

EVALUATION AND FITNESS CHECK (FC) ROADMAP			
TITLE OF THE EVALUATION/FC	Evaluation of Directive 2007/59/EC on the certification of train drivers operating locomotives and trains on the railway system in the Community		
LEAD DG RESPONSIBLE UNIT	DG MOVE B2	DATE OF THIS ROADMAP	03/03/2016
TYPE OF EVALUATION	Internal Ex-post Evaluation	PLANNED START DATE	Q4 / 2015
		PLANNED COMPLETION DATE	Q3 / 2016
		PLANNING CALENDAR	<a href="http://ec.europa.eu/smart-regulation/evaluation/index_en.htm">http://ec.europa.eu/smart-regulation/evaluation/index_en.htm</a>
<b>This indicative roadmap is provided for information purposes only and is subject to change.</b>			

A. Purpose
(A.1) Purpose
The aim of this evaluation is to provide a complete overview of the implementation of Directive 2007/59/EC (hereafter "the Directive") on the certification of train drivers operating locomotives and trains on the railway system in the Community as well as the effectiveness of the measures it introduced. Depending on its results, the evaluation may form the basis for a review of the Directive.
(A.2) Justification
<p>Directive 2007/59/EC on the certification of train drivers entered into force on 4 December 2007. Article 33 of the Directive provides for a report by the European Railway Agency (ERA) to the Commission before the end of October 2013, which evaluates the development of the certification scheme and also identifies problem areas. Moreover, based on this report, the Commission shall take appropriate measures and shall propose, if necessary, changes to the Directive.</p> <p>The ERA report, which was submitted in December 2013, is based on the consultation and experience of a variety of stakeholders, more specifically on the outcome of a questionnaire survey conducted in Spring 2013<sup>1</sup> and on experience the Agency gathered during five years of accompanying the implementation process in the Member States. The report, which is a first assessment of the implementation of the Directive, shows the benefits of the system but it also reveals its difficulties, inconsistencies and weaknesses, for example a number of provisions in the Directive are not clear, outdated, or are regarded as insufficient/incomplete; this leads to problems in the implementation and/or to different application of the rules in Member States. As a consequence the effectiveness of the scheme and the idea of having a harmonised EU-wide certification system for train drivers could be limited. Harmonized implementation is crucial for safety reasons, to avoid potential discrimination between drivers and railway undertakings across the EU and also in economic terms, especially for railway undertakings working in several EU Member States. During the evaluation these issues will be investigated in further detail.</p>

B. Content and subject of the evaluation
(B.1) Subject area
Directive 2007/59/EC on the certification of train drivers entered into force on 4 December 2007. 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 Directive lays down conditions and procedures for the certification of train drivers operating rolling stock on the railway market of the EU. It also specifies the tasks of competent authorities in the Member States, train drivers and other stakeholders such as railway undertakings and infrastructure managers.

<sup>1</sup> Data and information gathered by the questionnaire survey refer to 31 March 2013 as reference date.

The Directive provides for a gradual phasing in of the certification scheme:

- Registers<sup>2</sup> had to be drawn up first.

- By 29 October 2011 the certificates or licences of drivers performing cross-border services, cabotage services or freight services in another EU country or working in at least two EU countries had to be issued in accordance with the Directive.

- At the latest on 29 October 2013 all new licences and certificates had to be issued in accordance with the Directive.

Four related acts concern the models for licences and certificates, the registers of licences and certificates and training.

- The annexes to the Commission Regulation (EU) 36/2010<sup>3</sup> set out the Community models for the train driving licences, complementary certificates, certified copies of complementary certificates, and application forms for the train driving licences as referred to in the Directive.

- Commission Decision 2010/17/EC<sup>4</sup> provides for the basic parameters for registers of train driving licences and complementary certificates provided for under the Directive.

- Commission Decision 2011/765/EU<sup>5</sup> defines the criteria for the recognition of training centres involved in the training of train drivers, criteria for the recognition of examiners of train drivers and criteria for the organisation of examinations in accordance with the Directive.

- Commission Recommendation 2011/766/EU<sup>6</sup> sets out recommended practices and procedures for the recognition of training centres providing professional training to train drivers and to train drivers candidates and for the recognition of examiners of train drivers and of train drivers candidates in accordance with the Directive.

#### (B.2) Original objectives of the intervention

The gradual extension of the access rights of licensed rail undertakings led to an increase in the number of rail undertakings operating in more than one Member State and eventually to a growing demand for drivers trained and certified in more than one Member State. In order to be able to work in another Member State, these train drivers had to undergo training and certification in several Member States, because the licences and certificates obtained in another Member State were not recognised in another Member State. Therefore, the main objective of the intervention was to address the aforementioned problem of patchwork, national solutions and bring value to the employment market by providing EU-wide acceptance and comparability of procedures and requirements while avoiding duplication of efforts and costs and maintaining the high level of safety of the EU railway system. The driver of this problem was consisting in the differences in differences in certification conditions for train drivers across Member States.

The specific objectives were hence to specify and implement common minimum requirements for certification of train drivers, EU-wide interoperability and simplify the training of train drivers.

#### (B.3) How the objectives were to be achieved

See Annex I.

## C. Scope of the evaluation/FC

#### (C.1) Topics covered

The evaluation will cover all elements and provisions of the Directive and assess its implementation and effects from 4 December 2007 when it entered into force. It will take into consideration the gradual phasing-in and transition periods as indicated in the Article 37 of the Directive.

The evaluation will cover all Member States except Cyprus and Malta (which do not possess a railway network on their territory).

<sup>2</sup> Registers of all licences issued, updated, renewed, amended, expired, suspended, withdrawn or reported lost, stolen or destroyed.

<sup>3</sup> OJ L13/1, 19.1.2010

<sup>4</sup> OJ L 8/17, 13.1.2010

<sup>5</sup> OJ L 314/36, 29.11.2011

<sup>6</sup> OJ L 314/41, 29.11.2011

(C.2) Issues to be examined
The following evaluation questions will be analysed:
<u>Relevance</u>
1) To what extent are the operational objectives of the Directive relevant and proportionate to address the need of overcoming the differences in certification conditions for train drivers across Member States (single market objective) while maintaining the high level of safety of the EU railway system (safety objective)?
2) To what extent are the requirements set out in the Directive relevant instruments to achieve the objectives?
<u>Effectiveness</u>
3) To what extent has the Directive contributed to EU-wide interoperability of train drivers?
4) To what extent has the Directive contributed to enhancing and facilitating the mobility of train drivers?
5) To what extent has the Directive contributed to maintain or raise the safety level?
6) Has the Directive led to any positive and/or negative unintended effects (both in terms of impacts and results) other than those mentioned in the previous questions? If so, what is the extent of these effects and which stakeholder groups are affected the most?
7) To what extent the form of intervention was the most adequate one?
<u>Efficiency</u>
8) To what extent are the costs incurred by stakeholders (such MS authorities, Infrastructure managers, Railway Undertakings, train drivers) proportionate to the benefits achieved?
<u>Coherence</u>
9) Are the objectives of the Directive coherent with the general EU objectives, notably of the 2011 White Paper on Transport and current EU policy priorities/objectives?
10) Are the provisions of the Directive (still) consistent with the co-existing EU railway legislation despite its evolution (e.g. Recast, 4th Railway Package)? Can inconsistencies of references and definitions, and overlaps of provisions be identified? Is there scope to streamline the existing regulatory framework?
<u>EU added value</u>
11) What is the EU-added value of the common certification scheme for train drivers?
(C.3) Other tasks
None

D. Evidence base
(D.1) Evidence from monitoring
According to Article 36 of the Directive 2007/59 Member States shall communicate to the Commission the text of the main provision of national law which they adopt in the field covered by this Directive. To date all Member States (except Cyprus and Malta, (which do not possess a railway network on their territory) notified the Commission about the transposition of the Directive in national law.
(D.2) Previous evaluations and other reports
The report submitted in December 2013 by ERA <sup>7</sup> (according to Article 33 of the Directive) assesses the development of the certification scheme and also identifies problem areas. This report will serve as a basis for the evaluation. In addition to the report, other sources of information might be used such as position papers of various stakeholders, cost/benefit analysis reports produced by the MS in accordance with Art. 37(5) of the Directive.
(D.3) Evidence from assessing the implementation and application of legislation (complaints, infringement procedures)
No complaint has been received / finally dealt with so far. Infringement or pre-infringement cases are on-going relative to transposition of the Directive 2007/59 in Austria, Estonia, Czech Republic, Hungary and Lithuania.
(D.4) Consultation
The ERA report on the implementation of the Directive is based on a questionnaire which was distributed to

<sup>7</sup> [http://www.era.europa.eu/Document-Register/Documents/141118%20Art%2033%20report%20V1.1\\_final.pdf](http://www.era.europa.eu/Document-Register/Documents/141118%20Art%2033%20report%20V1.1_final.pdf)

National Safety Authorities (or bodies acting on their behalf), Railway Undertakings and Infrastructure Managers employing train drivers, sector organisations representing train drivers or rail operating companies as well as other bodies or persons involved in the certification of train drivers in accordance with the Directive. The questions covered the following items: issuance of licences, recognition and accreditation (e.g. of training centres, examiners/examination centres), basic requirements, adequacy of training requirements, complementary certificates, National Licence Registers and Complementary Certificates Registers, and mobility in the employment market.

In the frame of the present evaluation, an internet-based 12 week open public consultation will be launched in March 2016 and published on [http://ec.europa.eu/transport/index\\_en.htm](http://ec.europa.eu/transport/index_en.htm) as well as on Your Voice in Europe ([http://ec.europa.eu/yourvoice/consultations/index\\_en.htm](http://ec.europa.eu/yourvoice/consultations/index_en.htm)). All interested citizens and organisations can contribute to the consultation; contributions are particularly sought from following categories of stakeholders: National Authorities, railway undertakings and infrastructure managers or bodies acting on their behalf, train drivers and organisations representing train drivers and social partners, training and education establishments. The consultation will cover elements not addressed by the questionnaire and report produced by ERA, i.e. the relevance, effectiveness, coherence and EU-added value of the intervention. Even though the questionnaire will be available only in English, contributions can be submitted in all EU languages. The report on the results of the consultation will be made available on the consultation website ([http://ec.europa.eu/transport/index\\_en.htm](http://ec.europa.eu/transport/index_en.htm)).

(D.5) Further evidence to be gathered

In addition to the sources mentioned under D.2 and the outcome of the open public consultation, other sources of information might be used such as position papers of various stakeholders (submitted in course of the evaluation exercise), various statistics produced by MS, Eurostat and other Commission services.

#### **E. Other relevant information/ remarks**

N.A.

