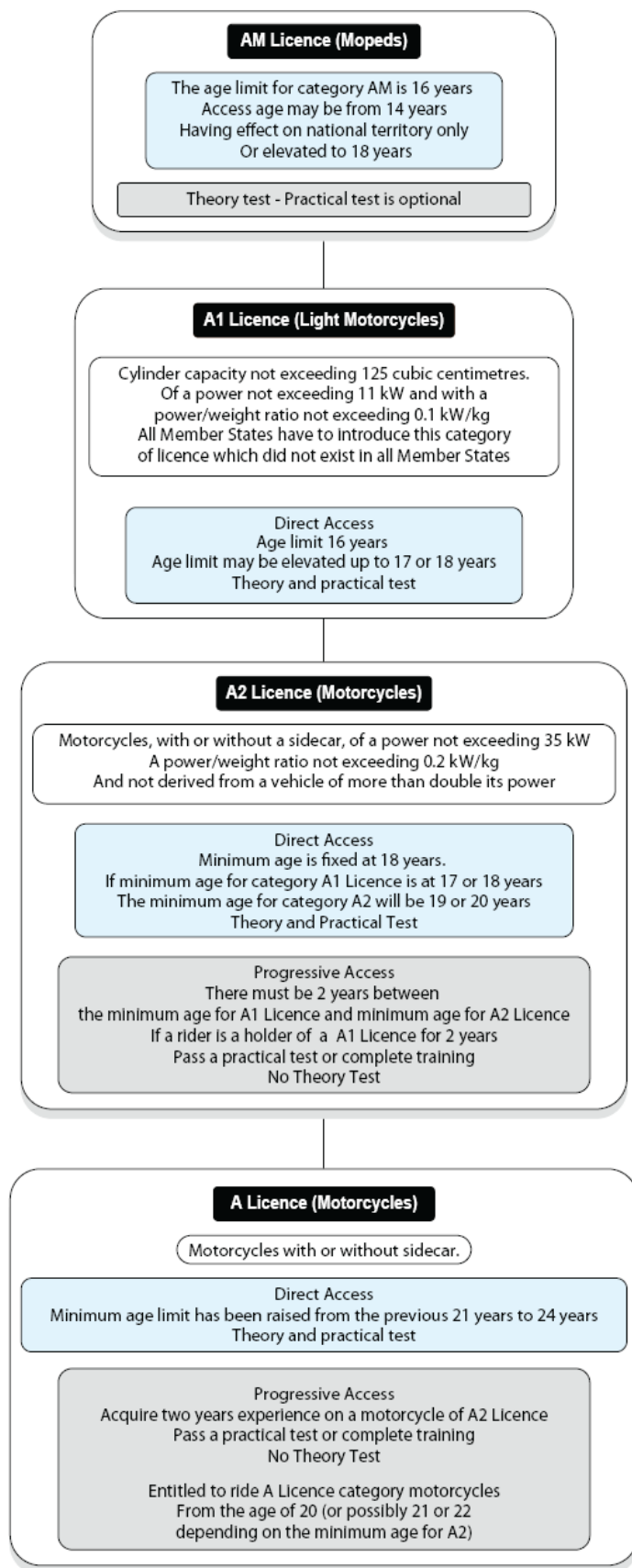
Throughout this response to the consultation we have mentioned that we have welcome some of the proposals and clarified our positions on what and why we disagree with others.

However to keep this conclusion simple, our overall view of the proposals is that the DOE consultation has moved well beyond the spirit of a process of implementing the 3rd European Driving Licence Directive, which is in itself complicated (albeit understandable) into a prescriptive and unnecessarily difficult set of proposals.

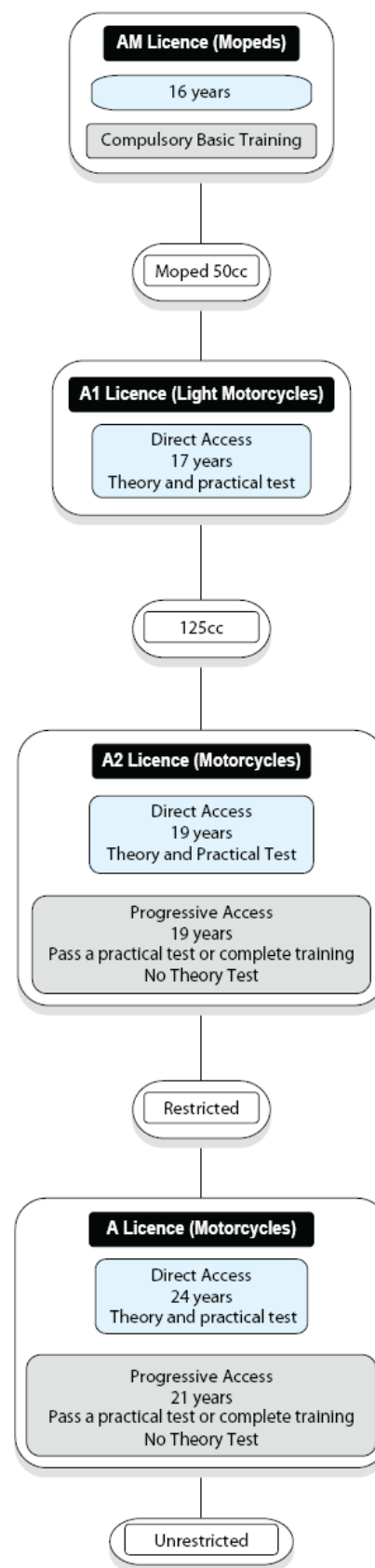
⁶ <http://www.acem.eu/NWSL/news123/cieca20100506.htm>

ANNEX 1

Motorcycle Access - 3rd European Driving Licence Directive



Motorcycle Licence Scenario for UK



ANNEX 2

Consultation Response Form

Consultation on the 3rd EC Directive on Driving Licences (Directive 2006/126/EC)

PART 1 - Information about you

Name	Trevor Baird
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Company Name or Organisation (if applicable)	Right To Ride Ltd
Please tick one box from the list below that best describes you /your company or organisation.	

<input type="checkbox"/>	Small to Medium Enterprise (up to 50 employees)
<input type="checkbox"/>	Large Company
<input type="checkbox"/>	Representative Organisation
<input type="checkbox"/>	Trade Union
<input type="checkbox"/>	Interest Group
<input type="checkbox"/>	Local Government
<input type="checkbox"/>	Central Government
<input type="checkbox"/>	Police
<input type="checkbox"/>	Member of the public
<input checked="" type="checkbox"/>	Other (please describe): Non Government Organisation (NGO) registered as a non profit company limited by guarantee (Registered Number N1073799).
If you are responding on behalf of an organisation or interest group how many	

Q1. Do you agree with our proposals for moped licensing?	Yes	
Please explain your reasons or add any additional comments you wish to make:		
Q2. Do you agree with our proposals for special provision for moped riders with a physical disability?	Yes	
Please explain your reasons or add any additional comments you wish to make:		
Q3. On grounds of cost and consistency the Department's preferred option is testing rather than training. Do you agree?		No
Please explain your reasons or add any additional comments you wish to make:		
Q4. Do you agree with our proposals for a training course within progressive access arrangements?		No
Please explain your reasons or add any additional comments you wish to make:		

Q5. Do you agree with our approach to provisional licensing for moped and motorcycle learners?	Yes	
Please explain your reasons or add any additional comments you wish to make:		
Q6. Do you agree with our proposals to make special provisions for motorcycle riders with a physical disability?	Yes	
Please explain your reasons or add any additional comments you wish to make:		
Q7. Do you agree that we should cease to issue separate category B1 licences to new drivers?		No
Please explain your reasons or add any additional comments you wish to make:		
Q8. On grounds of cost the Department's preferred option is testing rather than training. Do you agree?		No
Please explain your reasons or add any additional comments you wish to make:		