



Brussels, 30.1.2013
COM(2013) 33 final

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE
COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE
COMMITTEE OF THE REGIONS**

on the profile and tasks of other train crew members

(Text with EEA relevance)

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

on the profile and tasks of other train crew members

(Text with EEA relevance)

1. INTRODUCTION

Directive 2007/59/EC¹ on the certification of train drivers operating locomotives and trains on the railway system in the Community establishes the minimum requirements an applicant must meet to obtain a train driver's licence or a harmonised complementary certificate.

The main aim of that Directive was to make it easier for train drivers to drive in other Member States and to move from one Member State to another, but also to make it easier for them to move from one railway undertaking to another, and, more generally, for licences and harmonised complementary certificates to be recognised by all railway sector stakeholders.

Since the entry into force of Directive 2007/59/EC, the Commission has already adopted additional legislation, in accordance with the provisions set out in the Directive.

By its decision of 29 October 2009², the Commission adopted basic parameters for registers of train driving licences and complementary certificates, pursuant to Article 22(4) of Directive 2007/59/EC.

On 3 December 2009, as required by Article 4(4) of Directive 2007/59/EC, the Commission adopted Commission Regulation 36/2010³ on Community models for train driving licences, complementary certificates, certified copies and application forms for train driving licences.

The Commission also adopted a Decision on 22 November 2011⁴ on criteria for the recognition of training centres involved in the training of train drivers, on criteria for the recognition of examiners of train drivers and on criteria for the organisation of examinations in accordance with Directive 2007/59/EC of the European Parliament and of the Council, as well as a Recommendation⁵ dated 22 November 2011 on the procedure for the recognition of training centres and of examiners of train drivers in accordance with Directive 2007/59/EC of the European Parliament and the Council.

While Directive 2007/59/EC does not cover other train crew members performing safety-critical tasks, Article 28 states that *the Commission shall present a report and, if appropriate, bring forward a legislative proposal on a certification system for the other crew members on the basis of a report prepared by ERA. The Agency shall identify the profile and tasks of other crew members performing safety-critical tasks whose professional qualifications contribute accordingly to railway safety which should be regulated at European Union level by means of*

¹ OJ L315 3.12.2007.

² OJ L8 13.1.2010.

³ OJ L13 19.1.2010.

⁴ OJ L314 29.11.2011.

⁵ OJ L314 29.11.2011.

a system of licences or certificates which may be similar to the system established by this Directive.

The motivation for such a request was to increase the freedom of movement of workers and safety on EU railways; for this purpose special attention should be paid to other crew members performing safety-critical tasks on locomotives and trains. Minimum requirements concerning medical fitness and professional qualifications are already set out in the TSI on operation and traffic management. However, as that TSI is implemented via national implementation plans, and to some extent only applies to cross-border services, there is some legal uncertainty about the implications of accepting such staff in the safety certification process of railway undertakings, as well as in terms of mobility between railway undertakings. This is why the Agency was requested to prepare a report on the certification of other crew members performing safety-critical tasks.

This Communication takes into account the report⁶ prepared by the European Railway Agency (ERA), after consulting stakeholders, which was delivered to the Commission in 2010. Before adopting this communication, the Commission services discussed the results of the ERA report with the social partners in the context of the sectoral Social Dialogue Committee.

This Communication focuses on other crew members for passenger trains. Freight-related common tasks are linked to preparing the freight train rather than during the train run. Train preparation does not necessarily require staff accompanying the train.

2. LEGISLATIVE FRAMEWORK

The applicable legislative framework includes mainly:

- Directive 2004/49/EC on railway safety, which establishes a common approach to safety. This directive provides a system of certification of railway undertakings which includes, within the safety management system, responsibility for defining and carrying out staff training;
- Directive 2008/57/EC on railway interoperability, which establishes the framework for the definition of requirements applicable to the railway system components in the form of technical specifications for interoperability (TSIs). These TSIs also include requirements for staff involved in the operation and maintenance of the railway system in the form of minimum professional qualifications and health and safety conditions.

3. THE CURRENT SITUATION AS REGARDS JOB PROFILES AND TASKS OF OTHER CREW MEMBERS PERFORMING SAFETY-CRITICAL TASKS

3.1. Regulation of tasks in passenger services

In its report, ERA collected data on the number of other crew members, provided by several railway undertakings in 11 Member States. By extrapolation, the number of other crew members for passenger trains is estimated at 70 000 in Europe, including Switzerland and Norway.

⁶ Report on the profile and tasks of the other crew members performing safety-critical tasks under article 28 of Directive 2007/59/EC. Interoperability Unit ref ERA/REP/14-2010/INT of 27.09.2010. Not published

Nearly all Member States⁷ (20 out of 22) regulate the profession, although in different ways and with different levels of detail. However, pursuant to Directive 2004/49/EC⁸ on safety on the European Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (the Railway Safety Directive), decisions relating to the way in which tasks must be performed should be taken at the level of the railway undertaking.

Of the 20 Member States, 14 also regulate profiles and tasks at national level.

An analysis of all the tasks of other train crew shows that:

- 59 tasks have been identified as tasks carried out by other crew members in passenger services, of which 48 are operational safety tasks and 11 are typical commercial tasks that must be carried out during the train journey (ticket inspection, customer announcements ...);
- 21 of the 48 operational safety tasks are regulated in the 14 Member States that regulate tasks in passenger services at national level. These 21 operational safety tasks are closely linked to Annex J of TSI OPE⁹ on the minimum elements with respect to professional qualification for the tasks associated with the accompanying of trains.

3.2. Identification of profile patterns in passenger services

Many of the job profiles for other crew members in passenger services have been identified. Two profile patterns (PP1 and PP2) have been introduced as the common core tasks of different job profiles from different Member States; they are detailed in the Annex. Although the majority of the tasks assigned are similar in the two profile patterns, the main difference between PP1 and PP2 concerns 'train preparation'. While PP1 includes almost all the tasks related to train preparation, only one train preparation task is assigned to PP2.

Within these two profile patterns, common safety-critical tasks have been identified such as: the door closure procedure, train departure and passenger evacuation in the event of degraded and emergency situations. Most of the railway undertakings have implemented a certification system for PP1, but not for PP2.

3.3. Basic requirements and certification

The basic requirements for minimum age, education, linguistic skills, medical and psychological checks and the professional competences required to become other crew members are already very similar throughout the EU. These basic requirements are almost identical for the two profiles and are already covered by TSI OPE, which, however, currently concerns only cross-border traffic.

Nine Member States have binding rules for railway undertakings on procedures for assessing other crew members. In 13 Member States there are national regulations governing training provisions to ensure that knowledge and skills are maintained at least to a standard level and to manage the level of competence. For passenger services, railway undertakings generally

⁷ Data from some Member States were insufficient to be taken into account. Information from Norway is included.

⁸ OJ L220 21.6.2004.

⁹ Commission Decision of 11 August 2006 concerning the Technical Specification for Interoperability relating to the subsystem Traffic Operation and Management of the trans-European conventional rail system (*notified under document number C(2006) 3593*) as amended by Decision 2010/640/EU, Decision 2009/107/EC and Decisions 2008/231/EC, OJ L 359, 18.12.2006.

provide in-house training and examinations. The training course generally lasts between 4 and 16 weeks.

Railway undertakings have developed specific procedures in passenger services to maintain skills at the appropriate level. They organise regular or continuous training courses at variable intervals; in 12 of them, intermittent assessment procedures have been established, varying from every 3 months to every 3 years.

National Safety Authorities are already able to assess compliance with the minimum basic requirements related to other train crew through the certification of the Safety Management Systems of railway undertakings under Annex III point (e) of Directive 2004/49/EC.

3.4. Mobility of workers

The number of crew members changing of companies could be annually between 2000 to 4000 if a crew member changes 1 to 2 times during his 35 years career, as there are about 70000 other crew members in Europe. This figure does not take into account the fact that staff also leave their job for another activity, within the rail sector or outside it, or that staff may be transferred when a new company takes over the staff of a previous company under a new Public Service Obligations contract.

Several railway undertakings have not experienced worker mobility because they are the sole or government railway undertaking. However, even those which do have some experience impose specific company training courses when they recruit new on-board members from other railway undertakings. The reason for this specific supplementary training is the difference in rolling stock and infrastructure. There could also be different procedures in different railway undertakings.

Small companies have more experience with the mobility of workers because they hire crew members from the incumbents. However, there is no evidence that the absence of a certification scheme for other train crew is a barrier to mobility and the Commission has not received any complaints on this issue.

3.5. Homogeneity with respect to professional qualifications

There is a wide variety of job profiles throughout the European Union.

At this stage, it would not be appropriate to harmonise all these for the following reasons:

- On the one hand, both the ‘door closing’ and ‘train departure (operations completed)’ tasks are operational procedures that could vary from one company to another due to different technical solutions. They should remain at the level of the company and should not be regulated at EU level.
- On the other hand, the remaining common tasks are all related to passenger safety. They are generally regulated at national level and are defined at EU level:
 - passenger protection in degraded and emergency situations;
 - passenger evacuation in emergency situations.

According to point 4.6 and Annex J on the minimum elements relevant to professional qualification for the tasks associated with accompanying trains of TSI OPE, all professional staff should have the required knowledge to manage degraded operations, train evacuation and passenger safety and the ability to put that knowledge into practice. Also, according to

point 4.6.1 on the tunnel-specific competence of the train crew and other staff of TSI SRT¹⁰, *‘all train crew shall have knowledge of the appropriate safety behaviour in tunnels and in particular be able to evacuate a train in a tunnel. This involves instructing the passengers to go to the next coach or to exit the train, and to lead them outside the train to a safe place’*.

An improvement of the current framework would consist in detailing or extending the requirements for tasks which already exist in TSI OPE, so that Annex J covers all the tasks identified in profile patterns PP1 and PP2 of other crew members.

3.6. Recognition of professional qualifications

The recognition of professional qualifications is not often regulated in the case of other crew members in passenger services. Indeed, only five Member States have a certification system regulated by national binding rules for passenger trains. They all concern PP1 and for four of them the certificates are issued by the NSA. For the fifth the certificate is issued by the railway undertaking. In freight services there is a certification system in five Member States out of nine and in all of them the NSA or the competent ministry is responsible for issuing certificates.

This situation seems to be a barrier to the Single European Rail Area because the only pre-condition for a railway undertaking to operate in one Member State within the current legislative framework should be to obtain a safety certificate (part A and part B). However, Member States may have national rules on this aspect, if it is not yet covered by TSIs, and, as already explained in section 3.3, the TSI on operation and traffic management is only applicable to cross-border services as far as professional qualifications are concerned. Against this background extension of the scope of that TSI to domestic services is important and ERA should be mandated to prepare a recommendation for that extension.

3.7. Potential benefits of a European system attesting the competences of crew members with safety-critical tasks

Article 13(3) of the Railway Safety Directive (Directive 2004/49/EC) already provides that *‘When recruiting new train drivers, staff on board trains and staff performing vital safety tasks, railway undertakings must be able to take into account any training, qualifications and experience acquired previously from other railway undertakings. For this purpose, such members of staff shall be entitled to have access to, obtain copies and communicate all documents attesting to their training, qualifications and experience’*.

For the tasks of other crew members performing safety-critical tasks, further harmonisation could be a solution to facilitating the mobility of workers without this having a negative impact on the level of safety. The target should be that a railway undertaking employing other crew members should be able to take into account competences acquired earlier on safety-critical tasks and should limit additional training as far as possible at a lower cost. A common scheme at European level should allow this target to be achieved.

The focus should be on railway-specific tasks, such as passenger assistance in degraded and emergency situations. With the opening-up of the market in international passenger services on 1 January 2010 it would be logical for the competence developed by other crew members regarding passenger protection and evacuation in degraded and emergency situations to be the same from one company to another throughout the European Union. This would facilitate a common understanding and would have an added value for passenger safety. It could also

¹⁰ Commission Decision of 20 December 2007 concerning the technical specifications of interoperability relating to ‘safety in railway tunnels’ in the trans-European conventional and high-speed rail system (notified under document C(2007)6450), OJ L64 of 7 March 2008.

have a positive impact on the mobility of workers. These common tasks are generally the ones already listed in Annex J, point 3 of the TSI OPE.

Such an objective becomes even more important with the opening up of the domestic passenger market proposed in the context of the fourth railway package.

On the other hand, tasks that are procedure-related and rolling-stock dependent, such as door closure, which may vary from one company to another (due to different technical solutions), should not be considered. A crew member who moves to a different railway undertaking would indeed need specific training in the procedures of that railway undertaking and its rolling stock.

4. TASK-ORIENTED ATTESTATION OF RISKS AND PASSENGER ASSISTANCE TRAINING DELIVERED BY THE RAILWAY UNDERTAKING

With a view to recognising the competence developed by a crew member to provide assistance and ensure passenger safety in the event of degraded and emergency situations, the Commission intends to develop at European level an attestation of the risks and passenger assistance training delivered to the job holder in compliance with all the minimum basic requirements concerning other crew members from the TSI OPE.

The delivery of these attestations should be the responsibility of railway undertakings employing or contracting workers, and should be based on a two-level system, using a set of minimum requirements established at EU level and additional requirements established at company level. This training could also be provided by a training centre external to the railway undertaking, but the attestation should be delivered by the railway undertaking under its responsibility.

The attestation process should be developed around four important points:

- Railway undertakings should organise training sessions on the railway operation risks related to passenger safety and passenger assistance. This training would be covered by the Safety Management System (SMS) of the railway undertakings and be based on requirements clearly specified in OPE TSIs.
- At the end of the training course, railway undertakings should issue a “attestation of risks and passenger assistance training”, provided under their Safety Management System, to the other crew members. This should cover all the harmonised skills provided in TSI OPE as a minimum and should also mention any additional skills acquired during the training course.
- This attestation should be valid throughout the European Union and must be taken into account by the railway undertakings when they recruit staff.
- The attestation delivered to the job holders (other crew members) becomes their property. They would then have the opportunity to use this attestation again should they wish to change company.

This attestation scheme does not impose any additional training, other than that currently required within the framework of the safety management system and already defined in the TSI OPE.

The attestation issue should remain at company level for both administrative and economic reasons, to avoid additional costs for railway undertakings as well as important additional tasks for NSAs.

The format and content of the attestation might mirror to a certain extent the requirements set out in Regulation 36/2010/EC for the complementary certificates of train drivers, adapted to this specific purpose.

Article 13(3) of the Railway Safety Directive already provides a legal base for this attestation; where appropriate the Commission will propose a minor modification of Annex III in order to clarify this aspect. In addition the Commission will propose an update to TSI OPE to specify the scope of the training attestation and the TSI OPE.

Additional tasks (whether or not safety related) and additional requirements concerning professional qualifications may be foreseen at company level without impeding the mobility of workers.

Recognising other crew members' competence at EU level would have an added value for the safety of passengers and could have a positive impact on the mobility of workers, while reducing the cost of redundant training for railway undertakings.

The representatives of railway undertakings and of infrastructure managers (CER and EIM) consider that existing legislation provides already all the necessary requirements and that a certification or licensing system for other crew members should not bring any useful new element to those already defined, but could involve high costs. On the other side, ETF, the European Transport Workers' Federation demands a European certification scheme for on-board personnel, including a licence delivered by the national safety authorities and a complementary certificate delivered by the railway undertaking.

5. REGULATION BY MEMBER STATES OF SAFETY-CRITICAL TASKS PERFORMED BY OTHER CREW MEMBERS

As mentioned in section 2.1, most Member States have defined national binding rules to regulate the profession in different ways and with different degrees of detail.

Those national binding rules, which have been established by the national authorities or have been transferred from the national company to the national level, must be applied by all railway undertakings operating in those Member States.

Generally speaking, these regulations seem not to be fully compliant with European legislation for three reasons:

- They are not fully compliant with TSI OPE, which stipulates what must be done, since some Member States prescribe how it must be done.
- Regulation at national level seems to restrict business and particularly the mobility of workers. Moreover, those company rules (indirect rules) which become national binding rules give historical railway undertakings a clear competitive advantage.
- When national authorities establish detailed operational procedures, they take over responsibilities that should fall on the railway undertakings and the infrastructure managers. The detailed regulation of tasks at national level could limit the responsibilities of the railway undertakings and might be in contradiction with Article 4(3) of the Safety Directive.

Unless there is some particular aspect of a network that requires specific rules, rules relating to the way in which the tasks must be performed should be made at the level of the railway undertaking and not at national level. Indeed, even if the procedures change from one railway undertaking to another, what is important is that the task is performed.

Consequently, the Commission intends to ask the Member States to review those of their national regulations that are required to be in line with TSI OPE. This will be done in the context of the implementation of the Railway Safety Directive and the analysis of national safety rules currently being conducted by ERA.

6. CONCLUSION: NEXT STEPS

The Commission will request the European Railway Agency to develop for other crew members the necessary provisions for an attestation focused on passenger safety issues. The Agency will identify the common safety-critical tasks of other crew members not related to vehicle design/rolling stock and will define the content of the training attestation and the scope of Annex J of TSI OPE. The Agency will develop a model of attestation training in safety-critical tasks, to be delivered to the job holder. An amendment in Annex III to the Railway Safety Directive will make a provision for this attestation process to be part of the Railway Undertaking Safety Management System.

The need of this attestation scheme is reinforced with the domestic passenger market opening proposed within the fourth railway package.

The Commission will ask the European Railway Agency to include in its analysis of the National Safety rules a specific chapter on the national binding rules related to other crew members and to what extent they go beyond their scope. Should these rules be non-compatible with EU legislation, the Commission could take appropriate measures to ensure their correct application.

Other crew members form a professional group that plays an important role for a safe railway system with respect to operational safety and to passenger safety and security. The Commission believes that its proposals will reinforce the safety performances and improve the quality of this important railway profession as well as supporting the mobility of its workers.

ANNEX

Description of the main tasks within the profile patterns (PP)

In all, 17 tasks are assigned to PP1 and regulated in at least 50% of the 11 Member States where PP1 exists. These tasks are:

- Check train composition:
 - ‘Check train composition’
 - ‘Check train composition document/documentation’
- Checks and test before departure:
 - ‘Brake status/braking system’
 - ‘Train signals in place’
- Train departure at any station:
 - ‘Door closing’
 - ‘Train departure (operations completed)’
- Train run:
 - ‘Emergency brake –reset after use and report to the driver’
 - ‘On-board communication (in particular passenger safety)’
- Operation in degraded mode:
 - ‘Passenger protection’
 - ‘Train departure’
 - ‘Reporting on any unusual occurrences’
- Operation in emergency situations:
 - ‘Decision on train stop’
 - ‘Passenger protection’
 - ‘Passenger evacuation’
 - ‘Train departure –operation completed–’
 - ‘Informing/communicating with driver’
 - ‘Informing/communicating with railway undertaking’

Concerning PP2, there are only five tasks that are assigned to PP2 and regulated in at least 50% of the six Member States where PP2 exists. These tasks are:

- Train departure at any station:
 - ‘Door closing’
 - ‘Train departure (operations completed)’
- Operation in degraded mode:
 - ‘Passenger protection’

- Operation in emergency situations:
 - ‘Passenger protection’
 - ‘Passenger evacuation’

The ‘shunting’ task is assigned in different ways in Member States and is not taken into account in these profile patterns.