

**Bijlage 1: Nederlandse bijdrage op EU publieke consultatie over de evaluatie van de machinistenrichtlijn (2007/59/EU).**

Following the report on the implementation of Directive 2007/59/EC on the certification of train drivers (ERA-REP-104-2013/INT of 20 December 2013), the European Commission has mandated the European Railway Agency (ERA) to develop an advice related to the preparatory work for a future revision of this Directive. In order to perform this task, ERA organized a subgroup and a task force to develop proposals on general aspects of the directive, on the medical and psychological aspects, and on the complementary certificate and professional competence. The Netherlands Ministry of Infrastructure and Environment participated actively in both subgroup and taskforce meetings between December 2014 and November 2015. The work of these groups will result in an advisory report of the ERA to the European Commission. The Netherlands regard this ERA report as an important contribution for a future revision of Directive 2007/59/EC and as an important part of the Dutch contribution towards the current public consultation.

The Netherlands would like to mention the following items as a reply to the public consultation, taking into account a possible future revision of the directive:

- In general, administrative costs for the sector should be reduced by a future revision of the directive;
- Access to training facilities and available expertise, and access to examination of train drivers must be secured in a non-discriminatory way. For existing and for new railway undertakings looking for expansion of their operations on lines they did not operate on thus far, it must be possible to allow appropriate train drivers training and examination;
- In general, the use of electronic devices should be encouraged and examined, including the admission of digital versions of licence and certificates, taking into account fraud-proofing and enforceability. The amount of 'paper procedures' should be reduced;
- Article 34 of the directive foresees the examination of the possibility of using smartcards combining the licence and certificates. The Netherlands doubts the feasibility of combining licence and certificates due to privacy and company confidentiality constraints. Consequences and costs for the NSA's and for the railway undertakings should be taken into account;
- Regarding language, as recently decided by the European Commission, implementation of more flexible language requirements in border zones must be a priority to facilitate international transport. Concerning a single, common operational language the Netherlands believe that this could be examined (e.g. which language/education requirements/implementation path etc.) for international trains in order to improve EU-wide interoperability, however mandating a single, common operational language for national trains without border crossing is regarded as disproportionate and - more important - not attributing to the improvement of railway safety;
- Article 28 of the directive foresees the possibility of bringing forward a legislative proposal on a certification system for other crew members performing safety-critical tasks. This option has been discarded following a report from ERA in 2009. The Netherlands are not in favor of introduction of such a system because of administrative burden;
- The directive has some unclear provisions or inconsistencies in the Dutch translation. Therefore we propose to revise:
  1. Article 4.2. c "*For exceptional, one-off freight services, provided that the infrastructure manager agrees*": we do not see the added value of this sentence and propose to delete it;

2. Article 4.2 last sentence "*Whenever an additional driver is used as provided for above, the infrastructure manager shall be informed beforehand*": we do not see the added value of this sentence and propose to delete it;
3. Annex VII Frequency of examinations: the Dutch translation of '*every three years*' in a, b and c is inconsistent ('*om de 3 jaar*' in a and b, and '*iedere 3 jaar*' in c). This leads to confusion and misunderstanding. We propose to use the same translation for these words in a, b and c. Furthermore, it is not clear at which date '*every 3 years or after any absence of more than one year*' starts, e.g. is this the start of the calendar year? The current terminology leads to misunderstanding about the frequency term of examinations and we suggest a reformulation.