

RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 22 November 2011

on the procedure for recognition of training centres and of examiners of train drivers in accordance with Directive 2007/59/EC of the European Parliament and of the Council

(Text with EEA relevance)

(2011/766/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) To achieve an appropriate and comparable level of quality of training and examinations of train drivers and train drivers candidates with a view to their certification in all Member States, it is recommended to use common conditions and procedures at Union level in regard to both the procedures of recognition of training centres and of examiners of train drivers and train drivers candidates, and also the qualitative requirements for the examination to be fulfilled.
- (2) Training and examinations should be performed in an appropriate manner and at a reasonable and comparable quality level in all Member States, to enable mutual acceptance of examinations.
- (3) The statement of recognition should indicate the areas of competence in which the training centre is recognised to provide training courses and in which areas the examiner is recognised to conduct examinations for train drivers. Within the limits of the areas of competence specified in the statement of recognition, the recognised training centre should be authorised to perform training courses and the recognised examiner should be authorised to perform examinations throughout the Union.
- (4) In regard to the general language competence of train drivers, the competent authority may not have the specific experience and competence required for the recognition of training centres and of examiners in regard to general language competence of train drivers. In this case, Member States may accept certificates of

competence issued by training centres in line with the 'European Framework for Language Competence', established by the Council of Europe.

- (5) In some Member States examination centres are already established or will be established to organise examinations for train drivers. In this case, the Member State may delegate the task of recognition of examiners to the examination centre under specific national conditions,

HAS ADOPTED THIS RECOMMENDATION:

Subject matter

1. This recommendation sets out recommended practices and procedures for the recognition of training centres providing professional training to train drivers and to train drivers candidates and for the recognition of examiners of train drivers and of train drivers candidates in accordance with Directive 2007/59/EC of the European Parliament and of the Council ⁽¹⁾.

Application for recognition of a training centre

2. A training centre should submit a written application for recognition, its renewal or amendment to the competent authority of the Member State in which the training centre has or intends to have its principal place of operation, with the exception of the case referred to in point 6.
3. Where a training centre consists of more than one legal entity, each of the legal entities should apply separately for recognition.
4. Applications should include documents giving evidence of the fulfilment of the requirements laid down in Directive 2007/59/EC and in Commission Decision 765/2011 ⁽²⁾.

⁽¹⁾ OJ L 315, 3.12.2007, p. 51.

⁽²⁾ See page 36 of this Official Journal.

5. Applications should specify the training tasks for which the applicant applies for a recognition. The application may refer to training tasks belonging to one or more areas of competence. It should be structured in line with the following areas of competence:

- (a) general professional knowledge in accordance with Annex IV to Directive 2007/59/EC;
- (b) professional knowledge relating to rolling stock in accordance with Annex V to Directive 2007/59/EC;
- (c) professional knowledge of infrastructure in accordance with Annex VI to Directive 2007/59/EC;
- (d) linguistic knowledge in accordance with Annex VI to Directive 2007/59/EC (general linguistic knowledge and/or specific communication and terminology for rail operations and safety procedures).

6. A training centre which has its principal place of operation in another Member State than the Member State where an infrastructure is located, may be recognised by the competent authority of the Member State where the infrastructure is located.

7. Where an applicant applying for recognition of training tasks related to infrastructure knowledge has been already recognised in accordance with this Recommendation and Decision 765/2011 by a competent authority of a Member State, the competent authorities of other Member States should limit their assessment to the requirements that are specific to the training on the infrastructure in question and should refrain from assessing aspects which were already assessed in the course of the previous recognition.

Issue of statement of recognition of a training centre

8. The competent authority should issue a statement of recognition not later than 2 months after receiving all necessary documents.

9. The competent authority should make its decision on the application based on the applicant's ability to demonstrate how independence, competence and impartiality are ensured.

10. A statement of recognition should contain the following information:

- (a) name and address of the competent authority;
- (b) name and address of the training centre;

(c) the training tasks for which the training centre is entitled to provide training courses in accordance with point 5;

(d) identification number of the training centre provided in accordance with point 15;

(e) date of expiry of the statement of recognition.

Validity, amendment, renewal of statement of recognition of a training centre

11. A statement of recognition of a training centre should be valid for 5 years. The competent authority may shorten the duration of validity regarding all or part of the training tasks specified in the statement of recognition in reasoned cases.

12. A training centre holding a valid statement of recognition may at any time apply to extend the scope of training tasks. An amended statement of recognition should be issued based on the appropriate supplementing documents provided by the applicant. In this case the expiry date of the amended statement of recognition should not be affected.

13. Where requirements for one or more training tasks specified on the statement of recognition are no longer fulfilled, the recognised training centre should immediately cease to provide training regarding the tasks concerned and inform in writing the competent authority which issued the statement of recognition. The competent authority should evaluate the information and issue an amended statement of recognition. In this case the expiry date of the statement of recognition should not be affected.

14. A statement of recognition should be renewed on request of the training centre and should be issued under the same conditions as an initial statement of recognition. The competent authority may establish a simplified procedure where the conditions for recognition remain unchanged. Records of training activities performed during the previous 2 years should be submitted. Where the previous period of validity was shortened to less than 2 years in accordance with point 11, records for the whole period should be submitted.

Register of training centres

15. In the register referred to in Article 20(3) of Directive 2007/59/EC, each recognised training centre should be identified by an individual identification number. The identification number should be based on national provisions, however, it should include the short name of the Member State where the training centre is recognised.

16. The register should contain at least the following information:

- (a) name and address of the recognised training centre;
- (b) the training tasks for which the training centre is recognised to provide training courses, referring to the relevant Annexes to Directive 2007/59/EC;
- (c) the identification number;
- (d) date of expiry of the statement of recognition;
- (e) contact information.

17. In order to keep the register up-to-date, recognised training centres should inform the competent authority that issued the statement of recognition of any change concerning data published in the register. National provisions may require additional data to be stored in the register and information on change of those data.

Suspension and withdrawal of recognition

18. Where assessment or supervision activities performed by the competent authority or Member State in conformity with Articles 26, 27 or 29 of Directive 2007/59/EC provide evidence that a training centre fails to meet the requirements for recognition, the competent authority should withdraw or suspend the respective statement of recognition.

19. If a competent authority finds that a training centre recognised by the competent authority of another Member State does not fulfil the obligations of Directive 2007/59/EC and of Decision 765/2011 they should inform the competent authority in the other Member State that issued the statement of recognition. The competent authority which issued the statement of recognition should check this information within 4 weeks and inform the requesting competent authority of the results of its checks and decisions.

20. Where the competent authority finds that the training centre no longer meets the requirements for recognition, the competent authority should withdraw or suspend the statement of recognition.

Appeal procedure

21. The competent authority should promptly inform the training centre in writing of the reasons for its decisions.

22. In case of suspension or withdrawal the competent authority should clearly inform the training centre regarding the requirements that are no longer fulfilled. The competent authority may, before suspension or withdrawal becomes effective, provide a notice period within which the training centre may adapt its practices in order to meet the requirements for recognition. It should inform the training centre of the appeal procedure set up to allow the training centre concerned to request a review of the decision.

23. The competent authority should ensure that an administrative appeal procedure is set up to allow the training centre concerned to request a review of disputed decisions.

Training centres providing language training

24. In regard to the training on general language competence, a Member State may acknowledge the applicant as a training centre on the base of a certificate which confirms the competence of the applicant to provide training on general language. This competence should be in line with the principles and methodology of the 'European Framework for Language Competence' established by the Council of Europe ⁽¹⁾. The Member State may lay down supplementary provisions to specify the use of this option taking into account national practice regarding the certification of all language training centres.

25. In regard to the training on specific communication and terminology for rail operation and safety procedures, recognition in accordance with the provisions of this Recommendation should be required. Applications for recognition as a training centre providing training on specific communication and terminology for rail operation and safety procedures should be submitted to the competent authority of the Member State where the infrastructure, to which the communication and terminology refer, is located.

Application for recognition as an examiner

26. An applicant applying for recognition as an examiner should submit a written application to the competent authority of the Member State concerned.

27. Where an application concerns recognition as an examiner for infrastructure knowledge, including route knowledge and operation rules, the competent authority of the Member State where the infrastructure is located is responsible for recognition.

⁽¹⁾ *Common European Framework of Reference for Languages: Learning, Teaching, Assessment*, 2001 (Cambridge University Press for the English version — ISBN 0-521-00531-0). Also available on the Council of Europe website: <http://www.coe.int/T/DG4/Portfolio/documents/Common%20European%20Framework%20hyperlinked.pdf>

28. An application may also be submitted on behalf of the applicant by his or her employer.
29. Applications should include documents giving evidence of the fulfilment of the requirements laid down in Directive 2007/59/EC and in Decision 765/2011.
30. Applications should specify the area(s) of competence for which recognition as an examiner is applied for. The application may refer to one or more areas of competence. It should be structured in line with the following areas of competence:
- (a) general professional knowledge in accordance with Annex IV to Directive 2007/59/EC;
 - (b) professional knowledge relating to rolling stock in accordance with Annex V to Directive 2007/59/EC;
 - (c) professional knowledge relating to infrastructure in accordance with Annex VI to Directive 2007/59/EC;
 - (d) linguistic knowledge in accordance with Annex VI to Directive 2007/59/EC (general linguistic knowledge and/or specific communication and terminology or rail operations and safety procedures).
- (d) the languages in which the examiner is recognised to conduct examinations;
- (e) the identification number of the examiner provided in accordance with point 10(d);
- (f) date of expiry of the statement of recognition.

Validity, amendment, renewal of statement of recognition for an examiner

33. A statement of recognition of an examiner should be valid for 5 years. The competent authority may shorten the duration of validity regarding all or part of the competence areas specified on the statement of recognition in reasoned cases.
34. The holder of a valid statement of recognition may at any time apply for amendment aiming to add area(s) of competence. An amended statement of recognition should be issued based on appropriate supplementing documents provided by the applicant. The expiry date of an amended statement of recognition should not be affected.
35. In case of developments that require an amendment of the statement of recognition because requirements for one or more areas of competence specified on it are no longer fulfilled the recognised examiner should immediately cease conducting examinations in those areas of competence and inform in writing the competent authority. The competent authority should evaluate the information and issue an amended statement of recognition. The expiry date of an amended statement of recognition should not be affected.
36. A statement of recognition should be renewed on request of the examiner and should be issued under the same conditions as an initial statement of recognition. The competent authority may establish a simplified procedure where the conditions for previous recognition have stayed unchanged. In any case examiners applying for renewal should submit records of the competence they have received during the previous period of validity and of examination activities performed during the last 2 years. Where the previous period of validity was shortened to less than 2 years in accordance with point 33, records of the whole period should be submitted respectively.
- Issue of statement of recognition for an examiner**
31. The competent authority should evaluate all documents submitted by the applicant. Where all requirements are fulfilled it should issue a statement of recognition as soon as possible and not later than 2 months after receiving all necessary documents.
32. A statement of recognition should contain at least the following information:
- (a) name and address of the competent authority;
 - (b) name or names, address and date of birth of the applicant; the place of birth of the applicant may be included in the statement of recognition on an optional basis;
 - (c) the area(s) of competence for which the examiner is entitled to perform examinations;
37. In the register referred to in Article 20(3) of Directive 2007/59/EC, each examiner should be identified by an individual identification. The identification number should be based on national provisions; however, it should include the short name of the Member State where the examiner is recognised.

Register of examiners

38. The register should contain at least the following information:

- (a) name, address, date of birth of the recognised examiner;
- (b) the area(s) of competence for which the examiner is recognised to conduct examinations;
- (c) the language(s) in which the examiner is recognised to conduct examinations;
- (d) the identification number of the examiner provided in accordance with point 37;
- (e) where an employer applies on behalf of the examiner in accordance with point 28, the name and address of the employer (in other cases the name and address of an employer of the examiner may be included on an optional basis);
- (f) date of expiry of the statement of recognition;
- (g) contact information.

39. In order to keep the register up-to-date, a recognised examiner or his or her employer should inform the authority that has issued the statement of recognition about any change concerning data contained in the register. National provisions may foresee additional data to be stored in the register and information on change regarding those data.

40. Data referred to in point 38(a), (b) and (c) should be made publicly accessible. Other data listed in point 38 should be made public in accordance with national provisions on personal data protection.

Suspension and withdrawal of recognition

41. Where assessment or supervision activities performed by the competent authority in conformity with Articles 26, 27 or 29 of Directive 2007/59/EC give evidence that an examiner fails to meet the requirements for recognition, the competent authority should withdraw or suspend the statement of recognition.

42. If a competent authority finds that an examiner recognised by the competent authority of another Member State does not satisfy one or more requirements of the Directive

2007/59/EC and of Decision 765/2011, they should inform the competent authority in the Member State that issued the statement of recognition and require the appropriate checks by this latter.

43. If the competent authority of this latter Member State finds that the examiner no longer meets the requirements, it should withdraw or suspend the statement of recognition, promptly inform the examiner in writing of the reasons for its decisions and notify its decision to the competent authority which informed of the failure to meet the requirements.

Appeal procedure

44. The competent authority should promptly inform the examiner in writing of the reasons for its decisions.

45. In case of suspension or withdrawal the competent authority should provide clear information on the requirements that are no longer fulfilled. The competent authority may, before suspension or withdrawal becomes effective, provide a notice period within which the examiner may adapt its practices in order to meet the requirements for recognition.

46. The competent authority should ensure that an administrative appeal procedure is set up allowing applicants or examiners to request a review of disputed decisions.

Examiners assessing language competence

47. In regard to the examining of general language competence and to acknowledge the applicant as an examiner, a Member State may recognise the applicant on the basis of a certificate, issued in conformity with common practice on the language training sector. This certificate should confirm the competence of the applicant to conduct examinations in line with principles and methodology of the 'European Framework for Language Competence' established by the Council of Europe. The Member State may lay down supplementary provisions to specify the use of this option taking into account national practice regarding the certification of language competence of examiners.

48. In regard to the examining of competence on specific communication and terminology for rail operation and safety procedures, recognition in accordance with the provisions of this Recommendation should be required. Applications for recognition as an examiner for the purpose of conducting examinations concerning specific communication and terminology for rail operation and safety procedures should be submitted to the competent authority of the Member State where the infrastructure, to which the communication and terminology refer, is located.

Recognition of examination centres

49. A Member State may decide to require recognition of examination centres on basis of a written application submitted to the competent authority.
50. The competent authority should provide a statement of recognition of the examination centre following national provisions and procedures and on the basis of the criteria of independence, competence and impartiality. Points 26 to 48 should apply to recognition of examination centres.
51. The competent authority could also delegate to these examination centres the recognition of its own examiners under the condition that they fulfil the requirements laid down in point 53.
52. For the purpose of point 54 the examination centre should keep up-to-date a register of all examiners it has recognised. This register should provide the information referred to in point 38.
53. The examination centre should provide appropriate measures to manage its examiners and to ensure that its examiners have the competences required in accordance with Directive 2007/59/EC and Decision 765/2011.
54. Examiners should be allowed to conduct examinations only in the framework of activities of the examination centre to which they belong.
55. The information on the recognised examination centre should be publicly accessible in the register provided for in point 38 without providing information on the individual examiners belonging to that examination centre. The name of the examination centre should be displayed instead of the identification number referred to in point 37.
56. The competent authority should promptly inform the examination centre in writing of the reasons for its decisions.
57. In case of suspension or withdrawal the competent authority should provide clear information on the requirements that are no longer fulfilled. The competent

authority may, before suspension or withdrawal becomes effective, provide a notice period within which the examination centre may adapt its practices in order to meet the requirements for recognition.

58. The competent authority should ensure that an administrative appeal procedure is set up allowing applicants or examination centres to request a review of disputed decisions.

Transparent evaluation rules

59. The evaluation and scoring principles and the type of results should be available before the examinations.
60. Drivers or candidate drivers should be allowed to view the evaluation of examination results and to request a review in case of a reasoned negative opinion regarding the examinations they took.

Quality checks and supervision by the competent authority

61. In order to comply with their supervision activities in conformity with Articles 26, 27 or 29 of Directive 2007/59/EC, a competent authority may require:
 - (a) access to all documents relevant for the preparation, conduction and evaluation of examinations;
 - (b) the adoption of a reporting procedure requiring that certain information should be delivered regularly or on demand;
 - (c) an observation of examinations by representatives of a competent authority.

Done at Brussels, 22 November 2011.

For the Commission

Siim KALLAS

Vice-President