

Railway transport: certification of train crews and drivers. 3rd package

2004/0048(COD) - 23/10/2007 - Final act

PURPOSE: to follow up the reform of the rail sector by establishing a certification system for train drivers operating locomotives and trains on the railway system in the Community (third rail package).

LEGISLATIVE ACT: Directive 2007/59/EC of the European Parliament and of the Council on the certification of train drivers operating locomotives and trains on the railway system in the Community.

CONTENT: the Council adopted three legislative proposals composing the third rail package, namely:

- this Directive on the certification of onboard personnel ensuring the operation of locomotives and trains;
- a Directive on the development of the Community's railways ([COD/2004/0047](#));
- a Regulation on rail passengers' rights and obligations ([COD/2004/0049](#)).

The three legal acts were adopted pursuant to the joint draft texts agreed by the Council and the European Parliament through an exchange of letters on 20 and 21 June 2007, in the framework of the conciliation procedure.

This Directive lays down the conditions and procedures for the certification of train drivers operating locomotives and trains on the railway system in the Community. It specifies the tasks for which the competent authorities of the Member States, train drivers and other stakeholders in the sector, in particular railway undertakings, infrastructure managers and training centres, are responsible.

The Directive shall only apply to train drivers, with the exception of other crew members on board locomotives and trains, who directly or indirectly help to ensure the safety of the train through operational and/or other safety-critical tasks. The Directive also includes a specific procedure to temporarily exclude national train drivers who only travel in the territory of their Member State.

All train drivers shall have the necessary fitness and qualifications to drive trains and shall hold the following documents: (a) a licence demonstrating that the driver satisfies minimum conditions as regards medical requirements, basic education and general professional skills; (b) one or more certificates indicating the infrastructures on which the holder is authorised to drive and indicating the rolling stock which the holder is authorised to drive. The licence shall be valid throughout the whole territory of the Community. A certificate shall be valid only on those infrastructures and rolling stock identified on it.

The licence and the certificate will be issued by the national authority (with the possibility of delegating this competence subject to certain conditions) and by the railway undertaking, or the infrastructure manager who employs the driver, respectively. Railway undertakings and infrastructure managers shall be required to ensure, and to check, that the licences and certificates of the drivers they employ or contract are valid. To this end, they shall set up a system for monitoring their drivers.

The Directive also defines the minimum requirements in terms of physical and psychological fitness, and also foresees compulsory periodic examinations and specifies the competences that a driver must possess. To apply for a licence, applicants must be at least 20 years old. However, a Member State may issue

licences to applicants from the age of 18 years, the validity of such a licence then being limited to the territory of the issuing Member State. The linguistic knowledge criterion referred to in Annex VI shall be met for the infrastructure for which the certificate is being applied.

The examinations and examiners intended for the purpose of checking the requisite qualifications shall be determined: (a) for the part relating to the licence, by the competent authority, when laying down the procedure to be followed to obtain a licence in accordance with the Directive; (b) for the part relating to the certificate, by the railway undertaking or the infrastructure manager, when laying down the procedure to be followed to obtain a certificate in accordance with the Directive. As requested by the European Parliament, the Commission may have recourse to the urgency procedure in terms of comitology in the area of the choice of examiners and examinations of train drivers and of the adaptation to scientific and technical progress of the Annexes to this Directive.

Each railway undertaking and infrastructure manager shall be required to: (a) keep a register, or ensure that a register is kept, of all certificates issued, updated, renewed, amended, expired, suspended, withdrawn or reported lost, stolen or destroyed; (b) cooperate with the competent authority of the Member State where they are domiciled in order to exchange information with the competent authority and give it access to data required; (c) supply information on the content of such certificates to the competent authorities of the other Member States upon their request, when this is required as a consequence of their transnational activities. In order to ensure the interoperability of the aforementioned registers, the Commission shall adopt by 4 December 2008 at the latest and on the basis of a draft prepared by the Agency, the basic parameters of the registers to be set up.

In a report to be presented by 4 June 2009 at the latest, the European Railway Agency will develop a report evaluating the possibilities of certification for the other crew members involved in performing safety-critical tasks. On the basis of this report, the Commission will present by 4 June 2010 a legislative proposal on the certification of these crew members.

ENTRY INTO FORCE: 04/12/2007

TRANSPOSITION: 04/12/2009

IMPLEMENTATION: after the entry into force, the following timetable for application is set out:

- after 3 years: application to new drivers performing cross-border services, cabotage services or freight services in another Member State, or who work in at least two Member States, and (only periodic examinations) to drivers who have already provided these services;
- after 5 years: application to all drivers who must obtain a new licence or certificate;
- after 10 years: application to all drivers. The authorities issuing the licence or certificate must take into account the competences and experience of these drivers.