

Conditions of Železnice Slovenskej republiky for granting a derogation from B1 level of language proficiency for train drivers

Železnice Slovenskej republiky shall grant a derogation from B1 level of language proficiency for the train drivers of railway undertaking in accordance with Annex 4 of the Act of the National Council of the Slovak Republic No. 514/2009 Coll., implementing the Annex to the Directive 2016/882/EC, under the following conditions:

1. The applicant for a derogation may be a railway undertaking operating a train service on the border crossing between the Slovak Republic and the EU Member State under the contract on the access to railway infrastructure concluded between the railway undertaking and Železnice Slovenskej republiky.
2. The application shall be submitted in the Slovak language. In order to minimize the controversial explanation of the application and its requirements, the required documents may also be provided in English. The language used for communication under the conditions of Železnice Slovenskej republiky shall be the Slovak language.
3. The application shall be submitted to the address: Železnice Slovenskej republiky, Directorate General, Department of Traffic Management, Klemensova 8, 81361 Bratislava.
4. The application shall be submitted for a specific border crossing.
5. The attachment to the application shall comprise template reports and description of procedures for ensuring the necessary communication in case of adverse and emergency situations between the train driver and the traffic control staff of Železnice Slovenskej republiky, and description of procedures for ensuring further train journey following the reasons for an emergency stop or the adverse or emergency situation is solved.
6. The contact person of ŽSR for written communication on matters of application is: Ing. Juraj Snopek, e-mail address: snopek.juraj@zsr.sk. ŽSR offers cooperation in the preparation of the necessary template reports in the Slovak language.
7. The railway undertaking shall indicate in the application the contact details of the person designated for communication on the application.
8. The railway undertaking may deploy train drivers with knowledge of the language of the infrastructure manager with a lower than B1 level of language proficiency only on trains where, upon arrival at the border station in the Slovak Republic, only on-board personnel is exchanged without changing the train-set, respectively without changing the train-set, the train returns with the same or changed personnel.
9. The railway undertaking shall demonstrate that procedures are in place so that its train drivers are always able to communicate orally in the language of the infrastructure manager to the extent necessary to identify the communication party and to transmit the adverse and emergency message, including the addition of the necessary data under Appendix "C" to the Commission Decision No. 2012/757/EU. For the spelling of the words and groups of letters in the Slovak language, it is mandatory to use the tables mentioned in points 7 and 8, Annex 8(a) of Regulation ŽSR Z 1.
10. The railway undertaking shall draw up bilingual templates of messages used in adverse and emergency situations with regard to the conditions of the border stations concerned. These shall be attached to the derogation request. As a template, Annexes 8(a) and 8(b) of Regulation ŽSR Z 1 "Railway traffic rules" may be used.
11. The railway undertaking shall draw up a procedure to notify the staff of Železnice Slovenskej republiky prior to the departure of the train from the border crossing station of the neighbouring state of the occupation of the locomotive by the train driver with lower than B1 level of language proficiency. This procedure shall be attached to the exemption request.

12. The railway undertaking shall put in place such a procedure so that in case of train composition is changed (change of scheduled technological procedures) or following the adverse and emergency situation the train remains standstill. The railway undertaking shall ensure a train driver with at least B1 level of language proficiency for further train ride. This procedure shall be attached to the exemption request
13. Železnice Slovenskej republiky will evaluate the application with its attachments. If the application must be supplemented, Železnice Slovenskej republiky will communicate this fact to the railway undertaking.
14. Železnice Slovenskej republiky will assess the need to include new provisions in the border crossing agreement.
15. Železnice Slovenskej republiky in cooperation with the person of the railway undertaking designated for communication on the application shall determine the acts to be performed on the side of Železnice Slovenskej republiky and on the side of the railway undertaking before the application of the conditions of the derogation. These shall be stated in "Decision on the application to the infrastructure manager for granting a derogation from the requirements of B1 level of language proficiency for train drivers".
16. The "Statement on the application to the infrastructure manager for granting a derogation from the requirements of B1 level of language proficiency for train drivers" shall also indicate the start date of deployment of train drivers with lower than B1 level of language proficiency and the way and date of notifying Železnice Slovenskej republiky and the railway undertaking about the execution of the actions according to point 12. If the execution of the operations is not announced by that date, Železnice Slovenskej republiky and the railway undertaking will agree on a new date of commencement of the exemption.
17. The "Statement on the application to the infrastructure manager for granting a derogation from the requirements of B1 level of language proficiency for train drivers" shall also indicate the date by which the railway undertaking may raise objections to the content of the statement.