



**Position** on the European Commission's proposal for a

**Directive of the European Parliament and of the Council  
on the certification of train crews operating locomotives and trains  
on the Community's rail network**

COM(2004) 142 final 2004/0048 (COD)

The European Commission finds this proposed directive:

- As a direct consequence of the adoption of the second railway package: common rules should be adopted on certification of train drivers to facilitate their interoperability and improve safety management. This should eventually make it easier to certify railway undertakings while maintaining a high level of safety and guaranteeing conditions for free movement of workers in the railway sector.
- The examination of the proposals of the second railway package which has highlighted the importance of this aspect of interoperability for establishing an integrated railway market. Accordingly, when political agreement was reached on the Package in the Council on 28 March 2003, the Commission gave a commitment to present to the European Parliament and the Council, by the end of 2003, a proposal on introducing a European train driver's licence. The need for such a proposal was emphasised at the second reading in the European Parliament which agreed to withdraw several amendments on condition that the Commission make an even stronger commitment to submit such a proposal as soon as possible.
- On contributions originating from the Social Dialogue:
  - in 1996, the study group on interoperability of the Joint Committee on Railways sent a report to the European Commission on the social aspects of European railway policy. The social partners involved in drawing up this report were already able to stress the importance of the social dimension of interoperability as well as the technical dimension for boosting trade using the railways. In their conclusions, the partners pointed out that such convergence of interests highlights the need to harmonise these professional skills in order to establish a quality assurance process at Community level.
  - recently, the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) reached agreement on general social conditions significant for the European railway market is designed to establish a transitional European licence system, anticipating the implementation of the present proposal for a directive. The said agreement reaffirms the general objectives underlying the introduction of a European train driver's licence:
    - to enhance the interoperability of train crews so as to stimulate international railway transport;
    - to maintain and raise the safety level and thus guarantee the quality of services provided by train drivers while ensuring and verifying the level of skills adapted to the European networks used;
    - to contribute to the efficiency of methods for managing interoperable train drivers for railway undertakings;



- to reduce the risk of social dumping.
- On a Commission's study on training and staff requirements for railway staff in cross-border operations. The conclusions of the study (November 2002) highlighted the wide diversity of national legislation on certification conditions for train drivers, administrative complications resulting from this for the granting of various safety certificates to railway undertakings wishing to operate on the networks of the Member States, and associated operational difficulties in organising cross-border services.
- On the situation in other modes of transport.

EIM believes that this directive will contribute to increase the market share of rail by:

- providing gradually a more open, transparent and flexible pool of trained drivers;
- ensuring equal access to the network by new entrants.

We support the need for licensing and endorse much of the process. We appreciate particularly mutual recognition of certificates, as this provides easier access to the cross-border operations and this initiative to harmonise the standard of train driver training and competency management.

Nevertheless the proposal raises concerns about complexity of legislation and costs for setting up the new certification system. As always when safety is involved there is a tendency that requirements are leveled up and costs thus increased without a proper analysis to motivate the strengthened standards. To clarify some issues and to make an effort to concentrate legislation on the most important aspects EIM will propose some amendments to the European Parliament.

In particular it seems necessary to more clearly define the categories of drivers that are to be included (e.g. "work train" in Article 4 bullet 2a and others). Often tasks are not defined in relation to the vehicle used, but rather in relation to the safety critical tasks of the driver and the movement category; e.g. a "work train" is the same as any other train when it is moved on the line, but something different when it is used for works on a closed part of the line. The competences required are different. Moreover shall the scope be extended to contractors who employ drivers and to infrastructure managers who have maintenance in house? We do not think so.

Since the purpose of the directive is to provide mutual acceptance of licences in the EU it would simplify legislation to exclude all those drivers that in practice never will cross the national border. This is also in line with the intention of the Commission that proposes a staged approach to the application of the directive. But it is possible to bring this one step further by simply excluding all other driver categories than drivers of trains from the scope of the directive. For drivers of trains the staged approach could be used to ensure application of the directive on drivers in cross-border operations during the first phase and during a second phase on other drivers. Such a gradual application would also allow for an evaluation of the impact of the directive before entering into the second stage. If necessary, other categories of drivers could be brought into the scope of the directive later on by proposals of the Commission.

This simplification would also allow excluding almost all references to infrastructure managers from the text. The definition of "railway undertaking" (Article 2 f) applies to infrastructure managers whenever they carry out transport by trains under their own responsibility ("...the activity of which is to provide transport of goods and/or passengers by rail..."). The exclusion



would consequently therefore only apply to “work trains”, i.e. operations of maintenance or construction activities under possession. The competencies required by staff carrying out these activities are anyhow not related to the competences required by train drivers.

We also think that the inclusion of other staff categories than drivers does not merit being included at this moment and that the Commission should rather come with a new proposal later on where the tasks and requirements should be tighter specified.

We share the general idea to divide the certification into two parts, the license and the harmonised certificate; we don't think that the proposal has succeeded to make this division in a convincing way. Further work is needed to align the Annexes with the general idea of division.

More could be done in the directive to encourage mobility of train drivers. Data on a particular driver's previous harmonised certificate should be available to a new employer to make him able to give his driver an appropriate training.

We have concerns as to the robustness of this work in particular in the area of examiners. Data, in the UK at least, show the costs to have been grossly underestimated. We would wish to see a new cost benefit analysis carried out, to establish the full potential costs. A gradual application of the directive would allow such an analysis before the scope is extended to all train drivers.

Furthermore we have some detailed comments/amendments on the annexes which we have found do not fully reflect the training requirements and the tasks of the drivers.