

Regulation (EC) No 881/2004 of the european parliament  
and of the council of 29 April 2004 establishing a  
European railway agency (Agency Regulation) (repealed)

[<sup>X1</sup>[<sup>F1</sup>CHAPTER 3b

**RAILWAY STAFF]**

*[<sup>F1</sup>Article 16b*

**Train drivers**

1 On matters related 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> (hereinafter referred to as the ‘Train Drivers Directive’) the Agency shall:

- a prepare a draft of a Community model for the licence, the certificate and the certified copy of the certificate, their physical characteristics, taking into account therein anti-forgery measures;
- b cooperate with the competent authorities in order to ensure the interoperability of the registers for train drivers' licences and certificates. To this end the Agency shall prepare a draft on the basic parameters of the registers to be set up, such as data to be recorded, their format and the data exchange protocol, access rights, the duration of data retention and the procedures to be followed in cases of bankruptcy;
- c prepare draft Community criteria on the choice of examiners and examinations;
- d evaluate the development of the certification of train drivers by submitting to the Commission, not later than four years following the adoption of the basic parameters of the registers, as provided for in Article 22(4) of the Train Drivers Directive, a report containing, where appropriate, improvements to be made to the system and measures regarding the theoretical and practical examination of the professional knowledge of applicants for the harmonised certificate for rolling stock and relevant infrastructure;
- e by 4 December 2012, examine the possibility of using a smartcard combining the licence and certificates provided for in Article 4 of the Train Drivers Directive, and shall prepare a cost/benefit analysis thereof. The Agency shall prepare a draft for the technical and operating specifications for such a smartcard;
- f assist the cooperation amongst Member States in the implementation of the Train Drivers Directive and organise appropriate meetings with representatives of the competent authorities;
- g if asked by the Commission, carry out a cost/benefit analysis of the application of the provisions of the Train Drivers Directive to train drivers operating exclusively on the territory of the requesting Member State. The cost/benefit analysis shall cover a period of ten years. This cost/benefit analysis shall be submitted to the Commission within two years of the setting-up of the registers in accordance with point 1 of Article 37 of the Train Drivers Directive;
- h if asked by the Commission, carry out another cost/benefit analysis which is to be submitted to the Commission no later than 12 months prior to the expiry of the temporary exemption period possibly granted by the Commission;

*Status: Point in time view as at 01/01/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 881/2004 of the European Parliament and of the Council (repealed), CHAPTER 3b. (See end of Document for details)*

- i ensure that the system set up under paragraph 2(a) and (b) of Article 22 of the Train Drivers Directive complies with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data<sup>(2)</sup>.
- 2 On matters related to the Train Drivers Directive, the Agency shall make recommendations on:
- a modification of the Community Codes for the different types in categories A and B as referred to in Article 4(3) of the Train Drivers Directive;
  - b the codes reflecting additional information, or medical restrictions for use imposed by a competent authority in accordance with Annex II to the Train Drivers Directive.
- 3 The Agency may make a reasoned request to the competent authorities for information on the status of train driver licences.]

### *[<sup>F1</sup>Article 16c*

#### **Other on-board staff**

In accordance with Article 28 of the Train Drivers Directive, the Agency shall, in a report to be presented by 4 June 2009, and taking into account the TSI on operation and traffic management developed under Directives 96/48/EC and 2001/16/EC, identify the profile and tasks of other crew members performing safety-critical tasks whose professional qualifications accordingly contribute to railway safety which should be regulated at Community level by means of a system of licences and/or certificates which may be similar to the system established by the Train Drivers Directive.]

### *[<sup>F2</sup>Article 17*

#### **Vocational competences and training**

- 1 The Agency shall make recommendations on specifying common criteria for defining vocational competences and assessing staff in the case of staff involved in the operation and maintenance of the rail system but which is not covered by Articles 16b or 16c.]
- 2 The Agency shall draw up recommendations with a view to putting in place a system for accreditation of training centres.
- 3 The Agency shall promote and support exchanges of drivers and trainers between railway companies from different Member States.]

#### **Textual Amendments**

- F2** Substituted by [Regulation \(EC\) No 1335/2008 of the European Parliament and of the Council of 16 December 2008 amending Regulation \(EC\) No 881/2004 establishing a European Railway Agency \(Agency Regulation\) \(Text with EEA relevance\).](#)

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#### **Editorial Information**

- X1** Substituted by [Corrigendum to Regulation \(EC\) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European railway agency \(Agency Regulation\) \(Official Journal of the European Union L 164 of 30 April 2004\)](#).

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#### **Textual Amendments**

- F1** Inserted by [Regulation \(EC\) No 1335/2008 of the European Parliament and of the Council of 16 December 2008 amending Regulation \(EC\) No 881/2004 establishing a European Railway Agency \(Agency Regulation\) \(Text with EEA relevance\)](#).

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- (1) [<sup>X1</sup>[<sup>F1</sup>OJ L 315, 3.12.2007, p. 51.
- (2) OJ L 8, 12.1.2001, p. 1.]]

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- X1** Substituted by Corrigendum to Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European railway agency (Agency Regulation) (Official Journal of the European Union L 164 of 30 April 2004).

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