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Forum International des Transports
International Transport Forum

28-Feb-2017

English - Or. English

**INTERNATIONAL TRANSPORT FORUM
TRANSPORT MANAGEMENT BOARD**

**ITF/TMB/TR(2016)3/ADD18/FINAL
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Group on Road Transport

Report by DENMARK on Implementation of QUALITY CHARTER

The application of Denmark was approved by the Group on Road Transport under Agenda Item 4 of the meeting held on 4 - 5 October 2016 in Kiev (Ukraine).

JT03409563

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English - Or. English



International Transport Forum
Group on Road Transport
OECD/ITF, 2 rue André Pascal
F-75775 Paris Cedex 16

Edvard Thomsens Vej 14
2300 København S
Phone
Fax 7262 6790

www.trafikstyrelsen.dk

Date 23 August 2016
Our Ref.: TS 2010100-00003

**Application for recognition of Quality Charter compliance
– statement**

We declare herewith that Denmark is compliant with the requirements of the Quality Charter for international road Haulage operations undertaken under the ECMT Multilateral Quota.

Compliance with the charter is usually achieved through European Regulations and the implementation of appropriate European Union Directives. The key international legal instruments are Regulation 1071/2009, Regulation 1072/2009, Regulation 561/2006, Regulation 3821/85, Directive 2002/1/EC and Directive 2006/22/EC.

The check list submitted with this statement of compliance details the laws and/or administrative processes adhered to ensure that the provisions of the charter in the country are met by DK holders of ECMT licences. ECMT permits are only issued to an operator with a standard international operator's licence.

Yours sincerely,

Carsten Falk Hansen
Director General

**REPORT ON IMPLEMENTATION OF QUALITY CHARTER
FOR INTERNATIONAL ROAD HAULAGE OPERATIONS UNDER THE
ECMT MULTILATERAL QUOTA**

COUNTRY: DENMARK

NATIONAL AUTHORITY: DANISH TRANSPORT AND CONSTRUCTION AGENCY

DATE OF SUBMISSION: 23 AUGUST 2016

Translation of titles of Danish Acts and Ministerial Orders referenced in the Application

Bekendtgørelse nr. 1051 af 12. november 2012 af lov om godskørsel:
Consolidated act on transport of goods, no. 1051 of 12th November, 2012

Bekendtgørelse nr. 1373 af 3. december 2015 om godskørsel:
Ministerial order no. 1373 of 3rd December, 2015 about transport of goods

Bekendtgørelse nr. 877 af 8. juli 2015 om kvalifikationskrav til visse førere af køretøjer i vejtransport:
Ministerial order no. 877 of 8th July, 2015 about qualification and training requirements for certain drivers of vehicles in the area of road transport

Bekendtgørelse nr. 328 af 28. marts 2007 om køre-hvile-tidsbestemmelserne i vejtransport:
Ministerial order no. 328 of 28th March, 2007 on driving and resting conditions in road transport

Bekendtgørelse nr. 1244 af 10. november 2015 om Trafik- og Byggestyrelsens opgaver og beføjelser, klageadgang og kundgørelse af visse af Trafik- og Byggestyrelsens forskrifter:
Ministerial order no. 1244 of 10th November, 2015 on the Danish Transport and Construction Authority's tasks and powers.

SECTION 1. PROVISIONS REGARDING TRANSPORT UNDERTAKINGS
(Chapter II of the Charter)

A) Conditions of establishment (Chapter II, 2)

Implemented

Article 2.2.a)	<p>X Fully</p> <p>Regulation no 1071/2009 of the European Parliament and of the Council of 21. October 2009, article 5 (a)</p> <p><input type="checkbox"/> Useful Links: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:300:0051:0071:EN:PDF</p>
Article 2.2.b)	<p>X Fully</p> <p>Regulation no 1071/2009 of the European Parliament and of the Council of 21. October 2009, article 5</p> <p><input type="checkbox"/> Useful Links: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:300:0051:0071:EN:PDF</p>
Article 2.2.c)	<p>X Fully</p> <p>Regulation no 1071/2009 of the European Parliament and of the Council of 21. October 2009, article 5</p> <p><input type="checkbox"/> Useful Links: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:300:0051:0071:EN:PDF</p>

Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above:

Provision of the Charter: [Chapter, article]	Corresponding National Provision: Not applicable
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Any other comments:	
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B) Good Repute (Chapter II, 3)**Implemented**

Article 3.1.	<p>X Fully</p> <p>Regulation no 1071/2009 of the European Parliament and of the Council of 21 October 2009, article 6, and godskørselsloven (bekendtgørelse nr. 1051 af 12. november 2012 af lov om godskørsel), § 3, stk. 1, nr. 3, and § 4, nr. 4 and 5.</p> <p><input type="checkbox"/> Useful Links: https://www.retsinformation.dk/Forms/R0710.aspx?id=143489</p>
<p>Article 3.2., incl:</p> <p>- points a) to e);</p> <p>- list of most serious infringements: point d), items i - vii;</p>	<p>X Fully</p> <ul style="list-style-type: none"> - Regulation no 1071/2009 of the European Parliament and of the Council of 21 October 2009, article 6 (2) (a). Godskørselsloven (bekendtgørelse nr. 1051 af 12. november 2012 af lov om godskørsel), § 12. - Regulation no 1071/2009 of the European Parliament and of the Council of 21 October 2009, article 6 (2) (a). Godskørselsloven (bekendtgørelse nr. 1051 af 12. november 2012 af lov om godskørsel), § 12. <p><input type="checkbox"/> Useful Links: https://www.retsinformation.dk/forms/R0710.aspx?id=143489</p>
Article 3.3.	<p>X Fully</p> <p>Regulation no 1071/2009 of the European Parliament and of the Council of 21 October 2009, article 4 (1).</p> <p><input type="checkbox"/> Useful Links: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:300:0051:0071:EN:PDF</p>

Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above:

Provision of the Charter: [Chapter, article]	Corresponding National Provision: Not applicable
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Any other comments:	
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C) Professional competence (Chapter II, 4)**Implemented**

<p>Article 4.2, incl.:</p> <p>- List of knowledge (4.2.a); b); cf.annex1)</p> <p>- Examination required: oral; written; exempted (cf. 4.2.c))</p>	<p>X Fully</p> <p>Regulation no 1071/2009 of the European Parliament and of the Council of 21 October 2009, article 8 and Annex I. Bekendtgørelse om godskørsel (bekendtgørelse nr. 1373 af 3. december 2015, bilag 1).</p> <p>Bekendtgørelse om godskørsel (bekendtgørelse nr. 1373 af 3. december 2015, § 9. (- Written).</p> <p><input type="checkbox"/> Useful Links: https://www.retsinformation.dk/Forms/R0710.aspx?id=175467</p>
<p>Article 4.3., incl.:</p> <p>- Examinations procedure (4.3.a); cf. annex 2)</p> <p>- approval of examination bodies (4.3.b))</p> <p>- pre-training (4.3.c))</p>	<p>X Fully</p> <p>- Bekendtgørelse om godskørsel (bekendtgørelse nr. 1373 af 3. december 2015, § 19.</p> <p>- Bekendtgørelse om godskørsel (bekendtgørelse nr. 1373 af 3. december 2015, § 19.</p> <p>- Bekendtgørelse om godskørsel (bekendtgørelse nr. 1373 af 3. december 2015, § 19.</p> <p><input type="checkbox"/> Useful Links: https://www.retsinformation.dk/Forms/R0710.aspx?id=175467</p>
<p>Article 4.4. CPC, incl.:</p> <p>- National certificate (4.4.a); cf. Annex 3)</p>	<p>X Fully</p> <p>Implemented by: Regulation no 1071/2009 of the European Parliament and of the Council of 21 October 2009, article 8 (8) and Annex III.</p> <p><i>Name of National Authority or duly approved body:</i> Danish Transport and Construction Agency (National certificate is enclosed).</p> <p><input type="checkbox"/> Useful Links: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:300:0051:0071:EN:PDF</p>

Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above:

Provision of the Charter:	Corresponding National Provision: Not applicable
Any other comments:	

D) Financial standing (Chapter II, 5)**Implemented**

<p>Article 5.2., including Capital required for:</p> <p>- first vehicle</p> <p>- each additional vehicle</p>	<p>X Fully</p> <p>Bekendtgørelse om godskørsel (bekendtgørelse nr. 1373 af 3. december 2015, § 8, stk. 1.</p> <p>- DKK for the first two vehicles: 150 000. [EUR Equivalent 19 758]</p> <p>- DKK 40 000 [EUR Equivalent 5 269]</p> <p><input type="checkbox"/> Useful Links: https://www.retsinformation.dk/forms/R0710.aspx?id=175467</p>
<p>Article 5.3 & 5.4</p>	<p>X Fully</p> <p>Bekendtgørelse om godskørsel (bekendtgørelse nr. 1373 af 3. december 2015, § 8, stk. 2 og 3.</p> <p>- guarantee by bank or insurance company is also accepted.</p> <p><input type="checkbox"/> Useful Links: https://www.retsinformation.dk/forms/R0710.aspx?id=175467</p>
<p>Article 5.5.</p>	<p>X Fully</p> <p>Bekendtgørelse om godskørsel (bekendtgørelse nr. 1373 af 3. december 2015, § 8, stk. 1-3.</p> <p><input type="checkbox"/> Useful Links: https://www.retsinformation.dk/forms/R0710.aspx?id=175467</p>

Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above:

<p>Provision of the Charter: [Chapter, article]</p>	<p>Corresponding National Provision: Not applicable</p>
<p>Any other comments:</p>	

SECTION 2. PROVISIONS REGARDING THE DRIVERS
(Chapter III of the Charter)

A) Driving times and rest periods(Chapter III, 1):

All 43 Member Countries participating in the ECMT Multilateral Quota are parties to the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) dated 1 July 1970. In the course of any international road haulage operation carried out under an ECMT licence, the undertaking and members of the crew must comply with the provisions laid down by the AETR with regard to the duration of driving and rest times and crew composition [*It is understood that compliance with these provisions are monitored through National procedures, established for the purpose of implementing the AETR or equivalent regulations*].

Any Comments: *No.*

B) Driver training (Chapter III, 2)

Implemented

Article 2.1:	<p>X Fully</p> <p>Bekendtgørelse nr. 877 af 8. juli 2015 om kvalifikationskrav til visse førere af køretøjer i vejtransport.</p> <p><input type="checkbox"/> Useful Links: https://www.retsinformation.dk/Forms/R0710.aspx?id=173306</p>
<p>Article 2.2.a) - Initial qualification , incl:</p> <p>List of knowledge (cf.annex4)</p> <p>- Course + test, or, a test only</p> <p>- exemptions</p>	<p>X Fully</p> <p>Bekendtgørelse nr. 877 af 8. juli 2015 om kvalifikationskrav til visse førere af køretøjer i vejtransport, §§ 14-19.</p> <p>Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (Annex I) and Bekendtgørelse nr. 877 af 8. juli 2015 om kvalifikationskrav til visse førere af køretøjer i vejtransport, bilag 1.</p> <p>- Course + test</p> <p>- Bekendtgørelse nr. 877 af 8. juli 2015 om kvalifikationskrav til visse førere af køretøjer i vejtransport § 4.</p> <p><input type="checkbox"/> Useful Links: https://www.retsinformation.dk/forms/R0710.aspx?id=173306</p>

<p>Article 2.2.b) - Periodic training, incl:</p> <p>- List of knowledge (cf.annex4)</p> <p>- Number of hours (35)</p> <p>- Periodicity (every 5 years)</p> <p>- first periodic training to be completed by</p>	<p>X Fully</p> <p>Bekendtgørelse nr. 877 af 8. juli 2015 om kvalifikationskrav til visse førere af køretøjer i vejtransport, § 20.</p> <p>- Bekendtgørelse nr. 877 af 8. juli 2015 om kvalifikationskrav til visse førere af køretøjer i vejtransport, § 21.</p> <p>- 37 hours</p> <p>- Every 5 years.</p> <p>- 31st December 2014</p> <p><input type="checkbox"/> Useful Links: https://www.retsinformation.dk/forms/R0710.aspx?id=173306</p>
<p>Articles 2.3; 2.4 - approval of training centres</p>	<p>X Fully</p> <p>Bekendtgørelse nr. 877 af 8. juli 2015 om kvalifikationskrav til visse førere af køretøjer i vejtransport, § 40 og 41.</p> <p><input type="checkbox"/> Useful Links: https://www.retsinformation.dk/forms/R0710.aspx?id=173306</p>
<p>Article 2.6 - CPC proof, incl.:</p> <p>- Driver Qualification card (cf. annex 5)</p>	<p>X Fully</p> <p>Bekendtgørelse nr. 877 af 8. juli 2015 om kvalifikationskrav til visse førere af køretøjer i vejtransport, § 27.</p> <p>- <i>Name of National Authority</i>: Danish Transport and Constructions Agency (model attached)</p> <p><input type="checkbox"/> Useful Links: https://www.retsinformation.dk/forms/R0710.aspx?id=173306</p>

Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above:

Provision of the Charter:	- Not applicable
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C) Conditions of employment (Chapter III, 3)

Implemented

Article 3.1	<p>X Fully</p> <p>Bekendtgørelse nr. 1051 af 12. november 2012 af lov om godskørsel, § 6a, stk. 1.</p> <p><input type="checkbox"/> Useful Links: https://www.retsinformation.dk/forms/R0710.aspx?id=143489</p>
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Any other comments:	-
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SECTION 3. PROVISIONS REGARDING CHECKS AND PENALTIES
(Chapter IV of the Charter)

A) Competent authorities and mutual assistance (Chapter IV, 1)

Implemented

<p>1.2.1: re. provisions on undertakings, incl.:</p> <p>- authorisations</p> <p>- training/examinations</p> <p>- CPC</p>	<p>X Fully</p> <p>Bekendtgørelse om Trafik- og Byggestyrelsens opgaver og beføjelser, klageadgang og kundgørelse af visse af Trafik- og Byggestyrelsens forskrifter, nr. 1244 af 10. november 2015, § 13.</p> <p>- Danish Transport and Construction Agency</p> <p>- Danish Transport and Construction Agency</p> <p>- Danish Transport and Construction Agency</p> <p><input type="checkbox"/> Useful Links: https://www.retsinformation.dk/Forms/R0710.aspx?id=174991</p>
<p>1.2.2: re. provisions on drivers, incl.:</p> <p>-training/examinations</p> <p>- CPC</p>	<p>X Fully</p> <p>Bekendtgørelse nr. 877 af 8. juli 2015 om kvalifikationskrav til visse førere af køretøjer i vejtransport, § 27 og 41.</p> <p>- Danish Transport and Construction Agency</p> <p>- Danish Transport and Construction Agency</p> <p><input type="checkbox"/> Useful Links: https://www.retsinformation.dk/forms/R0710.aspx?id=173306</p>
<p>Articles 1.2.3- 1.2.4.</p>	<p>X Fully</p> <p>Procedure: The Danish Transport and Construction Agency will lend mutual assistance if necessary. Furthermore, The Danish Transport and Construction Agency will inform the country of establishment of detected infringements.</p> <p><input type="checkbox"/> Useful Links: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:300:0051:0071:EN:PDF</p>
<p>Article 1.2.5</p>	<p>X Fully</p> <p>Godskørselsloven (bekendtgørelse nr. 1051 af 12. november 2012 af lov om godskørsel), § 12, stk. 6.</p> <p>Procedure: The Danish Transport and Construction Agency will withdraw ECMT licences in case of serious or repeated infringements of the provisions of the Quality Charter.</p> <p><input type="checkbox"/> Useful Links: https://www.retsinformation.dk/forms/R0710.aspx?id=143489</p>

Article 1.3.	<p>X Fully</p> <p>The Danish Transport and Construction Agency has established an electronic list of road haulage undertakings holding ECMT licenses and will meet the requirements mentioned in article 1.3.</p> <p><input type="checkbox"/> Useful Links: http://ftv.trafikstyrelsen.dk/Vognsys/doSearch.jsp</p>
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Any other comments in relation to one or more provisions listed above:

Provision of the Charter:	[comment] -
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B) Checks (Chapter IV, 2)

Implemented

<p>Article 2.1. - checks re. Drivers , incl:</p> <p>- 2.1.1. Driving times and rest periods (cf. also. Annex 6)</p>	<p>X Fully</p> <p>Regulation (Ec) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85.</p> <p>- The Danish Police.</p> <p>- <i>Frequency and scope of checks, incl. roadside; at the premises:</i> From the 1st January 2010: at least 330,000 working days per year, cf. Directive 2006/22, art. 2.</p> <p><input type="checkbox"/> Useful Links: http://eur-lex.europa.eu/resource.html?uri=cellar:5cf5ebde-d494-40eb-86a7-2131294ccb9.0005.02/DOC_1&format=PDF, http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32006L0022&from=EN</p>
<p>Article 2.2. - Checks re. Undertakings, incl:</p>	<p>X Fully</p> <p><i>Competent National Authority</i> : The Danish Transport and Construction Agency</p> <p>- Frequency of checks: from 1st January 2010: at least 165,000 working days per year.</p> <p><input type="checkbox"/> Useful Links: <i>Not applicable</i></p>

Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above:

Provision of the Charter:	<i>Not applicable</i>
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C) Classification of Infringements (Chapter IV, 3)**Implemented**

Article 3.1. re. driving times and rest periods (cf. also. Annex 7)	<p>X Fully</p> <p>Denmark complies with this provision through 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, as complemented by Commission Regulation (EU) 2016/403 of 18 March 2016 supplementing Regulation (EC) No 1071/2009 with regard to the classification of serious infringements of the Union rules, which may lead to the loss of good repute by the road transport operator, and amending Annex III to Directive 2006/22/EC of the European Parliament and of the Council.</p> <p><input type="checkbox"/> Useful Links:</p> <p>http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0403&from=EN</p> <p>http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:300:0051:0071:EN:PDF</p>
Article 3.2. re. undertakings, incl:	<p>X Fully</p> <ul style="list-style-type: none"> – Regulation no 1071/2009 of the European Parliament and of the Council of 21 October 2009, article 6 (2) (a). Godskørselsloven (bekendtgørelse nr. 1051 af 12. november 2012 af lov om godskørsel), § 12. – Regulation no 1071/2009 of the European Parliament and of the Council of 21 October 2009, article 6 (2) (a). Godskørselsloven (bekendtgørelse nr. 1051 af 12. november 2012 af lov om godskørsel), § 12. <p><input type="checkbox"/> Useful Links:</p> <p>https://www.retsinformation.dk/forms/R0710.aspx?id=143489</p>

Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above:

Provision of the Charter: [Chapter, article]	Corresponding National Provision: Not applicable
Any other comments:	

D) Penalties (Chapter IV, 4)**Implemented**



Article 4.1.	<p>X Fully</p> <ul style="list-style-type: none"> - Godskørselsloven (bekendtgørelse nr. 1051 af 12. november 2012 af lov om godskørsel), § 17. <p><input type="checkbox"/> Useful Links: https://www.retsinformation.dk/forms/R0710.aspx?id=143489</p>
<p>Article 4.2. on drivers incl, infringements re:</p> <ul style="list-style-type: none"> - 4.2.1. AETR rules 4.2.2. driver training 	<p>X Fully</p> <p><i>Corresponding National Provisions:</i> Infringement rules are inscribed in §§ 10-14 i bekendtgørelse nr. 328 af 28. marts 2007 om køre-hvile-tidsbestemmelserne i vejtransport med senere ændringer.</p> <p>-Bekendtgørelse nr. 877 af 8. juli 2015 om kvalifikationskrav til visse førere af køretøjer i vejtransport, §§ 51-53.</p> <p><input type="checkbox"/> Useful Links: https://www.retsinformation.dk/Forms/R0710.aspx?id=2606 https://www.retsinformation.dk/forms/R0710.aspx?id=173306</p>
<p>Article 4.3. on under-takings:</p> <ul style="list-style-type: none"> - 4.3.1. - 4.3 2. 	<p>X Fully</p> <p>Corresponding National Provisions :</p> <ul style="list-style-type: none"> - Godskørselsloven (bekendtgørelse nr. 1051 af 12. november 2012 af lov om godskørsel), § 12. - Regulation no 1071/2009 of the European Parliament and of the Council of 21 October 2009, article 13. <p><input type="checkbox"/> Useful Links: https://www.retsinformation.dk/forms/R0710.aspx?id=143489 http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:300:0051:0071:EN:PDF</p>

Any other comments in relation to one or more provisions listed above:

Provision of the Charter: [article]	[comment] -
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ANNEX 1. Model of the National Certificate of Professional Competence

DET EUROPÆISKE FÆLLESSKAB

DK  

ATTEST

For faglige kvalifikationer godskørsel

Nr. 3799387



attesterer hermed, at⁽¹⁾ _____

født den 13-05-1975 i Herning

har bestået de prøver (år 2016 termin: 12. februar)⁽⁴⁾ der kræves for at opnå en attest for faglige kvalifikationer inden for godskørsel i henhold til Europa-Parlamentets og Rådets forordning (EF) nr. 1071/2009 af 21. oktober 2009 om fælles regler om betingelser for udøvelse af vejtransporterhvervet⁽⁵⁾.

Dette bevis udgør tilstrækkelig godtgørelse af faglige kvalifikationer, jf. artikel 21 i forordning (EF) nr. 1071/2009.

Udstedt i **København**, den **27-05-2016**

 
Carsten Falk Hansen

(1) Medlemsstaternes nationalitetsbetegnelser: (B) Belgien, (BG) Bulgarien, (CZ) Den Tjekkiske Republik, (DK) Danmark, (D) Tyskland, (EST) Estland, (FI) Finland, (FR) Frankrig, (GR) Grækenland, (E) Spanien, (P) Portugal, (I) Italien, (CY) Cypern, (LV) Letland, (LI) Litauen, (L) Luxembourg, (H) Ungarn, (MT) Malta, (NL) Nederlandene, (A) Østrig, (PL) Polen, (PT) Portugal, (RO) Rumænien, (SI) Slovenien, (SK) Slovakiet, (FIN) Finland, (S) Sverige, (UK) Det Forenede Kongerige.
(2) Den myndighed eller det organ, som hver af Det Europæiske Fællesskabs medlemsstater på forhånd har udpeget til at udstede denne attest.
(3) Efternavn og fornavn, fødested og fødselsdato.
(4) Identifikation af prøven.
(5) EUT L 300 af 14.11.2009, s. 51.
(6) Stempel og underskrift for det autoriserede organ, der udsteder beviset.

ANNEX 2. Model of the Driver Qualification Card

