

# Train Driver Language Competence Derogation on Border Section

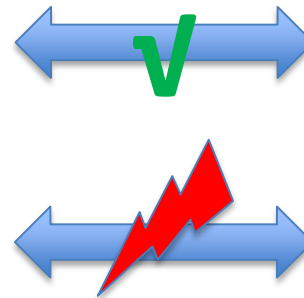
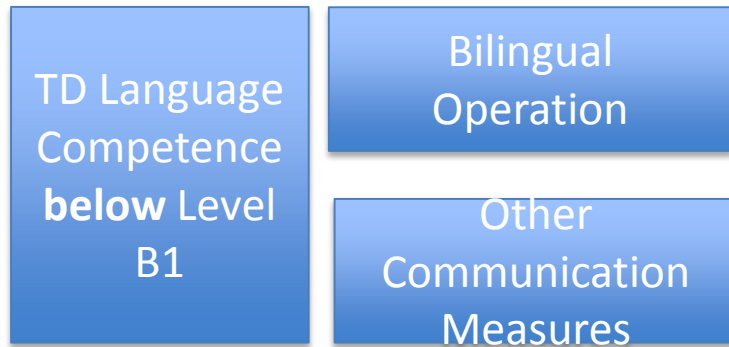
PRIME-RU Dialogue Plenary meeting  
28/3/2017, Brussels



# TDD Annex VI 8.3 Language Derogation

## I. Challenge

Bilateral Agreements  
on language derogation



Train Driver Directive



## II. Response: Derogation Procedure Annex VI 8.3



- Procedure is adequate for new (change of) arrangements
- Providing derogation based on already established measures causes  
**No change of operation = No change of SMS = No risk assessment required**

# Arrangements for Communication on Border Sections

	Arrangements implemented in the past <sup>1)</sup>		T O D A Y	Arrangements implemented in future		
	Bilingual Operation	Other Measures		Bilingual Operation	Other Measures	Other measures already applied by other RU
Case of derogation Annex VI 8.3?	NO	YES		NO	YES	YES
Change of SMS of IM or RU?	NO	NO		YES (IM)	YES (RU/IM)	YES (RU)
If YES	Risk Assessment in accordance with Annex VI 8.3?	-		-	YES	NO
	Risk Assessment process in accordance with CSM?	-		If change is significant	If change is significant	If change is significant
Measures to be published in Network Statement <sup>3)</sup>	-	YES		-	YES	-
	should be already part of network statement + SMS	<b>Simple Migration Procedure</b>		SMS + network statement to be amended / need for CSM risk assessment to be checked	<b>Full Application procedure</b>	<b>Simplified Application (no assessment)</b>
<b>Target Situation</b>	<b>No Action Required</b>	<b>Derogation <sup>2)</sup></b>		<b>IM Internal Changes</b>	<b>Derogation</b>	<b>Derogation</b>

1) E.g. bilateral agreements and contracts

2) Measures should already be of SMS and Safety Cert./Auth. (There should be no reason to doubt appropriateness)

3) Publication in accordance with TDD Annex VI pt 8.3

# Arrangements for Communication on Border Sections

## Approach following sector consultation:

		Implemented before 1.7.2016		Implemented 1.7.2016 or later			
		Bilingual Operation	Other Measures	Bilingual Operation	Other Measures	Other measures already applied by other RU	
<div style="border: 1px solid black; padding: 5px;"> <p>Case of derogation Annex VI 8.3?</p> <p>Change of SMS of IM or RU?</p> <p><b>If YES</b></p> <p>Risk Assessment in accordance with Annex VI 8.3?</p> <p>Risk Assessment process in accordance with CSM?</p> <p>Measures to be published in Network Statement 3)</p> </div>		<p><b>No Case of Derogation</b></p>	YES	<p><b>No Case of Derogation</b></p>	YES	YES	
			NO		YES (RU/IM)	YES (RU)	<del>YES (RU)</del>
			-		YES	NO	<del>NO</del>
			-		If change is significant	If change is significant	<del>If change is significant</del>
			YES		YES	-	-
		<p><b>Simple Migration Procedure</b></p>		<p><b>Full Application procedure</b></p>			
<p><b>Target Situation</b></p>		<p>Derogation 1)</p>		<p>Derogation</p>			

1) Measures should already be of SMS and Safety Cert./Auth. (There should be no reason to doubt appropriateness)

**=> Submitted 1 February 2017**

„(....)“

## **4. Advice**

- 4.1. *The Agency is of the opinion that Railway Undertakings and Infrastructure Managers should use a harmonized procedure for the implementation of the provisions of Commission Directive 2016/882/EU (...)*
- 4.2. *Railway Undertakings should use the Application Form in Annex 1 (...)*
- 4.3. *When preparing derogation requests, applicants should take into account the Application Guidance in Annex II.*
- 4.4. *Infrastructure managers should assess such derogation requests taking into account the Assessment Guidance in Annex III.”*

## **Advice Annexes (Application Tools)**

### **ANNEX 1: Application Form**

(providing for 2 application cases: Simplified/General procedure)

### **ANNEX 2 Application Guidance**

(related general explanations and step by step application guidance)

### **ANNEX 3 Assessment Guidance**

(guidance on selection and weighting of (main) assessment factors)

*(ANNEX 4 Accompanying Report)*

## Main Conclusions

1. Clear statement regarding **'second language use'** being no derogation case
2. No assessment in case of **established measures** required, as they are element of approved SMS
3. The subject requires **close cooperation between RU and IM** during entire procedure

## Next Steps

- I. Simplified derogation procedures for all applied measures to be done a.s.a.p.
- II. ERA may accompany first application case(s) concerning new measures
- III. RU/IM to consider regular experience exchange and accessibility of information on applied measures



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