



Council of the
European Union

Brussels, 14 July 2020
(OR. en)

9636/20

TRANS 310

COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	14 July 2020
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.:	SWD(2020) 138 final
Subject:	COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY OF THE EVALUATION of 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 Community

Delegations will find attached document SWD(2020) 138 final.

Encl.: SWD(2020) 138 final



Brussels, 14.7.2020
SWD(2020) 138 final

COMMISSION STAFF WORKING DOCUMENT
EXECUTIVE SUMMARY OF THE EVALUATION
of

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 Community

{SWD(2020) 137 final}

EXECUTIVE SUMMARY

In the past, in the absence of a certification scheme with EU-wide acceptability and comparability, train drivers licences and certificates obtained in a Member State were not recognized in another Member State. Hence, the train drivers had to undergo training and certification in each and every Member State they worked in. This situation led to considerable duplication with all the significant effort, costs and time involved.

The Directive 2007/59/EC on the certification of train drivers was intended to address the aforementioned patchwork of national solutions regarding the certification of train drivers by providing EU-wide acceptance and comparability of procedures. Its main objective is to facilitate the mobility of train drivers in the context of the increasing opening of the railway market while at least maintaining the current safety levels. The specific objectives were to define and implement common minimum requirements for certification of train drivers, their EU-wide interoperability and to streamline training. It is built in large parts on the “Autonomous Agreement on the European licence for drivers carrying out a cross-border interoperability service” of 27 January 2004 concluded by the sectoral social partners Community of European Railways (CER) and the European Transport Workers’ Federation (ETF).

The Directive entered into force on 4 December 2007. It lays down conditions and procedures for the certification of train drivers operating rolling stock on the railway market of the EU.

The evaluation of the Directive was based on a series of questions focused on relevance, effectiveness, efficiency, coherence and EU-added value both in a general way as well as regarding specific provisions of the Directive.

The main source for qualitative data for the evaluation was the outcome of the stakeholders consultation, which included two elements, namely a public online consultation and the stakeholders meeting. The information gathered in the stakeholder consultation complements the findings from the report submitted in December 2013 by European Union Agency for Railways (ERA), as foreseen in Article 33 of the Directive.

The evaluation faces some difficulties in producing robust quantitative comparisons with the data from the impact assessment that was part of the Commission proposal in 2004. This is mainly due to the lack of comparable data on the impacts of the Directive and is a limitation to the delivery of robust quantitative conclusions. It should also be noted that finalisation of the evaluation was delayed since although important, it was less urgent than the large number of complex implementing acts which had to be completed to give effect to the technical pillar of the 4th railway package. The validity of the conclusions is unaffected.

The evaluation shows that the Directive supports the transport policy objectives and continues to be as relevant today as it was 2007. Without action at EU level, the sector would face even more obstacles resulting from the patchwork of different national certification schemes. Hence, the Directive continues to add value at EU level. However, further action at EU level would be needed to fully achieve the objectives of creating a framework for EU-wide acceptance and comparability of procedures and requirements for certification in order to facilitate the cross border mobility of trains and train drivers. This is essential for the Single

European Rail Area to finally materialise and rail to contribute its share to the Green Deal objectives of making transport more sustainable.

The operational objectives of the Directive continue to be relevant. Overall, the Directive led to a certain degree of harmonisation and consistency in the requirements for licences and complementary certificates by setting minimum requirements. Therefore, the Directive solved to some extent the problem of fragmentation regarding the licences and certificates of train drivers, by setting a common framework for certification, training and monitoring of train drivers. The objective of developing and implementing operational rules harmonised at European level is still very relevant, for providing flexibility and interoperability in cross-border operations, and hence overcoming operational difficulties in cross-border services.

However, incoherencies in interpreting the Directive seem to be leading to contradictory standards at national level that affect the interoperability of licences and the training results of drivers. Further, unclear responsibilities and task allocation among the actors involved in the certification scheme has an impact on achieving the objective of developing and implementing harmonised rules with a benefit to the whole of the EU train driver market.

The evaluation confirms that the Directive was effective in contributing to enhancing and facilitating the mobility of the train drivers as well as easing, for the employer, the assignment of train drivers to operations in various Member States. The EU-wide validity of the licence has a positive impact on assigning train drivers to operations in various Member States. However, this impact is limited because the licence covers only a minimum of the level of skills and qualifications; most skills are required for the complementary certificate (valid only on specific infrastructure/rolling stock). The certificate part of the Directive has a limited impact on EU-wide interoperability of train drivers since an important part covers the safety and operational rules, which are national and/or depend on the Infrastructure Manager. The evaluation showed that there is significant margin for further improving the effectiveness of the Directive, owing to the fact that some of its provisions are outdated, its language is sometimes ambiguous, and its scope might need adjustment.

On efficiency, the estimations on costs and benefits made in the Impact Assessment of the Directive could not be verified during the evaluation due to the lack of reliable figures on real costs and benefits. This indicates the need for better data collection in the future. Moreover, in the absence of conclusive estimates on the sector costs and with no access to concrete information and statistics it was difficult to estimate benefits and costs. However, even though no robust evidence with regard to the costs and benefits of the Directive is available, inconsistent implementation by Member States could have led to efficiency losses. With regard to the costs incurred, it has to be taken into account that the certification scheme based on the Directive replaced national certification schemes already in place. Therefore, older requirements and procedures were updated and/or changed according to the Directive and hence, some of the costs incurred are one-off costs due to adaptation of national certification schemes to the requirements of the Directive.

The Directive is in general terms still coherent with the overarching priorities of EU transport policy but updates are required to increase relevance and efficiency through immediate and undistorted implementation of its requirements underpinning a European transport system that remains safe, reliable and affordable while becoming more sustainable and efficient, including less costly. As regards the coherence with other pieces of EU legislation, no obvious contradictions could be observed. However, the Directive does not reflect the evolution since

2007 of the relevant legislative landscape, especially for seamless rail transport operations based on full interoperability as the requirements of the technical pillar of the 4th Railway Package including the new responsibilities of ERA in the authorisation process and the obligations in creating a single European Rail Area.

Further, the impact of the technological progress (e.g. of ERTMS) on the certification scheme could be assessed, as it could contribute to more flexibility and simplification of the certification scheme, as well as to efficiency gains (for example by reducing the costs for updating the certification documents). This assessment should be embedded in a broader analysis of how technological developments shape the job profile of train drivers as well as the skills required.