Sectoral Social Dialogue Committee for Rail Transport Working Group Meeting

ERA Rules Cleaning-up Program / Questionnaire Survey
on National Rules concerning Staff Requirements

10.04.2018, Brussels

Interoperability Unit

EUROPEAN
UNION
AGENCY
FOR RAILWAYS

ERA Rules Cleaning-up Program / Questionnaire Survey

on National Rules concerning Staff Requirements

I. Context and Legal Frame

Type of rules covered by the cleaning-up program

National technical rules (NTR)
notified under Article 17 of Interoperability Directive 2008/57/EC.(or under Art.14 of Interoperability Directive 2016/797/EC)

National safety rules (NSR)
notified under Article 8 of Safety Directive 2004/49/EC (or under Art.8 of Safety Directive 2016/798/EC)

Vehicle

Operation

Fixed Installations

Staff Competency

ERTMS

REGULATION (EU) 2016/796 (...) on the European Union Agency for Railways

CHAPTER 3 - TASKS OF THE AGENCY RELATING TO RAILWAY SAFETY

Article 13

Technical support – recommendations on railway safety

5. The Agency may issue guidelines and other non-binding documents to facilitate the implementation of railway safety legislation, **including the provision of assistance to Member States in identifying national rules that can be repealed** (....)

CHAPTER 4 - TASKS OF THE AGENCY RELATING TO INTEROPERABILITY

Article 19

Technical support in the field of railway interoperability

3. The Agency may issue guidelines and other non-binding documents to facilitate the implementation of railway interoperability legislation, **including assistance to Member States in identifying national rules that can be repealed (...)**

Railway Safety Directive (EU) 2016/798, Article 8 (1)

NSR Evaluation (I)

Directive (EU) 2016/798, Article 8 (1)

National rules notified by 15 June 2016 pursuant to Directive 2004/49/EC shall apply if they:

- (a) fall into one of the types identified under **Annex II**; and

- (b) comply with Union law, including in particular TSIs, CSTs and CSMs; and

- (c) would not result in arbitrary discrimination or a disguised restriction on rail transport operation between Member States.

Railway Safety Directive (EU) 2016/798, Annex II

National safety rules notified in accordance with point (a) of Article 8(1) include:

1. rules concerning existing national safety targets and safety methods;

2. rules concerning requirements in respect of safety management systems and safety certification of railway undertakings;

3. common operating rules of the railway network that are not yet covered by TSIs, including rules relating to the signalling and traffic management system;

4. rules laying down requirements in respect of additional internal operating rules (company rules) that must be established by infrastructure managers and railway undertakings;

5. **rules concerning requirements in respect of staff executing safety-critical tasks, including selection criteria, medical fitness and vocational training and certification, in so far as they are not yet covered by a TSI**

6. rules concerning the investigation of accidents and incidents.

NSR Evaluation (I)

Directive (EU) 2016/798, Article 8 (2)

By 16 June 2018, Member States shall review the national rules referred to in paragraph 1 and repeal:

- (a) any national rule which was not notified or which does not meet the criteria specified in paragraph 1;

- (b) **any national rule which has been made redundant by Union law**, including in particular TSIs, CSTs and CSMs.

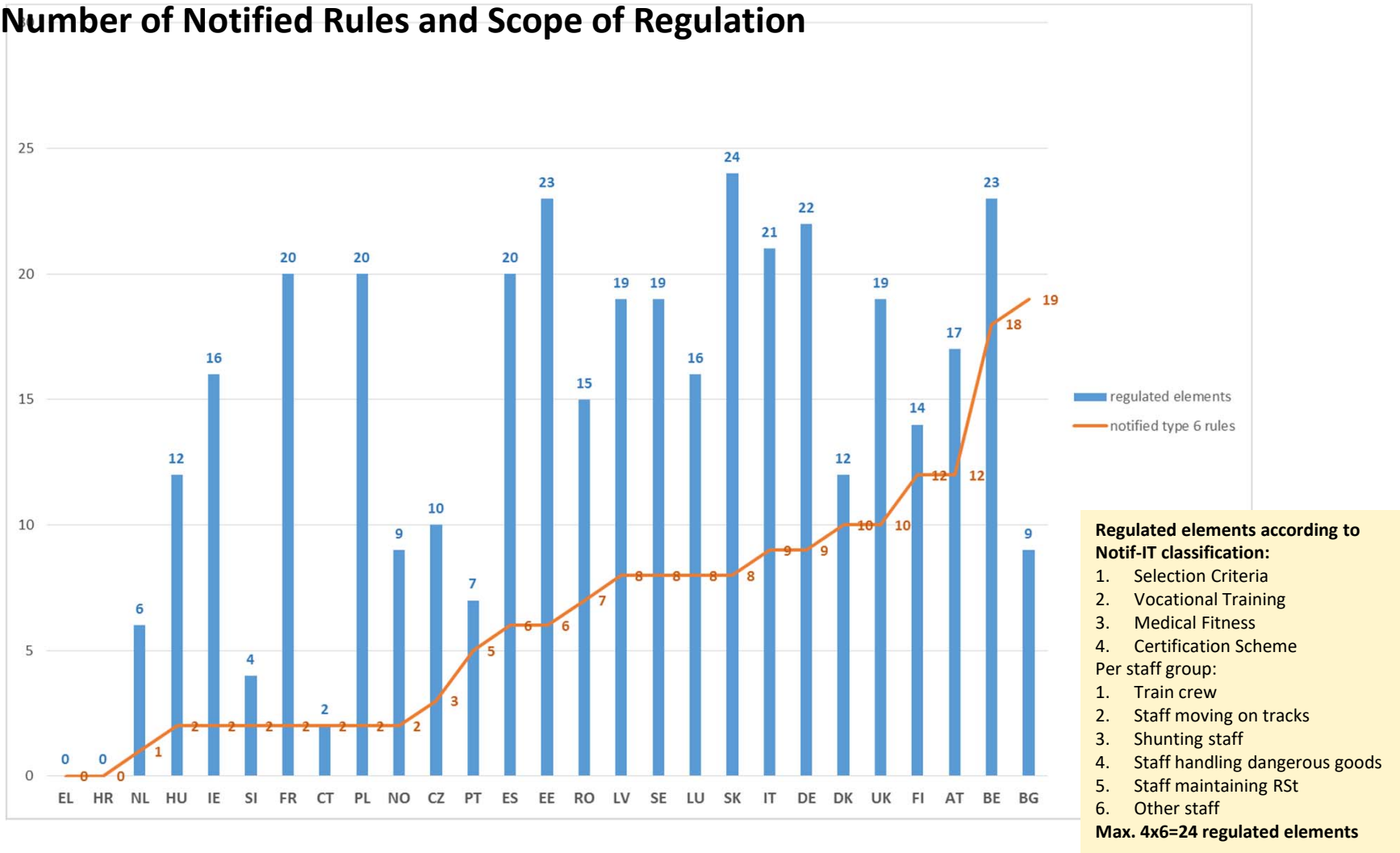| Project 3 – National Rules concerning Requirements on Staff **Activity Overview**	
Step 1: Analysis of notified rules (Notif-IT)	
• Based on Notif-IT classification: • 4 areas: selection criteria, med fitness, training, certification • 7 staff groups: train driver[1], train crew, shunter, RSt maintenance, staff moving on track, RID staff, others	
Step 2: Questionnaire Survey	
• Questionnaire to be send to NSA and RB • Feedback to be submitted 6/2018	
Step 3: Bilateral discussions	
• Supplementing questionnaire feedback • Clarification and filling remaining information gaps • Boundaries and responsibilities: EU rules – NSR – RU rules • National (cleaning-up) strategy, sector views	
Final Report: Results, Evaluation, Conclusions	04/2019

1) *train driver are covered by TDD and therefore excluded from this project*

ERA Rules Cleaning-up Program / Questionnaire Survey

on National Rules concerning Staff Requirements

II. Findings Activity 1 (Notif-IT)

Number of Notified Rules and Scope of Regulation

Legend:
- regulated elements
- notified type 6 rules

Regulated elements according to Notif-IT classification:
1. Selection Criteria
2. Vocational Training
3. Medical Fitness
4. Certification Scheme

Per staff group:
1. Train crew
2. Staff moving on tracks
3. Shunting staff
4. Staff handling dangerous goods
5. Staff maintaining RSt
6. Other staff

Max. 4x6=24 regulated elements

Number (and Share) of MSs [1], providing rules for…..

	Train Driver	Shunter	Train Crew	RSt Main-tenance	Moving on Tracks	RID Staff	Other
Selection Criteria		20	18	15	17	16	16
Medical Fitness		21	20	16	19	8	18
Voca-tional Training		20	19	16	14	18	18
Certifi-cation Scheme		15	12	12	13	17	14

[1] Notif-IT 07.2017: EU28 not MT, CY / not EL, HR (data missing)

ERA Rules Cleaning-up Program / Questionnaire Survey

on National Rules concerning Staff Requirements

III. Questionnaire

Questionnaire

Part A: General Questions on Views and Expectations

To provide overview on the views and positions regarding cleaning-up, harmonisation or keeping of national rules in the area of staff regulation

Part B: Rules-Content-Checklist (NSA only)

Information on the content of rules. Addressed to experts in Ministry or NSA, well familiar with the rules details.

Questionnaire

Part A: General Questions on Views and Expectations

Examples:

Management of staff competence is an important task of the safety management system (SMS). In application of the SMS, companies need to ensure the full implementation of all relevant national rules.

a) What are the measures, used by the NSA, to monitor the good implementation of national rules within the companies' SMS?

b) Based on your experiences, are national rules on staff requirements well accepted and applied by the sector?

Questionnaire

Part A: General Questions on Views and Expectations

Examples:

Cleaning-up of national rules is mandatory, whenever the subject of regulation is already covered by European regulation. Currently, staff related requirements can be found for train drivers in Directive 2007/59/EC and to certain extent for some other operating job tasks in the TSI OPE.

Do you support the idea of harmonising other staff requirements in order to accompany and force the process of reduction of respective national rules?

Questionnaire

Part A: General Questions on Views and Expectations

Examples:

It is a general target of EU policies to support free movement of workers within the EU.

Do you think that harmonisation of staff requirements, replacing respective national rules, would facilitate the free movement of workers in the railway sector?

Questionnaire

Part A: General Questions on Views and Expectations

Examples:

Do you think that a removal of national rules on staff requirements without compensation through harmonised EU requirements would negatively affect the level of safety in rail operation?

Questionnaire

Deadline for feedback: 15.06.2018

Making the railway system work better for society.

era.europa.eu