



European Federation of Museum & Tourist Railways

Fédération Européen des Chemins de Fer Touristiques et Historiques

Europäische Föderation der Museums- und Touristikbahnen

**An:** Patrizio Grillo  
**To:** European Commission  
Director-General for Energy and Transport  
Rail Transport and Interoperability

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### **Train Drivers' Certification, 16 July 2003, EC-DG TREN-E2**

Dear Mr Grillo,

although we could not attend your meeting on 16 July 2003 we would like to take the opportunity to comment on the working paper about train drivers' certification.

Before we comment on the details of the paper we would like to emphasise that the certification of train drivers shall only demand the minimum procedures required to maintain the safety of a particular railway system. The attention should be drawn to the fact that all administrative procedures around the certification and monitoring of train drivers are associated with costs, which impede on the competitiveness of the railway system with other means of transport. In particular, if there are no similar procedures applied. The complications mentioned in the introduction, which will be caused by issuing safety certificates to railway undertakings with different driver training standards, may be unwillingly replaced by the difficulties and efforts of the proposed for continuous monitoring and tracking of the train drivers under the proposed system.

Further we like to point to circumstances, which may render some of the assumptions behind the proposed directive invalid. Currently the operating principles of the European railways are so different that it is not likely that trains drivers will be able to master the differences of more than two infrastructure systems at the same time. It may be even questionable if capabilities of an average employee are sufficient to do so. Therefore it may be advisable to limit the number of infrastructures for any one driver until a sufficient standardisation of railway operating principles has reduced the complexity of the task for the train driver. Consequently, while we support the strategic objective of the European commission to ease the cross border rail traffic, we also believe that it may be to early for a licensing directive with such a vast aim of standardisation. Before such an effort should be encountered a much greater progress on the practical harmonisation of railway operating standards should have been achieved.

We further would like to suggest to consider a general exemption from the proposed directive for networks not connected to the common European railway network. E.g. heritage railways or narrow gauge lines are often not connect to their respective national network. These railways may operate according to very particular regulations. Since there is no connection to other rail networks any standardisation in the context of the proposed directive will not benefit the aim towards common European railway system, but put a probably unjustified burden on these kind of railways.



With reference to the proposed directive and the presentation given on July, 16 we recommend to develop any driver licensing directive in close consideration of the other railway directives of the European Union. We particularly observed that the presentation regarding the driver licensing directive envisaged an extensive system of supervision. As a standalone system regarding train drivers this may be appropriate. On the other hand trains are operated within the context of railway undertakings, which have to have a safety certificate themselves, which further requires an appropriate safety management systems, which hardly can exclude the employees. There is therefore a significant possibility to develop doubled supervision systems with all the negative consequences on the management of railways, if the interdependencies are not observed.

Beyond these general statements we would like to comment on the following sections:

**to 2.1.3**

According to the definitions in 2.1.2 c) an infrastructure manager operates the railway infrastructure but does not provide transport service. If so, we would like to ask how the proposed directive may apply to infrastructure manager in this context? In our opinion it can only apply to railway undertakings.

**to 2.2.1 No. 1 2<sup>nd</sup> dash**

We would like to draw the attention to potential data protection issues arising depending on the kind of medical information to be stored. This may have to be defined in more detail.

**to 2.2.2**

In some countries the railway undertakings themselves issue the driving licenses. It may be worth to consider to maintain this approach. Assuming that a railway undertaking has received the required safety certificate and is properly supervised by the authorities it can well be assumed that this railway undertaking is capable of maintaining an appropriate system of training and supervising of their drivers, also because the safety certificate requires a safety management systems, which hardly can omit the aspect of personnel training and supervision. With reference to the introduction, this would allow to minimise the administrative effort for a train driver licensing system. The European Union may limit their effort to a common standard of train driver training, which would have to apply to all certificates and lead to a common train driver standard to be mutually recognised.

**to 2.2.3**

Regarding the infrastructure manager mentioned in this context our comment to 2.1.3 applies.

**to 2.3.3 No. 2**

The recognition of doctors by the competent authority may provide another means of unnecessary administration. There are specialists for medical examination regarding work environments available. We believe it should be sufficient to require a specialised doctor to do the examination along the criteria to be defined by the directive. A particular recognition seems to be obsolete.



**to 2.3.3 No. 3**

Our comment to 2.3.3 No. 2 may apply to this section, too.

**to 2.3.4**

We would like to ask, why the option granted to the member states in this clause only allows for a two year work experience or nothing. We like to recommend to formulate this passage more open, e.g. "...applicants provide justification of a minimum experience of not more than x years in Categories ..."

**to 2.3.5 No. 4 2<sup>nd</sup> sentence**

The examination and certification of the "knowledge of the lines" – meant "route knowledge" or in German "Streckenkenntnis" – through the competent authority in this context seems to be unrealistic. Route knowledge is a very specific subject that may be required to a different extend and may vary in short intervals during the career of a train driver. The administrative effort to handle this through the competent authorities may be therefore immense.

Further we would like to draw the attention to the fact that in Germany a working group, initiated by the Federal Ministry of Transport, is currently investigating how the required route knowledge can be reduced or even totally omitted. We strongly believe that under the modern operating principles of railways – in particular the longer distances throughout Europe, as also envisaged by the proposed directive – a train driver cannot maintain a route knowledge as it was common in former days. This is simply beyond human capabilities. If this route knowledge would be really required for a safe train operation, the directive may be obsolete, because then train driver competence may be always limited to one network for the reason of route knowledge. Consequently, if cross border operation of train drivers is the objective, route knowledge must become of less importance and therefore shall be omitted from this directive. A way to reduce the requirement for route knowledge is to improve the signalling on the tracks in a consistent way to allow safe train operation without or with a minimum of route knowledge.

**to 2.3.6 No. 3 3<sup>rd</sup> dash**

It may be feasible to consider to notify the competent authority only if the required re-examination is not passed successfully. Assuming that in future thousands of train drivers will fall under this regime the administrative overhead on the expense of the railways is otherwise considerable. Compared to road transport where such rules and such short intervals as proposed here do not apply, this may be not desirable.

**to 2.3.6 No. 3 4<sup>th</sup> dash**

Similar applies to the extension to new type of rolling stock. This happens regularly in most railway undertakings. We therefore propose to leave this with the railway undertakings themselves and not involve the competent authority. This would also in line with the German licensing guideline issued by the Verband Deutscher Verkehrsunternehmen (VDV-Schrift 753) under co-operation of all railway institutions of the country, including VDMT.



**to 2.3.8 No. 1 2<sup>nd</sup> dash**

We believe that the requirement to reassess the route knowledge after three month is not justified by any safety requirement and in any way practicable for the railway undertakings. It has to be considered that flexibility of use of personnel is as much a requirement for the railway undertakings as for road transport companies. If at all subject of this directive, the interval for the reassessment of route knowledge should be determined according to scientific evidence about the human capabilities in such a context. Three month seem to be simply arbitrary.

**to 2.3.8 No. 1 3<sup>rd</sup> dash**

Our comment to 2.3.8 No. 1 2<sup>nd</sup> dash shall apply here accordingly. We don't believe that a human being will not able to operate rolling stock safely just after a pause of three month. Again, scientific evidence is required to establish the minimum time required. In this context we like to suggest to take also a look at the standards used in the airline industry, where staff has to operate equipment in three dimensions compared to one dimension on railways. There the intervals and requirements are much less rigid as proposed here.

**to 2.3.8. No. 1 last paragraph**

If according to the introduction to the proposed directive one objective is the reduction of administrative complications in managing driver certificates across the different railway systems in Europe, the regulation that every check has to be certified by the competent authority will achieve the opposite. In particular if the short time intervals mentioned above are considered. Therefore we strongly suggest to retain the certification of route and rolling stock knowledge within the railway companies.

**to 2.3.8. No. 2**

We like to ask for clarification about the role of the infrastructure manager in this context? We understand that it is the task of the railway undertaking to monitor their drivers. By definition an infrastructure manager shall not employ drivers since he does not operate trains.

**to 2.3.10. No. 2**

We again would like to question if the accreditation of doctors and psychologists for the purpose of railway personnel examination is required or if the status of a specialist for work related examination may suffice.

We further suggest to omit the checks for the competence related to rolling stock from the list. This is anyhow in the interest of the railway undertakings and should be covered implicitly by the safety certificate issued for the undertakings itself. We see no requirement to handle this through a public institution.

**to 2.3.11 No. 2**

If the certificate is the drivers property – ref. 2.3.12 – there shall be always a possibility for a direct appeal by the driver against decisions of the competent authority and not just where appropriate – what ever may be considered as appropriate here – the dependence on any primary action of the employer seems not desirable.



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**to 2.3.12 3<sup>rd</sup> sentence**

This sentence is in contradiction to section 2.3.8 No. 1 which requires re-examination regarding route knowledge and rolling stock after three month with re-certification by the competent authority. Therefore the certificate would be not valid for 12 month but under the regulation of 2.3.8 No. 1 would have expired after three month. We propose to omit the relevant regulations in 2.3.8. No.1.

**to 2.3.13 No. 1. c)**

It may be advisable to verify if this regulation will be in line with the data protection requirements of the EU and the member states.

**to 2.5.2**

In some member states it is common practice to handle infringements of the national provisions of these kind not as a criminal but administrative offence. The proposed directive should allow the member states to follow their common practise as appropriate.

In general we are not able to finally comment on the proposed directive without the knowledge of the envisaged annexes. We therefore would welcome the possibility to comment again, if those become available.

We would appreciate, if we would be allowed to participate in the further public proceedings.

Sincerely Yours

*signed Heimo Echensperger*

Vice-President FEDECRAIL