

ANNEX VI

PROFESSIONAL KNOWLEDGE OF INFRASTRUCTURE AND REQUIREMENTS REGARDING THE CERTIFICATE Matters relating to infrastructure

1. TESTING THE BRAKES

Drivers must be able to check and calculate, before departure, that the train's braking power corresponds to the braking power required for the line, as specified in the vehicle documents.

2. TYPE OF OPERATION AND MAXIMUM TRAIN SPEED ACCORDING TO THE LINE CHARACTERISTICS

Drivers must be able to:

- take note of information given to them, such as the speed limits or any signalling changes,
- determine the type of running and the limit speed of the train on the basis of the characteristics of the line.

3. KNOWLEDGE OF THE LINE

Drivers must be able to anticipate problems and react appropriately in terms of safety and other performances, such as punctuality and economic aspects. They must therefore have a thorough knowledge of the railway lines and installations on their route and of any alternative routes agreed on.

The following aspects are important:

- operational conditions (changes of track, one-way running, etc.),
- perform a route check and consult the relevant documents,
- identification of tracks that can be used for a given type of running,
- the applicable traffic rules and the meaning of the signalling system,
- the operations regime,
- the block system and associated regulations,
- station names and the position, and distance-sighting of stations and signal boxes to adapt driving accordingly,
- transition signalling between different operating or power supply systems,
- speed limits for the different train categories driven,
- topographical profiles,
- particular braking conditions, for example on lines with a steep downward gradient,
- particular operating features: special signals, signs, departure conditions, etc.

4. SAFETY REGULATIONS

Drivers must be able to:

- start the trains only when all prescribed conditions are fulfilled (timetable, start order or signal, operation of signals if required, etc.),
- observe track-side and in-cab signals, interpret them immediately and without error, and act as specified,
- run the train safely according to the specific modes of operation: apply special modes if instructed, temporary speed restrictions, running in opposite direction, permission to pass signals at danger, switching operations, turns, running through construction sites, etc.,

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

- respect scheduled or supplementary stops, and if necessary perform supplementary operations for passengers during these stops, notably opening and closing the doors.

5. DRIVING THE TRAIN

Drivers must be able to:

- know the train's position on the line at all times,
- apply the brakes for decelerations and stops, taking account of the rolling stock and installations,
- adjust the running of the train in accordance with the timetable and any orders given on saving energy, taking account of the characteristics of the traction unit, the train, the line and the environment.

6. ANOMALIES

Drivers must be able to:

- be attentive, insofar as train operation permits, to unusual occurrences concerning the infrastructure and the environment: signals, tracks, energy supply, level crossings, track surrounding, other traffic,
- know particular distances to clear obstacles,
- inform the infrastructure manager as soon as possible of the place and nature of anomalies observed, making sure that the information has been understood,
- taking into account the infrastructure, ensure or take measures to ensure the safety of traffic and persons, whenever necessary.

7. OPERATING INCIDENTS AND ACCIDENTS, FIRES AND ACCIDENTS INVOLVING PERSONS

Drivers must be able to:

- take steps to protect the train and summon assistance in the event of an accident involving persons,
- determine where to stop the train in the event of a fire and facilitate the evacuation of passengers, if necessary,
- provide useful information on the fire as soon as possible if the fire cannot be brought under control by the driver acting alone,
- inform the infrastructure manager of these conditions as soon as possible,
- assess whether the infrastructure allows the vehicle to continue to run and under which conditions.

[^{F18}]. LANGUAGE

- (1) Drivers who have to communicate with the infrastructure manager on critical safety issues must have the necessary language skills in at least one of the languages indicated by the infrastructure manager concerned. Their language skills must allow them to communicate actively and effectively in routine, degraded and emergency situations. They must be able to use the messages and communication method specified in the 'Operations and traffic management' TSI.
- (2) In order to satisfy the requirements provided for in paragraph 1, drivers must be able to understand (both orally and in writing) and to communicate (both orally and in writing) according to level B1 of the Common European Framework of Reference for Languages (CEFR) established by the Council of Europe.

- (3) In case where the train operations take place in sections between the borders and the stations situated close to the borders and designated for cross border operations, drivers of trains operated by a railway undertaking may be exempted by the infrastructure manager from the requirements of paragraph 2, provided that the following procedure is applied:
- (a) the railway undertaking shall request the infrastructure manager for a derogation with regard to the concerned drivers. In order to ensure a fair and equal treatment of the applicants, the infrastructure manager shall apply to each submitted request for derogation the same assessment procedure, which shall be part of the network statement;
- (b) the infrastructure manager shall grant a derogation if the railway undertaking demonstrates that it has made sufficient arrangements for ensuring communication between the concerned drivers and the staff of the infrastructure manager in routine, degraded and emergency situations, as provided for in paragraph 1;
- (c) railway undertakings and infrastructure managers shall ensure that the concerned staff is aware of those rules and arrangements and receive appropriate training through their safety management systems.
- (4) One or several railway undertakings in cooperation with one or several infrastructure managers ('the applicants') may carry out pilot projects to test alternative means of ensuring the effective communication required by paragraph 1. The following procedure shall apply:
- (a) the applicants shall identify the parts of the network and nature of the services concerned, the initial duration of the pilot project and in particular:
- i) specify the scope of the pilot project,
 - ii) indicate what alternative language competences they propose to apply,
 - iii) describe which additional tools they propose to use to support communication in routine, degraded and emergency situations,
 - iv) demonstrate how the alternative language competences and additional tools ensure at least an equivalent level of safety to full compliance with the requirements of paragraph 1, when integrated in their respective Safety Management Systems⁽¹⁾,
 - v) explain how they shall implement the pilot project in their Safety Management System, including training programs and documentation of the results, and
 - vi) consult the representatives of the concerned staff in the process of preparing the application.
- (b) The applicants shall request the opinion of the concerned national safety authority/authorities that issued their single safety certificate(s) or safety authorisation(s), and of the European Union Agency for Railways, where it is the safety certification body ('the authorising entity or entities'). Each authorising entity shall issue an opinion on whether the alternative means ensure at least an equivalent level of safety to full compliance with the requirements of paragraph 1, within 60 days from the day the last authorising entity concerned has received the request. In case several authorising entities are involved, they are encouraged to work together and ensure coordination.

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

The opinions shall assess in particular whether the following conditions are fulfilled:

- i) the proposed alternative language competences and other tools for communication are sufficient to ensure effective communication between the concerned drivers and the staff of the infrastructure manager in routine, degraded and emergency situations.
- ii) the safety management systems of the applicants have been adapted to using alternative language competences and other tools for communication.
- iii) the applicants have provided evidence that these tools have been tested under operational conditions involving drivers fulfilling the language requirements of paragraph 2.
- iv) all concerned staff of the railway undertaking and infrastructure manager have received appropriate training through their safety management systems.

In the event of diverging opinions, the provisions of point (5) second subparagraph shall apply.

- (c) The applicants shall jointly submit to the Commission an application for derogation from paragraph 2, including the opinions of the authorising entity or entities and the detailed description of the pilot project on which the opinions are based. Alternatively, the participants in the project can designate a coordinator among them, who may submit the joint application on behalf of all participants in the project.
- (5) The Commission shall, within 60 days after receiving a complete application, grant a derogation from paragraph 2:
 - (a) where the opinions of the authorising entity or entities are positive; and
 - (b) where it is demonstrated that equal and non-discriminatory treatment of all applications as well as legal coherence at Union level is ensured.

In the event of diverging opinions, or a failure of one or more authorising entities to deliver an opinion within the prescribed time limit, the applicants may request the Commission to find a mutually acceptable solution, in cooperation with the parties involved. If no mutually acceptable solution can be found within 90 days after receiving a request for derogation, the pilot project shall be deemed to be refused. The Commission may request the opinion of the European Union Agency for Railways, and shall do so where the opinion of each authorising entity is negative.

- (6) The derogation shall be granted for a limited period of time and shall not exceed 36 months. Where the derogation has been granted for a shorter period of time, it may be renewed provided that the total duration of 36 months is not exceeded.
- (7) On request by interested railway undertakings and where justified, an infrastructure manager shall offer other railway undertakings using a section of the network on which a pilot project is on-going, the possibility to participate in the pilot project subject to a positive opinion by the authorising entities concerned. Such additional participation shall be notified to the Commission by the infrastructure manager.

In case of changes in the scope of the pilot projects, in particular the part of the network in which the project is carried out, the alternative language competences and the additional tools used for communication, the procedure described in point (4) shall apply.

- (8) The railway undertaking and infrastructure manager shall ensure that the operation of the pilot project is appropriately documented in their safety management

systems. Records shall be kept for 24 months after the end of the pilot project, in particular of the staff involved, the training they have received, the services operated and any issues encountered during the pilot project. The concerned train drivers shall have the relevant information included in their complementary certificates.

- (9) After the end of each pilot project, the railway undertaking(s) and infrastructure manager(s) involved shall report to the authorising entities concerned. Where the duration of a derogation exceeds one year, the railway undertaking(s) and the infrastructure manager(s) shall report on a yearly basis within their annual safety reports according to Article 9(6) of Directive (EU) 2016/798. The national safety authorities concerned shall report the results of pilot projects in their annual reports according to Article 19 of Directive (EU) 2016/798. Based on a common framework for assessment, the European Union Agency for Railways shall analyse the results of the pilot projects and submit a report to the Commission.
- (10) The Commission may suspend the derogation granted if it considers that the conditions are no longer fulfilled or where safety concerns arise. A national safety authority, railway undertaking or infrastructure manager shall immediately inform the Commission in case any safety concerns arise.
- (11) The European Union Agency for Railways shall publish on its website a list of pilot projects authorised by the Commission, including a short description of the project and the period for which it is authorised as well as any other relevant information, such as discontinuation or suspension of the projects.]

Textual Amendments

- F1** Substituted by [Commission Regulation \(EU\) 2019/554 of 5 April 2019 amending Annex VI to 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 Community \(Text with EEA relevance\)](#).

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

- (1) [^{F1}According to Article 9 of Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May on railway safety.]

.....

Textual Amendments

- F1** Substituted by [Commission Regulation \(EU\) 2019/554 of 5 April 2019 amending Annex VI to 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 Community \(Text with EEA relevance\)](#).