



Position Paper

Brussels, 19 September 2022

Train Drivers Directive (TDD)

CER Position “Train Drivers Directive”

This CER Position Paper concerns Directive 2007/59/EC, which is currently in force. The scope of the CER Position Paper is to highlight potential further development of the Directive.

Railway transport makes a significant contribution to achieving the objectives of the European Green Deal. In order to achieve this ambitious goal, 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 should be revised. In this context, CER supports the improvement and facilitation of the mobility of train drivers across the EU network, as well as the approval of train drivers for assignments in different member states by employers, while also ensuring a high level of railway safety.

We believe in guaranteeing the mobility of train drivers and promoting interoperable mobility. We are committed to maintaining a high level of safety, while also calling to avoid the disadvantages for the railway-operating community in competition with other modes of transport.

The following guidelines should be applied for the revision of the Train Drivers Directive:

- Safety
 - Maintain a high level of safety for the railways
- Competitiveness
 - Avoid the disadvantages for railways in competition with the road and aviation sectors
- Sustainability
 - Reasonability
 - Focus on the minimum requirements while avoiding any overregulation
 - Affordability
 - Cost/benefit ratio and added value
 - Viability
 - Implementation of “sound solutions”, taking into account return of experience & good practice
 - Possibility to have “pilot tests”
 - Sound transition periods to reach the target system

CER believes that the Train Drivers Directive should remain a directive and not be transformed into a regulation. This is in order to guarantee that the Member States still have options for implementation without compromising on safety, competitiveness and sustainability. Member States must be able to maintain regional and country-specific leeway.

At the current stage, we do not believe it is necessary to extend the role and mandate of the European Union Agency for Railways as defined by the 4th Railway Package’s Technical Pillar. The National Safety Authorities (NSA) should remain the responsible competent authorities. Nonetheless, the Agency should play an important role here regarding railway vocabulary and facilitating the harmonisation of the information and commands to be

exchanged and the transfer to digital data (exchange of codes via on-board radio) of essential communications between the train driver and the infrastructure manager.

Practical experience in the implementation of the specified medical and psychological requirements have been gained for many years. Based on this knowledge, the medical and psychological requirements should be reviewed, defined more precisely and, if necessary, updated.

CER recommends paying particular attention to the use of precise and correct terminology regarding medical and psychological requirements throughout the text of Train Drivers Directive.

1. Language skills

Overall position

In the railway sector, safety is a very important factor. Sufficient language skills are elementary to ensure safety in regular, disruptive and emergency situations. Safe operations must also be guaranteed in interoperable traffic. Therefore, a corresponding standard of language and communication level in interoperable rail traffic must be ensured, taking into account the fact that this represents additional hurdles and high costs (financial and personnel-related) for the international railway sector and can be a disadvantage compared to other sectors.

CER believes in defining the following general requirement and two major exemptions:

General requirement

- Language level "B1" for all traffic

Exemption

- Countries with more than one official EU language (domestic railway services): EU language level "A1+" (A1+ = A1 + railway-specific terminology (e.g. ERA glossary) and/or "supporting means")
- Border sections: The existing language regime continues to apply (based on bilateral state agreements or (mutual) NSA cross border agreements). If mutually agreed (in consultation with the relevant stakeholders in the railway sector), a lower language level together with railway-specific terminology (e.g. ERA glossary for railway vocabulary) and/or "supporting means" can be applied

The language regime for operating units of infrastructure managers and yellow fleet operators TD (*railway maintenance and emergency service vehicles for infrastructure*) is to be defined in the SMS (safety authorisation and safety certification).

Transition

- Need for a sound transition (3 years) for the general requirement
- Both exemptions to be applied promptly in order to ensure domestic and cross-border railway traffic

Mandatory addition in relation to cross-border sections:

It is imperative to maintain the possibility that bilateral agreements for traffic near to the border and between borders remain valid according to 2019/554 and can also be concluded in the future. This best practice is essential in order to ensure smooth interoperable mobility.

Mandatory addition regarding the exemptions in multilingual member states:

The majority of our mobility takes place in a national context. In the case of countries with more than one official national language, it should be possible to lower the language level, given the unchanged level of security, in order to ensure their domestic mobility while also avoiding negative impacts on it.

CER supports the Agency (together with the European railway sector) to further elaborate "supporting means" in order to exploit the potential and outcomes of (for example) Shift2Rail and ERJU.

We see potential in adjusting the general B1 level for railway-specific needs.

CER advocates further development of the defined language level, among other things, for the purposes of focusing on railway vocabulary, differentiating the respective language competencies (understanding, speaking, writing), as well as standardising and reducing the linguistic complexity of the regulations for the train drivers.

As we introduced at the time in our CER position paper dated 16 May 2016, the ERA should be given the following task:

- If an agreement is reached based on this understanding, it should be clearly and rather urgently specified in the Directive. The Commission/ERA may provide guidance to companies to help them to define the 'railway vocabulary' for which B1 level is requested.

This also includes scientifically based safeguarding (e.g. an empirical study) to determine the required language level of the job profile for the train driver. This can make a valuable contribution to the attractiveness of the TFF profession. Throughout the process, CER and its members should be closely involved.

Use of alternative means

We support the use of "alternative means" helping to ensure safe, practical and appropriate conditions without generating additional disadvantages for the railway sector. Under this precondition, we welcome future developments to facilitate communication across language boundaries and reduce language difficulties, especially in cross-border traffic.

For example, automatic translation programmes can increasingly represent an additional means to enable communication across language borders. This includes language translation as well as the exchange of predefined messages covering different operational situations.

However, our experience shows that the use of a translation programme alone does not yet sufficiently guarantee efficient communication in adverse situations and emergencies. Furthermore, the use of translation programmes is heavily dependent on the widespread availability of high-performance telecommunications infrastructure.

Introduction of an alternative single European operating language such as English

The vast majority of passenger and freight traffic, as well as maintenance and other operations, is carried out exclusively at a national level. Under these conditions, the introduction of an alternative, uniform European language would not offer any added value. Changing to a single language would not only affect train drivers but all professional profiles, especially those who are responsible for safety-relevant activities.

English as an operating language would be a foreign language for the majority of railway employees. An additional requirement would be placed on many professional profiles, which would be linked to considerable additional costs (training, new recruitments, etc.) for the companies.

Learning the foreign language is the first step, practicing the language and maintaining the language skills is the second. Ensuring this language is used also in difficult situations and in the case of emergencies, i.e. communication with local third parties such as emergency services, if applicable, presents challenges.

Furthermore, there are concerns that it would be difficult to find qualified employees on the labour market, which is already facing difficult times in terms of recruitment. In addition, there will be a new dimension of competition for employees in this context.

Candidates also usually do not meet the required qualification for the level of language competence of an alternative uniform European company language such as English.

In this context, we fear a new dimension of competition for employees.

Therefore, English, at the current stage, cannot be used as the single operating language in the railway sector and the existing system should be maintained.

2. Driving licence and complementary certificates

Overall position

The driving licence and complementary certificates cover different requirements with regard to knowledge and professional qualifications and have different responsibilities.

This is generally regulated with regard to the driver's licence (e.g. minimum age and education; psychological /physical fitness) and the responsibility lies with the relevant NSA. The complementary certificates are individual (competence of: rolling stock, infrastructure, language and categories) and are the responsibility of the respective railway undertaking.

This results in different processes. Parallel procedures, which represent unnecessary bureaucratic hurdles, should be avoided for the processes of both driving licences and additional certificates.

Therefore, the instruments should also remain different. We therefore object to a merging of the driver's licence and the complementary certificates.

When changing to another member state, the free and unbureaucratic exchange of the driving licence by the NSA in the other member state should be guaranteed.

Digital documentation of driving licence and complementary certificates

In the context of harmonisation efforts, we support higher-level digital developments.

CER calls for an affordable, more sustainable and practicable technical solution that displays the content in a simple way and can be viewed quickly. This makes it easier to update, read, and share information and map content in more detail. This represents a simplification in national and interoperable traffic.

The use of electronic formats to demonstrate the certification of train drivers should be established in the Directive while exempting yellow fleet craftsmen holding a train drivers licence.

We support the use of a digital storage medium, e.g. a card similar to a credit card or a QR code system that accesses a database in which all authorisations (driver's licence and complementary certificates) are stored and can be updated daily by the railway undertaking, etc. Accordingly, the driver's licence and complementary certificates can be listed. They are not to be combined due to the differences.

However, in any further technical development, special attention must be paid to ensuring data protection (different data protection regulations in the member states: responsibilities/authorities, access authorisations, cyber security).

3. Harmonisation of training and certification requirements

Overall position

CER draws attention to the EU program "STAFFER", which helps operators, infrastructure managers and suppliers to anticipate their competence needs of tomorrow. This program offers certain opportunities for EU-wide harmonisation of training content. We fully support further developments in this regard.

The current high standard of training must be maintained – this is related to safety in operation. Training is strongly characterised by the national circumstances. It is often tailored specifically to meet the needs of demanding and diverse operations (network).

Therefore, there are limited possibilities for harmonisation in terms of training content, but also in terms of implementation. Under these conditions, harmonisation with other training courses is hardly possible and would result in considerable additional costs for the companies, while also bringing little added value. The existing practice should be maintained.

The national framework must be maintained. We do not reject European initiatives such as ERTMS but rather support them under the conditions mentioned. A mutual recognition of skills and certificates can be achieved through safety management, even without harmonisation. At the EU level, harmonisation of training should be based on the principle that obtaining the licence is based on the acquisition of competencies and not on a mandatory number of hours/days of training.

Different forms/mechanisms/procedures should continue to be possible with regard to the acquisition and periodic review of complementary certificates.

Finally, competencies, training and knowledge naturally need to adapt to technological progress and aim at increasing safety.

4. Scope of the Train Drivers Directive

Overall position

The scope of the Directive is limited to train drivers only and not to other crew members performing safety-critical tasks. In principle, the job profiles differ strongly in terms of requirements, competencies and responsibilities. With regard to future developments of the profiles, no inclusion of further categories of professions can be taken into account.

For certain profiles covered by the Directive, we could imagine the creation of subcategories that could be exempted of certain requirements. (e.g. yellow fleet)

5. Supervisory and control body

Overall position

The supervisory and control body is the National Safety Authority.

It is important to maintain the level of oversight as well as today's operational processes, which are generally working well.

Additional regulations in international traffic would increase complexity, make our interoperable activities more difficult and therefore significantly impair the competitiveness of the railway sector.

CER recommends that the European Union Agency for Railways (ERA) focuses on the assigned tasks/described mandate according to the Regulation (EU) 2016/796 2016 11 May 2016 on the European Union Agency for Railways. The objectives and the mandate of the Agency is clearly described and sufficient.

6. Guidance for the users of the Directive

An application guide can help to harmonise the transposition of the Directive to avoid reproducing the current differences.

Reference should be made to Safety Directive 2016/798 to remind users that the principles defined therein must be integrated (e.g. commitment to consistently apply human factors knowledge and methods).

CER recommends that an Application Guide for the TDD is released including guidance on (Reference: Chapter 6 of this CER Position Paper):

- Language level for railways and railway-specific terminology
- Border sections
- Supporting means
- Yellow fleet and IM fleet

About CER

The Community of European Railway and Infrastructure Companies (CER) brings together railway undertakings, their national associations as well as infrastructure managers and vehicle leasing companies. The membership is made up of long-established bodies, new entrants and both private and public enterprises, representing 79% of the rail network length, 77% of the rail freight business and about 90% of rail passenger operations in EU, EFTA and EU accession countries. CER represents the interests of its members towards EU policy makers and transport stakeholders, advocating rail as the backbone of a competitive and sustainable transport system in Europe. For more information, visit www.cer.be or follow us on Twitter [@CER_railways](https://twitter.com/CER_railways) or [LinkedIn](https://www.linkedin.com/company/cer).

This CER document is for public information.

Although every effort is made to ensure the accuracy of the information in this document, CER cannot be held responsible for any information from external sources, technical inaccuracies, typographical errors or other errors herein. Information and links may have changed without notice.