

EXPLANATORY MEMORANDUM TO

THE TRAIN DRIVING LICENCES AND CERTIFICATES REGULATIONS 2010

2010 No. 724

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the Instrument

2.1 The Regulations establish a system for the licensing of train drivers operating on the mainline rail system in Great Britain.

2.2 A train driver on the mainline rail system will be required to hold a licence, recognised throughout the EU attesting as to fitness and general train driving related knowledge and training, and a certificate attesting as to knowledge and training specific to the rolling stock driven and the infrastructure driven on.

2.3 The licensing authority will be the Office of Rail Regulation, but certificates will be issued by the railway operator or infrastructure manager which employs the driver.

2.4 The requirement to hold a licence and certificate will be brought into force in phases over 8 years with provision to allow applications for licences and certificates to be made and processed well in advance.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The Regulations implement 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 European Union.

4.2 A transposition note is annexed to this memorandum detailing how each provision of the Directive is to be implemented.

4.3 A Parliamentary scrutiny history relating to consideration of the Directive is also annexed.

5. Territorial Extent and Application

5.1 This instrument applies to Great Britain.

5.2. Transposition of the Directive in Northern Ireland is carried out by the Department for Regional Development of Northern Ireland.

6. European Convention on Human Rights

As the Regulations are subject to the negative resolution procedure and do not amend primary legislation, no statement is required.

7. Policy background

- *What is being done and why?*

7.1 The train driving licensing Directive (2007/59/EC) (“TDL”) forms part of the European Commission’s strategy to improve the efficiency and competitiveness of Europe’s railways. The key objectives of TDL are to:

- create a more flexible labour market for train drivers (i.e. make it easier for train drivers to move from one Member State to another, and also make it easier for them to move from one railway undertaking to another);
- introduce common standards of driver and train crew competence across Europe;
- make it easier for cross-border rail services to operate; and
- increase public confidence in the rail system through the statutory licensing of train drivers.

7.2 The European Commission believes that the outcome of Member States implementing TDL will also include:

- physical and psychological fitness and general driving competence will be assessed against EU-wide minimum requirements;
- driver licences and certificates will be recognised by all railway sector stakeholders;
- Member States will respect the validity of licences issued in other Member States;
- a single certification model for training and competence management of drivers by train operators will be established; and
- management of driver competence will remain a key part of an operator’s safety management system.

7.3 TDL requires that the national safety authority for each Member State should act as the “competent authority” for train driver licensing. In Great Britain this authority is the Office of Rail Regulation (“ORR”).

7.4 The Regulations come into effect in three phases: new cross-border drivers will need licences and certificates from October 2011; new domestic drivers from October 2013; and existing drivers from October 2018. These are the latest dates for compliance allowed by TDL.

7.5 Based on the findings of the impact assessment (see section 10 below) the Department for Transport plans to apply to the European Commission for a derogation (under article 37 of TDL) to exempt all domestic drivers in the UK from the requirement to hold licences for 10 years. If the derogation is granted, the Department for Transport will adjust the Regulations accordingly.

7.6 TDL permits Member States to exclude metros, trams, light rail and other ‘non-mainline’ railways (such as heritage operations) from driver licensing requirements and we have done so. The exception is where operations which are generally of that character also operate on mainline infrastructure to some extent. Despite representations from those operators we believe licensing has to be extended to them on the basis that firstly TDL requires this, secondly we wish to apply the Regulations consistently to all operators using the same infrastructure, and thirdly the competence and fitness standards that the Regulations will require are applicable to all use of the mainline.

7.7 The Regulations provide for a licence that identifies the driver and attests to their fitness and general competence to drive trains. The licence is owned by the driver and is valid across the EU for 10 years subject to periodic medical assessments. It is the employer’s responsibility to ensure that drivers they engage hold valid licences.

7.8 The initial and periodic fitness assessments required to obtain and maintain validity of a licence must be carried out by or under the supervision of a doctor (in the case of medical fitness) or a doctor or psychologist (in the case of psychological fitness) who is recognised for that purpose by ORR. Currently, these assessments are carried out under the supervision of occupational physicians who are employed or contracted for that purpose by railway operators. ORR is working closely with the industry and its occupational health practitioners to ensure that these providers will be able to achieve the necessary recognition under the Regulations.

7.9 Drivers are also required to hold certificates that identify the rolling stock they are competent to drive and the infrastructure they are competent to drive on. Employers own the certificates and are responsible for ensuring drivers hold valid ones. The task of training and maintaining competence of drivers will remain a matter for train operators' safety management systems under the Railways and Other Guided Transport Systems (Safety) Regulations 2006 (S.I. 2006 No. 599) ("ROGS"), but a key difference will be that drivers will have to hold European wide recognised documentation.

7.10 Licences and certificates are not required by trainee drivers, and certificates covering the railway lines driven on will not be required in certain special circumstances listed in Regulation 4 (7), provided the trainees, or other drivers, are accompanied by an appropriately licensed and certificated driver. Similar arrangements are already commonplace in the industry.

7.11 The conditions for holding a licence include a new minimum age of 20 years, as opposed to the current industry standard of 21 years. This is the minimum age limit permitted by TDL.

7.12 TDL requires that drivers are trained and assessed only by bodies recognised as able to do so by the competent authority (ORR in Great Britain). Reflecting that the vast majority of driver training and assessment is carried out by train operators, we are proposing a simple 'recognition' model where driver training and assessment arrangements are certificated by ORR as part of an operator's safety management system assessment under ROGS. Independent training providers, who provide training outside a safety management system, will be able to apply for recognition against the same criteria which will be published on the ORR website.

7.13 The Regulations give ORR a range of duties, including the issuing of licences, establishing and maintaining the licence register, and recognising and registering persons or bodies who carry out driver training and assessment, including medical and psychological assessment.

7.14 The Regulations give ORR some additional powers and obligations which cannot be delegated. In particular they are made the enforcement authority for the Regulations and have powers including those to carry out inspections, suspend or withdraw licences or institute enforcement proceedings. The Regulations also designate the ORR to act as an independent appeals body to deal with appeals against the refusal of applications for certificates, or their suspension or withdrawal.

7.15 The railway industry in Great Britain has long been hostile to the concept of statutory licensing of drivers, largely on grounds of cost and efficiency. However, consultees recognise that the TDL has compelled the Government to legislate in this area and it is intended that the regulatory approach developed for Great Britain implements this in a way that minimises the associated administrative burdens as far as possible.

- *Consolidation*

7.16 As the Regulations do not amend other regulations, no consolidation is necessary.

8. Consultation Outcome

8.1 A three month consultation on the draft Regulations ran from 25 June 2009 to 16 September 2009. In total 21 responses were received, the majority were from Train Operating Companies, with the rest split between industry representative organisations, trade unions, and Local Government. Responses to the consultation suggested that our draft instrument needed amendment in six areas in particular. The substantive changes to our regulations as a result are:

- drivers operating exclusively in engineering possessions have been specifically excluded from the need to have a licence or certificate;
- allowed more scope for ORR inspectors checking drivers on board a train to ensure their documents are in order to use discretion in deciding what evidence to accept in any given situation should a driver not be in possession of their licence or certificate (for example, if they had lost it, had it stolen, or simply forgotten it); and
- made provision to enable processing of applications for licences and certificates well in advance of their becoming mandatory , .

8.2 A full analysis of the consultation responses is available on the Department's website at: www.dft.gov.uk/consultations/closed.

9. Guidance

9.1 Guidance on the Regulations has been produced by the ORR in conjunction with and consultation with industry stakeholders. This will be available at the same time as the Regulations come into force, and will help those affected to understand the legislation and their responsibilities. The Guidance will be published on ORR's web site.

10. Impact

10.1 The impact of implementation of the Directive is estimated at £17.4m over a 20 year period. This will fall on Train Operating Companies due to additional administration costs and more frequent medical assessments of their drivers.

10.2 ORR will meet the cost of issuing licences, establishing and maintaining the licence register, and recognising and registering persons or bodies who carry out driver training and assessment, as part of its regulatory functions.

10.3 An Impact Assessment is attached to this memorandum.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Under Article 33 of TDLR the European Rail Agency (ERA) are required to submit to the European Commission, not later than four years following the adoption of the basic parameters of the registers, a report containing, where appropriate, improvements to be made to the systems as regards e.g. the procedures for issuing licences and certificates, accreditation of training centres and examiners. We will work closely with ERA in that process, and also with the European Commission who will recommend and propose any necessary changes to the Directive.

12.2 In accordance with Better Regulation principles, and regulation 33 of the Regulations, the Department will review the Regulations within 5 years.

13. Contact

Mike Franklyn at the Department for Transport (Tel: 020 7944 5761 or e-mail: mike.franklyn@dft.gsi.gov.uk) can answer any queries regarding the instrument.

Summary: Intervention & Options

Department /Agency:	Title: The Train Driving Licences and Certificates Regulations 2010	
Stage: Post Consultation	Version: 2	Date: 9 March 2010
Related Publications:		

Available to view or download at:

<http://www.dft.gov.uk/consultations>

Contact for enquiries: Mike Franklyn

Telephone: 020 7944 5761

What is the problem under consideration? Why is government intervention necessary?

The Regulations transpose the EU train diving licensing Directive (2007/59/EC).

Resulting from the progressive implementation of EU policy to liberalise and re-invigorate the European rail transport system the EU envisages a growing demand for drivers trained and certified for operation in more than one Member State. As laws of Member States on qualification of train drivers differ considerably the EU considers there is a need to have EU wide rules for train driver qualification to overcome these differences. The Directive is intended to address this.

What are the policy objectives and the intended effects?

The EU considers that harmonised EU rules for train diver qualification should contribute to EU policies on freedom of movement of workers, freedom of establishment and freedom to provide services in the context of the common transport policy, whilst avoiding distortion of competition.

But the key overall objection of the Directive is to make it easier for train drivers to move from one Member State to another, and also to make it easier for them to move from one railway undertaking to another, and generally to promote mutual recognition of driver qualifications throughout railway sector stakeholders.

What policy options have been considered? Please justify any preferred option.

Two initial options for transposition of the Directive were considered in discussion with an industry stakeholder group. The first (Option 1) involved a so called "Hands Off Authority" where the licensing authority would only produce the Licences but supervise Train Operating Companies who would be responsible for the entire driver training and assessment process. The second (Option 2) involved a so called "Centralised Authority" where the licensing authority would be responsible for everything to do with the Licensing process including training applicants for licences and being responsible for periodical medical checks. The Regulations have since taken transposition forward in detail and more closely resemble Option 1, with the ORR being the designated licensing authority.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

Ministerial Sign-off For SELECT STAGE Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

C.D. Mole

.....Date: 9th March 2010

Summary: Analysis & Evidence

Policy Option: 1	Description: Implementation with "Hands Off" Authority
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COSTS	ANNUAL COSTS	Description and scale of key monetised costs by 'main affected groups' Costs will mainly fall on the TOCs as additional administration costs and more frequent medical assessments become a part of regular procedure.		
	One-off (Transition) Yrs			
	£ 260,000			
	Average Annual Cost (excluding one-off)			
	£ 271,500		Total Cost (PV)	£ 17,400,000
Other key non-monetised costs by 'main affected groups' n/a				

BENEFITS	ANNUAL BENEFITS	Description and scale of key monetised benefits by 'main affected groups' From the main affected groups, Eurostar would reap the main benefits in the form of reduced recruitment costs. The Licensing Directive would also mean less frequent medical checks for Eurostar.		
	One-off Yrs			
	£ 70,000			
	Average Annual Benefit (excluding one-off)			
	£ 15,000		Total Benefit (PV)	£ 287,000
Other key non-monetised benefits by 'main affected groups' the Licensing Directive should increase mobility for train drivers . TOCs should also find it easier to hire staff as standardised licenses should offer a transparent assessment of the drivers' abilities.				

Key Assumptions/Sensitivities/Risks The Cost and Benefit analysis has the following assumptions:

- 1) Wage costs will increase at 1% per annum in real terms
- 2) The discount rate is set at 3.5% per annum
- 3) For every scenario, a consistent appraisal period of 20 years is applied
- 4) All costs and benefits are at 2009 price levels

Price Base Year 2009	Time Period Years 20	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £ -17,113,000
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What is the geographic coverage of the policy/option?	EU			
On what date will the policy be implemented?				
Which organisation(s) will enforce the policy?				
What is the total annual cost of enforcement for these organisations?	£			
Does enforcement comply with Hampton principles?	Yes			
Will implementation go beyond minimum EU requirements?	No			
What is the value of the proposed offsetting measure per year?	£			
What is the value of changes in greenhouse gas emissions?	£			
Will the proposal have a significant impact on competition?	No			
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	Yes/No	Yes/No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)		(Increase - Decrease)
Increase of £	Decrease of £	Net Impact £

Key: **Annual costs and benefits:** (Net) Present

Summary: Analysis & Evidence

Policy Option:
2

Description: Implementation with Centralised Authority

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' Costs will mainly relate to the licence production and administration. Medical assessments and a change in the medical procedure would also contribute to such figures.
	One-off (Transition)	Yrs	
	£ 255,000		
	Average Annual Cost (excluding one-off)		
	£ 612,580		Total Cost (PV) £ 48,124,000
Other key non-monetised costs by 'main affected groups' n/a			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' Eurostar would reap the main benefits in the form of reduced recruitment costs. The Licensing Directive would also mean less frequent medical checks for Eurostar.
	One-off	Yrs	
	£ 70,000		
	Average Annual Benefit (excluding one-off)		
	£ 46,000		Total Benefit (PV) £ 1,498,000
Other key non-monetised benefits by 'main affected groups' the Licensing Directive should increase mobility for train drivers . TOCs should also find it easier to hire staff as standardised licenses should offer a transparent assessment of the drivers' abilities.			

Key Assumptions/Sensitivities/Risks The Cost and Benefit analysis has the following assumptions:

- 1) Wage costs will increase at 1% per annum in real terms
- 2) The discount rate is set at 3.5% per annum
- 3) For every scenario, a consistent appraisal period of 20 years is applied
- 4) All costs and benefits are at 2009 price levels

Price Base Year 2009	Time Period Years 20	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £ -46,626,000
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What is the geographic coverage of the policy/option?			EU	
On what date will the policy be implemented?				
Which organisation(s) will enforce the policy?				
What is the total annual cost of enforcement for these organisations?			£	
Does enforcement comply with Hampton principles?			Yes	
Will implementation go beyond minimum EU requirements?			No	
What is the value of the proposed offsetting measure per year?			£	
What is the value of changes in greenhouse gas emissions?			£	
Will the proposal have a significant impact on competition?			No	
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	Yes/No	Yes/No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)			(Increase - Decrease)	
Increase of £	Decrease of £	Net Impact		£

Key: Annual costs and benefits: Constant Prices (Net) Present Value

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

1. Background

1.1 The Licensing Directive has been passed by the European Union in order to promote competition and liberalisation in the rail transport market. By introducing a more standardised licensing system and its respective training and assessment methods, the Directive would not only ease mobility across borders for train drivers but for Train Operating Companies (TOC) as well.

1.2 This analysis has looked upon the research conducted by the Rail Safety and Standards Board (RSSB). Their research has been conducted in two phases, the former consisted of a review of two previous studies conducted by NERA and DNV Consulting and the latter is an extensive consultation by MVA Consulting.

1.3 Implementation of the Directive would have a pronounced impact on driver training and assessment methods. Train drivers would have the opportunity to hold a mutually recognised licence, making it easier for them to move across Member States. The change in training and assessment procedures would also affect TOCs as they may have to incur additional costs. A lot of these costs would relate to the administration of such licences, however, the magnitude of this would differ depending on the division of responsibilities.

1.4 A change in medical procedures under the Directive would also mean that medical assessments would have to be conducted every 3 years.

1.5 Evidence gathered from the RSSB and TOCs have suggested that the Directive is unlikely to have any safety implications and thus the assessment of such impacts in this analysis is nil.

2. Driver Licensing

2.1 At the moment, the TOCs primarily hold responsibility for the training and assessment of the train drivers. The potential transposition models identified by

the RSSB research were for licensing responsibilities being exercised by either a “Hands Off Authority” or a “Centralised Authority”.

2.2 For the Centralised Option, the training and assessment of train drivers and the administration of licences would be undertaken by a Centralised Authority. In the “Hands-Off” option, the training, medical and skills assessments would be undertaken by the respective TOC with the Hands Off Authority’s role being mainly that of the production of licenses. A more detailed comparison of the different roles of these two authorities is given at Annex 1

2.3 In fact the RSSB research also considered a third option, the so called “Do-Minimum” Scenario. This was a variation of the Hands Off Authority in which the Authority would issue licenses only to drivers operating through the Channel Tunnel and would exclude all purely domestic drivers. Based on the information provided by the RSSB, Table 2 provides the Costs and Benefits of the Do Minimum Scenario.

Table 2. Costs and Benefits for the Do-Minimum Scenario			
Cost or Benefit	Frequency	2009 Value (£000s)	NPV 20 Years (£000s)
Authority			
Licence Production	One-off	-21	-21
Database Setup	One-off	-24	-24
Administration Staff	Annual	-30	-469
Eurostar			
Savings on Belgian Licences for Current Drivers	One-off	1	1
Reduced Medical Assessment Costs	Annual	49	763

Table 2 holds information from research commissioned by the RSSB (2009)

3. Options 1 - Hands-Off Authority

3.1 Based on the information provided by the RSSB, Table 3 provides a break down of the costs and benefits of Option 1 (the Hands Off Authority).

3.2 Based on such evidence and compared to the Do-Minimum Scenario, additional costs lie primarily in the additional administration for licensing. The RSSB reports an additional £160,000 per year for administrative staff and costs for license production at £49,000 incurred every 10 years.

			Option 1
Cost or Benefit	Frequency	2009 Value (£000s)	20 Yr NPV (£000s)
Authority			
Licence Production Cost	Every 10 years	-49	-84
Licence Data Base Setup	One-off	Nil	Nil
Administration Staff	Annual	-160	-2,656
Review of Regulations	One-off	-10	-10
TOCs			
Medical assessments	Annual	-531	-8,305
Certificate Registers	One-off	-250	-250
Additional Administration	Annual	-390	-6,094
Eurostar			
Recruitment Costs Reduction	Annual	15	234
Economy			
Safety Benefits	Annual	Nil	Nil
Market Liberalisation Benefits	Annual	Small Positive Impact	Small Positive Impact
Industry			
Saving in CBA Study	One-off	70	53

Table 3 holds information from research commissioned by the RSSB (2009)

3.3 Changes in frequency of medical assessments would also contribute to the costs as domestic freight operating companies (“FOCS”) and TOCs would have to switch from a 5 year assessment pattern to a 3 year assessment pattern.

3.4 The costs for a loss or theft of a licence have not been included in the assessment of any of the options. It is assumed that some costs shall be incurred as an authorised copy of the license will need to be issued in such instances. Such costs are likely to be relatively marginal and thus should not make a significant difference to the total costs.

3.5 Under Option 1, the monitoring of training and assessment programmes would also not greatly affect the costs because under the current remit, the Office of Rail Regulation already undertakes inspections and audits that are compliant with the requirements of the Directive (stipulated in Articles 19, 20, 26 and 29).

3.6 Eurostar would face a reduction in costs with the implementation of the Licensing Directive. A more universal licence scheme would cut recruitment costs since their licenses would be valid through out the Eurostar network. Such savings are estimated at around £15,000 per annum.

3.7 The Licensing Directive would also involve less frequent medical checks for Eurostar and thus produce savings of about £48,000 per annum.

3.8 Whilst the Market Liberalisation Benefits are not to be ignored, there is little evidence to suggest that these would produce a marked difference. Furthermore, it would be very difficult to weigh such benefits in monetary terms.

4. Option 2- Centralised Authority

4.1 The Centralised Authority would be responsible for the production and administration of licences and the training and assessment of train drivers for the licence requirements. The TOCS would however be responsible for the training and assessment of drivers for the certificate requirements.

4.2 Information regarding the costs borne in the Centralised Option have been provided by the TOCs and FOCs for the RSSB research and these have been outlined in Table 4.

4.3 As Table 4 suggests most of the costs relate to the production and administration of licences. Whilst the creation of a new training programme is only a one-off cost of £5000, the overall transfer of responsibilities would amount to £1.8 million per year.

4.4 The Centralised Authority would also have to conduct medical examinations every 3 years. Whilst such costs could eventually be transferred to the TOCS, as they are allocated to the Central Authority for the purposes of the review, they are included in the cost-benefit analysis. The total cost of such medical expenses is estimated at £548,000 per year.

4.5 Although the Central Authority would have full responsibility for the entire licensing scheme, the respective TOCs would also incur some indirect costs:

4.6 In order to comply with the requirements of the Directive, certificate data bases would have to be modified. This is estimated to be a one-off expenditure estimated at around £250,000 across all TOCs.

4.7 Furthermore, the cost of administering the driver competence management system would be £390,000 per year across all TOCs.

4.8 Whilst the TOCs would not be directly responsible for the medical assessments, the TOCs, would have to provide cover for the train drivers on the day of their assessments. However, compared to the Do–Minimum scenario, the RSSB has estimated that the TOCs would benefit by around £77,000 per annum.

4.9 In the event of a theft or loss of the licence, the TOCs may have to incur additional costs to reissue an authorised copy yet such costs are unlikely to make a significant difference to the total costs.

4.10 Eurostar would benefit under the Centralised Option with a reduction in recruitment and medical savings. These are once again estimated at £15,000 per year.

Cost or Benefit	Frequency	2009 Value (£000s)	Option 2
			20 Yr NPV (£000s)
Authority			
Licence Production Cost	Every 10 years	-49	-84
Database Setup	One-off	Nil	Nil
Licence Training Programme	One-off	-5	-5
Administration Staff	Annual	-320	-5,000
Cost of Authority's Assessors net scope for reduction in TOC Trainers	Annual	-1,800	-28,126
Provision of Training Facilities	Annual	Unknown	Unknown
Medical Assessments	Annual	-548	-8,564
TOCs			
Change in Medical Regime	Annual	77	1211
Certificate Registers	One-off	-250	-250
Additional Administration	Annual	-390	-6,094
Training Programme Scheduling Inefficiencies	Annual	Negative Impact	Negative Impact
Eurostar			
Recruitment Costs Reduction		15	234
Economy			
Safety Benefits	Annual	Nil	Nil
Market Liberalisation Benefits	Annual	Small Positive Impact	Small Positive Impact
Industry			
Saving in CBA Study	One-off	70	53

Table 4 holds information from research commissioned by the RSSB (2009)

4.11 Also similar to the Hands-Off Option, research does not foresee any quantifiable impacts on safety or the general economy.

5. Specific Impact Tests

5.1 Competition Assessment:

The Licensing Directive should not directly or indirectly affect the number of competitors in the rail transport market. However, it would promote competition between train drivers by easing mobility across Member states and providing a more mutually accepted licensing scheme.

5.2 Small Firms Impact Test:

There is no evidence to suggest that such a Directive should have an impact on small firms.

6. Preferred Option

The preferred transposition strategy is option 1 – to implement the directive with a “hands off” authority. This is the less costly route and is the option preferred by stakeholders. The Regulations have taken the transposition initiative forward in detail but more closely follow the model of option 1.

The Directive does provide a route for Member States to seek time limited derogations where they consider the cost benefits from transposition are limited. The Department is looking into the viability of this.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options. Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed. Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	Yes/No	Yes/No
Small Firms Impact Test	Yes/No	Yes/No
Legal Aid	Yes/No	Yes/No
Sustainable Development	Yes/No	Yes/No
Carbon Assessment	Yes/No	Yes/No
Other Environment	Yes/No	Yes/No
Health Impact Assessment	Yes/No	Yes/No
Race Equality	Yes/No	Yes/No
Disability Equality	Yes/No	Yes/No
Gender Equality	Yes/No	Yes/No
Human Rights	Yes/No	Yes/No
Rural Proofing	Yes/No	Yes/No

Annexes

Annex 1

‘Centralised’ and ‘Hands-off’ Authority Models

Under the new system stipulated by the Directive, each driver will be issued with two kinds of documents.

The **Licence** would be proof of ‘general competence’, and would be issued for a period of 10 years, subject to the individual passing medical and psychological tests. It is to be issued by or on behalf of the ‘competent authority’ in each Member State, in Great Britain this will be the Office of Rail Regulation (ORR).

The **Certificates** will be issued by ‘railway undertakings and infrastructure managers’ (in Britain this would mean the TOCs, FOCs and Network Rail), and would encompass proof of knowledge of the route, rolling stock, signalling equipment, and the language (vocabulary) relevant to operating trains on the infrastructure.

The Table below shows which key responsibilities would be held by which stakeholders under the two alternative options considered in this impact assessment.

Table 0.1 Split of Responsibilities in the New Driver Training Process

Responsibility	‘Centralised’ Authority	‘Hands-Off’ Authority
Physical Licence Production	AUTHORITY (or delegated / outsourced)	AUTHORITY (or delegated / outsourced)
Issuing of Licences	AUTHORITY (based on the recommendation of the authorities assessors)	AUTHORITY (at the request of the TOC)
Issuing of Certificates	AUTHORITY (based on the recommendation of the authorities assessors)	TOC
Establishment of Guidelines for Licence Examiners	AUTHORITY (This is essentially a one off task to develop criteria, which would build upon existing industry guidance.)	AUTHORITY (This is essentially a one off task to develop criteria, which would build upon existing industry guidance.)
Design of Training Process and Training Standards	AUTHORITY	TOC

5-Yearly Monitoring of Certificate Issuing Process	DfT (5-yearly Review of Certificate Issuing Process. Likely to be undertaken by independent contractor appointed by the DfT)	DfT (5-yearly Review of Certificate Issuing Process. Likely to be undertaken by independent contractor appointed by the DfT)
Monitoring of Driver Training Standards of Railway Undertakings	AUTHORITY (This would become part of the authority's internal quality assurance systems.)	AUTHORITY (This would build upon ORR's existing responsibilities to monitor TOCs safety arrangements and management systems.)
Training and Examinations for Licence Requirements	AUTHORITY (Re-examinations every 3 years. All training to take place in Authority's regional centres.)	TOC (Re-examinations every 3 years. All training by TOCs)
Training and Examinations for Certificate Requirements	AUTHORITY (Includes re-examinations every 3 years using TOC facilities (training runs, simulators, etc where necessary. Some training to take place in Authority's regional centres.	TOC (Includes re-examinations every 3 years. TOCs use their existing training facilities.)
Medical Examinations	AUTHORITY (Every 3 years till age 55, every year thereafter.)	TOC (Every 3 years till age 55, every year thereafter.)
Licence Database and Register	AUTHORITY (details would be updated by the authority following assessment.)	AUTHORITY (TOCs would pass on details to the authority, who would register them in database.)
Certificate Database and Register	AUTHORITY	TOC

References

MVA Consultancy (March 2009) for RSSB, Assessment of EU Driver Licensing Directive, Cost Benefit Analysis, Project no T77

Transposition Table

This table indicates how the **Train Driving Licences and Certificates Regulations 2010** transpose Directive 2007/59/EC on the certification of train drivers (the “Directive”) for Great Britain. (In the table “ORR” means the Office of Rail Regulation).

ARTICLE OF THE DIRECTIVE	OBJECTIVE	IMPLEMENTATION	RESPONSIBILITY
CHAPTER 1 – OBJECTIVE, SCOPE AND DEFINITIONS			
Article 1	States the purpose of the Directive.	No transposition necessary	-
Article 2	States the scope of the Directive and specifies which rail systems may be excluded.	Regulation 3	-
Article 3	Definitions.	Regulation 2	-
CHAPTER 2 – LICENSING AND CERTIFICATION OF TRAIN DRIVERS			
Article 4.1(a)	Requires train drivers to hold a license demonstrating that they satisfy minimum standards of competence and fitness.	Regulation 4	Rail Industry
Article 4.1(b)	Requires train drivers to hold certificates authorising them to drive specified types of rolling stock on specified parts of the rail network.	Regulation 4	Rail Industry
Article 4.2	Creates limited exceptions to the requirement to hold a certificate.	Regulation 4(6)	Rail Industry
Article 4.3	Specifies the categories of rolling stock certificates may relate to.	Regulation 5(2)	Rail Industry
Article 4.4	Creates an obligation on the Commission to produce Community models for documents such as licences, certificates , etc.	Not for transposition	Commission
Article 5	Provides that bodies are to take all necessary anti-fraud measures.	Regulation 37	The ORR and the rail industry
Article 6	Provides that licences are issued by the safety authority and owned by their holders, and that certificates are issued and owned by the railway body employing the driver.	Regulations 6 and 7	ORR and the Rail Industry
Article 7	Provides that licenses are valid throughout the EU, and that certificates are only valid on the specified infrastructures and rolling stock.	Regulation 4(1) and (2)	ORR and the Rail Industry

ARTICLE OF THE DIRECTIVE	OBJECTIVE	IMPLEMENTATION	RESPONSIBILITY
Article 8	Permits the recognition of certificates of drivers from third countries operating on cross-border services.	Great Britain has no cross border services with third countries, so no transposition is required	-
CHAPTER 3 - CONDITIONS FOR OBTAINING LICENCES AND CERTIFICATES			
Article 9.1	Introduces minimum requirements for obtaining licences and certificates.	Regulations 8 and 9	Rail Industry
Article 9.2	Permits member states to apply requirements more stringent than the Directive when issuing their own licences, but requires the mutual recognition of licences that satisfy the requirements of the Directive.	Regulation 4(1)	ORR and the Rail Industry
Article 10	Sets 20 as the minimum age for drivers to hold a licence.	Regulation 8.1(a)	ORR
Article 11	Specifies the basic requirements – educational, physical fitness, occupational psychological fitness and general professional competence- for holding a licence.	Regulation 8	ORR
Article 12	Specifies the language competence requirements applicants for a certificate must satisfy.	Regulation 9 (2)(b)	Rail Industry
Article 13 (1)and 13(2)	Specifies the professional knowledge and competence required in relation to the rolling stock and infrastructure for which a certificate is sought.	Regulation 9	Rail Industry
Article 13(3)	Provides that applicants for a certificate must be trained in relation to the employer’s safety management system.	Regulation 9(2)(d)	Rail Industry
CHAPTER 4 - PROCEDURES FOR OBTAINING LICENCES AND CERTIFICATES			
Article 14.1, 14.2 and 14.3	Requires the competent authority to publish its procedures for obtaining a licence or a duplicate, renewing a licence and updating licence particulars.	Regulations 10 and 35	ORR
Article 14.4	Requires the competent authority to issue a licence within 1 month.	Regulation 10(3)	ORR
Article 14.5	Provides that a licence is valid for 10 years.	Regulation 12(1)	ORR

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Article 14.6	Requires that a licence be issued as a single original, and prohibits duplication of a licence other than by the competent authority.	Regulations 10 (4) and (5).	ORR
Article 15 –first paragraph	Requires an employer issuing certificates to set up (1) a system for issuing and updating certificates as part of its safety management system and (2) procedures to allow drivers to request a review of a decision relating to the issue, updating, suspension or withdrawal of a certificate.	Regulations 11 and 36	Rail Industry
Article 15 – second paragraph	Creates a right for parties (the applicant/the employer) to appeal to the competent authority (ORR) or any independent appeal body if there is a disagreement.	Regulation 36	ORR and Rail Industry
Article 15 – third paragraph	Requires the employer issuing a certificate to update a certificate without delay when the driver obtains authorisations relating to additional rolling stock or infrastructure.	Regulation 11(3)	Rail Industry
Article 16.1 – first paragraph	Requires licence holders to undergo periodic professional knowledge, health and physical fitness checks.	As regards physical and psychological health checks, regulation 13. As regards professional knowledge, regulation 5(1) (c) of the Railways and Other Guided Transport Systems (Safety) Regulations 2006, (SI 2006/599)	Rail Industry
Article 16.1 – second paragraph	Requires the competent authority, when renewing a licence, to verify in the register of train driver licences it maintains that the driver has met the requirements of the first paragraph.	Regulation 12(2)	ORR
Article 16.2	Requires certificate holders to undergo periodic language, professional knowledge and safety management systems competence checks.	Regulation 15(1)	Rail Industry

ARTICLE OF THE DIRECTIVE	OBJECTIVE	IMPLEMENTATION	RESPONSIBILITY
Article 16.2 second paragraph	Requires an employer to record in the register of train driver certificates it maintains, and on the certificate, that the driver has met the requirements of the first paragraph of article 16.	Regulations 15(3) and 25	Rail Industry
Article 16.3	Applies the procedures in Article 18 if a periodic check is missed or failed.	Regulation 17(4)	ORR
Article 17	Provides that when a driver ceases to be employed as a driver by a body, that body must inform the competent authority. Their licence remains valid but the certificates relating to that employment cease to be valid. In that case the driver must be given copies of the certificates, endorsed to show when they ceased to be valid, and copies of all documentation regarding the driver's training, qualifications and experience related to that employment.	Regulation 16	Rail Industry
Article 18	Requires employers to ensure that their drivers have valid certificates and licences. They must have a system for monitoring their drivers. If the results of monitoring cast doubt on a driver's competence, or the continuing validity of his licence or certificate, they must immediately take any necessary action.	Regulation 17	Rail Industry
CHAPTER 5 - TASKS AND DECISIONS OF THE COMPETENT AUTHORITY			
Article 19.1(a)	Provides for the competent authority to issue and update licences and provide duplicates.	Regulations 8(1) and 10(5)	ORR
Article 19.1(b)	Provides for the competent authority to ensure that periodic examinations and tests are provided.	Regulations 13, 15 and 38	ORR
Article 19.1 (c)	Provides for the competent authority to suspend and withdraw licences, and to give bodies issuing certificates reasoned requests for the suspension of certificates.	Regulations 18 to 20	ORR

ARTICLE OF THE DIRECTIVE	OBJECTIVE	IMPLEMENTATION	RESPONSIBILITY
Article 19.1 (d)	Provides for the competent authority to recognise persons or bodies as trainers or examiners.	Regulation 23	ORR
Article 19.1 (e)	Provides for the competent authority to maintain and update a register of persons so recognised as trainers or examiners.	Regulation 23	ORR
Article 19.1 (f)	Provides for the competent authority to keep and update a register of licences.	Regulation 24	ORR
Article 19.1 (g)	Provides for the competent authority to monitor driver certification process.	Regulation 32	ORR
Article 19.1 (h)	Provides for the competent authority to carry out inspections in relation to implementation of article 29 of the Directive.	Regulation 38	ORR
Article 19.1 (i)	Provides for the competent authority to establish national criteria for examiners.	By administrative action by the ORR (see entry for article 25(5))	ORR
Article 19.2	The competent authority may not delegate certain tasks to third parties.	Regulation 34 (which complies with these limits)	ORR
Article 19.3	Provides for any delegations to be transparent and non-discriminatory and not to give rise to conflicts of interest.	Required by anti discrimination legislation and common law	ORR
Article 19.4	Requires a railway body to whom the power to issue licences is delegated only to issue them to its own drivers, unless the delegation is not exclusive.	Regulation 34(3)	ORR and Rail Industry
Article 19.5	Requires a body to whom a competent authority delegates a task to comply with the same obligations that the Regulations would impose on the competent authority.	By common law and administrative measures taken by ORR under regulation 34 (contract of delegation)	ORR and delegate
Article 19.6	Provides for the competent authority to establish a system for monitoring how any delegated tasks are carried out.	Regulation 34(4)	ORR
Article 20.1	Provision for accreditation of persons by an accreditation body appointed by Member State.	This option is not exercised	-

ARTICLE OF THE DIRECTIVE	OBJECTIVE	IMPLEMENTATION	RESPONSIBILITY
Article 20.2	As an alternative to accreditation under article 20.1 Member States may provide for the competent authority, or a body appointed by the Member State, to recognise persons for the purposes of the Directive. Recognition to be based on criteria of independence, competence and impartiality.	Regulation 23	ORR
Article 20.3	Imposes a duty on the competent authority to publish and update registers of recognised persons and bodies.	Regulation 23	ORR
Article 21	Imposes a duty on the competent authority to give reasons for its decisions, to ensure that there is an administrative appeals process for reviewing its decisions relating to applications, and to ensure that there is recourse to the courts for review of its decisions.	As a public body the competent authority (in this case the ORR) is already subject to common law duties with regard to the transparency of their decisions, and those decisions may be reviewed by the courts. Provision is made for appeals in regulation 35	ORR
Article 22.1(a)	Imposes a duty on the competent authority to keep and update a register of all licences issued containing specified data, accessible using a national number allotted to each driver.	Regulation 24	ORR
Article 22.1(b)	Imposes a duty on the competent authority to supply, on reasoned request, information on the status of licences to specified third parties.	Regulation 26	ORR
Article 22.2	Imposes a duty on those issuing certificates to keep and update a register containing specified information, and to supply certain information to the home competent authority and to the competent authorities of other Member States.	Regulations 25, 27 and 28	Rail Industry
Article 22.3	Creates a right for train drivers to access information about them in the registers, and to be provided with a copy.	Section 7 of the Data Protection Act 1978	Rail Industry

ARTICLE OF THE DIRECTIVE	OBJECTIVE	IMPLEMENTATION	RESPONSIBILITY
Article 22.4	(a) Imposes a duty on competent authorities to cooperate with the European Railway Agency to ensure the interoperability of registers. (b) Commission to adopt basic parameters of the registers.	(a) By administrative action by ORR (b) Adoption by EU	(a) ORR (b) Commission
Article 22.5	Provides that registers must comply with the Data Protection Directive.	Data Protection Act 1978	ORR and Rail Industry
Article 22.6	European Railway Agency to ensure certification system set up under 22.2 (a) and (b) complies with Regulation (EC) No. 45/2001. (Data protection).	Action by European Railway Agency	European Railway Agency
CHAPTER 6 - TRAINING AND EXAMINATION OF DRIVERS			
Article 23.1 - 23.3	(a) Imposes a requirement for driver training to satisfy specified requirements in relation to content, method and objectives. (b) EU may adopt further measures to supplement training requirements.	(a) Regulation 29 (b) Adoption by EU	(a) Rail Industry (b) Commission and European Railway Agency
Article 23.4	Provides that drivers must have fair and non-discriminatory access to any necessary training.	Achieved through existing UK equality law and the Railways (Access to Training Services) Regulations 2006 (SI 2006/598) which transposes article 13 of Directive 2004/49/EC	Rail Industry
Article 23.5	Provides that training may only be provided by accredited or recognised bodies.	Regulation 30(1)	ORR and Rail Industry
Article 23.6	Provides that training relating to infrastructure knowledge may only be provided by bodies accredited or recognised in the Member State where the infrastructure is located.	Regulation 30(2)	Rail Industry
Article 23.7	Provides that in relation to licences, the general system for recognition of professional qualifications, established by Directive 2005/36/EC, continues to apply to the recognition of the professional qualifications of drivers who are nationals of a Member State and have obtained their training certificate in a third country.	Directive 2005/36/EC transposed by the European Communities (Recognition of Professional Qualifications) Regulations 2007, S.I. 2007/2781	ORR and Rail Industry

ARTICLE OF THE DIRECTIVE	OBJECTIVE	IMPLEMENTATION	RESPONSIBILITY
Article 23.8	Provides that in order to ensure that staff competencies are maintained, a process of continuous training shall be set up.	Regulation 29 (d) and the Railways and Other Guided Transport Systems (Safety) Regulations 2006, S.I. 2006/599, ("ROGS"), Schedule 1, paragraph 2(e)	Rail Industry
Article 24	Provides that if a driver changes employer, costs incurred by the previous employer in training him or her should not unduly benefit the new employer.	By existing industry guidance and agreement	Rail Industry
Article 25.1(a)	Provides that the competent authority (ORR) must determine the appropriate examiners and examinations for licence purposes.	Regulation 31(1)	ORR
Article 25.1(b)	Provides that railway bodies must determine the appropriate examiners and examinations for certificate purposes.	Regulation 31(2)	Rail Industry
Article 25.2	Provides that examinations must be overseen by competent examiners and conflict of interest avoided.	Regulation 31(3) and (5)	ORR and Rail Industry
Article 25.3	Infrastructure knowledge evaluation etc to be performed by persons duly accredited or recognised in Member State where infrastructure located.	Regulation 31(4)	Rail Industry
Article 25.4	Provides that examinations must avoid conflicts of interest, but that an examiner may be employed by the body issuing a certificate.	Regulation 31(5) and (6)	ORR and Rail Industry
Article 25.5	Provides that the choice of examiners and examinations may be based on Community criteria, to be established on the basis of a draft to be prepared by the European Railway Agency, in default of which competent authorities to establish national criteria.	By administrative action by the ORR	European Railway Agency and ORR
Article 25.6	Provides that there must be theoretical and practical examinations at the end of a training course. Driving simulators may be used specified circumstances.	Regulation 9(4) and (5)	Rail Industry
CHAPTER 7 – ASSESSMENT			

ARTICLE OF THE DIRECTIVE	OBJECTIVE	IMPLEMENTATION	RESPONSIBILITY
Article 26	Provides that activities associated with training, assessment and updating of licences and certificates must be subject to continuous monitoring under a quality system – unless those activities are already covered by a safety management system.	Regulation 32	ORR
Article 27	Requires Member States to carry out an independent assessment of training and examination procedures at least every five years.	Regulation 33	Secretary of State, ORR and Rail Industry
CHAPTER 8 - CREW MEMBERS OTHER THAN DRIVERS			
Article 28	Provides for the European Railway Agency and the Commission to consider certification for non-driver crew members performing safety critical tasks.	Not for transposition	European Railway Agency and the Commission
CHAPTER 9 – CONTROLS AND PENALTIES			
Article 29.1	To empower the competent authority (ORR) to take steps to verify on board trains that drivers have the necessary licence and certificates.	Regulations 4(4) and 38	ORR
Article 29.2 and 29.3	To empower the competent authority (ORR) to verify, in the event of negligence in the workplace, that a driver has the appropriate professional competence, and to otherwise verify that the Directive is being complied with.	Regulation 38	ORR
Article 29.4(a)	Provides that if the competent authority finds that a driver no longer satisfies its licence requirements, it must suspend or withdraw the licence, inform the driver and his employer, and tell the driver what he or she has to do to recover the licence.	Regulation 18(1)	ORR and Rail Industry

ARTICLE OF THE DIRECTIVE	OBJECTIVE	IMPLEMENTATION	RESPONSIBILITY
Article 29.4 (b)	Provides that if a competent authority finds that a driver no longer satisfies any licence requirements, if that licence is issued by another competent authority, the first authority may request the other one to either carry out a further inspection or suspend the licence, and the first authority must notify the Commission of its request. The issuing authority has 4 weeks in which to decide what action to take and to notify the Commission and other competent authorities of its decision. The first authority would be able to prohibit the driver from operating in their jurisdiction pending the decision.	Regulations 18(3) and 19	ORR and Rail Industry
Article 29.4 (c)	Provides that if the competent authority considers that a driver no longer satisfies any certificate requirements, then it must request the issuing body to either carry out a further inspection or suspend the certificate. The issuing body must take appropriate measures and report back to the competent authority within 4 weeks. The competent authority may prohibit drivers from operating in their area pending the decision.	Regulation 20	ORR and Rail Industry
Article 29.4 final paragraph	Provides that if a competent authority considers that a driver presents a serious threat to the safety of the railways it must immediately take any necessary action and inform the Commission and other competent authorities of its decision.	Regulation 21	ORR and Rail Industry

ARTICLE OF THE DIRECTIVE	OBJECTIVE	IMPLEMENTATION	RESPONSIBILITY
Article 29.5	Provides that if a competent authority considers that a decision of another competent authority under article 29.4 does not comply with the relevant criteria it must refer the matter to the Commission. A member State may prohibit a driver from driving on its territory until the Commission has reached a final decision in accordance with the specified procedure.	Regulation 22	ORR and Rail Industry
Article 30	Provides that Member States must provide for effective, proportionate, non-discriminatory and dissuasive penalties for infringements of the Directive.	Regulation 38	ORR
CHAPTER 10 – FINAL PROVISIONS			
Article 31	Provides that the Annexes to the Directive may be amended to reflect scientific and technical progress by relevant regulatory procedure with scrutiny.	No transposition necessary	Commission
Article 32	Sets out various regulatory procedures with scrutiny which may apply where the Directive envisages further related guidance or material to be developed by the EU.	No transposition necessary	Commission
Article 33	Provides for the European Railway Agency to evaluate the licensing and certification system provided for by the Directive and report back to the Commission with recommendations.	No transposition necessary	European Railways Agency
Article 34	Provides for the European Railway Agency to evaluate the possibility of using a smartcard combining the licence and certificate.	No transposition necessary	European Railway Agency
Article 35	Provides that Member States must cooperate and assist one another in the implementation of the Directive, and that the European Railway Agency shall assist, and organise appropriate meetings.	No transposition necessary	Member States and the European Railway Agency
Article 36	Provides for the transposition of the Directive by Member States.	By the Regulations	Secretary of State

ARTICLE OF THE DIRECTIVE	OBJECTIVE	IMPLEMENTATION	RESPONSIBILITY
Article 37.1	Registers provided for in article 22 to be set up within 2 years of the adoption of their basic parameters under article 22(4).	Regulation 39(3)	ORR and Rail Industry
Article 37.2 and 37.3 first paragraph	Provides for transition periods and the phasing in of the Directive requirements over some years.	Regulation 39	ORR and Rail Industry
Article 37.3 second paragraph	Where apprentice train drivers had started their apprenticeship before transitional periods triggered, and they are trained in accordance with national provisions, they may complete their apprenticeship and be certified in accordance with those national provisions.	No transposition necessary as no national provisions exist	-
Article 37.3 third paragraph	Member States may provide for exemptions to be granted from medical requirements' in exceptional cases.	Elected not to transpose	-
Article 37.4	Competent authorities and rail industry to ensure gradual application of periodic health and competency checks for drivers not yet required to hold licences or certificates.	By compliance with safety management systems under ROGS, (see entry for article 23.8 above) and Health and Safety at Work etc Act 1974.	ORR and Rail Industry
Article 37.5	Provision for a Member State to request a cost benefit analysis be carried out concerning the application of the Directive to train driver's operating exclusively in the territory of the Member State and, subject to the outcome, provision to allow further deferment of the application of the Directive to such drivers.	No transposition necessary	Secretary of State
Article 38	Provision for Directive to enter into force.	No transposition necessary	-

Parliamentary Scrutiny History of Directive 2007/59/EC on the certification of train drivers operating locomotives and trains on the railway system in the Community

The proposal which resulted in Directive 2007/59/EC was published by the European Commission as part of the 'Third Rail Package' of documents and was the subject of a combined Explanatory Memorandum (EM) numbered 7170/04, 7147/04, 7172/04, 7149/04, 7148/04, and 7150/04 submitted to Parliament by the Department for Transport on 30 March 2004.

The House of Commons European Scrutiny Committee considered the EM on 21 April 2004. The Committee recommended that the document was of political interest and did not clear it (Report 17, session 2003/04). Ministerial letters were sent to the Committee Chairman to provide further information and keep the Committee informed of the progress of EU negotiations on 1 September 2004, 24 September 2004, 29 November 2004, 14 January 2005, 13 July 2005, 25 November 2005, 17 January 2007, 19 February 2007, and 11 July 2007. On 19 January 2005 the Committee recommended that the document was politically important and should be debated (Report 4, session 2004/05). The debate took place on 9 March 2005.

The House of Lords Select Committee on the European Union referred the EM to its Sub-Committee B for consideration (1176th sift, 6 April 2004). On 21 April the Chairman wrote to the Minister maintaining the scrutiny reserve. Ministerial letters were sent to the Committee Chairman to provide further information and keep the Committee informed of the progress of EU negotiations on 1 September 2004, 24 September 2004, 8 November 2004, 29 November 2004, 14 January 2005, 13 July 2005, 25 November 2005, 17 January 2007, 19 February 2007, and 11 July 2007. The scrutiny reserve was lifted in a letter from the Chairman to the Minister of 7 December 2005.