

Original in French

## **AGREEMENT**

concluded by the

**European Transport Workers' Federation (ETF)**

and the

**Community of European Railways (CER).**

on the

## **EUROPEAN LICENCE**

**FOR DRIVERS CARRYING OUT A CROSS-BORDER  
INTEROPERABILITY SERVICE<sup>1</sup>**

Brussels, 27<sup>th</sup> January 2004

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<sup>1</sup> In a country other than that of their RU

Considering that the future of rail transport requires the modernisation of the system and the development of trans-European traffic and thus interoperability services which concern an important part of the railway company and its personnel, in particular, the drivers;

Considering that, because of the specific features of rail transport, a European licence for drivers in cross-border interoperability services is a precondition to operation of interoperable rail traffic at European level;

Considering that this licence for cross-border interoperability services certifies that the driver holds the additional skills required to drive on another infrastructure for which his/her company also holds safety certificate ;

Considering that such a licence can greatly contribute to maintaining a high level of safety ;

Considering that the objectives underlying the introduction of a European licence for drivers system – a system whose general characteristics were discussed within CER and ETF – aim at guaranteeing an optimal level of safety, at facilitating the interoperability of drivers and at improving management efficiency;

Considering that CER and ETF can, for this purpose, refer to tangible, earlier work and experiences in interoperability services which have focused on public and private transport services as well as on joint and competition-gearred operating systems and that joint groups have carried out several missions and prepared several reports on this subject;

Considering that the above-mentioned work papers have already been approved by the various CER-affiliated European railway companies and in their great majority by the ETF;

The CER and ETF hereby decide, through an Agreement between the two parties, to set up a European licence for drivers system whose characteristics are stipulated in the Agreement below.

This document is compatible with the current provisions contained in the existing European documents. It fits fully into a framework that involves several other documents some of which are now being finalised and shall co-exist, *viz.* the regulations relating to the setting up of the European Railway Agency for Safety and Interoperability, the Safety Directive and the Technical Specifications for Interoperability that apply to both the conventional and high speed railway system.

The Agreement shall be implemented by the CER-affiliated companies pending a European Directive. For the part covering the scope of this Agreement, both parties want the Directive to be written on the basis of this Agreement.

This text formalises existing and often comparable practices implemented by several railway companies and constitutes a framework for the new interoperability practices. If a new European Directive covers certain points set out in this Agreement, the new directive will be applied.

The social partners want the authorities responsible for safety issues in the Member States to take into account the contents of this Agreement wherever relevant and to establish the necessary controls to maintain a high level of safety in the new context.

## ARTICLE 1 – THE GOALS OF THE EUROPEAN LICENCE FOR DRIVERS

The European licence for drivers is aimed at:

- Facilitating the interoperability of driving staff as a means to increase international railway traffic,
- Maintaining and even increasing the level of safety, and, towards this end, guaranteeing the quality level of the driving staff's performance by ensuring and verifying compliance with competence levels geared to the relevant European railway systems,
- Contributing to the efficiency of management of drivers in interoperability services by the railway companies,
- Reducing the risks of social dumping

The CER and ETF have decided to set up a system of European licence for drivers.

## ARTICLE 2 –SCOPE OF THE LICENCE

The European licence applies to drivers of trains for which at least two safety certificates are required<sup>2</sup>.

The applicable rules concerning the European licence do not replace the domestic regulations governing drivers employed by the railway companies established in each Member State when these drivers are exercising their profession in the home country of their railway company.

## ARTICLE 3 –ISSUANCE OF THE LICENCE

The railway company – holding a railway operator's licence and several safety certificates (according to EC Directive 14/2001) – which employs the driver, shall issue the licence, which within a number of specific countries, attests to the driver's ability to drive a given train on a particular route.

The railway company that employs the driver must also verify that the agent has the skills which may be required by the competent authorities of the state whose railway network is being travelled on.

As far as the overall content is concerned (verification of physical / professional aptitude, training evaluation, authorisation...), described in the articles below, the RU shall ensure the necessary traceability for all the drivers, thus enabling the qualified authorities to carry out the necessary controls.

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<sup>2</sup> For local and regional passenger traffics coming from The Netherlands, this agreement will take effect in 2006 and the conditions of access by drivers to the infrastructure will be fixed by bilateral agreement.

#### ARTICLE 4 – OWNERSHIP OF THE LICENCE

The driver's licence shall remain the property of the Railway Undertaking which employs the driver. An authorisation card drawn up by the RU shall be given to the driver who must be able to produce it at all times when on duty.

The responsibility of the RU, which delivers the licence shall be fully engaged.

#### ARTICLE 5 –STRUCTURE OF THE LICENCE

The structure of the licence shall attest to the driver's physical and professional aptitude to drive trains on the networks of several Member States.

Considering the specific nature of the operation, infrastructure, regulations and rolling stock, which may vary considerably from one railway company to another and from one network to another, the European licence for drivers shall be composed of two distinct parts:

- ❑ the first part shall concern the certification of a driver's physical and professional aptitude to drive traction engines on behalf of the RU, which has authorised the driver within a Member State where the RU holds a certificate (Articles 6.1, 6.2, 6.3.).
- ❑ the second part shall define the aptitudes required of the driver, in particular with respect to the specific regulations of each railway network concerned (Article 6.4.).

The result of the above described process leads to a multi-part licence that authorises the driver to drive on a certain limited number of railway networks.

#### ARTICLE 6 –REQUIRED APTITUDES AND SKILLS

Except in the event of special requirements imposed by a Member States, the aptitudes and skills mentioned under Article 5 shall be established at the European level. They are based on the following requirements:

##### 6.1 Physical aptitude

Physical aptitude is assessed by an occupational doctor or a recognised medical service, in accordance with the applicable national law and practices.

The physical aptitude requirements are specified in annex 1 appended hereto<sup>3</sup>. The driver shall at no time during service be under the influence of any substance likely to alter his/her concentration, vigilance or behaviour.

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<sup>3</sup> These requirements (except §§ 4.3 and 4.4) can be subject to changes on the European level. Future changes will be notified by the Committee for Social Dialogue.

## 6.2 Psychological aptitude

Psychological aptitude shall be checked by a graduated psychologist, in accordance with the applicable national law and practices.

The psychological aptitude requirements are described in annex 1 appended hereto.

## 6.3 Professional aptitude

- a) knowledge and practice of railway technologies, including safety and operational regulations;
- b) knowledge and practice of the risks related to railway operation and of the various means to control them;
- c) knowledge and practice of one or more railway operating modes;
- d) knowledge and practice of one or more types of rolling stock;
- e) knowledge and practice of the travelled railway routes or routes, including re-routings;
- f) appropriate language abilities

The professional aptitude requirements are described in annex 2 appended hereto.

## 6.4 Recognition of infrastructure-related skills in the other Member States

The competences, which the drivers must have, to exercise their profession on the infrastructure of a Member State other than that in which the RU delivered the authorisation to a driver, fall into four mandatory categories:

### General knowledge

- knowledge and practice of the railway systems and the operating safety regulations imposed by each of the countries travelled in, enforced on the railway network driven on, for each particular service

### Rolling stock knowledge

- knowledge and control of the specific features of the rolling stock driven on the infrastructure, assuming that the driver is already authorised to drive such rolling stock.

### Route and installation knowledge

- knowledge of the railway routes and the working sites which the driver will be driving through (or is likely to drive through) on his/her travels, including the location of railway stations and working sites, the location of rail signals, according to the regulations and the various operating modes implemented in the various countries concerned

It must be possible for the RU to obtain all useful information concerning the network and the operating system of the route concerned as well as any changes in the signalling, and then give this information to the driver in the appropriate form.

Language abilities

- appropriate knowledge of the language used to regulate traffic – both oral and written – so as to be able to talk with the person in charge of the infrastructure in all situations that may arise, e.g. when traffic is disturbed or disrupted. This requirement entails the need to set a required levels of proficiency for the above-mentioned language abilities.

6.5 Certification of the training system

The training centres and/or examiners and/or trainers for the operating rules in a country in which the driver will have to drive, shall be certified by the competent authorities of this country or by their authorised agents.

ARTICLE 7 - DOCUMENTS

The RU must provide the driver, when he/she is driving on a network of a given Member State, with at least the same information that is provided to the driver of a RU which is established in the said Member State. The driver must, in particular, be provided with:

- the reference document(s) on the regulations in force for the railway concerned (rail signals, safety, operational systems);
- the technical document(s) describing the installations of the travelled lines;
- documents and information on temporary modifications of railway signals on the travelled lines;
- the authorisation card provided for in Article 4 with the part concerning the network travelled on.

ARTICLE 8 – MAINTAINING APTITUDES

Since validity of the licence is subject to a periodic validation of the various aptitudes by the RU employing the driver, the national authorities in charge of safety issues shall determine the validity period for each aptitude.

1. Validation of physical fitness : see annex I
2. Validation of professional aptitude : see annex II

In order to maintain a high level of operational safety, a verification process shall be carried out periodically to evidence that the driver has the aptitudes required by the European licence. Basic aptitudes shall be developed and refreshed annually.

3. Validation of the specific skills for each railway network travelled on in other Member States.

The aptitude validity period is limited according to the regulations in force in the various countries concerned.

#### ARTICLE 9 DURATION AND RENEWAL OF LICENCE

The validity period shall not exceed three years.

If all the required aptitude validation conditions are met, the licence may be renewed.

#### ARTICLE 10 – WITHDRAWAL OF DRIVER’S LICENCE

If the driver does not have all the required aptitudes, the RU must withdraw his/her licence, either temporarily or permanently.

The driver can appeal the decision.

The company shall inform the driver of the reasons for the withdrawal of the licence, and if the licence is temporarily withdrawn, under what conditions it can be recovered.

The social partners want the driver and the company to be able to appeal a licence withdrawal decision when such a decision is taken by the safety authorities of another state.

The driver’s licence is linked to his/her employment contract ; it is issued by the RU which employs the driver and provides the authorisation. The licence will therefore be withdrawn when the driver leaves the company.

The driver obtains a certificate confirming the aptitudes that are not put into question.

#### ARTICLE 11 – LIABILITY OF THE RU

The RUs shall fulfil their responsibilities as employers. As such, they are required to observe the laws and regulations in force at the European level and stipulated by the IMs of the states travelled through .

The RUs shall guarantee the aptitudes of their personnel and the concurrence of such aptitudes with those required for driving trains on the railway networks travelled on.

The driver’s licence shall automatically lose its validity if the RU is deprived of its transport licence or no longer holds a valid safety certificate.

The driver obtains a certificate confirming the services carried out and his aptitudes.

Training, verification of physical aptitudes by occupational doctor, evaluation of professional skills, the authorisation process and more generally the safety management system used by the company, as well as the need to feed the information system referred to in Article 12, must contribute to maintaining a high level of safety under conditions of interoperability.

## ARTICLE 12 - INFORMATION THAT MUST BE AVAILABLE IN REAL TIME

The information contained in the document or the card held by the driver must include at least:

- driver identification (first name, family name, identification number, birth date and place, nationality if not an EU citizen, mother tongue, address);
- name and address of the company, working place and the officers to be contacted;
- the main characteristics of the authorisation and the validity dates of the aptitude verifications in order to be able to trace the driver's complete certifications.

The RU shall be able to provide, without delay, all the information on the driver's aptitude to the safety authorities or their delegates, including the driver's knowledge of the lines and the rolling stock.

This information be available in the languages of the safety certificate being used.

All workers shall have access to their personal information contained in these files by asking his/her company or the appropriate organisation.

In a first phase, a certificate of aptitude and knowledge shall be given to the interoperable cross-border driver (see example in annex III)

In the medium term, for the implementation of this licence system, the railway companies concerned shall gradually introduce mutually compatible information systems, which allow the contents of the licence to be checked in real time by the qualified national and European authorities.

The principal operating rules for each infrastructure concerned shall be communicated to the representatives of the staff concerned.

## ARTICLE 13 – ASSISTANCE TO DRIVER IN CASE OF INCIDENT OR ACCIDENT

Medical and legal assistance due to the interoperable driver shall be provided for by the employer in case of incident or accident.

A driver may take the initiative to ask for the assistance of a staff representative established in the country of the railway network being travelled on.

## ARTICLE 14 – INSPECTION

The RU is liable for the authorisation granted to its drivers.

The competent national safety authorities or their representatives can, if they so decide, perform inspections on all driving-related aspects.

The RUs shall provide all elements needed for the inspections, in particular those supplied by the recorders on the traction units.



ARTICLE 15 – INFORMING THE STAFF REPRESENTATIVES

In case of incident or accident in another Member State, the staff representatives of the company employing the driver shall be assured access to the same information as that provided to the representatives of a driver working for a company established in the Member State.

ARTICLE 16 – FOLLOW UP OF THE AGREEMENT

A committee composed of representatives of all parties having taken part in drawing up the Agreement shall meet every 6 months, during the first two years, under the auspices of the Committee on Social Dialogue, to discuss problems linked to the implementation of this Agreement and shall examine the main experiences of interoperable services.  
CER-ETF discussions on the main incidents and accidents could lead to joint proposals.

Brussels, 27<sup>th</sup> January 2004.

**For the CER**

**For the ETF**

**Giancarlo CIMOLI**  
Chairman

**Norbert HANSEN**  
President of the Railway Section

**Johannes LUDEWIG**  
Executive Director

**Jean-Louis BRASSEUR**  
Vice-President of the Railway Section

**Francesco FORLENZA**  
President of the Group  
of Human Resources Directors

**Doro ZINKE**  
Secretary General

**Jean-Paul PREUMONT**  
Senior Policy Adviser  
Social Affairs

**Sabine TRIER**  
Political Secretary

## The European licence for drivers carrying out a cross-border interoperability service

### ANNEX I

#### HEALTH AND SAFETY CONDITIONS

##### **1 Introduction**

Personnel of railway undertakings must have appropriate fitness to ensure that overall operational and safety standards are met. Railway undertakings must set up and document the process they put in place to meet the medical, psychological and health requirements for their staff.

Staff must not perform safety critical work whilst vigilance is impaired by substances such as alcohol, drugs or psychotropic medication. Therefore, railway undertakings must have in place procedures to control the risk that staff carrying out safety critical work attend for work under the influence of such substances, or consume such substances at work.

National laws of the territory where a train service is operated apply with regard to defined limits of the above mentioned substances.

##### **2 Criteria for approval of occupational doctors and medical organisations**

Railway undertakings and infrastructure managers must comply with criteria for approval of medical practitioners and for recognition of organisations involved in medical examinations according to national rules and practices of the country in which the railway undertaking or infrastructure manager is registered or licensed.

Medical assessments and any kind of decisions on the individual fitness of staff must be conducted by a recognised medical doctor with

- Expertise in occupational medicine
- Knowledge of the hazards of the work concerned and of the railway environment;
- An understanding of how measures intended to eliminate or reduce the risks from those hazards could be affected by lack of medical fitness.

The occupational doctor complying with these criteria may seek external medical advice or paramedical assistance to support his or her medical consultation and assessment, e. g. ophthalmologists.

##### **3 Criteria for approval of psychologists involved in psychological examination and psychological examination requirements**

###### *3.1 Certification of psychologists*

The psychologist must have a university qualification in psychology and be certified and recognised according to national rules and practices of the country in which the railway undertaking or infrastructure manager is registered or licensed.

### *3.2 Content and interpretation of psychological examinations*

The content and the procedure for interpretation of the psychological examination must be determined by a psychologist, taking account of the railway work and environment.

### *3.3 Selection of assessment tools*

The examination must only include assessment tools that are based on psychological-scientific principles.

## **4 Medical and psychological examinations**

### *4.1 Minimum content of the medical examination before appointment:*

Medical examinations must cover

- General medical examination;
- Examinations of sensory functions (vision, hearing, colour perception);
- Urine or blood analysis for the detection of diabetes mellitus and other conditions as indicated by the clinical examination;
- Screening for consumption of psychotropic substances such as illicit drugs or psychotropic medication -.
- In respect of train drivers, an ECG at rest is also required

### *4.2 Psychological examinations*

The aim of the psychological examination is to support the railway undertaking in the appointment and management of staff who have the cognitive, psychomotor, behavioural and personality capabilities to perform their roles safely.

In determining the content of the psychological examination the psychologist must, as a minimum, take the following criteria into account relevant to the requirements of each safety function:

- Cognitive:
  - Attention and concentration
  - Memory
  - Perceptive capability
  - Reasoning
  - Communication
- Psychomotor :
  - Speed of reaction
  - Gestured co-ordination
- Behavioural and personality :
  - Emotional self control
  - Behavioural reliability
  - Autonomy
  - Conscientiousness

If the psychologist omits any of the above, the respective decision must be justified and documented.

#### 4.3 *Periodic medical examinations after appointment*

At least one systematic medical examination must be performed:

- Every 3 years for staff aged up to 60;
- Every year for staff aged over 60.

Increased periodicity of examination must be set by the occupational doctor if the state of health of the member of the staff requires so.

#### *The minimum content of the periodic medical examination after appointment:*

If the worker complies with the criteria required at the examination which is carried out before practising an occupation, the periodic specialised examinations must include as a minimum:

- General medical examination;
- Examination of sensory functions (vision, hearing, colour perception);
- Urine or blood analysis for the detection of diabetes mellitus and other conditions as indicated by the clinical examination;
- Screening for consumption of illicit drugs or psychotropic medication where clinically indicated.

In respect of train drivers aged 41 years or older, an ECG at rest is also required:

#### 4.4 *Other cases of validation of physical fitness*

The physical fitness shall be checked regularly and after all labour accidents. The physician or the company's medical service may decide to conduct an additional examination, particularly after a period of thirty days of sick leave. The employer may request the physician to check the physical fitness of the driver if the employer had to withdraw the driver from his/her service for safety reasons.

### 5. **General Medical requirements**

Staff must not suffer from medical conditions or take medical treatment likely to cause:

- Sudden loss of consciousness;
- Impairment of awareness or concentration;
- Sudden incapacity;
- Impairment of balance or co-ordination;
- Significant limitation of mobility.

### 6. **Specific health criteria for drivers**

#### 6.1 *Vision requirements*

- Aided or unaided distance visual acuity 1.2; at least 0.5 for the worse eye.
- Coloured contact lenses and photochromatic lenses are not allowed. UV filter lenses are allowed.

- ❑ Maximum corrective lenses: hypermetropia +5 / myopia – 8. The occupational doctor may allow values outside this range in exceptional cases and after having sought the opinion of an eye specialist.
- ❑ Intermediate and near vision: sufficient whether aided or unaided
- ❑ Normal colour vision: using a recognised test, such as the Ishihara, completed by another recognised test if necessary .
- ❑ Vision field: complete
- ❑
- ❑ Binocular vision: present
- ❑ Contrast sensitivity: good
- ❑ Absence of progressive eye disease
- ❑ Lens implants, keratotomies and keratectomies are allowed only on condition that they are checked on a yearly basis or according to a periodicity set by the occupational doctor.

### *6.2. Hearing and speaking requirements*

Sufficient hearing confirmed with tone audiogram, that is:

- ❑ Hearing good enough to keep a phone conversation going and be able to hear alert tones and radio messages.
- ❑ The following values given for information 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).
- ❑ Hearing requirements set out must be achieved without the use of hearing aids.

## **7. Absence of psychotropic substances**

The driver must not, at any moment during his service, be under the influence of psychotropic substances that might affect his concentration, his vigilance or his behaviour.

## **8. Pregnancy**

Pregnancy must be considered a temporary cause for exclusion as regards drivers in the event of poor tolerance or pathological condition. The recognised medical doctor (as defined in subsection 2) must ensure that the legal provisions protecting pregnant workers are applied.

## **9. Anthropometrics**

The anthropometric measures of staff must be suitable for the safe use of the rolling stock. Drivers must not be required or allowed to operate particular types of rolling stock if their height, weight or other characteristics would make this unsafe.

## The European licence for drivers carrying out a cross-border interoperability service

### ANNEX II

#### PROFESSIONAL APTITUDE REQUIREMENTS SPECIFIC TO TRAIN DRIVERS

This annex stipulates the occupational aptitude requirements specific to train drivers carrying out a cross-border interoperability service.

#### **Skills: Knowledge and application of knowledge**

The driver must be capable of carrying out all the tasks defined by the safety rules applicable to the relevant service. He must be able to prove his oral and written command of the language specified in the safety certificate issued by the authorities of the country to which he is travelling.

He must follow regular continuing training in order to possess the required skills at all times.

#### **Definition of knowledge and tasks to be carried out by the driver**

This mainly involves the following points:

#### **1. Perform, prior to departure, the required tests and checks on the locomotive:**

- Prepare for the mission in due time:
  - Identify the service to be carried out and the corresponding documents
  - Collect the documentation and the necessary equipment
  - Check the capacities of the traction unit
  - Check the indications entered on the on-board documents
  - Ensure, by performing the checks and tests as specified, that the traction unit is capable of providing the required traction power, and that the required safety arrangements are in place
  - Perform the routine preventive maintenance operations if applicable

#### **2. Knowledge of the rolling stock**

To operate a locomotive, drivers must know all the control devices and indicators placed at their disposal, in particular those concerning:

- traction;
- braking;
- traffic safety related elements.

In order to be able to detect and locate anomalies in the rolling stock, report them and determine what is required to repair them, and in certain cases, to perform an intervention, drivers must know:

- the constituent parts of the rolling stock<sup>4</sup>, their purpose and the devices specific to the hauled stocks (stop system of the train by venting the brake pipe).
- the meaning of markings on the inside and outside of the rolling stock, in particular the symbols used for the transportation of dangerous goods;
- the parts specific to traction units<sup>5</sup>,

### 3. Take part in checking the operation of the brakes:

- Check, before departure, that the train's actual braking power corresponds with the braking power required for the line as specified in the vehicle documents
- Verify the functioning of the traction unit's brakes at start-up, before departure and during running

### 4. Take note of the information transmitted before each departure, and determine the operating mode and the speed limit of the train in relation to the line characteristics.

- This information provides details on the variable factors, such as speed limits or signalling changes.

### 5. Knowledge of the routes

Drivers must be capable of anticipating problems and adopting the correct conduct in terms of safety and performance. They must, therefore, have thorough knowledge of the railway lines and installations on their routes and of any equivalent routes agreed on<sup>6</sup>.

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<sup>4</sup> In particular :

- Mechanical structures
- Braking equipment
- Suspension and attachment equipment
- Running gear
- Safety equipment

<sup>5</sup> In particular:

- Collection of current and high tension equipment
- Fuel tanks, fuel provision technology, exhaust-gas equipment
- Traction chain, motors and transmission
- Communication equipment (ground – train radio, etc)
- Location of different devices

<sup>6</sup> Route knowledge includes:

- Conditions of operations (change of track, one-direction running, etc.);
- Identification of tracks that can be used for a given type of traffic;
- The operations regime
- Block-system and associated regulations;
- Station names, position and distance-sighting of stations and signal boxes to adapt driving in time;
- Transition signalling between different systems of operation or power supply;
- Speed limits for the different train categories driven;
- Profiles;
- Particular braking conditions, for example on lines of sharp downward gradient;
- Particular operating features, for example, special signals, signs, or departure conditions.
- Knowledge of emergency and self-rescuing arrangements (evacuation means, emergency lighting, etc.).

**6. While running, apply safety regulations, including those concerning staff, in particular:**

- Start the train 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 overrun signals at danger, switching operations, evolutions, running on construction sites, etc.
- Respect scheduled or supplementary stops, and if necessary, perform supplementary operations for passengers during these stops, notably opening and closing passenger doors

**7. Drive trains in a competent fashion so as not to damage installations or vehicles, in particular:**

- Use all available control systems in accordance with the applicable rules
- Start the train taking into account the adhesion and power constraints
- Know the train's exact position on the line at any time
- Apply the brakes for decelerations and stops, taking into account the rolling stock and the installations
- Adjust the train's speed in keeping with the timetable and possible energy saving rules, taking into account the characteristics of the traction unit, the train, the line and the environment

**8. Detect, locate and report anomalies in installations and vehicles as quickly as possible:**

- Be attentive, insofar as train operation permits, to unusual occurrences concerning the infrastructure and the environment: signals, tracks, energy supply, level crossings, track surroundings, other traffic
- Be attentive to unusual occurrences concerning the behaviour of the train
- Identify indicators of abnormalities, differentiate them and react according to their respective importance, always giving priority to the safety of rail traffic and persons
- Know particular distances for obstacle coverage;
- Know the available means of protection and communication;
- Inform the infrastructure manager as soon as possible of the place and the nature of the observed anomalies
- Make sure that the interlocutor has understood the message

**9. Remedy minor vehicle anomalies and, if so instructed, installation anomalies:**

- Assure or have assured the safety of traffic and persons, whenever necessary
- If required, inspect the train or the installations to localise the anomalies
- Systematically report anomalies to the infrastructure manager
- Attempt to remedy anomalies in the rolling stock and, if instructed, in the installations



- If possible, evaluate the anomalies and initiate measures for evacuation of the tracks, if necessary

**10. Apply measures relating to operational incidents and accidents, particularly those relating to fires and accidents putting people at risk:**

- Take protection and warning measures in the event of an accident involving persons
- Determine if the vehicles transport dangerous goods, and identify them based on the train composition list and other relevant documents
- Determine the stopping point of the train in case of fire and facilitate the evacuation of the passengers, if required
- Provide useful information on the fire as soon as possible if the driver cannot control the fire himself.

**11. Determine what must be done in order to resume operations after an incident involving the vehicle:**

- Decide if the vehicle can continue to run, and under which conditions
- Indicate these conditions to the infrastructure manager as soon as possible

**12. While at a standstill, take the necessary precautions to completely immobilise the train**

- Take measures to ensure that the train does not start up unexpectedly, even in the most unfavourable conditions

**13. Report on the execution of the tasks mission and accurately describe any unusual occurrences concerning the operation of the train:**

- Upon arrival of the traction unit at the depot or at the end of the mission, provide information, orally or in writing, about the execution of the mission, and, if necessary, give an accurate description of unusual occurrences

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The European licence for drivers carrying out a cross-border interoperability  
service

## Annex III

### **EXAMPLE OF CERTIFICATE OF APTITUDE AND KNOWLEDGE**

Recto

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Der Inhaber ist berechtigt, in den genannten Betriebsverfahren auf den bezeichneten Strecken/Netzen zu fahren.  
The owner is entitled to go in the named operating procedures on the called distances/nets.  
Le titulaire est autorisé à circuler selon les procédures sur les lignes et réseaux désignés

**Germany, France, Italy, Belgium, etc.**

- eingleisige Strecken - Single-railed distances - lignes voie unique
- mehrgleisige Strecken - Multitrack distances - lignes voies multiples

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Datum/Unterschrift Prüfer  
date/signature examiner  
date/signature de l'examineur

\_\_\_\_\_

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Datum/Unterschrift Prüfer  
date/signature examiner  
date/signature de l'examineur

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Datum/Unterschrift Prüfer  
date/signature examiner  
date/signature de l'examineur

Der Inhaber ist für folgende Strecken/Netze geprüft:  
The owner is checked for the following distances/nets.  
Le titulaire est contrôlé pour les lignes/réseaux suivants

\_\_\_\_\_

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Datum/Unterschrift Prüfer  
date/signature examiner  
date/signature de l'examineur

\_\_\_\_\_

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Datum/Unterschrift Prüfer  
date/signature examiner  
date/signature de l'examineur

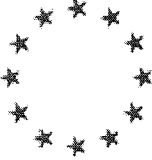
\_\_\_\_\_

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Datum/Unterschrift Prüfer  
date/signature examiner  
date/signature de l'examineur

**Beiblatt zum europäischen Führerschein**

Supplementary sheet to the European locomotive-driving licence  
Volet supplémentaire à la licence européenne de conducteurs de train

Nr.: \_\_\_\_\_



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Vor- und Zuname  
first name and surname  
Nom et prénom

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Ausgebende Stelle  
issuing place  
Entité responsable

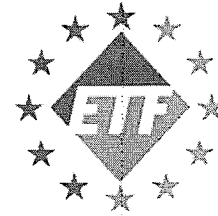
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Ausstellungsdatum  
date of issue  
date de délivrance

	Original in French	
<p>Der Inhaber ist für folgende (Zusatz-) Module geprüft: The owner is checked for the following (addition) modules:</p>	<p>Der Inhaber ist berechtigt, folgende Fahrzeugbaureihen/-typen zu führen: The owner is entitled to lead the following of vehicles rows/- types.</p>	<p>Der Inhaber ist berechtigt, Fahrzeuge bei folgendem EVU zu führen: The owner is entitled to lead vehicles with the following EVU Le titulaire est autorisé à conduire les véhicules avec les EF suivantes</p>
<p>Le titulaire est contrôlé pour les modules additionnels suivants</p>	<p>Le titulaire est autorisé à conduire les types/séries suivantes</p>	<p>Einsetzende Stelle (EVU) using place Etablissement EF</p>
<p>_____ Datum/Unterschrift Prüfer BL date/signature examiner BL Date et signature du Chef de service</p>	<p>_____ Datum/Unterschrift BL Date / signature BL Date et signature du Chef de service</p>	<p>_____ Straße, Hausnummer street, house number Rue, numéro</p>
<p>_____ Datum/Unterschrift Prüfer BL date/signature examiner BL Date et signature du Chef de service</p>	<p>_____ Datum/Unterschrift BL Date / signature BL Date et signature du Chef de service</p>	<p>_____ PLZ, Ort postal code, place code postal</p>
<p>_____ Datum/Unterschrift Prüfer BL date/signature examiner BL Date et signature du Chef de service</p>	<p>_____ Datum/Unterschrift BL Date / signature BL Date et signature du Chef de service</p>	<p>_____ Telefonnummer telephone number Numéro de Téléphone</p>
<p>_____ Datum/Unterschrift Prüfer BL date/signature examiner BL Date et signature du Chef de service</p>	<p>_____ Datum/Unterschrift BL Date / signature BL Date et signature du Chef de service</p>	<p>ausgestellt am: _____ issued in: _____ Délivré le _____</p>
<p>_____ Datum/Unterschrift Prüfer BL date/signature examiner BL Date et signature du Chef de service</p>	<p>_____ Datum/Unterschrift BL Date / signature BL Date et signature du Chef de service</p>	<p>Name: _____ Name: _____ Nom : _____</p>
<p>_____ Datum/Unterschrift Prüfer BL date/signature examiner BL Date et signature du Chef de service</p>	<p>_____ Datum/Unterschrift BL Date / signature BL Date et signature du Chef de service</p>	<p>Unterschrift: _____ signature: _____ Signature : _____</p>



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## **Joint Declaration**

### **on the application of the CER - ETF Agreement on a European Locomotive Driver's License**

In January 2004 the Social Partners signed the "Agreement on a European Drivers' License", applicable to locomotive drivers assigned to cross-border services. This Agreement was an own initiative of the Social Partners and negotiated according to Article 139 of the EC Treaty. It is an autonomous agreement to be implemented by the Social Partners themselves.<sup>1</sup>

On 23 October 2007 the European Parliament and the Council adopted the "Directive 2007/59/EC on the certification of train drivers". It organizes the certification of international drivers as from 4 December 2010 (postponed to 2011)<sup>2</sup>.

★ The Social Partners are of the opinion that the Directive 2007/59/2007 incorporates a large extent of the content of the CER / ETF Agreement. They welcome that the European legislators decided to respect the Agreement as a result of the European Social Dialogue and that this fact underlines the role and importance of the European Social dialogue.

The Social Partners are of the opinion that

- The parallelism of an autonomous agreement and a European Directive creates a new situation regarding the application of the agreement;
- The EU Directive, however, is not identical with the agreement and does not incorporate all elements of the agreement.

The purpose of this declaration is to clarify the application of the Agreement while the Agreement itself remains valid as an autonomous Agreement.

★ The social partners agree that the EU Directive as a law obviously has precedence to the autonomous social partner agreement and must be applied. This is relevant for the points treated in both texts.

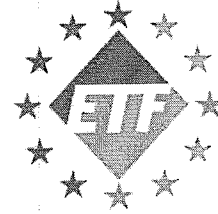
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<sup>1</sup> It should be mentioned that originally the social partners intended the agreement to be implemented by a Council decision (art 139 §2) with the objective of making the license applicable to all railway companies.

<sup>2</sup> The liberalisation of rail services was gradually introduced as from 15 March 2003, fully realised for freight transport as from 1<sup>st</sup> January 2007.



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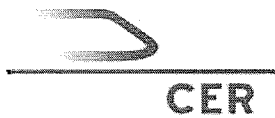
★ The following Articles and / or elements of the Agreement are not incorporated in the Directive. For these elements, the text of the Agreement is fully applicable by the Social Partners:

- Annual continuous training (Article 8(2) of the Agreement): The Social Partners agreed that basic occupational knowledge must be developed and refreshed annually.
- Communication of principle operating rules of another Member States to staff representatives (Article 12): The TSI OPE, Annex D (in particular Part I) lists those basic rules, which must be available for the RU.
- Assistance of drivers in the case of accidents or incidents (Article 13): This is related to medical, psychological and legal assistance, which falls under the responsibility of the railway undertakings. It also related to the right of the driver concerned to take the initiative of asking for the help of staff representatives in the country of the railway network where he is travelling.
- Providing elements needed for inspections which includes those supplied by the recorders (Article 14): The TSI OPE, point 4.2.3.5.2 requires among others the recording of working time.
- Information to be provided to staff representatives (Article 15), in the event of incident or accident in another Member State: The driver's representatives shall be assured of an access to the same information as if they were representatives of a driver from an undertaking based in that Member State.
- Monitoring of the implementation of the agreement and discussion on main incidents or accidents (Article 16 of the Agreement).

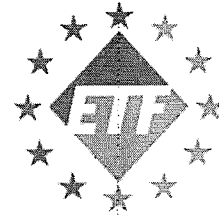
The CER commits that their members begin issuing the "complementary certificate" to international drivers in due time after the decision of the European Commission on the 'harmonised format for the certificate' and the 'basic parameters for the registers for certificates'<sup>3</sup>, although this would be prior to the date as fixed in the Directive 2007/59/EC. This is in line with the spirit of the agreement and its status of an autonomous agreement<sup>4</sup>.

<sup>3</sup> The Decision of the Commission is expected by end 2009.

<sup>4</sup> The Social Partners agree to replace the term "European license" by the term "certificate", which is the term used in the Directive for the same kind of document.



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Railways



★ This declaration will be annexed to the CER-ETF Agreement. It is a guideline for the CER and the ETF members for the application of the agreement.

Adopted 10 June 2009, Brussels

For the CER

Handwritten signature of Dr. Johannes LUDEWIG.

Dr. Johannes LUDEWIG  
CER Executive Director

Handwritten signature of Jean-Paul PREUMONT.

Jean-Paul PREUMONT  
CER Social Affairs Senior Adviser

For the ETF

Handwritten signature of Antonio GAMEZ RAMIREZ.

Antonio GAMEZ RAMIREZ  
President of the Social Dialogue  
Committee for the rail sector

Handwritten signature of Sabine TRIER.

Sabine TRIER  
ETF Deputy General Secretary

## Annex : List of Articles covered by the Directive

The Social Partners identify the following Articles of the Agreement as elements, covered – fully or partly - by the Directive. To the extent to which these Articles are covered by the Directive, the provisions of the Directive are applicable<sup>5</sup>:

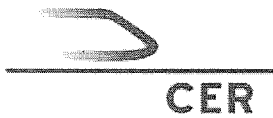
- Article 2: Scope of the license (covered by Articles 2 of the Directive);
- Article 3: Issuance of the license (covered by Articles 6(2), 22(2) of the Directive);
- Article 4: Ownership of the license (covered by Article 6(2) of the Directive);
- Article 5: Structure of the license (covered by Annex 1(3) of the Directive);
- Article 6: Required aptitudes and skills (partly covered by Articles 11, 12 in combination with Annexes II, IV, V and VI, Articles 4, 25 of the Directive; see footnote 2 of this text);
- Article 7: Documents the drivers have to provided with when travelling on the network of another Member State (indirectly covered by Art. 29 (1° as concerns the certificate; the other elements are covered by the TSI OPE);
- Article 8: Maintaining aptitudes (partly covered by Article 16(2) in combination with Annex II and Annex VII of the Directive; not covered is the annual continuous training);
- Article 9: Duration and renewal of the license (not regulated in the Directive but covered indirectly by Article 16 in combination with annex VII);
- Article 10: Withdrawal of the license (partly covered by Articles 15, 21(2), 29 of the Directive; the Directive does not legislate a direct appeal mechanism for companies or drivers when the certificate was withdrawn by a competent authority in another country<sup>6</sup>);

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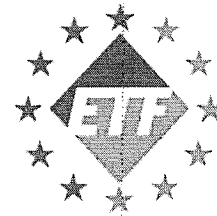
<sup>5</sup> There are discrepancies between the Agreement, the Directive and the TSI OPE. In Article 23(3.a) for example, the Directive requires consistency between the directive and the TSI OPE and the ERA has a mandate. The Social Partners are working on this issue in order to either maintain the provisions in the TSI OPE or to immediately modify the annexes of the Directive accordingly. Those discrepancies concern in particular: psychological support of drivers after an accident involving persons (trauma counselling); the requirements for obtaining route knowledge; the qualification criteria for occupational doctors and psychologists.

<sup>6</sup> For these cases there is a mechanism involving the European Commission.





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- Article 12: Information that must be available in real time (partly covered by Article 22 of the Directive; the Directive does not cover the issue of communicating principle operating rules to staff representatives);
- Article 14 Inspections (partly covered by Article 29 of the directive;
- Annex I: Health and safety conditions (partly covered by Annex II, the Directive does not specify, that the medical checks have to be carried out by occupational doctors and the psychological checks by graduated psychologists; it does not define the criteria for occupational doctors and graduated psychologists; see footnote 2);
- Annex II Professional qualification requirements (covered by Annexes IV, V and VI).

