

CER comments

Brussels, 07 October 2016

Draft delegated act for the TSI revision

DRAFT COMMISSION DELEGATED REGULATION [...] FOR THE DRAFTING, ADOPTION AND REVIEW OF TECHNICAL SPECIFICATIONS FOR INTEROPERABILITY

Summary

This document summarises and details the CER input to the 1st stakeholder consultation in the framework of the RISC Working Group meeting in Brussels on 26.09.2016.

As agreed at the meeting, CER does not comment on the recitals but on the major elements of the articles 1-17 only.

1. General comments

- CER supports a TSI revision with a narrow and clearly defined scope. This work needs to be determined until the recast Interoperability Directive is transposed into national laws by the Member States.
- CER supports the efforts to align the TSIs with the new IOD in force and the closure of open points.
- CER is fully committed to support the TSI revision process in the respective ERA working parties.
- CER believes that the general mandate for all TSIs concerning deficiencies is missing. The experience of the railway sector with the application of each TSI shall be considered concerning deficiencies or unclear requirements or other burdens resulting from the TSI.
- CER objects in principle to a retroactive application of legislation: In order to keep the railway sector competitive and to prevent undue costs, the entry into force of new or amended TSIs should not lead to an immediate adaptation of vehicles and infrastructure to the new specifications.

2. Detailed comments

Article 1 - Subject matter and scope

- For the TSI revision adapted standards for infrastructure with reduced traffic density shall be taken into account

Article 2 - Definitions

- Void

Article 3 - Structure and scopes of the TSIs

- For the TSIs usual methods of requirements management systems are currently not applied allowing to divide requirements for different type of vehicles. The TSI WAG is written smarter, shorter and structured in a different way than the TSI LOC&PAS and merging them would lead to a more difficult handling and reading by wagon suppliers. Furthermore CER would support to improve the structure of the TSIs in applying requirement management methods.
- TSIs shall provide a clear set of requirements for assessing the network compatibility in the framework of vehicle authorisation.
- Harmonisation of operational rules should become an Essential Requirement for all TSIs
- Article 3.2 (a) - Merging TSI Infra and TSI ENE has no major advantage and the disadvantage of a much more complicated framework. There are few interfaces only and separate procedures.

Article 4 -Horizontal specific objectives

- Article 4.1 (c) - CER supports the improving of the modularity of the railway system and therefore propose to require in this article supports defining interfaces, design spaces and dimension and technical functions (fit form function), necessary parts master data and regulations about data exchange formats to enable an easy substitution in the framework of maintenance, including economies of scale and reduction of maintenance costs and reduction of obsolescence. This would also be

in line with the agency's mission to strengthen the coordination regarding spare parts laid down in article 45 of the regulation 2016-796

- Article 4.1 (f) - The indication of parameters and procedures shall consider that existing non-TSI compliant routes might require additional parameters and/or procedures which might be covered by national rules. The values of all parameters are to be validated during the authorisation process and to be introduced into ERATV respectively RINF. The RINF and the ERATV registers might have to be adapted according to the outcome of this work.
- Article 4.2 - TSI requirements shall not trigger the "support innovation and development in the railway sector". This does not belong to a regulative text. The digitalisation programme needs appropriate CEN-CENELEC or ETSI standards, but no TSIs regulation.
- CER considers – also due to the current threat situation - measures to increase security in rail transport as an imperative. Nonetheless CER is concerned to intermix security with railway safety issues. First security is a transversal target, has different starting points compared to safety and police rules/ processes are clearly separated from non-police hazard control.

Article 5 - Specific objectives applicable to LOC & PAS TSI

- In general TSI are to target interoperability. CER doubts that covering health and safety at work in this structural TSI serves this aim. In line with this argument, control devices for driving/ rest time of train drivers are not in scope of this TSI.
- Thresholds of all requirements related to maximum design speed in the Loc & Pas TSI shall be harmonised with TSI INF, in particular the threshold of 250 km/h to maximum design speed shall be harmonised with TSI INF, in particular the threshold of 250 km/h

Article 6 - Specific objectives applicable to WAG TSI

- Article 6.1 - CER objects to the scope of the WAG TSI being extended in order to integrate the vehicles aimed at operating on networks with a track gauge of 1.520 mm. CER underlines the specific needs and requirements of the 1.520 mm countries and the wagon exchange with the partners in the Commonwealth of Independent States (CIS) based on GOST standards.

Article 7 - Specific objectives applicable to NOI TSI

- The planned reduction of rail noise by up to 10 dB by retrofitting freight wagons with composite brake blocks is, in our opinion, unrealistic. Our experience has shown that such a reduction while using wagon bogies of 1st generation is impossible to achieve. As a result, benefits from using composite brake blocks will be in fact much lower than expected by European Commission. The noise limit value must not be applicable to existing wagons. Some exceptions should be allowed at national level. This scope extension should be limited only to freight wagons. We object to a retroactive application of legislation. The valid authorisation of vehicles shall not be endangered. Finally this article depends on the conclusions of the Task Force Noise.

Article 8 - Specific objectives applicable to CCS TSI

- CER suggests to add Satellite communication.

- As current CCS TSI already foresees - besides the European Deployment Plan – the obligation for a deployment plan covering the entire railway system, Article 8.1. shall be removed from this DA.
- On the one hand European Commission, the Agency and the railway sector just reached consent to stabilize specifications related to TSI CCS. On the other hand the system has to accommodate innovations resulting e. g. from automation efforts. Taking into account both aspects regulatory framework of the European Union Agency for Railways shall put special focus on compatibility and protection of investments

Article 9 - Specific objectives applicable to ENE TSI

- Closing the gap between single locomotives or units and the operational and technical requirements coming from coupled locomotives and multiple units should be considered. For the energy system this means simultaneous operation of multiple pantographs in contact with overhead contact lines which is up to now hardly to solve due to the enormous number of possible combinations.

Article 10 - Specific objectives applicable to INF TSI

- Article 10.2 - TSI shall exclusively focus on interoperability aspects for ensuring rail interoperability. "Reducing maintenance costs" is up to the railways actors as part of their business but not supposed to be in a regulatory framework.

Article 11 - Specific objectives applicable to PRM TSI

- We see a need for a sound approach towards implementation ("gradual") versus unaffordable over-ambitious approaches.
- The PRM TSI shall address the accessibility requirements comprehensively; the PRM TSI compliant equipment shall be deemed to conform with the European Accessibility Act

Article 12 - Specific objectives applicable to OPE TSI

- Void

Article 13 - Specific objectives applicable to SRT TSI

- In view of the introduction of "fire fighting point" requirement for the management of hot incidents, SRT TSI 4.2.1.5.2 requirement shall be reevaluated, for some types of traffic and tunnels, in relation to the distance between two lateral and / or vertical exits.

Article 14 - Specific objectives applicable to TAF TSI

- The message and the process related to train composition shall be revised in order to improve the link with the existing databases and the rail freight procedures.
- The process and messages related to path unavailability shall be added in order to facilitate RUs actions/response.
- Article 14.3: TAF TSI principally defines just telematics applications, who serves as basis for communication between the involved individual stakeholders (such as IMs, RUs, WKS, ...) only. All relevant events, scenes and cases within TAF TSI are (strictly) informative by definition, without exception. TAF TSI does not touch safety related applications in any case and is surely not the appropriate medium therefor. All safety related issues are assignable to the TSI OPE and are respectively tagged there.

Even regarding the mentioned point concerning dangerous goods TSI TAF only arranges the transfer of information (herein: via Train Composition Message). The fact itself that even this specific message is conditional (free in decision to utilize/to use it or not in any individual case between the involved partners of communication) shows, that there is no connection or reference to safety relevant or related issues of/to TSI TAF-applications respectively the messages within. Furthermore with a view to the overall structure of this regulation there is no aspect and also no justification to do so or to create such a connection or reference to safety related applications or issues.

- "Allowing the assessment of compliance with IT". This needs clarification. IT could be understood as certification for functional subsystems?

Article 15 - Specific objectives applicable to TAP TSI

- Article 15.2 and 15.4 - If the TAP TSI shall cover the essential requirement "accessibility", duplication of work can be avoided. Nevertheless the sector loses flexibility in the TAP TSI implementation. Deleting the clause would allow the sector to use TAP TSI for PRM IoA without over-specifying TAP TSI. In line with this argument the Full Service Model shall remain industry-driven and not be addressed by the revision of TSI PRM. Elements of the Full Service Model, once proven and tested, may be proposed to complement the TAP TSI through the TAP TSI Change Control Management process.
- Article 15.6 - The issue that the TAP TSI shall be revised in order to facilitate the emergence of through-ticketing, integrated ticketing and multi-modal information and reservation systems is indeed critical. The risk is that TAP TSI might regulate excessively the topic of integrated ticket, which, on the contrary, should be very flexible and the maximum freedom should be given to RUs.
- The process and messages related to path unavailability shall be added in order to facilitate RUs actions/response.
- The Agency's role shall be limited – as an enabler/ facilitator - to the assessment of the IT implementations and developments against the TSI specifications. The Agency shall not be an authority for tariff or commercial data exchange.