

Making the railway system
work better for society.

Call for expressions of interest (CEI) to establish a list of Independent experts to provide expertise to the European Union Agency for Railways in the field of safety.

Reference: ERA 2020 22 CEI

Contents

1	Contracting authority	2
2	Registration procedure.....	2
3	How to apply?.....	2
4	Area of expertise and tasks	3
5	Description of the procedure	4
6	Requirements	6
7	Assigning of experts to specific tasks	6
8	Confidentiality, Independence and Absence of Conflict of Interests.....	7
9	Conditions of remuneration and reimbursement of experts.....	7
10	Use of the list resulting from this notice	7
11	Place of delivery	7
12	Expiry date of the list.....	7
13	Appeal Procedure	7
14	Protection of personal data.....	8
15	Ex-post transparency.....	8
16	Date of dispatch of the official notice	8
17	Date of receipt by the Publications Office.....	8
18	Annexes	8

1 Contracting authority

European Union Agency for Railways

120 Rue Marc Lefrancq

59300 Valenciennes

Tel. +33(0)3 27 09 65 00

The European Union Agency for Railways (hereinafter "ERA" or "the Agency") is a specialised agency of the European Union, which is currently located in two different sites:

- › *120, Rue Marc Lefrancq – F-59300 Valenciennes (headquarter site)*
- › *299, Boulevard de Leeds (at Espace International Euralille) – F-59000 Lille (conference and meeting center site)*

The Agency has the mission of reinforcing safety and interoperability of railways throughout Europe, and thus adding a strong new momentum towards the shared vision of a truly integrated, competitive European railway area.

The Agency, which has also been given specific regulatory tasks in the railway sector. Our mission is therefore to:

- › *make the railway system work better for society,*
- › *contribute to the effective functioning of a Single European Railway Area without frontiers.*

As per Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016, the Agency performs the role of Union authority responsible for issuing authorisations for the placing on the market of railway vehicles and vehicle types and for issuing single safety certificates for railway undertakings.

Further information can be found on the Agency's web site at <http://www.era.europa.eu>

2 Registration procedure

The objective of this call for expressions of interest (CEI) is to set up a list of independent external experts.

Expressions of interest must be submitted preferably in English or French by electronic means to the following address: CEI-SSC@era.europa.eu

The email must clearly indicate the reference number of this call in the subject line: ERA-2020-22-CEI.

Inclusion on the list entails no obligation on the part of the contracting authority concerning the conclusion of contracts.

3 How to apply?

The interested parties must submit:

- › *A duly completed Application Form (see template in Annex 1),*
- › *A complete EU curriculum vitae preferably in English, using the Europass format (see template in Annex 3). The CV must clearly show the relevant expertise acquired in the areas applied for, and the time frame in which the expertise was performed.*

Please note the following important points in preparing the application:

- › *Applicants should provide all details/ include all information requested in the application.*
- › *Applicants should indicate clearly in their applications the area of expertise they are applying for.*

It is strictly required that applications are submitted in the requested format and include all information necessary to enable the Agency to assess them. Failure to respect these requirements will constitute a formal error and may result in the rejection of the application.

Submission of an application implies acceptance of the terms and conditions laid down in this call for expression of interest and all the annexes thereto.

Important note:

Before inclusion on the list and/or contract signature, the Agency reserves the right to request any additional supporting documentation needed in order to verify the applicant's education, qualifications, professional experience and/or language capabilities (i.e. copies of certificates, diplomas, references etc.).

Please also note that before contract assignment the Agency may request a telephone interview in order to establish a first contact with the expert and/or assess / verify any information provided in the application.

4 Area of expertise and tasks

4.1 Areas of technical expertise

Since 16 June 2019, the Agency is entrusted with the safety certification tasks in accordance with Article 10 of Directive (EU) 2016/798.

In relation to these safety certification tasks, the categories of expertise covered by this call are:

- Conformity assessment as it applies to railway products, subsystems or management systems.
- Design, implementation and maintenance of safety management systems (or other similar management systems), in particular:
 - o how a safety management system (or similar management system) controls risks in the field of railways or any other fields with similar operational and technical challenges,
 - o the ISO high level structure common to all ISO management system standards,
 - o the process approach paired with the Plan-Do-Check-Act (PDCA) cycle,
 - o the role of safety leadership in the development of a positive safety culture within the organisation,
 - o the roles and responsibilities for the design, implementation and maintenance of the safety management system,
 - o the railway safety management system requirements as set out in Commission Delegated Regulation (EU) 2018/762 establishing common safety methods on safety management system requirements pursuant to Directive (EU) 2016/798.
- Functioning of the railway system, including understanding the relationship between the technical aspects, the people and the organisation of the railway system, and its legal framework (Railway Safety Directives 2004/49/EC and 2016/798/EU and Railway Interoperability Directives 2008/57 and 2016/797). Those should include an understanding of infrastructure, rolling stock, operations and asset management as appropriate.
- Risk management principles, as set out in Regulation (EU) 402/2013 for risk evaluation and assessment, and international standards (e.g. ISO 31000 series, CENELEC EN50126 and EN50129, IEC 62278), and of how operational risks are managed in railway safety management systems.
- EU rail regulatory framework for train operations, as set out in Regulations (EU) 2015/995 and 2019/773 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union (TSI OPE), the role of operational rules in a risk based approach driven by the company's safety management system, the relevant national regulatory framework and the arrangement concerning the version control of operational rules.

- ECM certification process, as set out in Commission Implementing Regulation (EU) 2019/779 laying down detailed provisions on a system of certification of entities in charge of maintenance of vehicles, and its interface with the company's safety management system procedures (rolling stock maintenance).
- Design, implementation and maintenance of maintenance systems as it applies to entities in charge of maintenance.
- Railway undertakings related activities: e.g. route book preparation, staff assignment before departure, technical rules for dangerous goods, emergency plans in case of emergency situations, tasks to be carried out before train departure (e.g. train preparation principles, forming/un-forming, coupling/uncoupling, sidings/marshalling yards) and during its operation.
- Occupational risks at the workplace (Directive 89/391/EEC) and human and organisational factors (e.g. fatigue, strain and stress, health conditions at recruitment).
- Competencies and related training applicable to staff whose tasks have a direct or indirect impact on operational safety (with lessons learnt approach), including the certification of train drivers, as set out in Directive 2007/59/EC on the certification of train drivers, and the recognition of training centers for train drivers, and the concept of competence management system.
- Monitoring process, as set out in Regulation (EU) 1078/2012 for monitoring to be applied by railway undertakings, infrastructure managers after receiving a safety certificate or safety authorisation and by entities in charge of maintenance, and the use of operational data to monitor the organisation's safety performance.
- Internal incident/accident investigation, its relationship with the relevant bodies (e.g. infrastructure manager, national investigation body, national safety authority) and the accident investigation techniques.
- Directive 2008/68/EC (RID), including occupational safety risks connected with the transport of dangerous goods.
- Principles, theories and techniques to evaluate (the development) of safety culture in high-risk organisations.

4.2 Expected tasks

The support to the Agency will be related to the following tasks:

- › *To provide (co-)leadership in the assessment process for the purpose of granting single safety certificates to railway undertakings in line with Regulation (EU) 2018/763;*
- › *To ensure effective, timely and technically sound assessment of applications for single safety certificates;*
- › *To give opinions to the Board of Appeal in line with Regulation (EU) 2016/796 and Commission Implementing Regulation (EU) 2018/867 of 13 June 2018 laying down the rules of procedure of the Board(s) of Appeal of the European Union Agency for Railways;*
- › *To provide specific expertise in the field of safety relating to the activities set out in the Agency's Single Programming Document.*

More details about the activities will be provided in the Terms of Reference annexed to the contract when a selection takes place.

5 Description of the procedure

5.1 Information to be provided

Interested parties should provide their full contact details in their expression of interest.

Experts shall provide a declaration on honour, stating that they are not in one of the situations of exclusion listed at point 6 of Annex 1 and that they fulfil the selection criteria listed at point 6.2 below. In case of doubt, they may be requested to provide supporting evidence of non-exclusion.

Supporting evidence related to the selection criteria shall be provided with the declaration on honour.

5.2 Selection process

Only Natural persons¹ are invited to submit an expression of interest in accordance with the rules set out in this notice. They must be nationals of any of the European Union Member States, Norway, Iceland, Liechtenstein or Switzerland.

The contracting authority will draw up a list of experts who meet the criteria set out at point 6.2.

Please note that you will not be eligible for selection in the case where you have personal interests which could impair your impartiality as referred to in point 8.

All applicants will be notified, in writing, of the outcome of the assessment of their application.

However, the inclusion of an expert in ERA's database entails as such no obligation of ERA to assign specific tasks to him/her and/or to award any contract. ERA reserves for itself the sole discretion to request the involvement of the NSAs expert(s) in line with ERA's needs for expertise and in any case, only after ERA has a) first unilaterally identified that the task(s) cannot be carried out for any reason by any of its staff members and b) requested (as appropriate) the NSA on the availability of the NSA's expert(s) to work on the task(s). ERA still reserves the right to involve in a task a NSA expert nominated by a NSA who is not included in the relevant database.

5.3 Conditions for selection

Where a particular task is to be performed by an external expert, the contracting authority will assign experts to the task on the basis of the skills, experience and knowledge necessary and in accordance with the principles of non-discrimination, equal treatment and absence of conflict of interests.

Such expert(s) will be appointed through the signature of a contract between the expert and the Agency defining the exact scope of tasks to be performed, duration of activity etc.

Therefore, in drawing up their application, interested experts should bear in mind the provisions of the draft contract (see Annex 2).

The experts selected for a specific task will receive, at least one month before the date of the start of their activity, detailed information regarding the tasks to be assigned and the draft contract.

5.4 Contract Signature

On notification of contract appointment, and before contract signature, the expert shall be required to submit the following documentation, duly completed and signed: Financial Identification and Legal Entity Forms (see below link).

Legal entity form EN	Financial identification form EN
Legal entity form FR	Financial identification form FR

Please note that it is the responsibility of the applicant to inform the Agency immediately of any changes to their administrative and/or technical details which would result in a change to their original application.

¹ Legal persons e.g. consulting companies, organisations, are not eligible to apply.

6 Requirements

6.1 Exclusion criteria

An expert shall be excluded from participation if he/she is in any of the exclusion situations indicated under point 6 of the Application form.

As evidence of non-exclusion each expert needs to submit a Declaration on Honour (point 6 of the Application form) duly filled in and signed, stating that he/she is not in any of the exclusion situations.

6.2 Selection criteria

6.2.1 General qualification

- › *The expert must be a national of a Member State of the European Union, or a national of the European Economic Area (Iceland, Liechtenstein and Norway), or a national of Switzerland;*
- › *The expert must have a level of education which corresponds to completed university studies attested by a diploma when the normal period of university education is 4 years or more, followed by at least 3 years of professional experience, **or** have a level of education which corresponds to completed university studies attested by a diploma when the normal period of university education is 3 years, followed by at least 4 years of professional experience, **or** have at least 10 years of professional experience in one or more areas of expertise referred to in point 4.1 ;*
- › *S/he must have a very good knowledge of an official language of the European Union (i.e. your mother tongue or another official EU language of which you have a very good knowledge corresponding to level C1 as defined in the [Common European Framework of Reference for Languages](#)) and a satisfactory knowledge of another official language of the European Union (at least level B2 according to the [Common European Framework of Reference for Languages](#)) to the extent necessary for the performance of the tasks pertaining to the job.*

6.2.2 Criteria relating to technical and professional capacity

6.2.2.1 Essential

- › *Good command of both written and spoken English (at least level B2 according to the [Common European Framework of Reference for Languages](#)) and any other EU languages (at least level B2 according to the [Common European Framework of Reference for Languages](#));*
- › *Knowledge of and minimum 3 years of professional experience in one or more areas of expertise referred to in point 4.1;*
- › *Knowledge and understanding of EU legal requirements pertaining to the job, in particular the Common Safety Methods (CSMs), Technical Specifications for Interoperability (TSIs) relating to the operation and traffic management and Regulation on the certification of entities in charge of maintenance (ECM).*

7 Assigning of experts to specific tasks

In case experts fulfil the above selection criteria, they will be placed on the relevant (sub)lists. When a need for a specific task relating to the field described at point 4.1 to be performed by an external expert arises, the expert(s) included on the (sub)lists will be selected for this task.

The contracting authority will assign experts to the specific tasks on the basis of the skills, experience and knowledge necessary and in accordance with the principles of non-discrimination, equal treatment and absence of conflict of interests.

ERA aims to select experts included in the list in a balanced manner, ensuring an adequate rotation of experts and taking into consideration the experts' geographical origin, professional experience and other capacities and language skills. ERA promotes equality between men and women in all its activities, including the selection of external experts.

The experts will be requested to sign a contract with ERA, a model of which is annexed to this call.

8 Confidentiality, Independence and Absence of Conflict of Interests

All experts are expected to ensure that their contractual and professional obligations in particular with regard to confidentiality, independence and absence of conflict of interests are well understood and upheld throughout and after any contract assignment (see Annex 2).

In accordance to ERA policy on conflict of interest², prior to any assignment and contract, the selected expert shall submit the declaration of interest form (see Annex 3 to Draft Expert Contract).

9 Conditions of remuneration and reimbursement of experts

Experts shall be remunerated at a fixed price of **600 euros/day worked**³.

The working day can be divided into 8 hours depending on the specific needs of the Agency. In this case, the expert will be paid in proportion to the hours worked, at an hourly rate of € 75 (€ 600 divided by 8).

The travel and subsistence expenses will be reimbursed under the conditions set out in the contract. Travel arrangements (flight/train and hotel accommodation bookings) may be done in advance by the European Union Agency for Railways (if needed).

The experts are requested to commit themselves to respect applicable national legislation (including taxation, social security and labour laws) with regard to any payment received from ERA.

10 Use of the list resulting from this notice

The list resulting from this notice will be used exclusively for tasks to be carried out as follows: execution of the tasks within the fields described at point 4.2, with a maximum threshold of €139 000 of total payments (including both remunerations and reimbursements) per expert for the whole duration of the list.

11 Place of delivery

The work will be carried out mainly remotely. Some work may be carried out at the Agency's premises in Valenciennes, and/or occasionally in one of the EU Member States. In the latter case, the rules on mission reimbursement will apply (see Annex 4).

12 Expiry date of the list

The list resulting from this notice is valid for five years from dispatch of this notice and publication on the ERA website https://www.era.europa.eu/agency/procurement_en

Interested parties may submit an application at any time prior to the last three months of validity of the list.

13 Appeal Procedure

A candidate who considers that a mistake has been made regarding the eligibility criteria of his/her application may ask for a review. To this end, a request for review may be submitted, within 20 calendar days of the email informing him/her of the rejection of his/her application. The request for review should quote the reference of the selection procedure concerned and should mention clearly the eligibility

² Management Board Decision 199 adopting the revised Framework for Good Administrative Behaviour

³ One full working day is defined as 8 hours (excluding breaks and travelling time)

criterion/a requested to be reconsidered as well as the grounds. This request should be addressed to ERA's dedicated mailbox.

The candidate shall be informed, within 45 calendar days following the receipt of his/her request, on the decision of the Selection Committee on the matter.

14 Protection of personal data

If processing your expression of interest involves the recording and processing of personal data (such as your name, address and CV), such data will be processed pursuant to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC. Unless indicated otherwise, your reply to this notice and any personal data requested are required for the purposes indicated above in point 2 and will be processed solely for those purposes by the contracting authority indicated in point 1, which is also acting as data controller. Details concerning the processing of your personal data (privacy statement in relation to the calls for expressions of interest) are available on the [ERA website](#).

Your personal data may be registered in the Early Detection and Exclusion System (EDES) by the responsible Authorizing Officer of the Commission, should you be in one of the situations mentioned in Article 136 of the Financial Regulation (Regulation (EU, Euratom) 2018/10466 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union. For more information, see the privacy statement on the [EC website](#).

15 Ex-post transparency

A list of experts (name and subject of the tasks executed) who have concluded a contract following the procedure set out at point 5 shall be published on the ERA website.

If an expert has concluded a contract of more than €15 000, the name, the locality (region of origin), amount, and subject of the contract shall be published on the ERA website no later than 30 June of the year following contract award. The information shall be removed two years after the year of contract award.

16 Date of dispatch of the official notice

14/12/2020

17 Date of receipt by the Publications Office

14/12/2020

18 Annexes

18.1 Annex 1: Application form

18.2 Annex 2: Draft contract and annexes

18.3 Annex 3: Europass CV template

18.4 Annex 4: Rules on mission reimbursement: available at

https://www.era.europa.eu/sites/default/files/agency/docs/decision/decision_n212_amendment_n2_ab_d ec_22_reimbursement_of_experts_en.pdf