

COMMISSION DECISION

of 29 October 2009

on the adoption of basic parameters for registers of train driving licences and complementary certificates provided for under Directive 2007/59/EC of the European Parliament and of the Council

*(notified under document C(2009) 8278)***(Text with EEA relevance)**

(2010/17/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 ⁽¹⁾, and in particular Article 22 thereof,

Having regard to the recommendation of the European Railway Agency on basic parameters for registers of train driving licences and complementary certificates (ERA/REC/SAF/05-2008) of 19 December 2008,

Whereas:

- (1) In accordance with Article 22(1) of Directive 2007/59/EC, competent authorities should keep a national register for train driving licences or ensure that such a register is kept.
- (2) In accordance with Article 22(2) of Directive 2007/59/EC, railway undertakings and infrastructure managers should keep a company register for complementary certificates or ensure that such a register is kept.
- (3) Article 22(4) of Directive 2007/59/EC requires the European Railway Agency to draft the basic parameters for registers of train driving licences to be set up by competent authorities and registers of complementary certificates to be set up by railway undertakings and infrastructure managers employing or contracting drivers. The national register for train driving licences of a Member State should contain all train driving licences issued in that Member State.

A standard application form should be used for applying for train driving licences, for the purposes of licence registration and recording of updates, amendments, replacements, renewals, suspensions and withdrawal.

- (4) The registers for train driving licences and complementary certificates should be accessible for consultation

by the authorised representatives of competent authorities and stakeholders. The different registers should be consistent as regards the data they contain and data formatting. They should therefore be set up using common operational and technical specifications.

- (5) All information contained in licences, harmonised complementary certificates and registers of licences and harmonised complementary certificates should be used by the safety authorities to facilitate evaluation of the staff certification process provided for in Articles 10 and 11 of Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the 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 (Railway Safety Directive) ⁽²⁾ and to speed up the issuing of the safety certificates provided for in those Articles.
- (6) In accordance with Article 19(1)(f) of Directive 2007/59/EC, the register of train driving licences should be kept and updated by the competent authorities or by delegated bodies. Member States should inform the Commission and the other Member States of the body which they have designated for this purpose, partly to enable these bodies to exchange information.
- (7) Ideally, each Member State should set up a computer-based driving licence register to achieve full interoperability of the registers and allow competent authorities and others who have access rights to obtain information. However, for economic and technical reasons, this kind of interface cannot be adopted without further investigation. Firstly, it is necessary to agree on methods to ensure that access is granted subject to certain conditions, as required by Directive 2007/59/EC. Secondly, a survey of the number of transactions is necessary to perform a cost benefit analysis and propose a feasible solution that does not impose administrative costs that might be disproportionate to real needs. The European Railway Agency therefore proposed to implement an interim solution, with simplified exchange of information, and proceed with the development of an electronic interface at a later stage.

⁽¹⁾ OJ L 315, 3.12.2007, p. 51.

⁽²⁾ OJ L 220, 21.6.2004, p. 16.

- (8) In accordance with Article 36(3) of Directive 2007/59/EC, that Directive does not apply to Cyprus and Malta. Therefore this Decision should not be applicable to Cyprus and Malta for as long as these Member States do not have a railway system.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Railway Interoperability and Safety Committee established under Article 21 of Directive 96/48/EC,

HAS ADOPTED THIS DECISION:

Article 1

The basic parameters for the National Register of Train Driving Licences (hereinafter 'NLR') set out in Annex I are adopted.

Article 2

The basic parameters for the Register of Complementary Certificates (hereinafter 'CCR') set out in Annex II are adopted.

Article 3

1. Within 24 months from the taking effect of this Decision, the European Railway Agency (hereinafter 'the Agency') shall carry out a feasibility study for a computer-based application fulfilling the basic parameters for the NLR and CCR and facilitating the exchange of information among competent authorities, railway undertakings and infrastructure managers.

The feasibility study shall in particular consider the functional and technical architecture, operating modes and rules for data input and consultation.

The feasibility study shall be discussed and approved within the cooperation between the representatives of the competent authorities specified in Article 35 of the Directive 2007/59/CE.

2. Where appropriate, on the basis of the results of the study referred to in paragraph 1, the Agency shall set up a pilot application of a network with at least three NLRs and nine CCRs.

The Agency shall monitor the pilot application for at least one year, and issue a report to the Commission with, where appropriate, a recommendation to amend this Decision.

Article 4

Within one year of this Decision taking effect, Member States shall inform the Commission and the other Member States:

- (a) of the body designated to deliver train driving licences in accordance with Article 19(1)(a) of Directive 2007/59/EC,
- (b) of the body designated to keep and update the NLR in accordance with Article 19(1)(f) of Directive 2007/59/EC.

Article 5

This Decision is addressed to the Member States.

It shall not apply to Cyprus and Malta as long as no railway system is established within their territory.

Done at Brussels, 29 October 2009.

For the Commission

Antonio TAJANI

Vice-President

ANNEX I

BASIC PARAMETERS FOR NATIONAL REGISTERS OF TRAIN DRIVING LICENCES (NLRs)**1. Basic parameters**

The basic parameters for National Registers of train driving licences set in accordance with Article 22(4) of Directive 2007/59/EC, are:

- Data to be collected (Chapter 2),
- Data format (Chapter 3),
- Access rights (Chapter 4),
- Data exchange (Chapter 5),
- Duration of data retention (Chapter 6),

2. Data to be collected

NLR shall comprise four sections.

Section 1 shall contain information about the current status of the licence.

Section 2 shall contain information about the licence issued, in line with the list of requirements contained in Annex I, Section 2, of Directive 2007/59/EC.

Section 3 shall contain historical information about the licence.

Section 4 shall contain information about basic requirements and initial checks, to allow the licence to be issued and subsequent checks, to allow the licence to remain valid.

The data to be collected are set out in the table in Chapter 3.

3. Data format

The following is a list of requirements for the data format of the NLR.

The list is set out as follows:

No	Datum to be displayed		
	Content	Format	Status of the requirement

Section 1: Current state of the licence

1	Licence number		
1.1	Number of the licence	EIN (12 digits)	Compulsory
2	Current state of the licence		
2.1	Evidence of the current state of the licence. — Valid, — Suspended (decision pending), — Withdrawn,	Text	Compulsory
2.2	Reason for suspension or withdrawal	Text	Compulsory

Section 2: Information on the current licence issued, in accordance with Annex I, Section 2, of Directive 2007/59/EC

3	Surname(s) of the holder		
3.1	Surname(s) displayed on passport or national identity card or other recognised document proving identity. More surnames are allowed, depending on national custom	Text	Compulsory
4	Name(s) of the holder		
4.1	Name(s) displayed in passport or national identity card or other recognised document proving identity. More names are allowed, depending on national custom	Text	Compulsory
5	Date of birth of the holder		
5.1	Date of birth of the holder	YYYY-MM-DD	Compulsory
6	Place of birth of the holder		
6.1	Place of birth of the holder	Text	Compulsory
6.2	Nationality	Text	Optional
7	Date of issue of the licence		
7.1	Display of the current date of issue of the licence	YYYY-MM-DD	Compulsory
8	Date of expiry of the licence		
8.1	Date of the expected formal expiry of the valid licence	YYYY-MM-DD	Compulsory
9	Name of issuing authority		
9.1	Name of the authority issuing the licence (competent authority, delegated entity, railway undertaking, infrastructure manager)	Text	Compulsory
10	Reference number assigned to the employee by the employer		
10.1	Company reference for the train driver	Text	Optional
11	Photograph of the holder		
11.1	Photograph	Original or Electronic scanning	Compulsory
12	Signature of the holder		
12.1	Signature	Original/Photocopy/ Electronic scanning	Compulsory
13	Permanent place of residence or postal address of the holder		

13.1	Address of the holder	Street and number	Text	Optional
13.2		Town	Text	Optional
13.3		Country	Text	Optional
13.4		Postcode	Alpha-numerical code	Optional
13.5		Telephone number	Text	Optional
13.6		e-mail address	Text	Optional
14	Additional information			
14.1	Information imposed by a competent authority in accordance with Annex II of Directive 2007/59/EC		Coded information	Compulsory
	Field 9.a.1 — Native language(s) of the driver		Text	
	Field 9.a.2 — Space reserved for entries by the Member State which issues the licence, for information that may be necessary under national legislation		Text	
15	Medical restriction			
15.1	Information imposed by a competent authority in accordance with Annex II of Directive 2007/59/EC		Coded information	Compulsory
	Mandatory use of glasses/lenses		(code b.1)	
	Mandatory use of hearing aid(s)		(code b.2)	

Section 3: Historical information on the status of the licence and the results of periodic checks

16	Date of first issues		
16.1	Date of first issue	YYYY-MM-DD	Compulsory
17	Date of expiry		
17.1	Date of expiry (and of expected formal renewal)	YYYY-MM-DD	Compulsory
18	Update(s) (Several records are possible)		
18.1	Date of update	YYYY-MM-DD	Compulsory
18.2	Reason for update	Text	Compulsory
19	Amendment(s) (Several records are possible)		
19.1	Date of amendment	YYYY-MM-DD	Compulsory
19.2	Reason of amendment	Text	Compulsory

20	Suspension(s) (Several records are possible)		
20.1	Length of period of suspension	From (date) to (date)	Compulsory
20.2	Reason for suspension	Text	Compulsory
21	Withdrawal(s) (Several records are possible)		
21.1	Date of withdrawal	YYYY-MM-DD	Compulsory
21.2	Reason for withdrawal	Text	Compulsory
22	Licence reported lost		
22.1	Date of communication	YYYY-MM-DD	Compulsory
22.2	Date of any duplicate issued	YYYY-MM-DD	Compulsory
23	Licence reported stolen		
23.1	Date of communication	YYYY-MM-DD	Compulsory
23.2	Date of any duplicate issued	YYYY-MM-DD	Compulsory
24	Licence reported destroyed		
24.1	Date of communication	YYYY-MM-DD	Compulsory
24.2	Date of any duplicate issued	YYYY-MM-DD	Compulsory

Section 4: Information on the basic requirements for issuing a licence and results of periodic checks

25	Education			
25.1	Basic requirement	Highest level of certification possessed	Text	Compulsory
26	Physical fitness			
26.1	Basic requirement	Statement on fulfilment of criteria in Directive 2007/59/EC, Annex II (Sections 1.1, 1.2, 1.3 and 2.1)	Text	Compulsory
26.2	Date of check		YYYY-MM-DD	Compulsory
26.3	Subsequent periodic check	Confirmed/not confirmed	Text	Compulsory
26.4	(several records possible)	Date of last check	YYYY-MM-DD	Compulsory
26.5	Next check	Date of next formally expected check	YYYY-MM-DD	Compulsory

26.6	Notes	Notes to be specified: — Normal schedule, — Anticipated schedule (according to doctor's certificate), — Change in information (code 9.a.2) if necessary, — Change in restriction code, — Other + field to specify,	Text	Compulsory
27	Occupational psychological fitness			
27.1	Basic requirement	Statement on fulfilment of criteria in Annex II of Directive 2007/59/EC (Section 2.2)	Text	Compulsory
27.2	Date of check		YYYY-MM-DD	Compulsory
27.3	Following check(s)	Only if necessary (several records possible)	Statement	Compulsory
27.4		Date of any subsequent check	YYYY-MM-DD	Compulsory
28	General professional knowledge			
28.1	Basic requirement	Statement on fulfilment of criteria in Annex IV of Directive 2007/59/EC	Text	Compulsory
28.2	Date of check		YYYY-MM-DD	Compulsory
28.3	Subsequent check	(only if required at national level)	YYYY-MM-DD	Compulsory

4. Access rights

Access to the information contained in the NLR shall be granted to the following interested parties for the following purposes:

- to the competent authorities of the other Member States, upon reasoned request, for:
 - controlling trains operating in their area of jurisdiction,
 - making enquiries regarding compliance with Directive 2007/59/EC by all those active in their area of jurisdiction,
- to the Agency, upon reasoned request, for evaluating the development of train driver certification in accordance with Article 33 of Directive 2007/59/EC, in particular regarding the interconnection of registers,
- to any employer of drivers, for consulting the status of the licences in accordance with article 22(1)(b) of Directive 2007/59/EC,
- to railway undertakings and infrastructure managers, employing or contracting train drivers, for consulting the status of licences, in accordance with Article 22(1)(b) of Directive 2007/59/EC,
- to train drivers, upon request, for consulting the data concerning them,

- to investigation bodies set up in accordance with Article 21 of Directive 2004/49/EC, for investigating accidents, in particular as stated in Article 20(2)(e) and (g) of that Directive,

5. Data exchange

Access to relevant data shall be granted upon formal request. The competent authority shall provide the data, without delay, in a manner which ensures secure transmission of information and protection of personal data.

Competent authorities may offer login facilities on their websites to all who have access rights, provided they ensure that the grounds for requests are checked.

6. Duration of data retention

All data in the NLR shall be kept for at least 10 years from the date of end of validity of the train driving licence. If at any time during the 10-year period an investigation involving the driver is started, data relating to the driver must be kept beyond the 10-year period if so required.

Any changes in the NLR shall be recorded.

ANNEX II

BASIC PARAMETERS FOR REGISTERS OF TRAIN DRIVERS' COMPLEMENTARY CERTIFICATES (CCRS)**1. Basic parameters**

The basic parameters for registers of complementary certificates (CCR), set in accordance with Article 22(4) of Directive 2007/59/EC, are:

- Data to be collected (Chapter 2),
- Data format (Chapter 3),
- Access rights (Chapter 4),
- Data exchange (Chapter 5),
- Duration of data retention (Chapter 6),
- Procedures in case of bankruptcy (Chapter 7),

2. Data to be collected

CCRs shall comprise four sections.

Section 1 shall contain information about the current state of the licence owned by the train driver.

Section 2 shall contain information about the complementary certificate issued, as listed in Annex I, Section 3, of Directive 2007/59/EC.

Section 3 shall contain historical information about the complementary certificate.

Section 4 shall contain information about basic requirements and initial checks to allow the complementary certificate to be issued and about subsequent checks to be recorded to allow the complementary certificate to remain valid.

The data to be collected are set out in the table in Chapter 3.

Information on current knowledge of rolling stock, knowledge of infrastructure and linguistic knowledge assessed in accordance with the relevant part of Directive 2007/59/EC shall be given in Section 2. That section shall include the date of the next expected checks. By the date of subsequent checks the new 'current state' will start, and previous information will be moved into Section 4, containing historical information.

3. Data format

The following list shows the data format of the CCR.

The list is set out as follows:

No	Datum to be displayed		
	Content	Format	Status of the requirement

Section 1: Reference to the licence

1	Licence number		
1.1	Number of the licence, giving access to data in the national register	EIN (12 digits)	Compulsory

2	Current state of the licence		
2.1	Evidence of the current state of the licence — Valid — Suspended — Withdrawn	Text	Compulsory

Section 2: Information about the current complementary certificate issued, as listed in Annex I, Section 3, of Directive 2007/59/EC

3	Surname(s) of the holder (the same of the licence)		
3.1	Surname(s) displayed on passport or national identity card or other recognised document proving identity. More surnames are allowed, depending on national custom	Text	Compulsory
4	Name(s) of the holder (the same of the licence)		
4.1	Name(s) displayed on passport or national identity card or other recognised document proving identity. More names are allowed, depending on national custom	Text	Compulsory
5	Date of birth of the holder		
5.1	Date of birth of the holder	YYYY-MM-DD	Compulsory
6	Place of birth of the holder		
6.1	Place of birth of the holder	Text	Compulsory
7	Date of issue of the certificate		
7.1	The current date of issue of the certificate	YYYY-MM-DD	Compulsory
8	Date of expiry of the certificate		
8.1	Date of the expected formal expiry of the certificate, to be set by the company and included in the procedure required in Article 15 of Directive 2007/59/EC.	YYYY-MM-DD	Compulsory
9	Name of issuing entity		
9.1	Name of the entity issuing the certificate (railway undertaking, infrastructure manager, other)	Text	Compulsory
10	Reference number assigned to the employee by the employer		
10.1	Company reference for the train driver	Text	Optional
11	Photograph of the holder		
11.1	Photograph	Original or Electronic scanning	Compulsory

12	Signature of the holder			
12.1	Signature	Original/Photocopy/ Electronic scanning	Compulsory	
13	Permanent place of residence or postal address of the holder			
13.1	Address of the holder	Street and number	Text	Optional
13.2		Town	Text	Optional
13.3		Country	Text	Optional
13.4		Postcode	Alpha-numerical code	Optional
13.5		Telephone number		
13.6		e-mail address		
14	Address of the railway undertaking or infrastructure manager for which the driver is authorised to drive			
14.1	Address of the RU/IM	Street and number	Text	Compulsory
14.2		Town	Town	Compulsory
14.3		Country	Text	Compulsory
14.4		Postcode	Alpha-numerical code	Compulsory
14.5		Contact person	Text	Optional
14.6		Telephone number	Text	Compulsory
14.7		Fax number	Text	Compulsory
14.8		e-mail address	Text	Compulsory
15	Category in which the driver is authorised to drive			
15.1	Relevant code(s)	Text	Compulsory	
16	Rolling stock which the driver is authorised to drive			
16.1	(list, record to be repeated)	Text	Compulsory	
16.2	For each item the date of next expected check shall be added	YYYY-MM-DD	Compulsory	
17	Infrastructure on which the driver is authorised to drive			
17.1	(list, record to be repeated)	Text	Compulsory	
17.2	For each item the date of next expected check shall be added	YYYY-MM-DD	Compulsory	

18	Language skills		
18.1	(list, record to be repeated)	Text	Compulsory
18.2	For each item the date of next expected check shall be added	YYYY-MM-DD	Compulsory
19	Additional information		
19.1	(list, record to be repeated)	Text	Compulsory
20	Additional restrictions		
20.1	(list, record to be repeated)	Text	Compulsory

Section 3: Historical records on the status of the complementary certificate

21	Date of first issue		
21.1	Date of first issue of the certificate	YYYY-MM-DD	Optional
22	Update(s) (Several records are possible)		
22.1	Date of update	YYYY-MM-DD	Compulsory
22.2	Details of and reason for update (correction of one or more data displayed on the complementary certificate, e.g. personal address of the driver)	Text	Compulsory
23	Amendment(s) (Several records are possible)		
23.1	Date of amendment	YYYY-MM-DD	Compulsory
	Reason for amendments, referring to specific parts of the certificate: — amendments in field 3 'Categories of driving' — amendments in field 4 'Additional Information' — amendments in field 5: new linguistics knowledge acquired or knowledge periodically checked — amendments in field 6 'Restrictions' — amendments in column 7: new rolling stock knowledge acquired or knowledge periodically checked — amendments in column 8: new infrastructure knowledge acquired or knowledge periodically checked	Text	Compulsory
24	Suspension(s) (Several records are possible)		
24.1	Length of period of suspension	From (date) to (date)	Compulsory
24.2	Reason for suspension	Text	Compulsory

25	Withdrawal(s) (Several records are possible)		
25.1	Date of withdrawal	YYYY-MM-DD	Compulsory
25.2	Reason for withdrawal	Text	Compulsory
26	Certificate reported lost		
26.1	Date of communication	YYYY-MM-DD	Compulsory
26.2	If yes, date of issued duplicate	YYYY-MM-DD	Compulsory
27	Certificate reported stolen		
27.1	Date of communication	YYYY-MM-DD	Compulsory
27.2	Date of any duplicate issued	YYYY-MM-DD	Compulsory
28	Certificate reported destroyed		
28.1	Date of communication	YYYY-MM-DD	Compulsory
28.2	Date of any duplicate issued	YYYY-MM-DD	Compulsory

Section 4: Historical records in connection with the basic requirements for issuing a complementary certificate and the results of periodic checks

29	Linguistic competence			
29.1	Basic requirement	Working language(s) for which a statement that the criteria set out in Annex VI(8) of Directive 2007/59/EC had been fulfilled was issued	Text	Compulsory
29.2	Periodic check	Date of certified knowledge (exam passed) for each language. Several records are possible.	YYYY-MM-DD	Compulsory
30	Rolling stock knowledge			
30.1	Basic requirement	Rolling stock for which a statement that the criteria set out in Annex V of Directive 2007/59/EC had been fulfilled was issued	Text	Compulsory
30.2	Periodic check	Date of periodic check (certified knowledge) Several records are possible.	YYYY-MM-DD	Compulsory

31	Infrastructure knowledge			
31.1	Basic requirement	Infrastructure for which a statement that the criteria set out in Annex VI of Directive 2007/59/EC had been fulfilled was issued	Text	Compulsory
31.2	Periodic check	Date of periodic check (certified knowledge). Several records are possible.	YYYY-MM-DD	Compulsory

4. Access rights

Access to the information contained in the CCR shall be granted to the following interested parties for the following purposes:

- to the competent authority of the Member State in accordance with Article 22(2)(b) of Directive 2007/59/EC,
- to competent authorities of the Member States in which the railway undertaking or infrastructure manager operates, and where the driver is authorised to drive on at least one line of the network:
 - for their task of monitoring the development of certification, under Article 19(1)(g) and Article 26 of Directive 2007/59/EC,
 - for their inspection tasks under Article 19(1)(h) and (2) and Article 29(1) of Directive 2007/59/EC (this task may be carried out by a delegated entity),
- to train drivers, for the data concerning them, in accordance with Article 22(3) of Directive 2007/59/EC,
- to investigation bodies set up in accordance with Article 21 of Directive 2004/49/EC, for investigating accidents, in particular as stated in Article 20(e) and (g) of that Directive,

Companies shall be free to grant access to other users, subject to personal data protection.

5. Data exchange

In accordance with Directive 2007/59/EC, access to relevant data shall be granted:

- (a) to the competent authorities where the railway undertaking or infrastructure manager is domiciled, in accordance with Article 22(2)(b) of Directive 2007/59/EC,
- (b) to competent authorities of other Member States, upon request, in accordance with Article 22(2)(c) of Directive 2007/59/EC,
- (c) to drivers, upon request, in accordance with Article 22(3) of Directive 2007/59/EC.

The railway undertaking, infrastructure manager or delegated entity shall provide the data, without delay, in a manner which ensures secure transmission of information and protection of personal data.

Railway undertakings and infrastructure managers may offer login facilities on their websites to all who have access rights, provided they ensure that grounds for requests are checked.

6. Duration of data retention

All data in the CCR shall be kept for at least 10 years from the last expiry date referred to on the certificate.

If at any time during the 10-year period an investigation involving the driver is started, data relating to the driver must be kept beyond the 10-year period if so required.

Any changes in the CCR shall be recorded.

7. Procedure in case of bankruptcy

If a railway undertaking or infrastructure manager goes bankrupt, the new company that takes over the operation of the service shall be responsible for the data contained in the register of complementary certificates.

The competent authority in the Member State where the railway undertaking or infrastructure manager is established shall be the repository of data contained in the register of complementary certificates if the activity is not taken over by another company.
