European Commission

CALL FOR EVIDENCE
FOR AN IMPACT ASSESSMENT

This document aims to inform the public and stakeholders on the Commission's future legislative work so they can provide feedback on the Commission's understanding of the problem and possible solutions, and give us any relevant information that they may have, including on possible impacts of the different options.

TITLE OF THE INITIATIVE	Train drivers – improved EU certification scheme
LEAD DG (RESPONSIBLE UNIT)	DG MOVE C.4 Rail Safety and Interoperability
LIKELY TYPE OF INITIATIVE	Legislative
INDICATIVE TIMETABLE	Q4 2022
ADDITIONAL INFORMATION	https://transport.ec.europa.eu/document/download/298d212f-368b-4e77-bf0b-5ebde5a65e80_en

This document is for information purposes only. It does not prejudge the final decision of the Commission on whether this initiative will be pursued or on its final content. All elements of the initiative described, including its timing, are subject to change.

A. Political context, problem definition and subsidiarity check

Political context

Directive 2007/59/EC on the certification of train drivers ('the Directive') aimed to improve and facilitate the mobility of train drivers across the EU rail network as well as make it easier for employers to assign train drivers to operations in various Member States.

The European Green Deal calls for a 90% reduction in greenhouse gas emissions from transport by 2050. As one of the most sustainable modes available, rail has a key role to play in the decarbonisation of transport. This is why the Sustainable and Smart Mobility Strategy has set ambitious milestones for rail: high-speed rail traffic should double by 2030 and triple by 2050, while rail freight traffic should increase by 50% by 2030 and double by 2050.

Rail freight services are largely cross-border in Europe, but – among other factors – **cross-border barriers to the mobility of train drivers** hamper their competitiveness compared to other modes of transport such as road. On the other hand, passenger services remain largely domestic in Europe. However, there is a growing interest in Member States, civil society organisations and society at large to deploy more long-distance cross-border services, including night trains. To meet the ambitious milestones of the strategy, we will need **more and more mobile train drivers able to carry out smooth cross-border operations for both passenger and freight trains**. However, the rail sector is currently facing **a shortage of train drivers**, with a large part of the workforce expected to retire in the next 10 years.

At the same time, **digitalisation is driving a major transformation of railways in Europe**. The deployment of the European Rail Traffic Management System (ERTMS) and its future versions, together with other innovations such as **digital automatic couplings**, will require trained and retrained drivers able to make full use of these technologies. The rise in **automation** also calls into question the current human-machine interface as railways may transition to a system where drivers no longer drive but accompany the machine. The digital transformation of European railways therefore cannot succeed **without fit-for-the-future drivers** able to drive new rolling stock across borders, respond to new traffic management needs and use innovative tools.

The evaluation of the Directive highlighted several shortcomings in the EU-wide certification scheme and concluded that **insufficient harmonisation** of the certification requirements **hampers the mobility of train drivers between Member States as well as employers**. Furthermore, after more than 14 years in place, the Directive cannot cater for all the new developments that have taken place since its entry into force and that will continue in the coming years, both from a **legislative** and **technological standpoint.**

This initiative aims to address those shortcomings to ensure that European railways can fully benefit from a new generation of train drivers who are mobile and digitally savvy, and able to carry out smooth operations, including those across borders.

Problem the initiative aims to tackle

Following the evaluation, this initiative aims to address two main issues.

Problem 1: the persisting divergences in the certification scheme at national level as well as at the level of rail companies. One main driver of this problem is the unclear (and sometimes contradictory) wording of the

Directive. Another main driver is the division of the driver's certification into two parts, whereby the national licence (with EU-wide validity) only covers minimum educational and health requirements ,while complementary certificates issued by the employer (rail operators and infrastructure managers) cover most of the knowledge requirements (vehicle and route knowledge; language; employer's safety management system). This results in different training and certification of drivers, even within the same Member State, further limiting the mobility of drivers across borders and companies. In addition, language requirements under the Directive (B1 level) remain a significant barrier to the cross-border mobility of train drivers. Some stakeholders consider them too strict and no longer appropriate in times of translation tools and other digital-based simplifications to ensure safe communication in case of accidents; others insist the B1 level should be maintained (or even increased) to ensure safe communication in case of accidents; and others call for a common language for train drivers, similar to English in aviation, keeping in mind that rail freight is in competition with lorry drivers, for whom there are no EU-level language requirements.

Training programmes still vary significantly across Member States, both in terms of their duration and final certification content. This raises questions about the proportionality and effectiveness of the training offered and how to maintain a level playing field between Member States and rail operators with heavier/lighter training requirements, while reassuring others of the sufficiency of the levels of technical and safety knowledge obtained. Furthermore, the high costs of company-based training (€10,000-40,000 per driver) pose an additional challenge for new entrants wishing to enter the rail market, hampering competition in the rail market. They also limit the mobility of train drivers, who are often required to compensate former employers for any training received.

Problem 2: train driver's certification requirements are outdated and no longer fit-for-purpose. This increases the regulatory burden on all those involved, contributes to legal uncertainty and prevents the certification framework from benefiting from innovation and digitalisation. On the one hand, the Directive is no longer aligned with how the legislative landscape has evolved since 2007, in particular the entry into force of the Fourth Railway Package and several new or modified requirements for interoperability as well as common safety methods adopted after that. Given the European Union Agency for Railways (ERA)'s new role as the authorising body for vehicles and single safety certificates for railway undertakings and as the system authority for telematics applications and ERTMS, consideration should be given to how it can play a more active role in ensuring that modern technologies and safety and interoperability issues become part of the train drivers' syllabus throughout the EU.

On the other hand, the Directive does not address by way of its training and certification requirements challenges and opportunities created by the increased digitalisation of the rail sector (ERTMS, more automation of train operations). The increase in rail efficiency that new technologies will deliver is however key to benefiting fully from rail's sustainability potential. It is therefore important to ensure that train drivers – both newcomers and those already certified – are properly trained or retrained and have the skills to make full use of new technologies. Similarly, training in rolling stock should accommodate developments in the manufacturing market to avoid the current situation whereby many train drivers are certified to drive old rolling stock only.

In addition, with the advent of emerging digital technologies, the demand for new and advanced skills will be considerable. Drivers will need to know less about the physical infrastructure, and more about how to make use of the highly intelligent systems/devices or applications that will surround them in their daily management of train driving. With the development of higher levels of train automation, the tasks and role will likely shift gradually from physical driving to monitoring. The training and certification requirements of drivers therefore need to be adapted in the light of technological development. This could also help attract young people to the profession, in particular more women – which will be key in the coming years as the lack of drivers due to an ageing workforce is a major concern in many Member States.

Basis for EU action (legal basis and subsidiarity check)

Legal basis

The initiative is based on Article 91 Treaty on the Functioning of the European Union on transport, which allows the EU to lay down appropriate provisions in the transport sector.

Practical need for EU action

The evaluation of the Directive showed that, without action at EU level, the sector would likely face even more obstacles due to the patchwork of different national certification schemes. The increased importance of cross-border rail traffic and further growth together with the need for a more integrated European rail network should be reflected in the EU train drivers' certification system. Possible subsidiarity concerns could be met by including, where necessary, specific flexibility for train drivers solely involved in local and regional domestic services, where such a limitation is justified. The impact assessment will assess the proportionality of the specific measures and develop suitable conditions.

In terms of EU added value, the revision of the Directive will increase the effectiveness of the EU-wide certification scheme for train drivers by creating a truly harmonised framework. The revised EU-wide certification scheme should also be adapted to accommodate technological progress, such as the deployment of ERTMS and train automation that only common EU requirements can provide. Without further action at EU level, the certification of train drivers will continue to develop in a fragmented manner, limiting the mobility of drivers across Member States

and companies, the development of more cross-border connections in the Single European Railway Area, as well as the uptake of new technologies in the rail sector.

B. Objectives and policy options

The general objective of this initiative is to provide a modern certification scheme aligned with the future tasks of train drivers and greater convergence between Member States to ensure train driver mobility between Member States, rail operators and services, while maintaining or increasing the high levels of rail safety.

The preliminary list of policy options includes:

1. **Company-led certification:** the training and certification of train drivers would continue to follow the scheme developed under the current Directive. Training and certification objectives would only be harmonised at EU level in those areas where strong common EU requirements define the technology (e.g. ERTMS).
2. **Member State-led certification:** all training and certification bodies would undergo accreditation at national level to make training and certification content visible and common per Member State and ensure comparability between certificates. The basis for certification by training and certification bodies would be (1) issues specifically relevant to each rail operator, such as individual measures as laid down in their safety management system and defined by them, (2) common requirements at national level (language, infrastructure knowledge, operational rules), and (3) new common EU requirements (e.g. ERTMS knowledge). All would use the same training syllabus but could specialise in one or two of the above requirements. EU-led involvement would be limited to defining the common EU training and certification requirements by implementing legislation based on ERA recommendations, with a particular focus on training in new digital systems/machines/processes.
3. **Single EU train driver licence under a common EU accreditation scheme**: accreditation by training and certification bodies would be subject to a common EU accreditation scheme that would ensure a level playing field for all parties. Certification obtained in one Member State or with one rail operator would be truly interchangeable due to full European training and certification transparency. The certificates obtained for various knowledge and skills would be combined into a Single EU train driver licence for all train drivers alike and recognised across the EU. While there would be one single EU training syllabus, this approach does not exclude that, once the licence is granted, individual in-house, on-the-job training would adapt the general knowledge and skills of train drivers to rail operators' specific requirements. ERA would assist the Commission with recommendations for training and certification requirements on all topics and become the EU-level 'system authority' for training and licensing content. This would allow for a flexible update of the single EU training syllabus, ensuring that new technologies are phased in as these become ready for deployment in the sector.
4. **ERA-led train driver certification under a common EU accreditation scheme:** the difference with the above option is that ERA would be given the role of certifying all EU train drivers. This would imply a considerable expansion of ERA's powers (as it would become the competent authority in the certification scheme) and resources (human and financial).

C. Likely impacts

Economic:

- The initiative will help overcome fragmentation in the rail market and also help complete the Single European Railway Area. As such, it is expected to boost the competitiveness of rail services in both the passenger and freight segments. It will also support new entrants in the rail market by making it easier for drivers to change employer (both incumbents and new entrants) and defining clearer conditions for the reimbursement of training costs if a driver leaves a company.

- This initiative is expected to further contribute to the digitalisation of the rail sector. The [Shift2Rail Joint Undertaking](#) and its successor EU-Rail will provide further impetus to rail research and innovation in the development of tailor-made solutions for train drivers, e.g. for language translation.

Social:

- Establishing clearer common rules on the certification and training of train drivers will contribute to more efficient international train operations and help address the shortage of train drivers in the EU, as mobile and digitally trained drivers will be able to cover larger parts of the journey without changes at borders. This will also help make the rail sector more resilient in the event of crises like the Rastatt closure in 2017 – mobile train drivers will be able to cover alternative routes.

- The update of the certification requirements to include training in digital systems/machines/processes will make the train driver profession more attractive, in particular to younger generations. It will also bring it up-to-date, allowing the sector to embrace the technological developments needed to make rail more accessible, more efficient and more resilient. All drivers will be offered high-quality training, allowing both upskilling (i.e. improving their existing skills) and reskilling (i.e. training in new skills) to make full use of available systems/machines/processes. They will also work in a higher quality environment, as support from digital

technologies will reduce the strain on physical and psychological health factors and improve safety.

- This initiative will also look into possible digital tools to manage train drivers' working hours, with a view to protecting workers without undermining the competitiveness of the rail sector. It will also aim to make training and working conditions more attractive for female drivers, for instance through specific clauses on retraining drivers after pregnancy.

Environmental:

- The initiative should help increase the competitiveness of rail and thereby also the use of rail services. If implemented, it would contribute to the EU's efforts to fight climate change under the European Green Deal, in particular the EU's objective of reducing greenhouse gas emissions from transport by 90% by 2050 and the ambitious milestones for rail identified in the Sustainable and Smart Mobility Strategy.

Fundamental rights:

- This initiative will pay special attention to protecting the personal data of train drivers. These concerns will be included in the assessment of possible IT solutions to transition from paper-based licences and complementary certificates to a digital system (smart card / EU digital passport for train drivers).

Simplification and/or administrative burden:

- The evaluation showed that there is significant scope for simplification and further improving the effectiveness of the Directive. Some of its provisions are outdated, its wording is sometimes ambiguous and its scope might need adjustment. Discrepancies in interpreting the Directive have led to contradictory standards at national level that affect mobility. Further, unclear responsibilities and task allocation among those involved in the certification scheme undermine the coherence of the framework. This initiative will seek to address these concerns. Since the transposition at Member State level and the implementation and application by rail operators have created major obstacles to harmonisation, effectiveness and cost reduction, a directly applicable legal tool will be considered.

D. Better regulation instruments

Impact assessment

A first assessment of the implementation of the Directive was done by ERA in the report submitted to the Commission in December 2013 (as requested by Article 33 of the Directive). This report was based on the outcome of a survey conducted in spring 2013 with stakeholders and on the experience gathered by ERA during 5 years of accompanying the implementation process in the Member States. The report will be taken into account in the revision.

The evaluation of the Directive was adopted in July 2020. The results of the evaluation will feed into the preparation of the impact assessment.

The impact assessment report will underpin any proposal made as part of this initiative. It will be supported by an external analytical study that will further assist the Commission in gathering robust qualitative and quantitative data to analyse the costs and benefits of the various policy options.

Consultation strategy

The Commission will perform a broad range of consultation activities to collect the necessary views and data for fine-tuning the problem definition, developing policy options and assessing their feasibility and impacts.

A 12-week public consultation will be launched in all official EU languages in Q1 2022 as part of the planned impact assessment. It will be available on the Commission's Have your say portal, with replies possible in any of the 24 official languages.

The public consultation will be accompanied by targeted consultations of stakeholders that play a key role in the certification process. Special attention will be given to the following stakeholders:

- railway undertakings
- infrastructure managers
- representatives of train drivers
- certification and training bodies
- national safety authorities.

The Commission will also make use of fora such as the Rail Interoperability and Safety Committee and the sectoral social dialogue. It will also organise stakeholder workshops to validate (1) the set-up of the support study and (2) its findings, including the policy options considered.

The factual summary report will be published on the consultation page after the public consultation has closed (8 weeks later). The results of the consultations will be summarised in a synopsis report that will be made available on the Commission's website.