European Rail Infrastructure Managers EIM

EIM Position Paper

Revision of Directive 2007/59/EC on the Certification of Train Drivers: EIM recommendations to the European Commission

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Introduction

The European Commission (EC) has announced its intention to **revise** EU rules on **train driver certification**, set in the **Directive 2007/59/EC**, with the purpose of strengthening the role of the railway sector by simplifying cross-border operations towards a more interoperable network, as well as smoothing operations and traffic management activities. EIM positively welcomes this initiative, being ready to contribute constructively to the preparation of the new proposal.

EIM has been engaged on this dossier since its very beginning. The present paper updates and consolidates formal positions taken throughout previous discussions with the EC and relevant stakeholders, in view of the forthcoming legislative proposal, taking into account developments since 2022, such as feedback by infrastructure managers on their train operations, the EC's high-speed rail action plan, and the evolving debate on digital tools for cross-border communication.

The revision of Directive 2007/59/EC (TDD) takes place within a renewed political context shaped by the EC's commitment to simplification, competitiveness and the reduction of administrative burden, as reflected in the Draghi and Letta reports and the successive Omnibus simplification packages. In this regard, the TDD revision is a paradigmatic case: a piece of sectoral legislation whose technical rigidities generate disproportionate operational costs without commensurate safety benefits. EIM's proposals, as set out in this paper, are deliberately aligned with this agenda — seeking to remove unnecessary procedural burdens, restore proportionality between regulatory requirements and underlying risk, and consolidate a risk-based approach grounded in the SMS framework already mandated by the Safety Directive (EU) 2016/798 and CSM Regulation (EU) 2018/762.

As a representative body for infrastructure managers (IMs), EIM brings a specific perspective to this revision. While the TDD primarily regulates competence requirements for drivers - and therefore affects railway undertakings (RUs) most directly - its provisions have also significant practical consequences for IMs. These relate to the certification of drivers of IM trains and **On-Track-Machines** (OTM) operators within the limited field of the current shared competence model, besides language and communication requirements.

Infrastructure managers' distinctive traits

In this context, it appears fundamental to begin by illustrating how IMs' roles and constraints substantially differ from RUs, hence clarifying the impacts directly generated by the implementation of the TDD.

Firstly, since **IMs** oversee the maintenance for their **entire network**, their scope of operations is inherently more extended than RUs: while IMs have to operate trains across the whole network to enable infrastructure inspection, maintenance, renewal and construction, RUs operate on selected lines, corridors, and installations.

IMs must ensure full infrastructure and route knowledge for their train drivers covering their entire network, while only operating trains following a specific infrastructure need, by means of a small contingent of train drivers. On the other side, RUs driver resources are extremely

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more numerous, considering their operations on a daily or regular basis. Furthermore, IMs have to move a wide array of rolling stock types on their network, especially OTMs, which can also belong to subcontractors, each with different technical features for handling while driving as a train, contrary to RUs, who have a series of similar locomotives and train sets, easing their management.

In light of these factual distinctions, a **flexible and proportionate application of driver requirements for IMs** seems justified, fully consistent with EU principles of safety, proportionality and risk-based regulation.

Essential needs for Infrastructure managers

Strategic context

Delivering TEN-T and SERA: The urgency of the present revision is further heightened by the EU's binding objectives under the revised TEN-T Regulation (EU) 2024/1679, which sets demanding deadlines for the completion of the core network, ERTMS Baseline 4 deployment, and the removal of cross-border bottlenecks. Meeting these deadlines will require an unprecedented intensity of infrastructure works over the coming decade, mobilising the entire fleet of OTMs and IM trains — including across borders where specialised machinery and skilled operators are routinely shared. In this context, the operational frictions generated by the current TDD framework risk materially slowing the delivery of TEN-T objectives and the EC's High-Speed Rail Action Plan. The TDD revision is therefore not solely a matter of operational efficiency, but an enabling condition for the timely realisation of the Single European Railway Area.

Defence readiness and resilience: The revision should equally address the contribution of efficient infrastructure operations to the Union's defence readiness and strategic autonomy. The Military Mobility Regulation (COM/2025/847) and the broader Defence Readiness agenda place renewed emphasis on railways' capacity to support rapid civilian and military mobility in both peacetime and crisis situations — a capacity that depends on IMs' ability to maintain, repair and upgrade infrastructure swiftly, including across borders. The current TDD framework, by imposing disproportionate barriers on cross-border OTM movements and IM staff certification, weakens this strategic capability. A revised, risk-proportionate framework — coherent with the CER Directive on critical entities resilience — would directly support defence readiness objectives without compromising safety.

Current TDD legal framework

When it comes to the current Directive 2007/59/EC, Chapter II, defining the requirements for certification of drivers deserves special attention. Specifically, Article 4 establishes which qualifications are needed by train drivers. At the same time, it defines circumscribed exceptions, under which it is possible to introduce the presence of an additional certified driver to satisfy the previously stated requirements (i.e. shared competence model).

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For IMs and infrastructure works, the model in the current TDD is limited to case '*a) when a disturbance of the railway service necessitates the deviation of trains or maintenance of tracks, as specified by the infrastructure manager*'.

In other words, the **current "shared competence model"** by means of two train drivers can only be applied by IMs in case of urgent maintenance of tracks.

Therefore, if combining the current legal framework with the above-mentioned IMs peculiarities, the scope of the current TDD evidently becomes **structurally insufficient**. Proof of this, infrastructure works are normally associated with regular and planned circulation of IM trains moving across the entire network, frequently operating specialised rolling stocks running as trains.

Limiting exceptions to the deployment of an additional driver to disturbances or extemporaneous situations creates systematic operational bottlenecks for IMs, whose tasks are already subjected to strict time constraints and technical complications.

Finally, the IM share for its trains on a network is absolutely minimal, typically less than 1% of the total train-kilometres, depicting a scenario in which such a minority has to respect a paradigm which is plainly designed for the vast majority of commercial traffic. This requirement should be reviewed in line with the safety risk-based approach.

Coherence with the EU safety framework

Although the TDD still lies at the heart of train operations, it has to be noted that the legal framework has substantially evolved since 2007. This is especially true for railway safety managed by IMs following the 'Safety Directive' (EU 2016/798) as well as 'Common Safety Methods' (EU 2018/762): while the former places IMs at the core of system-wide railway safety responsibility, the latter requires IMs to identify, assess and control operational risks through robust Safety Management Systems (SMS).

This evolution paves the way towards a more **balanced and differentiated declination of driver certification requirements**, also taking into account that an IM already manages the implementation of numerous TSI OPE 'functional requirements' for normal and degraded railway operations as well as emergency situations, following a risk-based approach by applying 'Common Safety Methods' on SMS.

<u>Enhanced TDD approach - proposal</u>

Embracing the evolution of the EU railway safety framework, EIM considers that the TDD revision offers a valuable opportunity to further reflect the operational specificities of the different railway actors, with particular reference to the distinction between RUs and IMs. Although a general and comprehensive legal structure ensures that train driver certification procedures remain robust and harmonised across the whole network, experience gained over time has demonstrated that certain requirements may have different implications depending on the operational context in which they are applied.

Consequently, EIM is firmly convinced that a restructuring of the current TDD framework should be carefully and thoughtfully examined, given the magnitude of its potential benefits. More specifically, EIM advocates a more **articulated approach with the updated TDD, consisting of a common set of provisions applicable to all actors, followed by sections dedicated to the peculiarities of RUs and IMs.** In this way, not only would the overall

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coherence not be impacted nor undermined, rather maintaining the maximum level of harmonisation where needed, but it would also let certain requirements be better targeted and proportionately applied. Hence, the latter would strictly adhere to the operational aspects they are truly conceived for, avoiding the risk of unintended effects to parts of the sector that are out of their scope.

EIM's vision is strengthened by the fact that this perspective perfectly lies in the already established EU legislation: in particular, it appears consistent with the Commission Delegated Regulation (EU) 2018/762 on establishing Common Safety Methods on Safety Management System requirements, which is indeed articulated around an initial section dealing with common provisions, complemented by two Annexes, respectively regarding RUs and IMs specificities. This approach shows that the EC demonstrated its awareness of this matter as well as its willingness to take into account the substantial differences in RUs and IMs operational contexts. Similarly, this example confirms that such a differentiation is achievable without compromising the coherence and the overall integrity of the regulatory framework.

Special case of OTMs running as a train

The treatment of OTMs and their operators represents a long-standing pain point for IMs. OTMs, normally used for track maintenance, renewal, and construction, are essential to the day-to-day functioning of every rail network in Europe. Their operators are in many cases staff of subcontractors working for the IMs: under the current TDD, these operators must comply with the full requirements, which turn out to be **unworkable** when applied **without flexibility to OTMs operation**. To better understand the reasons behind such a disproportion, it is useful to remember the highly specialised nature of technical tasks performed thanks to these types of machines; as a result, OTM operators are typically skilled manoeuvrers who are asked to intervene where needed to carry out infrastructure works. However, since their interventions could be necessary across several railway networks, a single OTM operator might not have all the requirements currently asked by the Directive. Their core business lies in performing the actual work, whereas running OTMs as a self-propelled train is just a mean to reach the desired location.

Therefore, EIM supports the development of a legislative framework that regulates OTMs running as a 'specific' train with the **primary purpose of ensuring performances and facilitating core infrastructure activities**, through a substantial **flexibility** granted to each IM on how to satisfy EU requirements in order to overcome the logistical nightmare that IMs often face today for running OTMs as trains.

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Expectations for future TDD

Enhanced shared competence model

In light of these aspects, EIM aims to obtain a more pragmatic legal framework, coherent with IMs' peculiarities and in line with safety standards that remain the fundamental guidance.

The future TDD should introduce **exemptions** that guarantee **flexibility on all types of IM-operated trains** (e.g. inspection, maintenance, OTM trains…), allowing IMs to implement the **"shared competence model" whenever necessary,** and **not solely in cases involving two certified train drivers.**

Although the "single-driver" case remains widely recognised as the preferred option - i.e. one single certified train driver is accountable for respecting all the requirements, namely i) the EU license, ii) the rolling stock certificate and iii) the infrastructure certificate - the extension of the "shared competence model" to all IM-operated trains appears as a cornerstone amendment, in coherence with detailed IM risk assessments and in line with the application of Common Safety Methods on Safety Management Systems (SMS).

In the forthcoming TDD, the "shared competence model" should be extended beyond its current applicability to all IM-operated trains to encompass, beyond certified train drivers, OTM operators and 'qualified persons' as well.

1. OTM operators case study

OTM operators are typically subcontractor staff members with OTM rolling stock knowledge on how i) to use the OTM as a working tool for infrastructure works and ii) to handle the OTM during self-propelled movements.

When considering all the possible configurations to implement a "shared competence model" for self-propelled OTMs running as a train by means of a subcontractor's OTM operator and a train driver in the driver's cab (briefly, who is accountable for fulfilling which requirement), the only feasible option can be identified as the following:

- Both the OTM operator and the train driver hold an EU driver licence
- The OTM operator is the one holding the rolling stock certificate
- The train driver is the one holding the infrastructure certificate

This arrangement is subject to the fulfilment of certain conditions:

- an OTM operator can obtain an EU driver licence, while remaining a subcontractor's staff member
- an IM accepts full responsibility for this type of OTM train runs with an OTM operator in the driver's seat (e.g. by means of contractual IM-subcontractor arrangements, in order to safely cover such OTM train runs by means of the IM's SMS)
- the subcontractor, instead of the IM (or RU), would be allowed to provide the necessary OTM rolling stock training to an OTM operator

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- the subcontractor provides the official rolling stock certificate covering the concerned OTM.

To summarise, EIM advocates overcome the two-train drivers framework by allowing a certified OTM operator - respecting the conditions above and accompanied by a train driver holding the infrastructure certificate - to be accountable for the circulation of the self-propelled OTM running as a train.

2. The lack of train drivers: the role of “qualified person”

Another important exemption arises in light of market constraints that IMs face on a daily basis, which, as it stands, ultimately make the actual performance of infrastructure works burdensome, if not at risk: **lack of train drivers and resources**.

Guaranteeing adequate training sessions to staff members while maintaining extensive railway networks with an increasing usage ratio has truly become a challenge for IMs.

Therefore, in EIM's view, the future TDD should consider the introduction of an additional professional profile, the so-called “**qualified person**”. This person would be an **IM staff member** who possesses a valid infrastructure certificate, provided by the IM SMS. Worth noting is that IMs should be given the flexibility to determine the conditions for granting this certificate, also with the scope of better embracing railway network peculiarities, hence guaranteeing the highest safety standard possible.

Consequently, in an exceptional manner for IM trains, the future TDD not only should allow another train driver but also a so-defined “qualified person”, who possesses a valid certificate for the infrastructure concerned, to sit next to the driver during driving in line with the shared competence model.

This additional flexibility would be particularly beneficial in the specific case of OTMs running as a train, especially when picturing a scenario where an OTM operator holds a valid EU driver’s license and a rolling stock certificate, but lacks an infrastructure certificate. The OTM operator would still be in the driver’s seat, handling the rolling stock, ensuring the respect of an adequate driving competence, while being accompanied by a person qualified according to IM SMS, ensuring that safety standards are fully satisfied.

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Additional topics and clarifications

Apart from the above-mentioned crucial aspects, EIM takes this opportunity to raise awareness on several other topics, detailed in the paragraphs below.

Language requirements

Despite reckoning that facilitating cross-border operation is a legitimate objective, a **single operating language is not realistic** in the near term due to a level of proficiency in a common language (whether English or any other) which varies enormously across Europe's railway workforce, including among IMs staff in traffic control centres. Imposing a single operating language, whether network-wide or on corridors, would be a very long-term ambition requiring massive investment in training, and could create safety risks in the transition period if communication quality deteriorates. EIM does not support this approach at this stage.

Digital automatic translation tools could be the pragmatic way forward. While the main obstacles to cross-border operations remain differences in rules, procedures, and operational organisation, EIM supports the development and deployment of digital tools for automatic translation of operational communications, particularly on cross-border sections. Several EIM members are already piloting or using such tools, which offer a solution that preserves safety: drivers and signallers continue to communicate in their own language, while enabling cross-border interoperability. The **revision** should **promote and facilitate** the adoption of these tools, including through support for testing and standardisation where appropriate, keeping in mind that the national operating language must remain the default for all safety-critical operations.

Language **derogations** at border sections must remain an **option**, not an obligation. EIM wishes to reaffirm its understanding of the current framework as regards language derogations: the possibility for an IM to grant a derogation is an option ("may"), subject to severe conditions, not an obligation. The IM retains the discretion to decide whether to grant derogations on its border sections, and is only required to publish an assessment procedure in its Network Statement if it accepts the principle of granting derogations. Existing bilateral cross-border arrangements that have been proven safe over time should be authorised to remain in force.

Cross-border movements

The **cross-border** use of IM trains and, especially, OTMs, is identified as an additional concern: IMs regularly need to deploy these machines a few kilometres across the border for construction and maintenance works. The current framework is disproportionately cumbersome for these low-risk movements, highlighting the need for reshaping these specifications through a **fast-track, simplified procedure for the cross-border** operation of OTMs over short distances, proportionate to the low-risk nature of these movements.

Professional knowledge of rolling stock

If a driver is only running self-propelled OTMs as a train, it seems necessary to explicitly exclude knowledge of the "working equipment" of OTMs as a required rolling stock knowledge. Such knowledge is relevant for an OTM operator when performing track works on tracks taken out of service, therefore not required when driving an OTM as a train.

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Conclusion

The revision of Directive 2007/59/EC appears as an opportunity to modernise the framework for train driver certification in a way that genuinely facilitates infrastructure works, in addition to cross-border rail operation, while maintaining the highest safety standards. In this context, EIM does not hope to create new categories of personnel or undermine safety requirements at all. EIM seeks **legal certainty and proportionality** to make this legal paradigm adequate also for those train driver classes which are currently overlooked.

The proposed enhancements to the TDD are essential to provide IMs with the operational flexibility needed to safely and efficiently manage their railway networks, particularly in a context of growing train driver shortages and increasing infrastructure demands. Without these targeted exemptions - extending the shared competence model to OTM operators and qualified persons - IMs risk being unable to carry out critical infrastructure works, ultimately jeopardising both network safety and the continuity of railway operations across Europe.

Other relevant objectives are to be found in:

- a realistic approach to language requirements that embraces digital solutions
- respect for the IM's role and discretion in granting derogations.

Beyond its operational dimension, the present revision is also a test case for the wider policy ambitions of the Union. A modern, proportionate and risk-based TDD framework would give concrete substance to the EC's **simplification and competitiveness agenda**, removing one of the regulatory frictions consistently flagged by the Draghi and Letta reports. It would also serve as a **practical enabler of TEN-T delivery and of the Single European Railway Area**. Approached in this perspective, the TDD revision becomes more than a sectoral exercise: it is a building block of a more competitive, resilient and integrated European railway system.

EIM and its members are ready to work closely with the EC, the co-legislators, and all stakeholders to ensure that the revised framework serves the interests of a safe, efficient, and competitive European railway.