



EUROPEAN  
COMMISSION

Brussels, XXX  
[...] (2018) XXX draft

**COMMISSION REGULATION (EU) .../...**

of XXX

**amending Annex VI to Directive 2007/59/EC of the European Parliament and of the Council on the certification of train drivers operating locomotives and trains on the railway system in the Community**

(Text with EEA relevance)

*This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.*

## **COMMISSION REGULATION (EU) .../...**

**of XXX**

### **amending Annex VI to Directive 2007/59/EC of the European Parliament and of the Council on the certification of train drivers operating locomotives and trains on the railway system in the Community**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community<sup>1</sup>, and in particular Article 31 thereof,

Whereas:

- (1) The requirements in point 8 of the Annex VI to Directive 2007/59/EC on the language skills of train drivers are not considered to be the most effective means of ensuring a high level of safety while allowing efficient operation of the rail network. This is particularly true in case of disruptions on the railway network of a Member State requiring the use of deviation routes through neighbouring Member States. In these cases, train drivers with specific language skills are sought at short notice to drive on the deviation routes and hence ensure the continuity of operations.
- (2) It is necessary to explore alternative options to the current language requirements allowing for greater flexibility but ensuring an equivalent level of safety with the current requirements. Those options could consist in more targeted language requirements (i.e. with focus on rail specific terminology), or to a lower general language level combined with alternative means to support effective communication. They should ensure an active and effective communication in routine, degraded and emergency situations.
- (3) In order to obtain reliable results on the effectiveness of the alternative options, it is necessary to test the alternative means in day-to-day operations. Therefore, the impact of those alternative options should be examined under real conditions in the framework of pilot projects conducted in two phases. In the first phase, infrastructure managers and rail undertakings should carry out pilot projects with train drivers fulfilling the requirements under point 8 of Annex VI to Directive 2007/59/EC and using alternative means. If in the first phase those pilot projects prove that the alternative means effectively complement the language skills of the driver, then in the second phase the pilot projects should be carried out with train drivers having a lower level of language skills than those required in point 8 of the Annex VI to Directive 2007/59/EC and using the alternative means proved effective in the first phase. A derogation should be requested jointly by the railway undertaking and infrastructure manager to the Commission for this purpose.

<sup>1</sup> OJ L 315, 3.12.2007, p. 51-78

- (4) In accordance with Article 31 of Directive 2007/59/EC, the bodies represented in the European Social Dialogue Committee Railways were consulted.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 32(1) of Directive 2007/59/EC.

HAS ADOPTED THIS REGULATION:

*Article 1*

Section 8 of Annex VI to Directive 2007/59/EC is amended as follows:

- (1) The title is replaced by the following:

"8. LANGUAGE"

- (2) The following points (4) to (9) are added:

"(4) Railway undertakings in cooperation with infrastructure managers may carry out pilot projects to test alternative means of ensuring effective communication in accordance with paragraph 1.

A railway undertaking and infrastructure manager wishing to carry out such pilots shall jointly submit to the Commission an application for derogation from paragraph 2. The application shall identify the parts of the network and nature of the services concerned, and the initial duration of the pilot. In addition, the applicants shall define the nature of the pilot project and in particular indicate what alternative language requirements they propose to apply, and describe any additional tools they propose to use to support communication. They shall demonstrate how these alternatives ensure at least an equivalent level of safety to the language requirements of paragraph 2.

- (5) The Commission shall grant the derogation where the following conditions are fulfilled:

- (a) the proposed alternative language requirements and other tools for communication are sufficient to ensure effective communication between the concerned drivers and the staff of the infrastructure manager in routine, degraded and emergency situations.
- (b) the applicants provide evidence that these tools have been satisfactorily tested under operational conditions (but with drivers satisfying the language requirements of paragraph 2 present).
- (c) all staff of the railway undertaking and infrastructure manager affected by the pilot have received appropriate training.

(6) The Commission shall take into account the opinion of the European Union Agency for Railways and of the national safety authorities concerned, which shall be provided within two months upon receipt of the Commission's request. The Commission shall decide whether to authorise a pilot within two months of receiving the opinion of the European Union Agency for Railways and of the national safety authorities concerned.

(7) The rail undertaking and infrastructure manager shall ensure that the operation of the pilot project is appropriately documented. Records should be kept in particular of the staff involved, the training they have received, the services operated and any issues encountered during the pilot.

(8) After the end of each pilot project, the railway undertaking and infrastructure manager concerned shall report to the Commission. In case the duration of a derogation is of more than a year, they shall report on a yearly basis.

(9) The Commission may suspend the authorisation granted if it considers that the conditions are no longer fulfilled or where safety concerns arise.

*Article 2*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission  
The President  
Jean-Claude Juncker*