



**COUNCIL OF
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To:	General Secretariat of the Council
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Subject:	COMMISSION DIRECTIVE ../.../EU of XXX amending Directive 2007/59/EC of the European Parliament and of the Council as regards general professional knowledge and medical and licence requirements

Delegations will find attached document D031395/02.

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Brussels, **XXX**
[...] (2014) **XXX** draft

COMMISSION DIRECTIVE/.../EU

of **XXX**

amending Directive 2007/59/EC of the European Parliament and of the Council as regards general professional knowledge and medical and licence requirements

(Text with EEA relevance)

COMMISSION DIRECTIVE/EU

of XXX

amending Directive 2007/59/EC of the European Parliament and of the Council as regards general professional knowledge and medical and licence requirements

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community¹, and in particular Article 31 thereof,

Whereas:

- (1) Annex II of Directive 2007/59/EC includes a provision according to which vision for both eyes is not required to be effective in the case of adequate adaptation and sufficient compensation experience and only if binocular vision was lost after starting the job. That provision contradicts the other vision requirements in Annex II of Directive 2007/59/EC and might put at risk the high level of safety in rail operations.
- (2) In addition, certain requirements in Annexes IV and VI of Directive 2007/59/EC regarding the licence and the certificate lack clarity, leading to different application in the Member States and ultimately jeopardizing the introduction of a harmonized licence system for train drivers in the Union.
- (3) On 7 May 2012 the European Railway Agency submitted advice to the European Commission regarding the amendment of Annexes II, IV and VI of Directive 2007/59/EC. The bodies represented in the European Social Dialogue Committee were consulted in accordance with Article 31 of that Directive.
- (4) Transitional measures should be provided for train drivers who have obtained or will obtain their licence in accordance with Directive 2007/59/EC before the date of application of this Directive.
- (5) Directive 2007/59/EC should therefore be amended accordingly.
- (6) The measures provided for in this Directive are in accordance with the opinion of the Committee that assists the Commission pursuant to Article 32(1) of Directive 2007/59/EC,

¹ OJ L 191, 18.7.2008, p. 1.

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 2007/59/EC is amended as follows:

(1) Annex II is amended as follows:

In point "1.2. Vision", the seventh indent is replaced by the following:

'- vision for both eyes: effective,'

(2) Annex IV is replaced by the text in Annex I to this Directive.

(3) Annex VI is amended as set out in Annex II to this Directive.

Article 2

Train drivers who have obtained or will obtain their licence in accordance with Directive 2007/59/EC before the date of application referred to in Article 3(1) of this Directive shall be considered to comply with its requirements.

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by **1 July 2015** at the latest. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 January 2016.

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.

Article 1 of this Directive shall not apply to train drivers who have obtained or will obtain their licence in accordance with Directive 2007/59/EC before the national measures transposing this Directive enter into force.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

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

Article 4

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

Article 5

This Directive is addressed to the Member States.

Done at Brussels,

For the Commission
The President
José Manuel BARROSO