



Mr Siim Kallas
Vice President of the European Commission
European Commission
B-1049 Brussels
Belgium

Brussels, 11 March 2010

Dear Mr Vice President,

The rail sector associations have jointly reflected upon the current framework within which safety and interoperability legislation is produced.

As you know, the sector associations work very closely with the European Railway Agency which we recognise has, over the past four years, developed the capacity to support the management of the European rail system.

We believe, however, that there is a need for interoperability in the European railway network to be developed more quickly and for the National Safety Authorities (NSAs) to act in a harmonised way.

In the attached paper you will find more detailed information related to these key points. This paper has been prepared by the rail sector representative bodies and is also supported by the UIC.

In summary, the key issues that we would highlight as being essential to this development are:

- Giving the ERA the role to check the correct application of processes being used by the NSAs and the National Investigation Bodies (NIBs)
- A stronger role for the ERA in providing advice to the NSAs and NIBs and the EC
- The ERA's prime objective should be the coordination of the above issues and should take precedence over the development of new regulations
- Before work starts on the TSI scope extension, the ERA should clearly identify the limits of the extension of geographical scope of each TSI and analyse the economic impact
- We as members of the Network of Representative Bodies (NRB) are willing to be more involved in the planning process of the annual ERA work plans
- This involvement of the sector should include presence at RISC meetings.

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We would be delighted to have an opportunity to discuss these issues with you in person.

Yours sincerely,

Michael Robson
EIM Secretary General

Johannes Ludewig
CER Executive Director

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UNIFE Director General

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EU Rail Sector vision related to the ERA role in interoperability and safety

A proposed way forward for a quicker introduction of interoperability on European railways

The European Railway Agency has, over the past four years, developed the capacity to support the management of the European rail system, which has resulted in the production of important regulations related to the conventional rail system through the Technical Specifications for Interoperability (TSIs). In the field of safety, ERA has developed equally important recommendations on Common Safety Methods, Targets, Indicators and Safety Certification. More latterly, the ERA has also had an important role in the first stages of development of an EU Cross Acceptance scheme.

At present the EU rail sector feels that there is a need for interoperability in the European railway network to be developed more quickly and for the NSAs to act in a harmonised way.

In the short term, the ERA should continue developing its role as a strong European coordinator, with the ability and capacity to assist the Member States and National Safety Authorities in developing necessary measures, such as:

- balancing responsibilities and procedural approaches of individual NSAs so as to eliminate the varying levels of competence and differing procedures experienced today
- reducing the variations between the national legal frameworks into which the Safety Directive has been transposed, as well as reducing the variations in the different regulatory practices for authorisation of sub-systems by NSAs (Cross Acceptance)
- making sure that the provisions to simplify the additional authorisation of vehicles compliant with the TSIs and to limit the right of checking by NSA's do actually apply

The railway sector's position is that the development of a strong coordination role for the ERA should take precedence over the development of new regulations/recommendations (e.g. Technical Specifications), with the exceptions that will result from the TSI scope extension work and the possible merger of the regulations for the Conventional and High Speed systems.

Under the supervision of the Rail Interoperability and Safety Committee (RISC), error free and reliable EU railway regulations should always be made available with appropriate yearly revisions, if necessary. Therefore the EU railway sector strongly recommends that:

- a simplified TSI revision mechanism is put in place so that the ERA can directly and quickly take account of the publication of harmonised European Norms, which benefit from a very high degree of consensus, in order to correct technical errors
- a system feedback loop (retour d'expérience) should be established between the ERA, NSAs and market actors to identify and quickly resolve, (during the first years of



application of a TSI), all the technical issues that might lead to the blockage of authorisations.

- the Network of Representative Bodies (NRB) with its team of coordinators and technical experts should be directly involved in revision process for the EU railway regulations and recommendations under the responsibility of the ERA.

There is also a need for the Network of Representative Bodies (NRB) to be more involved in the planning process of the annual ERA work plans. It is our strong conviction that this should include NRB representation at RISC meetings.

It is the railway sector's opinion that the ERA should continue moving forward in the way proposed by the European Commission at the European railway safety conference on September 8th 2009, in Brussels. In particular the following recommendations are relevant:

- a stronger coordination role for the ERA in the authorisation of types of vehicles and ERTMS systems
- a role for the ERA to check that the processes are being correctly applied for the tasks independently carried out by the NSAs and the NIBs. This should include stronger co-ordination, in which the ERA should be capable of providing advice to the NSAs and NIBs and eventually also to the EC.

However, there needs to be a sensible balance and therefore provisions and measures should be taken so as not to create an over-heavy central ERA administration.

In respect to the future TSI scope extension, the railway sector strongly recommends (as stated in the various position papers submitted by UNIFE/CER, EIM, UITP, UIP, ERFA and others) that the mandates, which are expected to be delivered to the Agency by the European Commission in March 2010, should take into account:

- that during the development period, the mandatory Economic Impact Evaluations are performed and published for each TSI .
- that priority is given in the scope extension work to the rolling stock TSIs, as it is an essential condition for these TSIs to get the actual benefit of harmonisation of technical rules for market opening, which does not exist to date.
- that there is a need, as a first step, of a clear identification of the limits of the extension of geographical scope of each TSI, justifying the economic impact (including specific aspects of public service contracts) in advance of the actual work starting on each TSI. This should be done on the basis of the identified exclusions (such as for specific urban and other networks) by Member States^[1] as authorised by Article 1 point 3 of the Interoperability Directive 2008/57/EC.
- that the EC should encourage the Member States to explicitly characterise these exclusions in such a manner that the geographic limits of what might then be called the "Interoperable European Rail System" are clearly defined.

^[1] For specific Urban Rail systems, this has been asked by the European Commission to all Member States in DG TREN letter to RISC members dated 13/10/2009 (ref: TREN/E/2-PG/as D(2009)66217 03.13.02.04 09.F00213).

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- as far as infrastructure-related TSIs are concerned, that their geographic scope extension be required on a parameter basis (such as axle load, track gauge). This should be limited to what is necessary for the harmonisation of interfaces with rolling stock. Where these interfaces are complex, their harmonisation may not generate enough benefits to justify the cost of implementation.
- that any review of the opportunities to extend the geographic scope of interoperability should be subject to a cost benefit analysis of actual migration costs, not just comparing the present situation with the target system.

The European railway sector organisations will continue to provide support to the ERA and EC work in order to support the improvement and development of the rail transport mode in Europe.