COUNCIL OF THE EUROPEAN UNION

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OUTCOME OF PROCEEDINGS

From: Council General Secretariat
to: Delegations

No. prev. doc.: 14978/05 TRANS 255 CODEC 1091 ADD 1
No. Cion prop.: 7148/04 TRANS 108 CODEC 336


Delegations will find in Annex the text of the draft Directive as it stands following the adoption of a political agreement by Council on 5 December 2005.

The text in Annex will now be translated and subsequently reviewed by the Jurist/Linguists in order to be adopted as Council's Common Position.
Draft Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the certification of train drivers operating locomotives and trains on the Community’s rail network

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71 thereof,
Having regard to the proposal from the Commission¹,
Having regard to the opinion of the European Economic and Social Committee²,
Having regard to the opinion of the Committee of the Regions³,
Acting in accordance with the procedure laid down in Article 251 of the Treaty⁴,

Whereas:

¹ OJ C, p.
² OJ C, p.
³ OJ C, p.
⁴ OJ C, p.
(1) Directive 2004/49/EC of the European Parliament and of the Council on railway safety\(^5\) requires infrastructure managers and railway undertakings to establish their safety management system in such a way that the railway system is at least able to achieve the common safety targets and comply with the national safety rules and safety requirements defined in the Technical Specifications for Interoperability and that the relevant parts of the Common Safety Methods are applied. This safety management system provides, among other things, for staff training programmes and systems which ensure that staff competence is maintained and that duties are performed in the appropriate manner.

(2) Directive 2004/49/EC [on railway safety] provides that, to be able to gain access to railway infrastructure, a railway undertaking must hold a safety certificate.

(3) Under Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways\(^6\), licensed railway undertakings have inter alia, since 15 March 2003, a right of access to the trans-European freight network for international rail freight services and, from 2007 at the latest, to the entire network for domestic and international freight services. This gradual extension of access rights will inevitably lead to an increase in the movement of train drivers across national borders. The result will be a growing demand for drivers trained and certified for operation in more than one Member State.

(4) A study carried out by the Commission in 2002 highlighted the fact that the laws of the Member States on the certification conditions for train drivers differ considerably. Community rules for the certification of train drivers need to be adopted to overcome these differences while maintaining the present high level of safety of the Community railway system.

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\(^5\) OJ L [...], […], p. […].

(5) Such Community rules must also contribute to the aims of Community policies on the freedom of movement of workers, freedom of establishment and freedom to provide services in the context of the common transport policy, while avoiding any distortion of competition.

(6) The aim of these common provisions must above all be to make it easier for train drivers to move from one Member State to another, but also from one railway undertaking to another, and generally for the licence and the harmonised complementary certificate to be recognised by all railway sector stakeholders. To this end, it is essential that the provisions establish minimum requirements which applicants must meet to obtain the licence and the harmonised complementary certificate.

(7) Even if a Member State excludes from the scope of this Directive drivers exclusively operating on certain categories of rail systems, networks and infrastructure, this shall not limit in any way the obligation of that Member State to respect the validity of the licence on the whole territory of the European Union or of the harmonised complementary certificate on the relevant infrastructure.

(8) The requirements must cover at least the minimum age for driving a train, the applicant’s physical and occupational psychological fitness, professional experience and knowledge of certain matters relating to driving a train, a knowledge of the infrastructures on which drivers will be required to travel and of the language used on them.
(9) In order to increase its cost-effectiveness, the training which train drivers shall undergo in order to obtain the certificate should be focused, to the extent that such is possible and desirable from a safety viewpoint, on the particular services to be performed by the driver, such as, for example, shunting, maintenance services, passenger or freight services. When assessing the implementation of this Directive, the European Railway Agency should evaluate the need for amending the training requirements specified in Annex to this Directive in order to better reflect the new emerging structure of the market.

(10) The railway undertakings and infrastructure managers issuing the certificates may provide training for general professional knowledge, linguistic knowledge, knowledge on rolling stock and infrastructure themselves. However, with regard to examinations, any conflict of interest should be avoided without prejudice to the possibility that the examiner may belong to the railway undertaking or infrastructure manager delivering the certificate.

(11) Staff competences and health and safety conditions are being developed in the context of the interoperability directives, in particular as part of the "traffic management and operation" TSI. There is a need to ensure coherence between the aforementioned TSI and the annexes to this Directive; this will be achieved by means of amendments to be adopted by the Commission under a comitology procedure, on the basis of an opinion delivered by the same Committee.

(12) The requirements pertaining to the licence and to the certificate as listed in this Directive only regard the right of the driver to legally drive a train. All other legal requirements, compatible with the EU legislation and applied in a non discriminatory manner, pertaining to the railway undertaking, the infrastructure manager, the infrastructure and the rolling stock must equally be respected before the driver can drive a train on a specific infrastructure.
This Directive must not prejudice the implementation of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data\(^7\), nor of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data\(^8\).

To guarantee the necessary uniformity and transparency, the Community should establish a single certification model, mutually recognised by the Member States, attesting both to train drivers’ compliance with certain minimum conditions, and to their professional qualifications and linguistic knowledge, leaving it to the competent authorities in the Member States to issue the licence and to railway undertakings and infrastructure managers to issue a harmonised complementary certificate.

The European Railway Agency will also examine the use of a smartcard instead of the licence and the certificates. Such a smartcard would have the advantage of combining these two items in one and at the same time could be used for other applications either in the area of security or for driver management purposes.

All of the information contained in the licence, the harmonised complementary certificate and the registers must be used by the safety authorities to facilitate evaluation of the staff certification provided for in Articles 10 and 11 of Directive 2004/49/EC on railway safety and to speed up the issuing of the safety certificates provided for in the same articles.

\(^7\) OJ L 281, 23.11.1995, p. 31.
\(^8\) OJ L 6, 12.01.2001, p.1.
(17) The employment of train drivers certified in accordance with this Directive shall not exonerate railway undertakings and infrastructure managers from their obligation to set up a system of monitoring and internal control of the competence and conduct of their train drivers pursuant to Article 9 of and Annex III to Directive 2004/49/EC on railway safety and shall form part of that system. The certificate shall not relieve either the railway undertaking or the infrastructure manager of its responsibility as regards safety and, in particular, the training of its staff.

(18) Certain companies are providing the services of train drivers to railway undertakings and infrastructure managers. In such cases, the responsibility for ensuring that a driver is licensed and certified in conformity with this Directive lies with the railway undertaking or infrastructure manager contracting the driver.

(19) For rail transport to continue to operate effectively, train drivers who are already working in their profession before the entry into force of this Directive must retain their acquired entitlements during a transition period.

(20) Unnecessary administrative and financial burdens should be avoided when replacing authorisations to drive which were issued to drivers before the application of the relevant provisions of this Directive with certificates and licences which are in conformity with this Directive. Therefore, entitlements to drive previously granted to the driver should be safeguarded, to the extent possible. The qualifications and experience of each driver, or group of drivers, should be taken into account by the issuing bodies when these authorisations have to be replaced. The issuing body should decide, on the basis of qualifications and/or experience, whether it is necessary for a driver or a group of drivers to undergo any additional examination and/or training before they can receive their licences and certificates. Therefore, it is possible for the issuing body to decide that the qualifications and/or experience suffice for the delivery of the required licences and certificates, without there being a need for any further examination or training.
(21) Unnecessary administrative and financial burdens should be avoided when train drivers change employer. The new railway undertaking employing the driver should take into account the competencies acquired earlier and should prevent the necessity of additional examinations and training to the extent possible.

(22) This Directive should not confer any mutual recognition rights on entitlements to drive which drivers have obtained before the application of the provisions of this Directive, albeit without prejudice to the general mutual recognition scheme set up under Directive 92/51 which shall continue to apply until the end of the transition period.

(23) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁹.

(24) The Council, in accordance with paragraph 34 of the Interinstitutional Agreement On Better Law-making, should encourage Member States to draw up, for themselves and in the interest of the Community, their own tables, which will, as far as possible, illustrate the correlation between the Directive and the transposition measures and to make them public.

(25) Member States should provide for controls regarding compliance with this Directive and appropriate action in the case of breach by a driver of the conditions of this Directive.

(26) Member States should provide for appropriate sanctions for infringements of the national provisions for implementing this Directive.

(27) Since a common regulatory framework for the certification of train drivers operating locomotives and trains for the carriage of passengers and goods cannot be set up by the Member States, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve these objectives.

(28) It might prove appropriate, from the point of view of cost-effectiveness, to exempt for a limited period of time train drivers operating exclusively on the territory of one Member State from the provisions of this Directive pertaining to the obligation that such drivers should hold licences and certificates in conformity with this Directive. Conditions governing such exemptions should be clearly defined.

(29) A Member State which has no railway system, and no immediate prospect of having one, would suffer a disproportionate and otiose obligation to transpose and to implement the provisions of this Directive. Therefore, such a Member State should be exempted, for as long as it has no railway system, from the obligation to transpose and implement this Directive.

HAVE ADOPTED THIS DIRECTIVE:
Chapter I
Subject matter, scope and definitions

Article 1
Purpose

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, the train drivers and other stakeholders in the sector, in particular the railway undertakings, infrastructure managers and training centres, are responsible.

Article 2
Definitions

For the purposes of this Directive:

(a) "competent authority" is the safety authority referred to in Article 16 of Directive 2004/49/EC [on railway safety];

(b) "train driver" means a person capable and authorised to drive trains, including locomotives, shunting locomotives, work trains, maintenance railway vehicles or trains for the carriage of passengers or goods by rail in an autonomous, responsible and safe manner.
"railway system" means the system composed of the railway infrastructures, comprising lines and fixed installations of the rail system plus the rolling stock of all categories and origin travelling on that infrastructure, as defined in Directive 2004/50/EC;

"infrastructure manager" means any body or undertaking that is responsible in particular for establishing and maintaining railway infrastructure, or part thereof, as defined in Article 3 of Directive 91/440/EEC, which may also include the management of infrastructure control and safety systems. The functions of the infrastructure manager on a network or on part of a network may be allocated to different bodies or undertakings;

"railway undertaking" means any railway undertaking as defined in Directive 2001/14/EC, and any other public or private undertaking, the activity of which is to provide transport of goods and/or passengers by rail on the basis that the undertaking must ensure traction; this also includes undertakings which provide traction only;

"technical specifications for interoperability" or "TSIs" means the specifications by which each subsystem or part of a subsystem is covered in order to meet the essential requirements and to ensure the interoperability of the trans-European high-speed and conventional rail systems as defined in Directive 96/48/EC 10 and Directive 2001/16/EC 11;


"safety certificate" means the certificate issued to a railway undertaking by a safety authority in accordance with Article 10 of Directive 2004/49/EC 13 on railway safety;

13 OJ L 164, 30.4.2004, p. 44.
(i) "certificate" means the harmonised complementary certificate indicating the infrastructure on which the holder is authorised to drive and the rolling stock which the holder is authorised to drive.

(j) "safety authorisation" means the certificate issued to an infrastructure manager by a safety authority in accordance with Article 11 of Directive 2004/49/EC on railway safety;

(k) "training centre" means an entity accredited or recognised by the competent authority to give the training courses.

Article 3
Scope

This Directive applies to train drivers operating locomotives and trains on the Community’s railway system for a railway undertaking requiring a safety certificate or an infrastructure manager requiring a safety authorisation.

Member States shall not prevent, on the basis of national provisions pertaining to other onboard staff aboard freight trains, freight trains from crossing borders or providing domestic transportation in their territory.
Without prejudice to the provisions of Article 6, Member States may exclude from the measures they adopt in implementation of this Directive the train drivers exclusively operating on:

a) metros, trams and other light rail systems;

b) networks that are functionally separate from the rest of the rail system and are intended only for the operation of local, urban or suburban passenger and freight services;

c) privately owned railway infrastructure that exists solely for use by the infrastructure owners for their own freight operations;

d) sections of track that are temporarily closed to normal traffic for the purpose of maintaining, renewing or upgrading the railway system.
Chapter II

Certification of drivers

Article 4
Community certification model

1. 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. The licence identifies the driver and the issuing authority and states the duration of validity. The licence shall comply with the requirements of Annex I, until the Community certification model is adopted as provided for in Article 4.3;

   (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. Each certificate shall comply with the requirements of Annex I.

   However, the requirement to hold a certificate for a specific part of infrastructure shall not apply in the exceptional cases listed hereafter, provided that another train driver who possesses the valid required certificate for the infrastructure concerned sits next to the driver during driving:

   – when the perturbation of the railway service necessitates the deviation of trains or maintenance of the tracks, as specified by the infrastructure manager;
– for exceptional, one-off services which use historical trains;
– for exceptional, one-off freight services, provided that the infrastructure manager agrees;
– for the delivery or demonstration of a new train or locomotive;
– for purposes of training and examination of drivers.

The use of this possibility shall be a decision of the railway undertaking and can not be imposed by the relevant infrastructure manager or by the competent authority.

Whenever an additional driver is used in this way, the infrastructure manager shall be informed beforehand.

2. The certificate shall authorise driving in one or more of the following categories:

(a) category A: shunting locomotives, work trains, maintenance railway vehicles and locomotives when they are used for shunting;

(b) category B: carriage of passengers and/or of goods.

A certificate may contain an authorisation for all categories, covering all codes as referred to in paragraph 3.
3. The Commission shall adopt before [...] 14, according to the procedure referred to in Article 30 (2), and on the basis of a draft prepared by the Agency, a Community Model for the licence, the certificate and the certified copy of the certificate, and also determine their physical characteristics. In doing so, the Commission shall take into account anti-forgery measures.

By that same date, the Community Codes for the different types in category A and B as referred to in Article 4 (2) shall be adopted by the Commission, according to the procedure of Article 30 (2), on the basis of a recommendation from the Agency.

**Article 4bis**

*Anti-fraud measures*

Competent authorities and issuing bodies shall take all the necessary steps to avoid the risks of falsification of licences and certificates and tampering with the register provided for in Article 20.

**Article 5**

*Ownership, language and issuing bodies*

1. The licence shall be owned by the driver and shall be issued by the competent authority referred to in Article 2(a). Where a competent authority or its agent issues a licence in a national language which is not a Community language, it shall draw up a bilingual version of the licence which includes one of the Community languages.

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14 One year following the date of entry into force.
2. The certificate shall be issued by the railway undertaking or the infrastructure manager who employs or contracts the driver. The certificate shall be owned by the company issuing it; however, in conformity with Article 13(3) of Directive 2004/49/EC on railway safety, drivers are entitled to obtain a certified copy. Where a railway undertaking or an infrastructure manager issues a certificate in a national language which is not a Community language, it shall draw up a bilingual version of the certificate using one of the Community languages.

Article 6
Geographical validity

1. The licence is valid throughout the whole territory of the European Union.

2. The certificate is only valid on those infrastructures and rolling stock identified on it.

Article 6a
Recognition of certification documents of train drivers of third countries

Certification documents of train drivers of a third country operating exclusively on border-crossing sections of a Member State may be recognised by this Member State according to any bilateral agreements with this third country.
Chapter III

Conditions for obtaining the licence and the certificate

Article 7
Minimum requirements

1. To obtain the licence, applicants shall satisfy the minimum requirements set out in Articles 8 and 9. To obtain a certificate and for it to remain valid, applicants shall hold a licence and satisfy the minimum requirements set out in Articles 10 and 11.

2. A Member State may be more demanding with regard to the issuing of licences on its own territory. Nevertheless, licences issued by other Member States shall be accepted in accordance with Article 6.

Section I
Licence

Article 8
Minimum age

Member States shall prescribe the minimum age of licence applicants, which shall be at least 20 years. However, Member States may issue licences from the age of 18 years, the validity of such a licence then being limited to the territory of the issuing Member State.
Article 9
Basic requirements

1. Applicants shall have successfully completed at least nine years’ education (primary and secondary) and have successfully concluded basic training equivalent to level 3 as referred to in Council Decision 85/368/EEC 15.

2. Applicants shall provide confirmation of their physical fitness by passing a medical examination conducted by, or under the supervision of, a recognised or accredited medical doctor recognised in accordance with Article 18 to be decided by the Member State. The examination must cover at least the criteria indicated in Annex III, points 2.1, 2.2, 2.3 and 3.1.

3. Applicants shall demonstrate their occupational psychological fitness by passing an examination conducted by, or under the supervision of, a psychologist or a medical doctor - to be decided by the Member State - recognised or accredited in accordance with Article 18. The examination shall cover at least the criteria indicated in Annex III, point 3.2.

4. Applicants shall have demonstrated their general professional competence by passing an examination which covers at least the general subjects listed in Annex V.

Section II
Certificate

Article 10
Linguistic knowledge

The linguistic knowledge criterion referred to in Annex 7 shall be met and shall be checked for the infrastructure for which the certificate is being applied.

Article 11
Professional qualifications

1. Applicants shall have passed an examination testing their professional knowledge and competence relating to the rolling stock for which the certificate is being applied for; this examination shall include at least the general subjects listed in Annex VI.

2. Applicants shall have passed an examination testing their professional knowledge and competence relating to the infrastructures for which the certificate is being applied for. This examination shall cover at least the general subjects listed in Annex VII. Where appropriate, the examination shall also cover linguistic knowledge in accordance with Annex VII.8.

3. Applicants shall be trained by the railway undertaking or the infrastructure manager on its safety management system prescribed by Directive 2004/49.
Chapter IV

Procedure for obtaining the licence and the certificate

Article 12
Obtaining a licence

1. The competent authority shall publish the procedure to be followed for obtaining a licence.

2. All licence applications shall be lodged with the competent authority by the candidate driver or any entity on his behalf.

3. Applications submitted to the competent authority may concern the granting of a new licence, an update of the licence particulars, a renewal or a duplicate.

4. The competent authority shall issue the licence as soon as possible and no later than one month after receiving all the necessary documents.

5. The licence will be valid for 10 years, subject to Article 14.1.

6. The licence shall be issued in a single original. Any duplication of the licence, other than by the competent authority in case of a request for a duplicate, shall be prohibited.
Article 13
Obtaining a certificate

Each railway undertaking and infrastructure manager shall set up its procedures to be followed for delivering or updating the certificates in conformity with this Directive, as part of its safety management system, as well as appeals procedures allowing drivers to request a review of a decision relating to the issuing, updating, suspension or withdrawal of a certificate.

The railway undertaking or infrastructure manager shall update, without delay, the certificate whenever the certificate holder has obtained additional authorisations as regards rolling stock or infrastructure.

Article 14
Periodic checks

1. In order for the licence to remain valid, holders shall pass periodic examinations and/or tests relating to the conditions referred to in Article 9. With regard to medical requirements, the minimum frequency shall be observed in conformity with the provisions of Annex III. 4.1. These medical checks shall be conducted by, or under the supervision of, medical doctors recognised or accredited in accordance with Article 18. As concerns general professional knowledge, the provisions of Article 21.9 apply.

When renewing the licence, the competent authority shall verify in the register provided for in Article 20 that the driver has met these requirements.
2. In order to keep the certificate, holders shall undergo periodic examinations and/or tests relating to the conditions referred to in Articles 10 and 11. The frequency of these examinations/tests shall be determined by the railway undertaking or the infrastructure manager employing or contracting the driver in accordance with its own safety management system, and respect the minimum frequencies given in Annex VIII. For each of these checks the issuing body shall confirm by a statement on it and in the register provided for in Article 20 that the driver has met these requirements.

3. In the case of missing a periodic check or a negative result, the procedure of Article 16 shall be applied.

Article 15
Cessation of employment

When a driver ceases to work for a railway undertaking or an infrastructure manager, it shall inform the competent authority without delay.

The licence shall remain valid, as long as the conditions in Article 14(1) are fulfilled.

The certificate shall become invalid when the driver ceases to be employed as a driver. However, the driver shall receive a certified copy of it as evidence of his professional competencies. When issuing a certificate to a driver, his new railway undertaking or infrastructure manager shall take into account these competencies.
Article 16
Monitoring of drivers by railway undertakings and infrastructure managers

1. 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.

They shall set up a system for monitoring of their drivers. If the results of such monitoring call into question a driver's competence for the job and the continuation of the licence or the certificate, railway undertakings and infrastructure managers shall immediately take the necessary action.

2. If a driver considers that his state of health calls into question his fitness for the job, he shall immediately inform the railway undertaking or infrastructure manager.

As soon as the railway undertaking or infrastructure manager is aware or is informed by a doctor that the health of a driver has deteriorated to a point where his fitness for the job is called into question, it shall take immediately the necessary action, including the examination described in Annex III, point 4.1 of this Directive. Furthermore, it shall be ensured that at no time during their service drivers are under the influence of any substance which is likely to affect their concentration, attention or behaviour. The competent authority shall be informed without delay in the cases of work incapacity of more than three months.
Chapter V

Tasks and decisions of the competent authority

Article 17
Tasks of the competent authority

1. The competent authority shall fulfil the following tasks in a transparent and non-discriminatory manner:

a) issuing and updating licences, and providing duplicates, as provided for in articles 5 and 12;

b) ensuring periodical checks as provided for in article 14(1);

c) suspending and withdrawing licences, and notifying the issuing body with reasoned suspension requests of certificates, as provided for in article 26;

d) if so designated by the Member State, recognising persons or bodies as provided for in Articles 21 and 22;

e) ensuring that a register of persons and bodies accredited or recognised as provided for in Article 18 is published and updated;

f) ensuring that a register of licences as provided for in articles 14(1) and 20 is kept and updated;
g) monitoring the drivers’ certification process as provided for in article 23;

h) carrying out inspections as provided for in article 26;

i) establishing national criteria for examiners as provided for in Article 22.3.

It shall respond quickly to requests for information and present any requests for additional information without delay during the preparation of the licences.

2. The competent authority may not delegate the tasks c), f) and g) of paragraph 1 to third parties.

2bis Tasks shall be delegated in a transparent and non-discriminatory manner to third parties provided that such tasks are carried out without any conflict of interest.

3. When the competent authority delegates or contracts tasks a) and b) mentioned in paragraph 1 to a railway undertaking, at least one of the following two conditions shall be complied with:

   (a) the railway undertaking shall issue licences only to its own drivers;

   (b) the railway undertaking shall not enjoy exclusivity in the territory concerned for any of the delegated or contracted tasks.
4. When a competent authority delegates or contracts tasks, the authorised representative or contractor shall be required, in performing such tasks, to comply with the obligations imposed on the competent authorities by this Directive.

5. When a competent authority delegates or contracts tasks, it shall set up a system for checking how these tasks have been carried out and ensuring that the conditions laid down in paragraphs 2, 3 and 4 are being complied with.

Article 18
Accreditation and recognition

1. Persons or bodies accredited under this Directive shall be accredited by an accreditation body appointed by the Member State. The accreditation process shall be based on criteria of independence, competence and impartiality, such as the relevant EN 45000 series European standards and on the evaluation of a dossier submitted by candidates which provides appropriate evidence of their skills in the area in question.
2. As an alternative to accreditation under paragraph 1, a Member State may provide that persons or bodies recognised under the Directive shall be recognised by the competent authority or a body appointed by the Member State. Recognition shall be based on criteria of independence, competence and impartiality, however, in cases when the particular competence is extremely rare, an exception to this rule is allowed after a positive opinion by the Commission is given following the procedure provided for in Article 30.

The criterium of independence does not apply in the case of training as referred to in Articles 21.5, 21.6 and 21.7.

3. The competent authority shall ensure the publication and updating of a register of persons and bodies which have been accredited or recognised under this Directive.

*Article 19*

*Decisions of the competent authority*

1. The competent authority shall state the reasons for its decisions.

2. The competent authority shall ensure that an administrative appeals procedure is set up allowing employers and drivers to request a review of a decision relating to any application under this Directive.

3. Member States shall take the necessary steps to ensure judicial control of the decisions taken by a competent authority.
Article 20

Registers and exchange of information

1. The competent authorities shall be required to:

(a) keep a register of all licences granted, updated, renewed, expired, amended, suspended, withdrawn or reported lost, stolen or destroyed. This register shall contain the data prescribed by Annex I. 4 of every licence, which can be called up using the national number allotted to each driver. It shall be regularly updated;

(b) supply, upon reasoned request, information on the status of such licences to the competent authorities of the other Member States, the Agency or any employer of drivers.

2. 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, expired, updated, amended, suspended, cancelled or reported lost, stolen or destroyed. This register shall contain data prescribed by Annex I. 4 of every certificate, as well as data relating to the periodic checks provided for in Article 14. It shall be regularly updated;

(b) cooperate with the competent authority of the 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.
3. The competent authorities shall cooperate with the Agency in order to ensure the interoperability of the registers mentioned in (1) or (2). To this end the Commission shall adopt before [...] \(^{16}\), according to the procedure referred to in Article 30(2), and on the basis of a draft prepared by the Agency, the basic parameters of the registers to be set up, such as data to be recorded, their format and the data exchange protocol, access rights, the duration of data retention, the procedures to be followed in case of bankruptcy.

4. The competent authorities, infrastructure managers and railway undertakings shall make sure that the registers which they set up under paragraph (1) and (2) and the modes of operation of such registers comply with Directive 95/46/EC.

5. The Agency shall make sure that the system set up under paragraph 2(a) and (b) complies with Regulation (EC) No 45/2001.

\(^{16}\) One year following the date of entry into force.
Chapter VI

Training and examination of drivers

Article 21

Training

1. The training of drivers shall include a part relating to the licence and reflecting general professional knowledge as described in Annex V, and a part relating to the certificate and reflecting specific professional knowledge, as described in Annexes VI and VII.

2. The training method shall satisfy the criteria laid down in Annex IV.

3. The detailed training objectives are defined in Annex V for the licence, and in Annexes VI and VII for the certificate. They may be supplemented:

   a) either by the relevant technical specifications for interoperability. The Commission shall, following the procedure described in Article 30, ensure coherence between the aforementioned TSI and the Annexes to this Directive.

   b) or by the criteria proposed by the Agency pursuant to Article 17 of Regulation (EC) No 881/2004 and adopted by the Commission in accordance with Article 29.
4. Pursuant to Article [13] of Directive 2004/49/EC, Member States shall take steps to ensure that candidate drivers have fair and non-discriminatory access to the training needed to fulfil the conditions for obtaining the licence and the certificate.

5. Training tasks related to the general professional knowledge as provided for in Article 9(4) are performed by persons or bodies accredited or recognised in conformity with Article 18.

6. Training tasks related to linguistic knowledge as provided for in Article 10 and professional knowledge relating to the rolling stock as provided for in Article 11(1) are performed by persons or bodies accredited or recognised in conformity with Article 18.

7. Training tasks related to infrastructure knowledge as provided for in Article 11(2), including route knowledge and operating rules and procedures, shall be performed by persons or bodies accredited or recognised by the Member State where the infrastructure is located.

8. With regard to the licence, the general system for the recognition of professional qualifications established by Council Directive 92/51 shall still apply to the recognition of the professional qualifications of drivers who are nationals of a Member State and have obtained their training certificate in a third country.
9. A process of continuous training must be set up in order to ensure that the staff competences are maintained, in accordance to Annex III par 2(e) of Directive 2004/49/EC on railway safety.

**Article 22**

**Examinations**

1. The examinations and examiners intended for the purpose of checking the requisite qualifications shall be determined:

   – for the part related to the licence: by the competent authority when laying down the procedure to be followed to obtain the licence in accordance with Article 12(1);

   – for the part related to the certificate: by the railway undertaking or the infrastructure manager when laying down the procedure to be followed to obtain the certificate in accordance with Article 13.

2. These examinations shall be overseen by competent examiners, accredited or recognised in conformity with Article 18; they shall be organised in such a way as to avoid any conflict of interest.

   Infrastructure knowledge evaluation, including route knowledge and operation rules, shall be performed by persons or bodies accredited or recognised by the Member State where the infrastructure is located.

   The examinations shall be organised in such a way that any conflict of interest is avoided, without prejudice to the possibility that the examiner may belong to the railway undertaking or infrastructure manager delivering the certificate.
3. The choice of examiners and examinations may be subject to Community criteria proposed by the Agency and adopted by the Commission under the procedure laid down in Article 30(2). In the absence of such Community criteria, the competent authorities shall establish national criteria.

4. There must be theoretical and practical examinations at the end of the training course. Assessment of driving ability shall be made in driving tests on the network. Simulators may also be used for examining the application of operational rules and the driver's performance in particularly difficult situations.
Chapter VII

Assessment

Article 23
Quality standards

The competent authorities shall ensure that all activities associated with training, assessment of skills, updating of licences and certificates are the subject of continuous monitoring under a quality standards system. This provision does not apply to activities already covered by the safety management systems put in place by railway undertakings and infrastructure managers in accordance Directive 2004/49/EC.

Article 24
Independent assessment

1. An independent assessment of the procedures for the acquisition and assessment of professional knowledge and competences, and of the system for the issuing of licences and certificates, shall be carried out in each Member State at intervals of not more than five years. These provisions do not apply to activities already covered by the safety management systems put in place by railway undertakings and infrastructure managers in accordance with Directive 2004/49/EC. The assessment shall be carried out by qualified persons who are not themselves involved in the activities concerned.

2. The results of these independent assessments shall be duly documented and brought to the attention of the competent authorities concerned. If need be, Member States shall take appropriate measures to remedy any shortcomings brought to light by the independent assessment.
Chapter VIII

Certification of other staff

Article 25

Report on other staff

The Agency will, in a report to be presented before [...] \(^{17}\) identify the profile and the tasks of the other staff on the locomotive or train who are performing safety-critical tasks and whose professional qualifications accordingly contribute to railway safety, and which should be regulated at Community level, by means of a system of licences and/or certificates which may be similar to the system established by this Directive.

\(^{17}\) Two years after the entry into force of this Directive.
Chapter IX

Controls and sanctions

*Article 26*

*Controls by the competent authority*

1. The competent authority may at any time take steps to verify, on board trains operating in its area of jurisdiction, that the train driver is in possession of the documents issued pursuant to this Directive.

2. Notwithstanding verification as provided for in paragraph 1, in the event of negligence at the workplace the competent authority may verify if the driver complies with the requirements set out in Article 11.

3. The competent authority may carry out enquiries regarding compliance with this Directive by drivers, railway undertakings, infrastructure managers, examiners and training centres pursuing their activities in their areas of jurisdiction.

4. If the competent authority finds that a driver no longer satisfies one or more required conditions, it shall take the following measures:

   – If it concerns a licence delivered by the competent authority: the competent authority shall suspend the licence. The suspension shall be temporary or permanent depending on the scale of the problems created for rail safety. It shall immediately inform the driver concerned and his employer of its reasoned decision, without prejudice to the right of appeal provided for in Article 19. It shall indicate the procedure to be followed for recovering the licence;
- If it concerns a licence issued by a competent authority in another Member State, the competent authority shall approach that authority and provide a reasoned request either that a further inspection be carried out or that the licence be suspended. The requesting competent authority shall inform the Commission and other competent authorities of its request. The authority that issued the licence in question shall undertake to examine the request within four weeks and notify the other authority of its decision. The authority that issued the licence shall also inform the Commission and the other competent authorities of the decision. Any competent authority may prohibit train drivers to operate on its territory pending notification of the issuing authority’s decision.

- If it concerns the certificate: the competent authority shall approach the issuing body and request either that a further inspection be carried out or that the certificate be suspended. The issuing body shall take appropriate measures and report back to the competent authority within four weeks. The competent authority may prohibit train drivers to operate on its territory pending the report of the issuing body, and shall inform the Commission and the other competent authorities thereof.

In any case, if the competent authority considers that a particular driver creates a serious threat to the safety of the railways, it shall immediately take the necessary action, such as asking the infrastructure manager to stop the train and prohibiting the driver to operate on its territory for as long as necessary. It shall inform the Commission and the other competent authorities of such a decision.

In all cases the competent authority, or the body designated for this, shall update the register provided for in Article 20.
5. If a competent authority considers that a decision taken by a competent authority in another Member State pursuant to paragraph 4 fails to comply with the relevant criteria, the matter shall be referred to the Commission which shall deliver its opinion within three months. If necessary, corrective measures shall be proposed to the Member State concerned. In the event of disagreement or dispute, the matter shall be referred to the Committee mentioned in Article 30(1), and the Commission shall take whatever measures are necessary in accordance with the procedure set out in Article 30(2). A Member State may sustain the prohibition of the driver to drive on its territory in accordance with paragraph 4 until the matter is concluded in accordance with this paragraph.

Article 27
Sanctions

Without prejudice to any other sanctions or procedures established by the Directive, the Member States shall lay down the rules on sanctions applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The sanctions provided for shall be effective, proportionate, non-discriminatory and dissuasive. The Member States shall notify the Commission of those provisions by the date specified in Article 33 at the latest and shall notify it without delay of any subsequent amendment affecting them.
Chapter X

Final provisions

Article 29
Amendments to the annexes

The Annexes shall be adapted to scientific and technical progress, in accordance with the procedure referred to in Article 30(2).

Article 30
Committee

1. The Commission shall be assisted by the Committee set up by Article 21 of Directive 96/48/EEC.

2. Where reference is made to this paragraph, the regulatory procedure laid down in Articles 5 and 7 of Decision 1999/468/EC shall apply, in compliance with Article 8 thereof.

   The period provided for in Article 5(6) of Decision 1999/468/EC shall be three months.

3. The Committee shall adopt its rules of procedure.
Article 31
Report

The Agency shall evaluate the development of the certification of train drivers in accordance with this Directive. It shall submit to the Commission, not later than four years following the adoption of the basic parameters of the registers, as provided for in Article 20.3, a report containing, where appropriate, improvements to be made to the system as regards the procedures for issuing licences and certificates, the accreditation of training centres and assessors, the quality system put in place by the competent authorities, the mutual recognition of certificates, the adequacy of the training requirements specified in Annexes V, VI and VII to this Directive in relation to the market structure and the categories mentioned in Article 4.2 (a), the interconnection of registers and the mobility in the employment market.

Furthermore, in this report the Agency may, if appropriate, recommend measures regarding the theoretical and practical examination of the professional knowledge of applicants for the harmonized certificate for the rolling stock and the relevant infrastructure.

The Commission shall take appropriate measures on the basis of these recommendations and shall propose, if necessary, changes to this Directive.
Article 31bis
Use of smartcards

The Agency shall examine by [...] 18 the possibility of using a smartcard combining the licence and certificates provided for in Article 4 and include a cost/benefit analysis. Where appropriate, the Commission shall adopt, in accordance with the procedure set out in Article 30(2) and on the basis of a draft prepared by the Agency, the technical and operating specifications for such a smartcard. The introduction of the smartcard may require an adaptation of the annexes in accordance with Article 29.

Article 32
Cooperation

Member States shall assist one another in the implementation of this Directive. Competent authorities shall cooperate during this phase of implementation.

The Agency shall assist this cooperation and organise appropriate meetings with representatives of the competent authorities.

Article 33
Implementation

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [...] 19 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

18 Five years following the date of entry into force.
19 Twenty-four months following the date of entry into force.
2. Member States shall communicate to the Commission the text of the essential provisions of national law which they adopt in the field covered by this Directive. The Commission shall inform the other Member States thereof.

3. The obligations for transposition and implementation of this Directive shall not apply to Cyprus and Malta as long as no railway system is established within their territory.

Article 34
Gradual phasing-in and transition periods

This Directive shall be phased in gradually as indicated below.

1. The registers mentioned in Article 20 shall be set up by [...] 20.

2. a) From [...] 21, certificates or licences shall be issued in accordance with this Directive to drivers performing cross-border services, cabotage services or freight services in another Member State, or work in at least two Member States, without prejudice to the provisions of paragraph 3.

From that same date, all train drivers performing the services listed above, including those not yet licenced or certified in conformity with this Directive, shall comply with the regular checks as foreseen by Article 14.

b) From [...] 22 all new licences and certificates shall be issued in accordance with this Directive, without prejudice to the provisions of paragraph 3.

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20 Two years after the adoption of the basic parameters of the registers prescribed in Article 20.3.
21 Two years after the adoption of the basic parameters of the registers prescribed in Article 20.3.
22 Two years after the setting-up of the registers prescribed in paragraph 1.
c) By [...] 23, all drivers shall hold licences and certificates in conformity with this Directive. The issuing bodies shall take into account all professional competencies already acquired by each driver in such a way that this requirement does not generate unnecessary administrative and financial burdens. Entitlements to drive previously granted to the driver should be safeguarded, to the extent possible. The issuing bodies may nevertheless decide, for individual drivers or for groups of drivers, as appropriate, that additional examinations and/or training are necessary to issue licences and/or certificates under the terms of this Directive.

3. Drivers, authorised to drive in accordance with the provisions which applied prior to the application of the provisions of this Directive under paragraph 2 a) or b) may continue to pursue their professional activities on the basis of their entitlements, and without applying the provisions of this Directive, until […] 24.

In the case of apprentices who started an approved education and training programme or an approved training course prior to the application of the provisions of this Directive under paragraph 2 a) or b) of this Article, Member States may certify these drivers in accordance with existing national provisions.

For drivers and apprentices referred to in this paragraph, the competent authority or authorities involved may grant exemptions in exceptional cases from the medical requirements laid down in Annex III. The validity of such a licence shall be limited to the territory of the Member States concerned.

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23 Seven years after the setting-up of the registers prescribed in paragraph 1.
24 Seven years after the setting-up of the registers prescribed in paragraph 1.
4. Competent authorities, railway undertakings and infrastructure managers shall ensure the gradual application of regular checks corresponding to those foreseen by Article 14 to drivers who do not hold licences and certificates in conformity with this Directive.

5. For Member States requesting this, the Commission shall ask the Agency, in consultation with that Member State, to carry out a cost / benefit analysis of the application of the provisions contained in this Directive to train drivers operating exclusively on the territory of that Member State. The cost / benefit analysis shall cover a period of 10 years. This cost / benefit analysis shall be submitted to the Commission by [2 years after the setting-up of the register prescribed in paragraph 1].

If this cost / benefit analysis shows that the costs of the application of the provisions contained in this Directive to such train drivers outweigh the benefits, the Commission, in accordance with the procedure set out in Article 30 (2), shall adopt a decision within 6 months following the submission of the results of this cost / benefit analysis. The decision may be that the provisions of paragraphs 2b) and c) of this Article do not have to be applied to such train drivers for a period of up to 10 years on the territory of the Member State concerned.

No later than 24 months prior to the expiry of this temporary exemption period, the Commission, taking into account relevant developments in the railway sector in the Member State concerned, may request, in accordance with the procedure set out in Article 30 (2), the Agency to carry out another cost / benefit analysis, to be submitted to the Commission no later than 12 months prior to the expiry of this temporary exemption period. The Commission shall take a decision in accordance with the procedure as described in the previous paragraph.
Article 35
Entry into force

This Directive shall enter in force on the day following that of its publication in the Official Journal of the European Communities.

Article 36

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament For the Council
The President The President
1. **Characteristics of the Licence**

The physical characteristics of the train driver’s licence must be in conformity with ISO standards 7810 and 7816-1.

The card shall be made of polycarbonate.

The methods for verifying the characteristics of the driving licences to ensure that they are consistent with international standards must comply with ISO standard 10373.

2. **Contents of the Licence**

The front of the licence shall contain:

a) the words “Train driver’s licence” printed in large type in the language or languages of the Member State issuing the licence;

b) the name of the Member State issuing the licence;

c) the distinguishing sign of the Member State issuing the licence in accordance with the country’s ISO 3166 code, printed in negative in a blue rectangle and encircled by 12 yellow stars;
d) information specific to the licence issued, numbered as follows:

1. the surname of the holder;

2. other name(s) of the holder;

3. the date and place of birth of the holder;

4. a. the date of issue of the licence;

4. b. the date of expiry of the licence;

4. c. the name of the issuing authority;

4. d. the reference number assigned to the employee by the employer (optional);

5. the number of the licence giving access to data in the national register;

6. a photograph of the holder;

7. the signature of the holder;

8. the permanent place of residence or postal address of the holder (optional);

e) the words “European Communities model” in the language or languages of the Member State issuing the licence and the words “Train driving licence” in the other languages of the Community, printed in yellow to form the background of the licence;
f) the reference colours:

- blue: Pantone Reflex blue,
- yellow: Pantone yellow.

g) additional information, or medical restrictions for use imposed by a competent authority in conformity with Annex III, in code form.

The codes shall be decided by the Commission, following the procedure of Article 30(2), on the basis of a recommendation from the Agency.

3. CERTIFICATE

The certificate shall contain:

1. the surname of the holder;

2. other name(s) of the holder;

3. the date and place of birth of the holder;

4. a. the date of issue of the certificate;

4. b. the date of expiry of the certificate;

4. c. the name of the issuing authority;

4. d. the reference number assigned to the employee by the employer (optional);

5. the number of the licence giving access to data in the national register;
6. a photograph of the holder;
7. the signature of the holder;
8. the permanent place of residence or postal address of the holder (optional);
9. the name and address of the railway undertaking or infrastructure manager for which the driver is authorised to drive trains;
10. the category in which the holder is entitled to drive;
11. the type or types of rolling stock which the holder is authorised to drive;
12. the infrastructures on which the holder is authorised to drive;
13. any additional information or restrictions.
14. language skills.

4. **MINIMUM DATA CONTAINED IN NATIONAL REGISTERS**

a) **Data relating to the licence:**

All data appearing on the licence plus data relating to checking requirements set out in Article 9 and 14.

b) **Data relating to the certificate:**

All data appearing on the certificate plus data relating to checking requirements set out in Article 10, 11 and 14.
2. **General Requirements**

2.1 Drivers must not be suffering from any medical conditions or be taking any medication, drugs or substances which are likely to cause:

- a sudden loss of consciousness;
- a reduction in attention or concentration;
- sudden incapacity;
- a loss of balance or coordination;
- significant limitation of mobility.

2.2 **Vision**

The following requirements as regards vision must be complied with:

- aided or unaided distance visual acuity: 1.0; minimum of 0.5 for the worst eye;
- maximum corrective lenses: hypermetropia +5 / myopia –8. Derogations are authorised in exceptional cases and after having obtained the opinion of an eye specialist. The medical doctor then takes the decision;
- near and intermediate vision: sufficient, whether aided or unaided;
- contact lenses and glasses are authorised when periodically checked by a specialist;
- normal colour vision: use of a recognised test, such as Ishihara, as well as another recognised test if required;
- field of vision: full;
- vision for both eyes: effective; not required when person has adequate adaptation and sufficient compensation experience. Only in case he lost binocular vision after starting his job;
- binocular vision: effective;
- recognition of colour signals: the test shall be based on recognition of single colours and not on relative differences;
- sensitivity to contrasts: good;
- no progressive eye diseases;
- lens implants, keratotomies and keratectomies are allowed only on condition that they are checked on a yearly basis or at intervals set by the medical doctor.
- ability to withstand dazzle;
- coloured contact lenses and photochromatic lenses are not allowed. UV filter lenses are allowed.

2.3 Hearing and speaking requirements

Sufficient hearing confirmed by an audiogram, i.e.:
- hearing good enough to hold a phone conversation and to be able to hear warning sounds and radio messages.

The following values should be taken as guidelines:
- the hearing deficiency must not be higher than 40 dB at 500 and 1 000 Hz;
- the hearing deficiency must not be higher than 45 dB at 2 000 Hz for the ear with the worst air conduction of sound;
- no anomaly of the vestibular system;
- no chronic speech disorder (given the necessity to exchange messages loudly and clearly);
- the use of hearing aids are allowed in special cases.
2.4 Pregnancy

In the event of poor tolerance or a pathological condition, pregnancy must be considered to be a reason for the temporary exclusion of drivers. Legal provisions protecting pregnant drivers must be applied.

3. Minimum content of the examination before appointment

3.1 Medical examinations

– a general medical examination;

– examinations of sensory functions (vision, hearing, colour perception);

– blood or urine tests, testing among others for diabetes mellitus, in so far as they are necessary to judge the candidate’s physical aptitude;

– an Electro-Cardiogram at rest;

– tests for psychotropic substances such as illicit drugs or psychotropic medication and the abuse of alcohol calling into question the fitness for the job;

– cognitive: attention and concentration; memory; perception; reasoning;

– communication;

– psychomotor: reaction time, hand coordination.
3.2 Occupational psychological examinations

The purpose of the occupational psychological examinations is to assist in the appointment and management of staff. In determining the content of the psychological evaluation, the examination must assess that the applicant driver has no established occupational psychological deficiencies, particularly in operational aptitudes or any relevant personality factor, which are likely to interfere with the safe exercise of the duties.

4. Periodic examinations after appointment

4.1 Frequency

Medical examinations (physical fitness) shall be taken at least every three years up to the age of 55, thereafter every year;
In addition to this frequency, the medical doctor must increase the frequency of examinations if the health of the member of staff so requires.

Without prejudice to Article 14.1 an appropriate medical examination shall be carried out when there is a reason to doubt that a holder of the licence or certificate no longer fulfils the medical requirements set out in Annex III, point 2.

Physical fitness shall be checked regularly and after any occupational accident. The medical doctor or the medical service of the undertaking can decide to carry out an additional appropriate medical examination, particularly after a period of 30 days’ sick leave. The employer has to ask the physician to check the physical fitness of the driver if the employer had to withdraw the driver from service for safety reasons.
4.2 Minimum content of the periodic medical examination

If the driver complies with the criteria required for the examination which is carried out before appointment, the periodic examinations must include as a minimum:

− a general medical examination;
− an examination of sensory functions (vision, hearing, colour perception);
− blood or urine tests to detect diabetes mellitus and other conditions as indicated by the clinical examination;
− tests for drugs where clinically indicated;

In addition, an ECG at rest is also required for train drivers over 40 years of age.
1. TRAINING METHOD

There should be a good balance between theoretical training (classroom and demonstrations) and practical training (on-the-job experience, driving with supervision and driving without supervision on tracks which are closed off for training purposes).

Computer-aided training is accepted for individual learning of the operational rules, signalling situations, etc.

The use of simulators, although not obligatory, may be useful for the effective training of drivers; they are particularly useful for training in abnormal working conditions or for rules infrequently applied. They have a particular advantage in their ability to provide learning-by-doing capability for events that cannot be trained in the real world. In principle, simulators of the latest generation should be used.

Concerning the acquisition of route knowledge, the approach to be favoured is where the train driver accompanies another driver for an appropriate number of journeys along the route, in daylight as well as at night. Videos of the routes as seen from the driver’s cab can be used, among other methods, as an alternative training method.
ANNEX V

GENERAL PROFESSIONAL KNOWLEDGE
AND REQUIREMENTS REGARDING THE LICENCE

The general training has the following objectives:

– acquiring the knowledge and procedures regarding of railway technologies, including safety principles and the philosophy behind operational regulations;
– acquiring knowledge and procedures regarding the risks related to railway operation and the various means to be used to combat them;
– acquiring knowledge and procedures regarding the principles guiding one or more railway operating modes;
– acquiring knowledge and procedures regarding trains, their composition and technical requirements on traction units, wagons, coaches and other rolling stock.

In particular, drivers must be able to:

– understand the specific requirements for working in the profession of driver, its importance, and the professional and personal demands (long periods of work, being away from home, etc),
– apply staff safety rules,
– identify rolling stock,
– know and apply a working method in a precise manner;
– identify the reference and applications documents (manual of procedures and manual of lines as defined in the 'Operations' TSI, driver's manual, breakdown manual, etc);
– learn behaviours which are compatible with safety-critical responsibilities,
– identify the procedures applicable to accidents involving persons,
– distinguish the hazards involved in railway operations in general,
– know the principles governing traffic safety,
– apply the basic principles of electrotechnology.
ANNEX VI

PROFESSIONAL KNOWLEDGE OF ROLLING STOCK AND REQUIREMENTS REGARDING THE CERTIFICATE

After completing specific training on rolling stock, drivers must be able to carry out the following tasks.

1. TESTS AND CHECKS PRIOR TO DEPARTURE

Drivers must be able to:

– collect the documentation and the necessary equipment,

– check the capacities of the traction unit,

– check the information entered in the documents on board the traction unit,

– ensure, by performing the checks and tests specified, that the traction unit is capable of providing the required traction power, and that the safety equipment is operating,

– checking the availability and functionality of the prescribed protection and safety equipments at the handover of a locomotive or at the start of a trip;

– perform any routine preventive maintenance operations.
2. KNOWLEDGE OF ROLLING STOCK

To operate a locomotive, drivers must be familiar with all the controls and indicators placed at their disposal, in particular those concerning:

– traction,

– braking,

– traffic safety-related elements.

In order to detect and locate anomalies in the rolling stock, report them and determine what is required to repair them, and in certain cases, to take action, drivers must be familiar with:

– mechanical structures,

– suspension and attachment equipment,

– running gear,

– safety equipment,

– fuel tanks, fuel supply system, exhaust equipment,

– the meaning of markings on the inside and outside of the rolling stock, in particular the symbols used for the transportation of dangerous goods,

– trip registration systems,

– electrical and pneumatic systems,

– collection of current and high-voltage systems,
– communication equipment (ground-to-train radio, etc.),

– arrangements of trips,

– the constituent parts of the rolling stock, their purpose, and the devices specific to the hauled stocks, in particular the system of stopping the train by venting the brake pipe,

– braking system,

– the parts specific to traction units,

– traction chain, motors and transmission.

3. **Testing the Brakes**

Drivers must be able to

– check and calculate, before departure, that the train’s braking power corresponds to the braking power required for the line as specified in the vehicle documents,

– check the functioning of the various components of the braking system of the traction unit and of the train, as appropriate, before departure, at start-up and during running.
4. **Operating mode and maximum speed of the train in relation to the line characteristics**

Drivers must be able to:

- take note of information given to them before departure,
- determine the type of running and the limit speed of the train on the basis of variables such as speed limits, weather conditions or any signalling changes.

5. **Driving the train in a way which does not damage installations or vehicles**

Drivers must be able to:

- use all available control systems in accordance with the applicable rules,
- start the train taking account of adhesion and power constraints,
- apply the brakes for decelerations and stops, taking account of the rolling stock and installations.

6. **Anomalies**

Drivers must be able to:

- be attentive to unusual occurrences concerning the behaviour of the train,
- inspect the train and identify signs of anomalies, distinguish between them, react according to their relative importance and try to remedy them, always giving priority to the safety of rail traffic and persons,
- know the available means of protection and communication,
7. **OPERATING INCIDENTS AND ACCIDENTS, FIRES AND ACCIDENTS INVOLVING PERSONS**

Drivers must be able to:

– take steps to protect the train and summon assistance in the event of an accident involving persons on board the train,

– determine whether the train is transporting dangerous goods and identify them on the basis of train documents and wagon lists.

– have knowledge of the procedures relating to the evacuation of a train in case of emergency.

8. **CONDITIONS FOR CONTINUING RUNNING AFTER AN INCIDENT INVOLVING ROLLING STOCK**

After an incident, drivers must be able to assess whether the vehicle can continue to run and under what conditions, so as to inform the infrastructure manager of those conditions as soon as possible.

Drivers must be able to determine if an expert evaluation is necessary before the train can continue.

9. **IMMOBILISATION OF THE TRAIN**

Drivers must be able to take measures to ensure that the train, or parts thereof, does not start up or move unexpectedly, even in the most difficult conditions.

Furthermore, drivers must have knowledge about measures which can stop a train or parts thereof in case it has started to move unexpectedly.
Matters relating to infrastructure

1. Testing the brakes

Drivers must be able to check and calculate, before departure, that the train’s braking power corresponds to the braking power required for the line as specified in the vehicle documents.

2. Type of operation and maximum train speed according to the line characteristics

Drivers must be able to:

– take note of information given to them, such as the speed limits or any signalling changes;

– determine the type of running and the limit speed of the train on the basis of the characteristics of the line.

3. Knowledge of the line

Drivers must be able to anticipate problems and react appropriately in terms of safety and other performances, such as punctuality and economic aspects. They must therefore have a thorough knowledge of the railway lines and installations on their route and of any alternative routes agreed on.
The following aspects are important:

– operational conditions (changes of track, one-way running, etc.),

– perform a route check and consult the relevant documents,

– identification of tracks that can be used for a given type of running,

– the applicable traffic rules and the meaning of the signalling system,

– the operations regime,

– the block system and associated regulations,

– station names and the position and distance-sighting of stations and signal boxes to adapt driving accordingly,

– transition signalling between different operating or power supply systems,

– speed limits for the different train categories driven,

– topographical profiles,

– particular braking conditions, for example on lines with a steep downward gradient,

– particular operating features: special signals, signs, departure conditions, etc.

4. **SAFETY REGULATIONS**

Drivers must be able to:

– start the trains only when all prescribed conditions are fulfilled (timetable, start order or signal, operation of signals if required, etc.),

– observe track-side or in-cab signals, interpret them immediately and without error, and act as specified,
– run the train safely according to the specific modes of operation: apply special modes if instructed, temporary speed restrictions, running in opposite direction, permission to pass signals at danger, switching operations, turns, running through construction sites, etc

– respect scheduled or supplementary stops, and if necessary perform supplementary operations for passengers during these stops, notably opening and closing the doors.

5. **Driving the Train**

Drivers must:

– know the train’s position on the line at all times,

– apply the brakes for decelerations and stops, taking account of the rolling stock and installations,

– adjust the running of the train in accordance with the timetable and any orders given on saving energy, taking account of the characteristics of the traction unit, the train, the line and the environment.

6. **Anomalies**

Drivers must be able to:

– be attentive, insofar as train operation permits, to unusual occurrences concerning the infrastructure and the environment: signals, tracks, energy supply, level crossings, track surrounding, other traffic,

– know particular distances to clear obstacles,

– inform the infrastructure manager as soon as possible of the place and nature of anomalies observed, making sure that the information has been understood,

– taking into account the infrastructure, ensure or take measures to ensure the safety of traffic and persons, whenever necessary.
7. Operating Incidents and Accidents, Fires and Accidents Involving Persons

Drivers must be able to:

- take steps to protect the train and summon assistance in the event of an accident involving persons,
- determine where to stop the train in the event of a fire and facilitate the evacuation of passengers, if necessary,
- provide useful information on the fire as soon as possible if the fire cannot be brought under control by the driver acting alone,
- inform the infrastructure manager of these conditions as soon as possible,
- assess whether the infrastructure allows the vehicle to continue to run and under which conditions.

8. Language Tests

Drivers who have to communicate with the infrastructure manager on critical safety issues must have language skills in the language indicated by the infrastructure manager concerned. Their language skills must be such that they can communicate actively and effectively in routine, adverse and emergency situations.

They must be able to use the messages and communication method specified in the "Operations" TSI. Drivers must be able to communicate according to level 3 of the following table:
Language and Communication Level

The oral qualification in a language can be subdivided into five levels:

<table>
<thead>
<tr>
<th>Level</th>
<th>Description</th>
</tr>
</thead>
</table>
| 5     | Can adapt the way he/she speaks to any interlocutor  
|       | can put forward an opinion  
|       | can negotiate  
|       | can persuade  
|       | can give advice  
| 4     | can cope with totally unforeseen situations  
|       | can make assumptions  
|       | can express an argued opinion  
| 3     | can cope with practical situations involving an unforeseen element  
|       | can describe  
|       | can keep a simple conversation going  
| 2     | can cope with simple practical situations  
|       | can ask questions  
|       | can answer questions  
| 1     | can talk using memorised sentences |
The frequency of the periodic checks shall respect the following minimum periods:

(a) linguistic knowledge (only for non-native speakers): every three years or after any absence of more than one year;

(b) infrastructure knowledge (including route and operation rules knowledge): every three years or after any absence of more than one year on the relevant route;

(c) knowledge of rolling stock: every three years.