



RSC-G-025-A

Guideline on the application of EC Directive 2007/59/EC on Train Driver Certification in the State

Purpose: This document provides guidance on the application of the Train Driver Directive (TDD) and associated legal requirements in the State.

Scope: The scope includes all heavy rail operations in the State. It is predominantly intended for the information of Training Centres, Examination Centres, Trainers, Examiners, RUs and IMs; Train Drivers and Candidate Drivers.

Issue	Prepared by	Checked by	Authorised by	Issue Date
A	Maik Wuttke <i>M. Wuttke</i>	Mary Molloy <i>Mary Molloy</i>	Gerald Beesley <i>Gerald Beesley</i>	24.05.2012

Contents

1.	Introduction.....	3
2.	References.....	4
3.	Implementation and Transition period	6
4.	Operating rules.....	7
4.1	General Rules for Operations.....	7
4.2	Specific Operating Rules for Training and Examinations in the live railway environment .	7
5.	Responsibilities and Obligations according to EU directive 2007/59/EC.....	8
5.1	Responsibilities and Obligations relating to train drivers	8
5.2	Responsibilities and Obligations relating to RUs and IMs.....	9
5.3	Responsibilities and Obligations relating to TCs/ ECs / Trainers/ Examiners	11
6.	Examinations of drivers.....	11
6.1	Examinations required for obtaining a Licence.....	11
6.2	Examinations required for entering new competencies on a Certificate	12
6.3	Periodic examinations.....	12
6.4	Additional examinations	13
7.	Recognition.....	15
7.1	Recognition of Training Centres.....	15
7.2	Recognition of Examination Centres.....	16
7.3	Recognition of Trainers	17
7.4	Establishing national criteria for Recognition of Trainers.....	18
7.5	Recognition of Examiners.....	19
7.6	Establishing national criteria for Recognition of examiners	20
8.	Suspending or Withdrawal of Recognitions.....	21
9.	Issuing, Updating and Amending of Licenses to Drivers, providing Replacement Licenses (Duplicate Licenses are not permitted to be issued in the State).....	22
9.1	Issuing, Updating, Amending, Replacing	22
9.2	Driver leaving employment.....	22
10.	Set up and maintenance of the National Register of Train Driving Licences (NLR)	23
11.	Suspension or Withdrawal of Licenses.....	23
12.	Certificates	23
12.1	Issuing and updating/amending of Certificates to Drivers.....	23

12.2	Driver leaving employment.....	23
13.	Set up and maintenance of the Registers of Complementary Certificates (CCR).....	23
14.	Suspension or Withdrawal of Certificates.....	23
15.	Content, Physical Characteristics, Anti Forgery Measures, Layout and Ownership of the Licence and the Complementary Certificates	24
16.	Supervision of the quality standards of the driver certification system in the state.....	24
17.	Publishing and updating/amending of a Register of persons or bodies Recognised under 2007/59/EC.....	25
18.	Appeals procedure	25

Abbreviations

CCR	Register of Complementary Certificates
EC	Examination Centre
IM	Infrastructure Manager
NLR	National Register of Train Driver Licence
NSR	National Safety Rule
RECN	national Railway Examination Centre Number
RTCN	national Railway Training Centre Number
RU	Railway Undertaking
TC	Training Centre

1. Introduction

- 1.1 Directive 2007/59/EC lays down the conditions and procedures for the certification of train drivers on the railway system in the Community. These include mandatory rules for operation of trains for drivers, RUs and IMs. 2007/59/EC was supplemented by 2010/17/EC and has to be understood and applied in conjunction with other documents (see ch.2 below).
- 1.2 This document contains mandatory rules applicable for all Railway Undertakings (RUs), Infrastructure Managers (IMs), Drivers, Training Centres(TCs), Examination Centres(ECs), Trainers, Examiners operating in the State. (This document is therefore intended to be notified an NSR).
- 1.3 In the following for the interest of clarity and readability, whenever the term Certificate is used it means 'Complementary Certificate' according to 2007/59/EC.
- 1.4 In the case where an IM is authorised to perform train operations, that IM must perform also those activities and duties assigned in this document to RUs if they intend to perform such train operations. In the following 'RU' must therefore be understood as 'RU or IM (if authorised and intending to perform train operations)'.
- 1.5 The terms updating and amending must be understood in accordance with EU 36/2010 Annex I4 and IV 5(2.3):

Train Driver Certification RSC-G-025A

- 1.5.1 Updating refers to alteration of any optional data contained in NLR and CCR (2011/17/EU),
- 1.5.2 Amending refers to alteration of any compulsory data contained in NLR and CCR (2011/17/EU).
- 1.6 Traceability of TDD elements to this guideline.
- Implementation and Transition periods – see ch 3 below
 - Operational Rules – see ch 4 below
 - Responsibilities and Obligations – see ch 5 below
 - Examinations of drivers – see ch.6 below
 - the Recognition of Training Centres (TC) – see ch.7.1 below,
 - the Recognition of Examination Centres(EC) – see ch.7.2 below,
 - the Recognition of Trainers – see ch.7.3 below,
 - Establishing national criteria for recognition of Trainers – see ch.7.4 below,
 - the Recognition of Examiners – see ch.7.5 below,
 - Establishing national criteria for Examiners – see ch. 7.6 below,
 - Suspending or Withdrawing of Recognitions under 2007/59/EC – see ch 8 below,
 - Issuing and updating/amending of Licenses to Drivers, providing Replacement Licenses (Duplicate Licenses are not permitted to be issued in the State) – see ch 9 below,
 - Set up and maintenance of the National Register of Train Driving Licences (NLR) – see ch.10 below,
 - Suspending or Withdrawing of Licenses – see ch 11 below
 - Issuing and updating/amending of Complementary Certificates to Drivers – see ch 12.1 below
 - Set up and maintenance of the Registers of Complementary Certificates (CCR) – see ch.13 below,
 - Suspending or Withdrawing of Complementary Certificates – see ch 14 below
 - the Content, Design, Appearance and Ownership of the Train Driver Licence and the Complementary Certificates – see ch.15 below,
 - Supervision of the quality standards of the driver certification system in the state – see ch.16 below,
 - Publishing and updating/amending of a Register of persons or bodies Recognised under 2007/59/EC – see ch 17 below,
 - Appeals procedure – see ch 18 below.
- 1.7 The directive appoints certain duties, rights and responsibilities to involved parties, such as:
- 1.7.1 Drivers,
- 1.7.2 Railway Undertakings (RU),
- 1.7.3 Infrastructure Managers (IM),
- 1.7.4 Training Centres (TC),
- 1.7.5 Examination Centres (EC),
- 1.7.6 Trainers,
- 1.7.7 Examiners (including psychologists and medical doctors),
- 1.7.8 Competent Authorities (for the railway system in the State: the RSC).
- 1.8 2007/59/EC is transposed into Irish Law by S.I. 399 of 2010. As per Regulation 4(5) of SI 399 of 2010 the Railway Safety Commission(RSC) is the Competent Authority for the purposes of SI 399 of 2010 and 2007/59/EC in the State. In connection with Regulation 4(6) of SI 399 of 2010 the RSC may delegate tasks. This Guidance defines specific national rules implementing certain aspects of 2007/59/EC.

2. References

2007/59/EC	DIRECTIVE 2007/59/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community
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SI 399 of 2010	STATUTORY INSTRUMENTS, S.I. No. 399 of 2010, EUROPEAN COMMUNITIES (TRAIN DRIVERS CERTIFICATION) REGULATIONS 2010
EU 36/2010	COMMISSION REGULATION (EU) No 36/2010 of 3 December 2009 on Community models for train driving licences, complementary certificates, certified copies of complementary certificates and application forms for train driving licences, under Directive 2007/59/EC of the European Parliament and the Council
2007/756/EC	COMMISSION DECISION of 9 November 2007 adopting a common specification of the national vehicle register provided for under Articles 14(4) and (5) of Directives 96/48/EC and 2001/16/EC (2007/756/EC) (as amended by 2011/107/EU)
2010/17/EC	COMMISSION DECISION of 29 th October 2009 on the adoption of basic parameters for registers of train driving licences and complementary certificates provided for under Directive 2007/59/EC of the European Parliament and of the Council.
2011/107/EU	COMMISSION DECISION of 10 February 2011 amending Decision 2007/756/EC adopting a common specification of the national vehicle register (2011/107/EU) (esp. Annex2)
2011/765/EU	COMMISSION DECISION of 22 November 2011 on criteria for the recognition of training centres involved in the training of train drivers, on criteria for the recognition of examiners of train drivers and on criteria for the organisation of examinations in accordance with Directive 2007/59/EC of the European Parliament and of the Council.
2011/766/EU	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
RSC-CL-003	Checklist which lays down the criteria for the recognition of training centres providing professional training to train drivers and train driver candidates, for the recognition of examiners of train drivers and train driver candidates and for the organisation of examinations in accordance with 2007/59/EC.

3. Implementation and Transition period

- 3.1 2007/59/EC Art.37 in combination with 2010/17/EC (adopted on 29.10.2009) define the transition period.
- 3.2 Definitions relating to the provisions of the transition period:
- 3.2.1 'new driver' = drivers being examined and receiving their first Licence after 29.10.2011.
- 3.2.2 'existing drivers' = drivers who were trained and examined based on previous provisions to drive trains prior to 29.10.2011.
- 3.2.3 'existing candidate drivers' = candidate drivers who started participating in a driver training course based on previous provisions prior to 29.10.2011. Based on a written application to the RSC and after receiving the RSC's confirmation to do so, these may after successful completion and examination after their course be considered as 'existing drivers'. (2007/59/EC Art 37(3)(2nd parag)).
- 3.2.4 'new candidate drivers' = drivers who are starting to participate in a driver training course after 29.10.2011 or drivers who started their course before 29.10.2011 and are not opting to become confirmed as 'existing candidate drivers' (see above).
- 3.2.5 'domestic drivers' = drivers which are trained and examined to drive a train only on the network of a single Member State.
- 3.2.6 'crossborder drivers' = drivers which are educated and examined to drive a train on the network of at least two Member States.
- 3.3 Implementation of Registers:
- From 29.10.2011 - Set up of NLR.
 - From 29.10.2011 - Set up of CCR.
- 3.4 Issuing of Licenses and Certificates:
- 3.4.1 From 29.10.2011 – Start of Issuing of Licenses / Certificates in accordance with 2007/59/EC to drivers examined to perform services defined in Art 37(2a) and that are working in more than one country. This applies to 'new crossborder drivers' (1.1 plus 1.6 above).
- 3.4.2 From 29.10.2013 – Start of Issuing of Licenses / Certificates in accordance with 2007/59/EC to drivers examined to perform services defined in Art 37(2a+b). This applies to all 'new drivers' ('crossborder' and 'domestic').
- 3.4.3 Between 29.10.2011 and 29.10.2018 - Gradual Issuing of Licenses / Certificates in accordance with 2007/59/EC to all remaining drivers. This is especially relevant for all 'existing drivers' ('domestic' and 'crossborder').
- 3.4.4 Before 29.10.2018 – Completion of Issuing of Licenses / Certificates in accordance with 2007/59/EC to all drivers ('new' and 'existing', 'domestic' and 'crossborder'). Drivers not holding a Licence and Certificates must be banned from driving.
- 3.5 Periodic Checks:
- 3.5.1 From 29.10.2011 – all 'crossborder drivers' ('existing' and 'new') performing the services defined in Art 37 (2a) need to comply with Article 16 (periodic checks).
- 3.5.2 Between 29.10.2011 and 29.10.2018 - Gradual approach to full compliance with Article 16 (periodic checks) for all remaining drivers. This is especially relevant for all 'domestic drivers' ('existing' and 'new').
- 3.5.3 Before 29.10.2018 – full compliance with Article 16 (periodic checks) for all drivers. Drivers not in compliance must be prohibited from driving.

4. Operating rules

2007/59/EC and associated EU and national law and regulations establish a number of mandatory operating rules. Each RU/IM is obliged to ensure compliance with these. To aid understanding a number of these rules are provided here – it remains the responsibility of each RU and IM to identify all applicable rules relating to their activities.

4.1 General Rules for Operations

- 4.1.1 If a driver is obliged to hold a valid Licence, he or she must carry the licence while driving a train. In addition he or she must hold a valid Certificate (typically filed by the RU/IM issuing that Certificate) and carry a Transcript of this Certificate.(2007/59/EC 4(1a+b) and SI 399 of 2010 5(14)).
- 4.1.2 Paths are contractually agreed between IMs and RUs. That RU which is the contract partner to the IM must issue the Certificate which is valid for that path. This is to ensure that all conditions of the contractual agreement between RU and IM are reflected in the driver training and examination process which formed the basis of the Certificate.
- 4.1.3 The Certificate held by a driver operating a train must permit the driver to operate the given type of train, the given type of rolling stock on the given infrastructure.(2007/59/EC 4(1b)).
- 4.1.4 In the circumstances defined under 2007/59/EC Art.4(2), it is permitted, that a driver not holding a Certificate covering the relevant infrastructure is accompanied by a second driver (conductor driver), who carries a valid Licence and holds a valid Certificate covering at least that infrastructure and carries a Transcript of this Certificate.(2007/59/EC 4(2)).
- 4.1.5 A driver (or a second driver/ conductor driver) and the RU employing/contracting the driver are both responsible to ensure that the driver's Licence and Certificate(s) are valid for any intended driving activity.(2007/59/EC 4(1)).
- 4.1.6 A driver (or a second driver/ conductor driver) and his/her employer are both responsible to ensure that his/her fitness to drive and the use of medication is compliant with the general medical requirements of 2007/59/EC Annex II (1) during any driving activity. If the need arises, a driver must cease driving or request to be relieved from duty.(2007/59/EC 4(1)).
- 4.1.7 If a second driver / conductor driver is used, the IM of the concerned network shall be informed beforehand by that RU that got issued the path. (2007/59/EC 4(2)).
- 4.1.8 All applicable TSIs and associated 'Mandatory Standards' must be complied with. Any associated 'Voluntary Standards' shall be complied with, or an equivalent level of compliance to the essential requirements shall be proven by alternative means.
- 4.1.9 All applicable NSRs and NTRs must be complied with.

4.2 Specific Operating Rules for Training and Examinations in the live railway environment

- 4.2.1 When practical training is performed in the live railway environment, the Recognised Trainer must in principle hold both a valid Licence and a valid Certificate covering the subject of training.
- 4.2.2 However it is permitted that a Trainer who does not hold a valid Certificate covering the subject of training to perform Training. In this case the Trainer must either hold a valid Certificate on a similar type of line/rolling stock or an additional driver holding a valid Certificate for that infrastructure/rolling stock being the subject of training shall be present to the training (2011/765/EU Art4(2c)).
- 4.2.3 In regard to new or newly equipped lines or newly introduced rolling stock a recognised Trainer may perform training in derogation to 2011/765/EU Art4(c). In this case the Trainer must hold a valid Certificate on a similar type of line/rolling stock. (nat. provision within 2011/765/EU Art6).The use of this

derogation shall be strictly limited to the case in which no Trainer holding a Certificate already covering the new or newly equipped line or the new rolling stock is yet available. (2011/765/EU Art6)

- 4.2.4 When practical examinations are performed in the live railway environment, the recognised Examiner must in principle hold both a valid Licence and a valid Certificate covering the subject of examination.
- 4.2.5 However it is permitted that an Examiner who does not hold a valid Certificate covering the subject of Examination to act as an examiner. In this case the Examiner must hold a valid Certificate on a similar type of line/rolling stock and an additional driver holding a valid Certificate for that infrastructure/rolling stock subject to examination shall be present to the examination (2011/765/EU Art8(2)).
- 4.2.6 In regard to new or newly equipped lines or newly introduced rolling stock a recognised Examiner may perform examinations in derogation to 2011/765/EU Art4(c). In this case the Examiner must hold a valid Certificate on a similar type of line/rolling stock. (nat. provision within 2011/765/EU Art10).The use of this derogation shall be strictly limited to the case in which no Examiner holding a Certificate already covering the new or newly equipped line or the new rolling stock is yet available. (2011/765/EU Art10)

5. Responsibilities and Obligations according to EU directive 2007/59/EC

This chapter includes a number of rules relating to responsibilities and obligations in the framework of 2007/59/EC and its national implementation in the State. Others rules not list may be applicable in addition.

5.1 Responsibilities and Obligations relating to train drivers

- 5.1.1 All train drivers who are working for an RU who is obliged to hold a valid Safety Certificate (respectively IM obliged to hold a valid Safety Authorisation) must acquire and hold a valid Licence and Certificate in order to provide evidence of certain levels of medical fitness and certain general and specific professional knowledge on infrastructure and rolling stock. (2007/59/EC Art2+Ann IV) (For Information: Iarnród Éireann RU, Iarnród Éireann IM are an RU and IM in this sense).
- 5.1.2 The timelines applicable for acquiring the Licence and Certificate are detailed in chapter 3, Transition period.
- 5.1.3 The transition period is in most cases ample, in order to permit acquisition of Licence and Certificate in good time. However, any driver who fails for whatever reason to hold a valid Licence and Certificate after any of the relevant deadlines must refrain from driving, as this would be an illegal activity.
- 5.1.4 It is the driver's duty to ensure that he or she holds a valid Licence prior to any driving activity.
- 5.1.5 Any driver operating in the State must carry the Licence during all driving activities. When requested by Inspectors of the RSC or other relevant parties e.g. RU or IM, the driver must present this Licence for inspection.
- 5.1.6 The driver must comply with all conditions relating to a Licence. This may include conditions as to the use of glasses or contact lenses to aid vision, or other conditions. Further, certain periodic and additional medical and professional knowledge related examinations must be performed and passed to keep the Licence and Certificate in a valid state.
- 5.1.7 It is the driver's duty to ensure that he or she holds a valid Certificate prior to any driving activity. A driver may hold more than one valid Certificate.
- 5.1.8 As the original of the Certificate will be filed by the issuing body (which is that RU for which the driver is authorised to operate a train using a given train path) , the driver must request a Transcript of the Certificate and carry this during all driving activities in the State. When requested by Inspectors of the RSC or other relevant parties, the driver must present this Transcript of the Certificate for inspection.
- 5.1.9 Whenever the Certificate according to EU 36/2010 Annex II is updated/amended, the driver shall request a new Transcript of that Certificate.

- 5.1.10 It is the driver's duty to ensure that all conditions relating to a Certificate he or she holds are complied with. This may include limitations to drive on certain types of trains (e.g. category A or B and their sub-classes), on certain rolling stock and certain parts of infrastructure only. Also, certain periodic and additional (add-hoc) medical and professional competency examinations must be performed and passed to keep the certificate in a valid state.
- 5.1.11 In certain exceptional cases it is permissible, that a driver does not need to hold a valid Certificate for a part of Infrastructure, if a second driver who is holding a valid Certification for this Infrastructure is supporting him or her. For details, refer to 2008/57/EC Art 4(2).
- 5.1.12 If a driver considers that his or her state of health or use of medication calls into question his or her fitness for the job, he or she shall immediately inform the RU or IM, whichever is appropriate. If necessary, he or she must cease driving and/or require to be relieved. (2008/57/EC Art18(2))
- 5.1.13 Drivers shall ensure that they are at no time during their service under the influence of any substance or medication which is likely to affect their concentration, attention or behaviour. (2007/59/EC Art18(2))
- 5.1.14 The driver must ensure that neither Licence nor Certificates are tampered with.
- 5.1.15 The driver must report any lost or stolen Licences to the RSC.
- 5.1.16 The driver must ensure the safe return of the Licence to the RSC, if the Licence is withdrawn.
- 5.1.17 If any of the information contained on the Licence requires updating/amending, it is an obligation of the holder to return the Licence to the RSC and request an updated/amended Licence. The old Licence shall be invalidated.
- 5.1.18 If a lost Licence card was replaced by a new one and is then found again, it is an obligation of the holder to immediately return the old Licence card to the RSC. The returned Licence shall be invalidated.

5.2 Responsibilities and Obligations relating to RUs and IMs

- 5.2.1 In every case each RU / IM is responsible for the level of training and qualifications of its staff carrying out safety-related work as set out in 2004/49/EC Article 9 and Annex III. (2004/49/EC 13(4)). They must ensure that the content of training courses and the scope of examination of train drivers meets with the requirements established by RUs and IM in implementing their SMSs, before they may issue a Certificate to a driver.
- 5.2.2 It shall be acceptable, that the IM related requirements for driver training and examination are pre-defined (e.g. in a Network Access Standard) and that these requirements by contractual agreement (e.g. Network Access Agreement between IM / RU) are fully transferred to the RU. In this case the RU must use it's SMS to ensure full compliance with both RU and IM related requirements prior to issuing a Certificate.
- 5.2.3 Any RU / IM who is obliged to hold a valid Safety Certificate or Safety Authorisation must ensure that their drivers hold a valid Licence and Certificate in compliance with the timelines defined in chapter 3, Implementation and Transition period. (2007/59/EC Art2).
- 5.2.4 Paths are contractually agreed between IMs and RUs. That RU which is the contract partner to the IM must issue the Certificate which is valid for that path to the driver operating the train. This requirement is independent of whether the driver is a direct employee or a contractor to that RU.
- 5.2.5 That RU which must issue the Certificate must also ensure that all conditions of the contractual agreement between RU and IM are reflected in the driver training and examination process which formed the basis of the Certificate.
- 5.2.6 If a TC offers training courses on specific professional knowledge relating to rolling stock or infrastructure (incl. specific linguistic knowledge) associated with a RU / IM, the TC and RU/IM must co-ordinate their activities. This co-ordination shall ensure the correct and suitable identification of the training content. The TC must after elaboration of any training course content seek written endorsement by the RU/IM. The content must be re-endorsed after any changes.

- 5.2.7 If an EC offers examination on specific professional knowledge relating to rolling stock or infrastructure (incl. specific linguistic knowledge relating to infrastructure) associated with a RU / IM, the EC and RU/IM must co-ordinate their activities. This co-ordination shall ensure the correct and suitable identification of examination scope. The EC must after elaboration of any examination scope seek written endorsement by the RU/IM. The scope must be re-endorsed after any changes.
- 5.2.8 All RUs, IMs, TCs and ECs shall respect the requirements of 2004/49/EC Art13 when co-ordinating their activities with regard to defining training course content and examination scope.
- 5.2.9 RUs and IMs are required to ensure, and to check, that the Licences and Certificates of the drivers they employ or contract are valid. (2007/59/EC Art18(1)).
- 5.2.10 Any driver who fails for whatever reason to hold a valid Licence and Certificate after any of the relevant deadlines must be restricted from driving, as this would be an illegal activity. (2008/57/EC Art4(1)).
- 5.2.11 RUs and IMs must set up a system for monitoring their drivers. If the results of such monitoring call into question a driver's competence for the job and the continuing validity of his or her licence or certificate, RUs and IMs shall immediately take the necessary action. (2007/59/EC Art18(1))
- 5.2.12 Certificates to drivers may only be granted or updated/amended, if the driver has provided evidence of participation at related Training Courses and on passing the related Competency and Medical Examinations.
- 5.2.13 Prior to issuing/updating /amending of a Certificate, the RU or IM must ensure that a driver has complied with any minimal requirements on the scope and frequency of Training Courses and the scope and frequency of Examinations and medical Examinations as defined by:
- 2007/59/EC and related requirements,
 - 2004/49/EC and related requirements,
 - National Safety Rules,
 - any TSIs.
- 5.2.14 Whenever a Certificate to EU36/2010 Annex II is updated/amended, the driver shall be offered a new Transcript of the Certificate.
- 5.2.15 Whenever a driver requests so and when leaving the job, an RU or IM shall issue a certified copy of the complementary certificate in the harmonised format as provided in EU36/2010 Annex III.
- 5.2.16 A process of ongoing training/competence management shall be set up by the RU or IM in order to ensure that staff competences are maintained, in accordance with point 2(e) of Annex III to Directive 2004/49/EC (2007/59/EC Art23(8)).
- 5.2.17 The process of ongoing training/competence management shall include procedures to train drivers on new and altered technical and operational standards or other prescriptive conditions as laid down
- in TSIs, or
 - in national safety rules referred to in 2004/49/EC Art8 and Annex II, or
 - in other relevant rules, or
 - in authority decisions,
- 5.2.18 and on procedures to assure compliance with the standards and other prescriptive conditions throughout the life-cycle of equipment and operations. (2(c) of Annex III to Directive 2004/49/EC). Further, feedback from relevant accidents/incidents (in the national or external railway system) or lessons learnt shall be included in the ongoing training/competence management. The RU's and IM's shall co-operate in this regard with the TC's and EC's.
- 5.2.19 The use of simulators is considered mandatory for the effective training and continuous training of drivers; they are particularly useful for training in abnormal working conditions or for rules infrequently applied. They have a particular advantage in their ability to provide learning-by-doing capability for events that cannot be trained in the real world. Simulators are currently in use in the State and in order to maintain the Safety Level of the Railway System in the State, every initial Training and Examination and continuous Training and Examination shall employ a Simulator element on abnormal working conditions and for rules infrequently applied. (2007/59/EC Annex III).

- 5.2.20 As soon as a RU or IM becomes aware or is informed that the health of a driver has deteriorated to a point where his/her fitness for the job is called into question, it shall immediately take the necessary action, including the additional examinations described in 2007/59/EC Annex II(3.1) and, if necessary, the withdrawal of the Certificate(s) and the updating/amending of the register provided for in 2007/59/EC Article 22(2). (2007/59/EC Art18(2)).
- 5.2.21 RUs or IMs shall have robust systems in place to ensure that during their work activities drivers are not under the influence of any substance which is likely to affect their concentration, attention or behaviour. (2007/59/EC Art18(2)).
- 5.2.22 RUs or IMs must inform the competent authority (the RSC) without delay of any cases of work incapacity of more than three months. (2007/59/EC Art18(2)).
- 5.2.23 RUs or IMs must issue and withdraw Complementary Certificates - and Copies of them to drivers - according to 2007/59/EC Art 4+5+6+7+12+13+15.
- 5.2.24 RUs or IMs must suspend or withdraw the Certificate if a driver has not complied with any minimal requirements on the scope and frequency of Training Courses and the scope and frequency of competency Examinations and medical Examinations as defined above.
- 5.2.25 RUs or IMs must hold a CCR Register according to 2007/59/EC in conjunction with 2010/17/EC on all Certificates issued by them.

5.3 Responsibilities and Obligations relating to TCs/ ECs / Trainers/ Examiners

- 5.3.1 TCs/ ECs / Trainers/ Examiners may only offer their services when recognised under 2007/59/EC and any associated law and regulations.
- 5.3.2 In addition the RSC may delegate certain tasks to TCs/ ECs / Trainers/ Examiners. TCs and ECs will be delegated the task of recognition of Trainers, and Examiners. (2011/766/EU: 51)
- 5.3.3 In order to keep the registers on TCs and ECs up-to-date, recognised TCs and ECs shall inform the RSC 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 this data. (2007/59/EC Art 20(3)), (2011/766/EU 17;50+39+55)
- 5.3.4 Where requirements for one or more training tasks/ examination scope specified on the statement of recognition are no longer fulfilled, the recognised TC/ EC/ Trainer/ Examiner should immediately cease to provide the tasks concerned and inform in writing that organisation which has issued the statement of recognition.
- 5.3.5 A TC must maintain a live register on Trainers working for them. This shall follow 2011/766/EU: 15.
- 5.3.6 An EC must maintain a live register on Examiners working for them. This shall follow 2011/766/EU: 37-38
- 5.3.7 TCs/ ECs / Trainers/ Examiners must support the RSC when performing activities relating to 61 of 2011/766/EU.
- 5.3.8 TCs/ ECs / Trainers/ Examiners must adhere to the requirements of 2007/59/EC and any associated requirements (such as 2011/765/EU, 2011/766/EU) when performing their respective activities.

6. Examinations of drivers

2007/59/EC defines examinations which drivers have to pass in order to obtain/maintain their Licence and Certificate(s) and when/ how often these examinations must be taken. The current requirements are provided in this chapter.

6.1 Examinations required for obtaining a Licence

- 6.1.1 Drivers must pass initial examinations in order obtain a Licence. Minimum provisions are contained in 2007/59/EC Art 11(2) + Annex II(1.1;1.2;1.3;2.1), 2007/59/EC Art 11(3) + Annex II(2.2), 2007/59/EC Art 11(4) + Annex IV.

Type	Type of Initial examination	Maximum Initial Validity
M-BL36ECG	Medical examination for Physical Fitness including Electro-Cardiogram at rest before obtaining a Licence 2007/59/EC Art 11(2)+Annex II(1.1/1.2/1.3/2.1)	-3 years up to age of 55
M-BL12ECG	Medical examination for Physical Fitness including Electro-Cardiogram at rest before obtaining a Licence 2007/59/EC Art 11(2)+Annex II(1.1/1.2/1.3/2.1)	-1 year from the age of 55
OPE-BL	Occupational Psychological Examination before obtaining a Licence 2007/59/EC Art 11(3)+Annex II(2.2)	- validity not limited
GPK-BL	General Professional Knowledge before obtaining a Licence 2007/59/EC 11(4)+Annex IV	- validity not limited

6.2 Examinations required for entering new competencies on a Certificate

- 6.2.1 For entering a new competency on a Certificate Drivers must pass examinations on:
- 6.2.1.1 -general linguistic knowledge (2007/59/EU Art 12+Annex VI(8)+VII(a))
 - 6.2.1.2 -specific linguistic knowledge relating to infrastructure (2007/59/EU Art 12+Annex VI(8)+VII(b))
 - 6.2.1.3 -specific professional knowledge relating to rolling stock (2007/59/EU Art 13(1)+Annex V+VII(c))
 - 6.2.1.4 -specific professional knowledge relating to infrastructure (2007/59/EU Art 13(2)+Annex VI(1-7)+VII(b))
- 6.2.2 Minimum provisions are contained in 2007/59/EC Art 12 + Annex VI (General and Specific language knowledge), 2007/59/EC Art 13 + Annex V+VI (Specific language knowledge relating to infrastructure, specific professional knowledge relating to rolling stock and specific professional knowledge relating to infrastructure)

Type	Type of examination required for demonstrating a new competence	Maximum Initial Validity
GL-NC36	General Linguistic Knowledge examination for demonstrating a new competency (only for non-native speakers) 2007/59/EC Art 12+Annex VI(8)+VII(a)	- 3 years
INF-NC36xxx (xxx to be replaced by route(s) designation)	examination on Specific Professional Knowledge on Infrastructure in combination with examination on Specific Linguistic Knowledge relating to infrastructure for demonstrating a new competency (knowledge on routes, operational rules, specific communication and terminology for rail operations and safety procedures in acc. with (2007/59/EU Art 13(2)+Annex VI(1-7)+VII(b)) and (2007/59/EU Art 12+Annex VI(8)+VII(b)) To include practical driving and abnormal working conditions or for rules infrequently applied in Simulator.	- 3 years
RST-NC36xxxx (xxxx to be replaced by train type and rolling stock designation)	Examination on Specific Professional Knowledge on rolling stock for demonstrating a new competency. (2007/59/EU Art 13(1)+Annex V+VII(c)) To include practical driving and abnormal working conditions or for rules infrequently applied in Simulator.	- 3 years

6.3 Periodic examinations

- 6.3.1 Drivers must pass periodic examinations in order retain the validity of their Licenses and the competencies on their Certificates. Minimum provisions are contained in 2007/59/EC Art16+Annex II.3.1/3.2 and TSI OPE CR 2011/314/EU and TSI OPE HS 2008/231/EC+2010/640/EU. The minimum frequency of periodic examinations must comply with 2007/59/EC Annex II.3.1/3.2 and Annex VII.
- 6.3.2 Examinations of type M relate to maintaining a Licence, those of types GL, INF, RST relate to maintaining a Certificate.

Type	Type of periodic examination	Minimum Frequency
M-36	Medical examination for Physical Fitness 2007/59/EC Art 16(1)+11(2)+Annex II(1.1/1.2/1.3)+Annex II(3.1)	-Every 3 years up to age of 40
M-IF	Medical examination for Physical Fitness 2007/59/EC Art 16(1)+11(2)+Annex II(1.1/1.2/1.3)+Annex II(3.1)	-According to an increased frequency determined by the medical examiner, if the driver's health requires so 2007/59/EC Art 16(1)+ Annex II (3.1)
M-36ECG	Medical examination for Physical Fitness including Electro-Cardiogram at rest 2007/59/EC Art 16(1)+11(2)+Annex II(1.1/1.2/1.3/2.1)+Annex II(3.1/3.2)	-Above the age of 40 -Every 3 years up to age of 55
M-12ECG	Medical examination for Physical Fitness including Electro-Cardiogram at rest 2007/59/EC Art 16(1)+11(2)+Annex II(1.1/1.2/1.3/2.1)+Annex II(3.1/3.2)	-Every year from the age of 55
M-IFECG	Medical examination for Physical Fitness including Electro-Cardiogram at rest 2007/59/EC Art 16(1)+11(2)+Annex II(1.1/1.2/1.3/2.1)+Annex II(3.1/3.2)	-Above the age of 40 -According to an increased frequency determined by the medical examiner, if the driver's health requires so 2007/59/EC Art 16(1)+ Annex III(3.1/3.2)
GL-36	General Linguistic knowledge (only for non-native speakers) 2007/59/EC Art 16+12+Annex VII(a)	-Every 3 years
INF-36xxx (xxx to be replaced by route(s) designation)	examination on Specific Professional Knowledge on Infrastructure in combination with examination on Specific Linguistic Knowledge relating to infrastructure (2007/59/EU Art 16+13(2)+Annex VI(1-7)+VII(b)) in combination with (2007/59/EU Art 16+12+Annex VI(8)+VII(b)) (knowledge on routes, operational rules, specific communication and terminology for rail operations and safety procedures in acc. with 2007/59/EC, Annex VI, 8) To include practical driving and abnormal working conditions or for rules infrequently applied in Simulator.	-Every 3 years
RST-36xxxx (xxxx to be replaced by train type and rolling stock designation)	Examination on Specific Professional Knowledge on rolling stock. (2007/59/EU Art 16+13(1)+Annex V+VII(c)) To include practical driving and abnormal working conditions or for rules infrequently applied in Simulator.	-Every 3 years

6.4 Additional examinations

- 6.4.1 Additional examinations must be performed at a number of circumstances defined by 2007/59/EC.
- 6.4.2 Examinations of type M relate to maintaining a Licence, those of types GL, INF relate to maintaining a Certificate.

Type	Type of additional examination	reason
M-AE	Additional Medical examination for Physical Fitness 2007/59/EC Annex II(1.1/1.2/1.3/1.4)+Annex II(1.1/1.2/1.3/2.1)	-To be carried out, when there is reason to doubt that the driver fulfils the requirements of 2007/59/EC Annex II(1.1/1.2/1.3/1.4) -after any occupational accident -after any period of absence following an accident involving persons -after a period of at least 30days sick leave, if the medical examiner decides so -after a driver had to be withdrawn from service due to safety reasons 2007/59/EC Art 16(1)+ Annex II(3.1)

Train Driver Certification RSC-G-025A

M-AEECG	<p>Additional Medical examination for Physical Fitness including Electro-Cardiogram at rest 2007/59/EC Annex II(1.1/1.2/1.3/1.4)+Annex II(1.1/1.2/1.3/2.1)</p>	<p>-Same as MAE for drivers over the age of 40 2007/59/EC Art 16(1)+ Annex II(3.1)</p>
GL-AE	<p>Additional Examination on General Linguistic knowledge (only for non-native speakers) 2007/59/EC Annex VII</p>	<p>-after any absence of more than one year 2007/59/EC Annex VII(a)</p>
INF-AExxx (xxx to be replaced by route(s) designation))	<p>Additional Examination on Specific Professional Knowledge on Infrastructure in combination with Additional examination on Specific Linguistic Knowledge relating to infrastructure (2007/59/EU Art 16+13(2)+Annex VI(1-7)+VII(b)) in combination with (2007/59/EU Art 16+12+Annex VI(8)+VII(b)) (knowledge on routes, operational rules, specific communication and terminology for rail operations and safety procedures in acc. with 2007/59/EC, Annex VI, 8) 2007/59/EC Annex VII. To include both practical driving and abnormal working conditions and rules infrequently applied in simulator.</p>	<p>-after any absence of more than one year on the relevant route 2007/59/EC Annex VII(b)</p>

7. Recognition

As part of recognition of TCs and ECs in the State, the RSC will delegate certain tasks (recognition of Trainers and Examiners) to Training Centres and Examination Centres. This requires that all TCs and ECs recognised in the State must demonstrate the relevant competency, independence and impartiality for carrying out the delegated tasks in addition to those requirements defined in 2007/59/EC, 2011/765/EU and 2011/766/EU for TCs and ECs .

7.1 Recognition of Training Centres

- 7.1.1 The minimum criteria for Recognition of Training Centres are those set out in chapter 2 of 2011/765/EU, Articles 3, 4, 5 and 6. For the delegated tasks, the TC must provide information on how they will comply with the requirements of 2007/59/EC Art19 (1d) (in combination with Article 23(6) on recognition of Trainers) and Art19 (1e). The RSC checklist RSC-CL-003 is based on these and will be used when assessing compliance of an applicant. The assessment plan numbers (APN) EU.003 to EU.023 and EU.096 to end of RSC-CL-003 are of particular relevance for Training Centres. The procedure which the applicant must use to make an application for recognition as Training Centre by the RSC is set out in paragraphs 2 to 7 of 2011/766/EU.
- 7.1.2 An application for recognition must be made in writing to the RSC, must use the provided RSC templates and must be accompanied by the related documentary evidence. The application must identify the Training courses intended to be given and if these relate to specific rolling stock or infrastructure of any RU/IM or to operational procedures of any RU /IM, a statement of agreement from this RU or IM on the training course content.
- 7.1.3 Any TC having its principle place of operation in the State must apply for recognition to the RSC (2011/766/EU: 2).
- 7.1.4 Any TC intending to offer training on Specific Professional Knowledge on infrastructure or any Specific Linguistic Knowledge on any infrastructure situated in the State must be recognised by the RSC (2011/766/EU: 6+7).
- 7.1.5 An application may be made for a new recognition, a renewed recognition or an updated/amended recognition. The RSC will assess the conformity of the application with the requirements. The RSC may require an applicant to provide additional or updated evidence, if the supplied evidence is not conclusive. When compliance with all relevant requirements has been demonstrated, the RSC will issue a Statement of Recognition as Training Centre in accordance with paragraphs 8 to 14 of 2011/766/EU. This Statement will have a validity period, which will be set in line with the requirements of 2011/766/EU: 11 and which will be at maximum 5 years.
- 7.1.6 Obligations of TCs after Recognition
- 7.1.6.1 After recognition the TC must ensure that any content of training and any changes to this training content will be co-ordinated and agreed with a RU (or IM) in the case of training on its rolling stock and related operating procedures and with an IM in the case of training on its infrastructure and related operating procedures.
- 7.1.6.2 The TC must retain a library of training courses, their content and for each of them the written endorsement from any RU or IM relating to that content.
- 7.1.6.3 After recognition a TC must inform the RSC about any change relating to data contained on this TC for the National Register of TCs.
- 7.1.6.4 Upon participation at a Training course, the TC shall issue to the driver a Training Certificate, which details Content and date/duration of the Training Course.

- 7.1.7 National Identification Number of TC
 - 7.1.7.1 As Part of first Recognition of a TC in the State, the RSC will provide an individual national RTCN (Railway Training Centre Number) (2011/766/EU:15).
 - 7.1.7.2 Sample: **IE-RTCNnnn**
 - 7.1.7.3 Key for format:
 - 7.1.7.3.1 IE= European Country Code for Ireland
 - 7.1.7.3.2 RTCN= Railway Training Centre Number
 - 7.1.7.3.3 'nnn' to be replaced by individual number provided by RSC as part of Recognition of TC.
- 7.1.8 National Register of TCs
 - 7.1.8.1 The RSC will maintain a register of TCs accredited or recognised in the State (2007/59/EC Art20(3))(2011/766/EU:15+16). This register must provide at least the data required in 2011/766/EU:16. The register will be published on the RSC website.

7.2 Recognition of Examination Centres

- 7.2.1 The minimum criteria for the Recognition of Examination Centres will be those set out in chapter 4 of 2011/765/EU, Articles 9 and 10. For the delegated tasks, the EC must provide information on how they will comply with the requirements of 2007/59/EC Art19(1a), (1b), (1d) (in combination with Article 25, recognition of Examiners, including medical doctors and psychologists), Art19 (1e) and 1(h). The RSC will use checklist(CL) RSC-CL-003 to confirm compliance by the applicant; APN EU.037 to EU.046 and EU.050 to end of RSC-CL-003 are of particular relevance for examination centres. Also, paragraphs 49 to 58 of 2011/766/EU are relevant for examination centres.
- 7.2.2 Any EC intending to offer examinations on Specific Professional Knowledge on infrastructure or any Specific Linguistic Knowledge on any infrastructure situated in the State must be recognised by the RSC (2011/766/EU: 50+27).
- 7.2.3 An application must be made in writing to the RSC, must use the provided RSC templates and must be accompanied by the related evidence. An application may be made for a new recognition, a renewed recognition or an updated/amended recognition. The RSC will assess the conformity of the application with the requirements. The RSC may require an applicant to provide additional or updated evidence, if the supplied evidence is not conclusive. When compliance with all relevant requirements has been demonstrated, the RSC will issue a Statement of Recognition of an Examination Centre. This Statement will have a validity period, which will be set in line with the requirements of 2011/766/EU and which will be at maximum 5 years.
- 7.2.4 Obligations of ECs after Recognition
 - 7.2.4.1 After recognition the EC must ensure that any scope of examination and any changes to this scope will be co-ordinated and agreed with a RU (or IM) in the case of examination relating to its rolling stock (and associated operating procedures) and with an IM in the case of examination relating to its infrastructure (and associated operating procedures).
 - 7.2.4.2 The EC must retain a library of examinations offered, their scope and for each of them the written endorsement from any RU or IM if relating to that scope.
 - 7.2.4.3 After recognition an EC must inform the RSC about any change relating to data contained on this EC for the National Register of ECs.
 - 7.2.4.4 Upon delivering a positive examination, the EC shall issue to the driver an Examination Certificate, which details scope, result and date of the Examination.
- 7.2.5 National Identification Number of EC
 - 7.2.5.1 As Part of first Recognition of an EC in the State, the RSC will provide an individual national RECN (Railway Examination Centre Number).

- 7.2.5.2 Sample: **IE-RECNnnn**
- 7.2.5.3 Key for format:
- 7.2.5.3.1 IE= European Country Code for Ireland
- 7.2.5.3.2 REC�= Railway Examination Centre Number
- 7.2.5.3.3 'nnn' to be replaced by individual number provided by RSC as part of Recognition of EC.

- 7.2.6 National Register of ECs
- 7.2.6.1 The RSC will maintain a register of ECs accredited or recognised in the State (2007/59/EC Art20(3)). This register must provide at least the following data:
- 7.2.6.2 (a) name and address of the recognised EC;
- 7.2.6.3 (b) the area(s) of competence for which the EC is entitled to perform examinations
- 7.2.6.4 (c) the national identification number;
- 7.2.6.5 (d) date of expiry of the statement of recognition;
- 7.2.6.6 (e) contact information
- 7.2.6.7 The register will be published on the RSC website.

7.3 Recognition of Trainers

- 7.3.1 The recognition of trainers will be delegated from the RSC to any Training Centre which it recognises (2007/59/EC Article 23(6)).
- 7.3.2 The TC must publish on their webpage a list of recognised Trainers in compliance with 2007/59/EC Art20(3).
- 7.3.3 A TC may recognise Trainers in the following areas:
 - 7.3.3.1 Trainer for **General Professional Knowledge** in acc. with 2007/59/EC, Annex IV (if limited to certain aspects of General Professional Knowledge, this must be stated as Condition(s) of the Recognition).
 - 7.3.3.2 Trainer for **Specific Professional Knowledge of rolling stock** in acc. with 2007/59/EC, Annex V
 - 7.3.3.2.1 This must in each case indicate as appropriate
 - 7.3.3.2.2 –the specific type of tractive rolling stock or type/ of driving trailer and
 - 7.3.3.2.3 -the type of hauled rolling stock and the types of trains (e.g. passenger, goods, dangerous goods, pneumatic braked, vacuum braked, mixed braked, infrastructure maintenance, test-trains, special movements, shunting movements) for which the Trainer is competent.
 - 7.3.3.3 Trainer for **Specific Professional Knowledge on infrastructure** in acc. with 2007/59/EC, Annex VI, 1-7 (This must in each case indicate the area of infrastructure for which the Trainer/Lead Driver is competent)
 - 7.3.3.4 Trainer for **General Linguistic knowledge** in acc. with 2007/59/EC, Annex VI, 8 (This must indicate the language(s) in which the Trainer is competent)
 - 7.3.3.5 Trainer for **Specific Linguistic Knowledge relating to infrastructure**– specific communication and terminology for rail operations and safety procedures in acc. with 2007/59/EC, Annex VI, 8 (This must indicate the area of Infrastructure to which these rules relate and for which the Trainer is competent)
 - 7.3.3.6 Trainer for **Other skills** – details to be provided on recognition statement.
 - 7.3.3.7 In each case the language(s) in which the Trainer is competent to give training must be stated.
 - 7.3.3.8 A significant Part of the Training must be performed in the live railway environment. In this case 2011/765/EU 4(2c) requires the related Trainer/Lead Driver to hold a valid Licence and Certificate(s). The Recognition shall therefore state if - and for what rolling stock/infrastructure – a Trainer may provide Training in the live railway environment.
- 7.3.4 An application must be made in writing to a TC, must use the provided RSC Template and must be accompanied by the related evidence. An application may be made for a new recognition, a renewed recognition, or an updated/amended recognition. The TC will assess the conformity of the

application with the requirements of 2007/59/EC and associated European and national law and regulations. The TC may require an applicant to provide additional or updated evidence, if the supplied evidence is not conclusive. When compliance with all relevant requirements has been demonstrated, the TC will issue a Statement of Recognition as Trainer in accordance with 2007/59/EC, and using the provided RSC Template.

7.3.5 The numbering system for Statements of Recognition for Trainers when issued under delegation from the RSC must be as follows:

7.3.6 Sample: **IE-RTCNnnn/TNxxxxx/yyyyy**

7.3.7 Key for format:

7.3.7.1 IE= European Country Code for Ireland

7.3.7.2 RTCN= Railway Training Centre Number

7.3.7.3 'nnn' to be replaced by national RTCN of that TC who is recognising the Trainer. RTCN will be provided by RSC as part of Recognition of TC.

7.3.7.4 TN= Trainer Number

7.3.7.5 'xxxxx' = space for unique personal Trainer number to be provided by the TC

7.3.7.6 'yyyyy'=(unique identifier for statement of recognition to be provided by the TC)

7.4 Establishing national criteria for Recognition of Trainers

7.4.1 The recognition of Trainers must comply with all requirements of 2007/59/EC in association with 2011/765/EU, 2011/766/EU and other applicable requirements.

7.4.2 The recognised TC must ensure compliance with RSC-CL-003 when recognising Trainers. The criteria for the recognition of trainers must include Article 4 of 2011/765/EU.

7.4.3 It is considered that different types of Trainers are recognised, who must feature specific competences adapted to their scope of training activities.

7.4.3.1 Trainers for preparation and delivering of classroom style training on **General Professional Knowledge** and **Specific Professional Knowledge on rolling stock and infrastructure**:

7.4.3.2 - shall have professional practice in driving of minimum 3 years duration and a minimum of 2 years duration on the type of train / type of rolling stock / type of infrastructure on which they deliver training.

7.4.3.3 - shall have completed an accredited training programme for training providers to City & Guilds National Vocational Qualification Level 3 (7303 Award in Preparing to Teach in the Lifelong Learning Sector) or equivalent.

7.4.3.4 - shall attend training on a continuous basis to maintain occupational competence for the delivery of training on specific Rolling Stock types. Where a trainer does not deliver training on a specific type of rolling stock over a twelve month period he/she must complete refresher training on that type of rolling stock.

7.4.3.5 - shall be able to demonstrate Continuing Professional Development (CPD) through attendance at a minimum of 2 days CPD training per year. This training must be organised by a Recognised Training Centre and be specific and relevant for Driver Trainers.

7.4.3.6 Trainers for delivering of **practical driving training** in the live railway environment on **Specific Professional Knowledge on rolling stock and infrastructure** (in the context of 2007/59/EC Annex V):

7.4.3.7 – shall hold a valid Licence and Certificate(s) or when the trainer does not hold valid Certificate(s) he/she must be accompanied by a driver holding the relevant valid Licence and Certificate(s). (2011/765/EU 4(2c))

7.4.3.8 - shall have at least 3 years experience of driving trains on Infrastructure in the State, unless it is evident by exception that an applicant has demonstrated proven ability. In that case the minimum length of experience is reduced to two years of driving on Infrastructure in the State.

- 7.4.3.9 – shall have in principle train-driving experience of 3 years (2011/756/EU: 4(2c)) out of this at least 2 years on the relevant type of train / type of rolling stock / section of infrastructure the Trainer will be required to provide Training on.
- 7.4.3.10 - shall demonstrate his/her Specific Professional Knowledge in relation to types of trains / types of rolling stock/ infrastructure by passing associated examinations every twenty four months.
- 7.4.3.11 Trainers for preparation and delivering of classroom style training on **General Linguistic Knowledge** shall comply with the requirements of 2007/59/EC in association with 2011/765/EU, 2011/766/EU and other applicable requirements.

7.5 Recognition of Examiners

- 7.5.1 The recognition of examiners will be delegated from the RSC to any Examination Centre which it recognises.
- 7.5.2 Any Examiner intending to offer examinations on Specific Professional Knowledge on infrastructure or any Specific Linguistic Knowledge on any infrastructure situated in the State must be recognised under delegation from the RSC (2011/766/EU: 27).
- 7.5.3 The EC must publish on their webpage a list of recognised Examiners in compliance with 2007/59/EC Art20(3) and 2011/766/EU: 37-38.
- 7.5.4 An EC may recognise Examiners in the following areas:
 - 7.5.4.1 Examiners for **General Professional Knowledge** in acc. with 2007/59/EC, Annex IV (if limited to certain aspects of General Professional Knowledge, this must be stated as Condition(s) of the Recognition).
 - 7.5.4.2 Examiners for **Specific Professional Knowledge of rolling stock** in acc. with 2007/59/EC, Annex V
 - 7.5.4.2.1 This must in each case indicate as appropriate
 - 7.5.4.2.2 –the specific type of tractive rolling stock or type of driving trailer and
 - 7.5.4.2.3 -the type of hauled rolling stock and the types of trains (e.g. passenger, goods, dangerous goods, pneumatic braked, vacuum braked, mixed braked, infrastructure maintenance, test-trains, special movements, shunting movements)
for which the Examiners is competent)
 - 7.5.4.3 Examiners for **Specific Professional Knowledge on infrastructure** in acc. with 2007/59/EC, Annex VI, 1-7 (This must in each case indicate the area of infrastructure for which the Examiners is competent)
 - 7.5.4.4 Examiners for **General Linguistic knowledge** in acc. with 2007/59/EC, Annex VI, 8 (This must indicate the language(s) in which the Examiners is competent)
 - 7.5.4.5 Examiners for **Specific Linguistic Knowledge relating to infrastructure**– specific communication and terminology for rail operations and safety procedures in acc. with 2007/59/EC, Annex VI, 8 (This must indicate the area of Infrastructure to which these rules relate and for which the Examiner is competent)
 - 7.5.4.6 Examiners for **Other skills** – details to be provided on recognition statement.
 - 7.5.4.7 **Medical Examiners**, to perform examinations as defined in 2007/59/EC AnnexII(1.1-1.4+2).
 - 7.5.4.8 In each case the language(s) in which the Examiner is competent to examine must be stated.
 - 7.5.4.9 A significant Part of the Examination must be performed in the live railway environment. In this case 2011/765/EU 8(2) requires the related Examiner to hold a valid Licence and Certificate(s). The Recognition shall therefore state if - and for what rolling stock/infrastructure – an Examiner may provide examinations in the live railway environment.
- 7.5.5 An application must be made in writing to an EC, must use the provided RSC template (2011/765/EU: 7) and must be accompanied by the related evidence. An application may be made for a new recognition, a renewed recognition, or an updated/amended recognition. The EC will assess the conformity of the application with the requirements. The EC may require an applicant to provide additional or updated evidence, if the supplied evidence is not conclusive. When compliance with all

relevant requirements has been demonstrated, the EC will issue a Statement of Recognition as Examiner in accordance with 2007/59/EC, 2011/765/EU, 2011/766/EU and using the provided RSC Template.

7.5.6 The maximum validity period of a Statement of Recognition as Examiner may be 5 years in accordance with 2011/766/EU: 33.

7.5.7 The numbering system of Statements of Recognition as Examiners when issued under delegation from the RSC must be as follows:

7.5.8 Sample: **IE-RECNnnn/ENxxxxx/yyyyy**

7.5.9 Key for format:

7.5.9.1 IE= European Country Code for Ireland

7.5.9.2 RECN= Railway Examination Centre Number

7.5.9.3 'nnn' to be replaced by national RECN of that EC who is recognising the Examiner. RECN will be provided by RSC as part of Recognition of EC.

7.5.9.4 EN= Examiner Number

7.5.9.5 'xxxxx' = space for unique personal Examiner number to be provided by the EC

7.5.9.6 'yyyyy'=(unique identifier for statement of recognition to be provided by the EC)

7.6 Establishing national criteria for Recognition of examiners

7.6.1 The recognition of Examiners must comply with all requirements of 2007/59/EC in association with 2011/765/EU, 2011/766/EU and other applicable requirements.

7.6.2 The criteria for recognition of examiners as set out in chapter 3 of 2011/765/EU. The RSC have adopted Articles 7 and 8 as national criteria. The recognised examination centre must ensure compliance with RSC-CL-003 when recognising examiners; APN EU.024 to EU.036 and EU.050 to the end of RSC-CL-003 are of particular relevance for examiners. The procedure which the applicant must use to make an application for recognition as an examiner is set out in paragraphs 26 to 30 of 2011/766/EU. The recognised examination centre will issue a statement of recognition for an examiner in accordance with paragraphs 31 to 36 of 2011/766/EU.

7.6.3 It is considered that different types of Examiners are recognised, who must feature specific competences adapted to their scope of examination activities.

7.6.4 Examiners for General Professional Knowledge and Specific Professional Knowledge on rolling stock and infrastructure:

7.6.4.1 – shall have a Learning and Development Unit A1 or TAQA Assessor Award and complete the required continuous professional development to maintain this award, or equivalent.

7.6.4.2 - shall have a minimum of four years driving experience within a period of five years before the application date prior to consideration for an examiner role, unless it is evident by exception that an applicant has demonstrated proven ability. In this case the minimum length of experience is three years.

7.6.5 Examiners for delivering of examinations in the live railway environment on Specific professional knowledge on rolling stock and infrastructure:

7.6.5.1 – shall hold a valid Licence and Certificate(s). (2011/765/EU 8(2))

7.6.5.2 - shall have at least three years experience of driving trains on the Infrastructure in the State, unless it is evident by exception that an applicant has demonstrated proven ability. In that case the minimum length of experience is reduced to two years of driving on the network in the State.

7.6.6 Examiners for General Linguistic Knowledge shall comply with the requirements of 2007/59/EC in association with 2011/765/EU, 2011/766/EU and other applicable requirements.

7.6.7 National criteria for Medical Examiners

- 7.6.7.1 Medical examiners must be a registered Medical Practitioner with the Medical Council of Ireland.
- 7.6.7.2 Medical examiners must have a minimum of five years experience in the Practice of Medicine in Ireland following registration to Practice by the Medical Council of Ireland.
- 7.6.7.3 Medical examiners must have a post graduate medical qualification in occupational medicine awarded by a recognised university or post graduate training body.
- 7.6.7.4 Medical examiners must be enrolled on the continuous professional development scheme of the Medical Council of Ireland and be compliant with all aspects of the scheme.
- 7.6.7.5 Medical examiners must have at least 1 year of demonstrable knowledge of, or experience in the assessment of medical fitness for work in the unique setting of the railway industry.

- 7.6.8 National criteria for Psychological Examiners
 - 7.6.8.1 Psychological examiners must be registered with the Irish Psychological Society or equivalent.
 - 7.6.8.2 Psychological examiners must have a minimum of 3 years experience in the practice of occupational psychology, out of that at least 1 year in a regulated industry/safety critical environment.
 - 7.6.8.3 Psychological examiners must hold a level BPS Certificate of Competence in occupational testing, level B.
 - 7.6.8.4 Psychological examiners must complete a minimum of twenty hours of continuous professional development every year.

8. Suspension or Withdrawal of Recognitions

- 8.1 If the RSC finds through assessment or supervision activities performed in accordance with Articles 26, 27 or 29 of 2007/59/EC, or when being informed by a NSA of another Member State a failure to comply with the requirements of 2007/59/EC and related documentation, 2011/765/EU and 2011/766/EU, the RSC may suspend or withdraw Recognition for a TC, EC, Trainer or Examiner (2011/766/EU: 18-20;41-43;50;57).
- 8.2 The RSC will promptly inform the TC, EC, Trainer or Examiner in writing of the reasons for its decisions, clearly outlining the requirements that are no longer fulfilled. The RSC may, before suspension or withdrawal becomes effective, provide a notice period within which the holder of the recognition may adapt its practices to permanently meet the requirements for recognition.
- 8.3 If the RSC finds that a TC, EC, Trainer or Examiner recognised by the competent authority of another Member State does not follow the obligations of Directive 2007/59/EC and related requirements, 2011/765/EU and 2011/766/EU, they will 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 four weeks and inform the RSC of the results of its checks and decisions; these decisions should include withdrawal or suspension of recognition if necessary.
- 8.4 A TC or EC may suspend or withdraw Recognitions for Trainers or Examiners, especially if they fail to comply with the requirements of 2007/59/EC and related documentation, 2011/765/EU and 2011/766/EU.

9. Issuing, Updating and Amending of Licenses to Drivers, providing Replacement Licenses (Duplicate Licenses are not permitted to be issued in the State)

9.1 Issuing, Updating, Amending, Replacing of Licenses

- 9.1.1 A Licence may only be issued or updated/amended, when the holder of that Licence has evidenced by training certificates and examination certificates, that he or she satisfies the minimum requirements defined in 2007/59/EC and any associated requirements relating to:
- 9.1.1.1 -age
 - 9.1.1.2 -medical requirements
 - 9.1.1.3 -occupational psychological requirements
 - 9.1.1.4 -basic education
 - 9.1.1.5 -general professional knowledge.
- 9.1.2 The minimum age for obtaining a licence which is valid across the European Union is 20 years. (2008/57/EC Art7(1)+10).
- 9.1.3 The minimum age for obtaining a licence which has limited validity in the State only is 18 years. (2008/57/EC Art10).
- 9.1.4 A limitation to validity in the State must be presented in field 9a on the reverse of the Licence as follows: "Until dd.mm.yyyy limited to IE". (IE being the EU-standard abbreviation for Republic of Ireland)
- 9.1.5 The medical and occupational psychological examinations required prior to obtaining a Licence are indicated in clause 6.1 above.
- 9.1.6 The periodic and additional medical examinations required to maintain the Licence are indicated in clause 6.3 and 6.4 above.
- 9.1.7 The basic educational requirements are defined in 2008/57/EC Art11(1).
- 9.1.8 The General Professional Knowledge examinations required prior to obtaining a Licence are indicated in clause 6.1 above.
- 9.1.9 All licence applications shall be lodged with the RSC. The application shall use the RSC formsheet and shall be accompanied by the required documentary evidence. The application may be submitted by the Applicant or on behalf of the applicant by his/her Employer or a TC. Applications may be for the granting of a new licence, the updating/amending of licence particulars or renewal.
- 9.1.10 The RSC shall issue the licence no later than one month after receiving all the necessary documents. A licence shall be valid for 10 years subject to providing evidence to the RSC that all periodic and additional medical examinations have been passed. (Article 16(1) of 2007/59/EC). Failure to submit this evidence will lead to suspension and eventually to withdrawal of a Licence.
- 9.1.11 A licence will be issued in a single original. Any duplication of a Licence issued by the RSC shall be prohibited.

9.2 Driver leaving employment

- 9.2.1 When a driver ceases to work for a RU (or IM), the RSC must be informed without delay. The licence shall remain valid, provided that all periodic and additional medical examinations are attended and passed (Article 16(1) of 2007/59/EC). The RSC will update the NLR.

10. Set up and maintenance of the National Register of Train Driving Licences (NLR)

10.1 The RSC will hold a register for all Licences issued under it's delegation. The register will follow the requirements contained in EU 36/2010.

11. Suspending or Withdrawing of Licenses

11.1 The RSC can suspend or withdraw a Licence. In doing so, the RSC will comply with Article 29 of 2007/59/EC.

11.2 The Licence must be marked as 'suspended' or 'withdrawn' in the NLR.

11.3 If withdrawn, the driver must ensure the safe return of the Licence to the RSC for invalidation.

11.4 A Licence is deemed invalidated if the two left hand corners are cut away.

12. Certificates

12.1 Issuing and updating/amending of Certificates to Drivers

12.1.1 One or more Certificates per driver may be issued by RUs or IMs. Each Certificate shall bear a unique and individual identification number. A Certificate may only be issued or updated, if the conditions contained in ch 5.2 (Responsibilities and Obligations relating to RUs and IMs) are complied with.

12.2 Driver leaving employment

12.2.1 A certificate shall become suspended when its holder ceases to be employed as a driver. However, the holder shall receive a Certified Copy of it and a Transcript of all documents providing evidence of his training, examinations, qualifications, experience and professional competences.

13. Set up and maintenance of the Registers of Complementary Certificates (CCR)

13.1 Any RU or IM issuing Certificates is obliged to maintain a CCR for their Certificates in accordance with 2010/17/EC.

13.2 The RSC offers to interested RUs (or IMs) a database application for the CCR.

14. Suspension or Withdrawal of Certificates

14.1 Only the issuing Body can suspend or withdraw a Certificate. This can be requested by the RSC. In doing so, the RSC and the issuing Body will comply with Article 29 of 2007/59/EC.

15. Content, Physical Characteristics, Anti Forgery Measures, Layout and Ownership of the Licence and the Complementary Certificates

- 15.1 The Content, Physical Characteristics, Anti Forgery Measures, Layout of Licences and Certificates shall be in accordance with 2007/59/EC (including, but not limited to Art.5, 6, 7, Annex I), Commission Regulation 36 of 2010 and any other related requirements.
- 15.2 The numbering of Licenses shall be based on an EIN as defined by 2007/756/EC, amended by 2011/107/EU Annex II.
- 15.3 Sample: **IE-71-2012-0123**
- 15.4 Each issued Licence card shall have an individual EIN. Duplication of Licences (i.e. re-using of an EIN is not permitted).
- 15.5 The Ownership of a Licence shall be with its holder. However, in accordance with Commission Regulation 36 of 2010 this principle has limitations. A Licence may only be issued to drivers who acknowledge in writing their duties in relation to these limitations:
- 15.5.2 If any of the information contained on the Licence requires updating/amending, it is an obligation of the holder to immediately return the Licence card to the RSC and request an updated Licence. The returned Licence shall be invalidated.
- 15.5.3 If a lost Licence card was replaced by a new one and is then found again, it is an obligation of the holder to immediately return the old Licence card to the RSC . The returned Licence shall be invalidated.
- 15.6 A Licence shall deemed to be invalidated if both corners on the left hand side are cut away.

16. Supervision of the quality standards of the driver certification system in the state

- 16.1 The RSC will carry out Assessment activities in accordance with Articles 19(6), 26, 27 and 29 of 2007/59/EC. This assessment will include the NLR and CCR Registers. The Assessment may be combined with supervision activities as defined in 2004/49/EC.
- 16.2 As part of their supervision activities the RSC may require: (2011/766/EU:61)
- 16.2.1 (a) access to all documents relevant for the preparation, conduction and evaluation of examinations;
- 16.2.2 (b) the adoption of a reporting procedure requiring that certain information should be delivered regularly or on demand;
- 16.2.3 (c) an observation of examinations by representatives of a competent authority.
- 16.3 The Assessment will especially ensure that all stakeholders comply with the requirements relating to them as part of 2007/59/EC, associated requirements (such as TSI OPS CR, etc) and this RSC Guidance.
- 16.4 If necessary this can lead to the suspension or withdrawal on any Recognitions or the withdrawal of Licences.(2011/766/EU: 18-20;41-43; 50with41-43;57;61).

17. Publishing and updating/amending of a Register of persons or bodies Recognised under 2007/59/EC

- 17.1 The RSC will provide on their web page a list of bodies which are recognised by the RSC as TC or EC.
- 17.2 Any TC or EC must hold a register and publish this on a web page on Examiners and Trainers as recognised under delegation from the RSC. The link to this webpage shall be provided to the RSC, and the RSC will publish the link on the same web page as the list of recognised TCs and ECs.

18. Appeals procedure

- 18.1 Following withdrawal or suspension of Recognition or of a Licence by the RSC, the affected body or person can appeal to the 'RSC - European and International Affairs Department' and request a review of disputed decisions. This department is independent of the 'RSC-Assessment Department' and the 'RSC - Supervision Department' which would be involved in Recognition and suspension or withdrawal of Recognition or of a Licence. (Article 21(2) of 2007/59) (2011/766/EU:23+46+50with46+58).

