

## **REQUIREMENTS FOR TRANSPORT MANAGER'S PROFESSIONAL COMPETENCE**

**Zuzana Hvizdáková<sup>1</sup>**

### **Introduction**

Conditions relating to the requirement of professional competence make one part of requirements imposed on all road transport operators. Professional qualification of road transport operator is very important for ensuring quality of road transport services and rationalisation of the market. Because of existing of an internal market in EU it is very important to ensure same conditions for all road transport operators. Rules for purpose the occupation of road transport operators had been established by Council Directive 96/26/EC before Regulation (EC) No 1071/2009 entered into force. Many studies and experience showed that Council Directive 96/26/EC was established in various and different ways in Member States. These differences and different levels of professional qualification between certain Member States may cause distortion of competition that could lead to decreasing of quality of road transport services and threat of road safety. These and many other reasons led to the adoption of **Regulation (EC) No 1071/2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator**. By adoption of this regulation Council Directive 96/26/EC was repealed. Regulation (EC) No 1071/2009 is applied with effect from 4 December 2011 in all Member States.

One of the requirements for road transport operator is that in every undertaking of road transport has to be **transport manager** who meets the requirement of professional competence. This article is focused on **requirement of professional competence** for transport managers in EU Member States and differences between them.

### **Transport Manager**

Transport manager according to Regulation (EC) No 1071/2009 is a “natural person employed by an undertaking or, if that undertaking is a natural person, that person or, where provided for, another natural person designated by that undertaking by means of a contract, who effectively and continuously manages the transport activities of that undertaking”.

---

<sup>1</sup> Ing. Zuzana Hvizdáková, interná doktorandka, Žilinská univerzita v Žiline, Fakulta PEDAS, e-mail: zuzana.hvizdakova@fpedas.uniza.sk

Transport manager has to be employed by road transport undertaking or be linked to the undertaking by other way and he also has to effectively and continuously manage the transport activities of the road transport undertaking. Person who is designated by undertaking as transport manager and who is entitled under contract to carry out duties as transport manager may manage the transport activities of up to 4 different undertakings carried out with a combined maximum total fleet of 50 vehicles.

Every transport manager shall:

- be of good repute
- have the requisite **professional competence**
- manage undertaking`s transport activities
- be linked to the road transport undertaking (like being an employee, director, owner etc.)
- be resident in the Community

One of conditions that must be met by transport manager is requirement of professional competence. Regulation (EC) No 1071/2009 sets conditions associated with professional competence.

Professional competence and knowledge must be proven by mandatory written exam related to the road transport that includes questions from these subjects:

- Civil law
- Commercial law
- Social law
- Fiscal law
- Business and financial management of the undertaking
- Access to the market
- Technical standards and technical aspects of operation
- Road safety

### **Exam Organisation**

Exam is organised by competent authorities of Member States in written form from subjects listed above. Written exam contains two mandatory parts:

- a) Questions that can be in the form of
  - a. multiple choice questions with four possible answers,
  - b. questions requiring direct answers
  - c. combination of options listed under a. and b.
- b) Exercises or case studies

Duration of each part of written exam can't be less than 2 hours. For successful pass of exam is necessary to obtain at least 60 % of the total number of marks for both part of exam. In every part of exam applicants must obtain at least 50 % of the total number of marks that can be obtained.

Member States must provide the marks weight of each test. This weight of marks must be a minimum of 40 % and a maximum of 60 % of the total number of marks to be given.

Mandatory written exam can be supplement by an optional oral exam. This depends on certain Member State. If the oral exam is organised, Member State must provide the weight of marks for each of 3 tests at minimum of 25 % and a maximum of 40 % of the total number of marks to be given. Member States can stipulate that the participation in oral exam is subject to the successful completion of the written examination.

Except the possibility of oral exam organisation there are also more conditions in regulation that are voluntary. These conditions must be observed if they are implemented by Member State.

### **Voluntary Conditions**

Voluntary conditions that are listed in the Regulation (EC) No 1071/2009 become mandatory if these are accepted by Member State. Voluntary conditions in accordance with professional competence of transport manager are:

- Organisation of oral exam as supplement to written exam
- Organisation of training for applicators prior to the exam
- Promotion of periodic training at 10-year intervals

- Retraining in order to update knowledge of persons who possess a certificate of professional competence, but who have not managed road undertaking in the last 5 years regarding the current developments of the legislation
- Exemption from exam for holders of certain higher education qualifications or technical education qualifications issued in that Member State
- Exempt from the examinations persons who provide proof that they have continuously managed a road undertaking in one or more Member States for the period of 10 years before 4 December 2009.

Because of these voluntary conditions it can be found some differences between certain Member States. These differences can be found in the form of exam, in its duration or in the system of training before exam. Observed differences based on the communication with competent organs are listed in the table below.

Table Differences in the conditions relating to the requirement of professional competence in certain Member States

State			Slovakia	Hungary	Sweden	Ireland	Czech Republic	Austria
Mandatory oral exam			yes	yes	no	no	no	According to Federal Ministry for Transport, Innovation and Technology in Austria provision on conditions for Austrian Transport Managers have not come into force yet.
Duration of exam	Written exam	Multiple choice questions	> 2 hours	-	2,25 hours	Exam contains from 2 parts (morning and afternoon) and each lasting 2,5 hours	> 2 hours	
		Questions requiring direct answers	-	-	-		-	
		Combination	-	-	-		-	
		Exercises or case studies	> 2 hours	-	2 hours		> 2 hours	
	Oral exam		< 1 hour	-	no	no	no	
Training for applicators prior to the exam			no	yes	-	no	no	
Exemption from exam - education qualifications			yes	yes	yes	yes <sup>2</sup>	yes	
Exemption from exam - continuously managed a road undertaking for the period of 10 years before 4 December 2009			yes	yes <sup>3</sup>	-	no	no	

Source: Author

<sup>2</sup> Only for persons who passed the exam in Institute of Road Transport Engineers.

<sup>3</sup> Only for persons who provide proof that they have continuously managed a road undertaking, but only in Hungary

According to the table above it can be maintained that differences between analysed states are not so huge. Professional competence is proven in the same way with slight variations especially in the case of exemption from exam. There are also some other differences related for example to the system of exam repeating or to the option of exam dividing but overall there are same rules related to the professional competence in EU.

Requirements for transport manager's professional competence in Slovakia are according to table above not so strict like in Hungary considering training for applicators prior the exam and not so strict like in Sweden considering given the duration of written exam. But condition related to the mandatory oral exam is stricter in Slovakia and also in Hungary.

### **Conclusion**

One of the main goals of implemented regulation establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator was the completion of an internal market in road transport though same rules and uniform application of these rules on admission to the occupation of road operator. Every road undertaking must have transport manager. One of the rules that must be by transport manager satisfied is requirement of professional competence. This article shows differences that can occur between these requirements in certain Member States. Based on the findings it can be argued that implementation of Regulation (EC) No 1071/2009 ensured more common rules.

### **References:**

- [1] Regulation (EC) no 1071/2009 of the European Parliament and of the council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing council directive 96/26/EC
- [2] Zákon č. 56/2012 Z.z. o cestnej doprave. [online]. Available on the Internet: [http://jaspi.justice.gov.sk/jaspiw1/htm\\_zak/jaspiw\\_mini\\_zak\\_zobraz\\_clanok1.asp?kotva=k1&skupina=1](http://jaspi.justice.gov.sk/jaspiw1/htm_zak/jaspiw_mini_zak_zobraz_clanok1.asp?kotva=k1&skupina=1)
- [3] Vyhláška Ministerstva dopravy, výstavby a regionálneho rozvoja Slovenskej republiky č. 124/2012 Z.z. ktorou sa vykonáva zákon č. 56/2012 Z.z. o cestnej doprave. [online]. Available on the Internet: [http://jaspi.justice.gov.sk/jaspiw1/htm\\_zak/jaspiw\\_mini\\_zak\\_zobraz\\_clanok1.asp?kotva=k1&skupina=1](http://jaspi.justice.gov.sk/jaspiw1/htm_zak/jaspiw_mini_zak_zobraz_clanok1.asp?kotva=k1&skupina=1)

- [4] Certificate of Professional Competence in Road Transport Operations Management. [online]. Available on the Internet: < <http://www.cilt.ie/examinations/cpc-in-road-transport-operations-management.html?start=3>>
- [5] Krav för att få trafik tillstånd. [online]. Available on the Internet: <http://www.transportstyrelsen.se/sv/Vag/Yrkestrafik/Trafik tillstand/Krav-for-att-fa-trafik tillstand/>
- [6] 261/2011. (XII. 7.) Korm. rendelet. [online]. Available on the Internet: [http://net.jogtar.hu/jr/gen/hjegy\\_doc.cgi?docid=A1100261.KOR](http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1100261.KOR)
- [7] A Guide to Road Haulage Operator Licensing. Road Transport Operator Licensing Unit. Department of Transport, Tourism and Sport. April 2012
- [8] Zákon č. 111/1994 Sb. o silniční dopravě
- [9] Vyhláška Ministerstva dopravy a spojů č. 478/2000 Sb., Available on the Internet: <http://www.asociaceautoskol.cz/admin/files/File/Zakony/2000-478-vyhlaska,-kterou-se-provadi-zakon-o-silnicni-doprave.pdf>
- [10] Transport Manager in Austria, GZ. BMVIT-167.530/0031-IV/ST5/2012  
DVR:0000175; Vienna, 08.10.2012

**Referee:**

prof. Ing. Jozef Gnap, PhD., University of Žilina

**Enter to publishing:** 30<sup>th</sup> October 2012