

# 4th RAILWAY PACKAGE

## THE TECHNICAL PILLAR

### Comments from SNCF

Pierre MESSULAM  
SNCF  
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# The technical pillar of the 4th railway package

## Introduction

➔ We share the same objectives as the Commission:

- ✓ Guarantee of the safety level for all players
- ✓ Competitiveness of rail transport
- ✓ Opening of the market / Single market
- ✓ Competitiveness of European railway manufacturers
- ✓ Interoperability and standardisation:
  - Interoperability in international traffic, but ultimately interoperability in national/regional traffic (i.e. the possibility for rolling stock to be used in several countries/regions)
  - Inter-changeability of spare parts

# The technical pillar of the 4th railway package

## Introduction

➤ We want to avoid the same problems as the Commission:

### Causes

#### Too weak NSAs

Lack of resources for some NSAs (staff and skills)

Lack of harmonisation constraints between national rules

Lack of mandatory audit of NSAs

Diverging and slow processes (safety certificates and authorisation for placing in service)

Unsatisfactory management of safety events

### Problems



### Consequences

Negative impact on rail transport competitiveness

Negative impact on railway industry competitiveness

Negative impact on the Single Market

Threat for the guarantee of safety level

# THE ERA REGULATION

# The ERA Regulation

## Support for the ERA as single safety authority

### ➤ Strong support of SNCF for a « full-power » ERA:

**1. To simplify the processes of authorisation and certification, there should be only one body playing the role of One-Stop-Shop for all the requests.**

**2. It is crucial that ERA should be the authority in charge of issuing these authorisations (“full power”), for 3 reasons:**

- Financial : collect essential financial resources which will let ERA to hire more staff, but also in order to pay the NSA for the assistance in the investigation of the files.
- Setting up a stable governance framework : the share of competences with the NSAs should be clearly identified at the beginning, even if it will change over time both on the extent of the checks and on the range of action.
- Strengthening of ERA competences: the sole notification of NSAs decisions to ERA would not lead to a strengthening of competences of ERA on these issues. This could be used as justification to prevent ERA from hiring additional staff in order to deal with these complex issues and these requests.

# The ERA Regulation

## Transition phase

### ➤ The Commission proposes

- **Immediate entry into force of the Regulation** (no transition phase, except for the 2 years of implementation of safety and interoperability directives, regarding the new authorisation / safety certification mechanisms).

### ➤ SNCF proposes to:

- 1. Foresee a progressive transition**, allowing the increase of staff and its expertise in the new tasks (as for instance it was done for the EASA regulation: 2 years of transposition + 42 months of “additional transition period”)
- 2. Strengthen and clarify the powers of the Agency** (its means financial and human) and its duties to give the Agency its “full powers”

# The ERA Regulation

## Board of appeal

### ➤ The Commission proposes

- to create one or several boards of appeal within the Agency (even if the Board of Appeal is independent from the units of the ERA dealing with the requests) to deal with decisions taken by the ERA.

### ➤ SNCF proposal

- **SNCF strongly welcomes this proposal.**
- We should add that:
  - an appeal can be raised by a representative association,
  - all decisions of the Agency, including failure to act within the time limits, are concerned (meaning also that all deadlines should be precisely defined, including the start of the clock when the request is considered as complete)

# The ERA Regulation

## Spare parts

### ➤ The Commission proposes

- to give to the ERA the task to **identify potential railway spare parts to be standardised**. To this end, the Agency shall establish a working party in order to coordinate the stakeholders' activities and may establish contacts with the European standardisation bodies.

### ➤ SNCF proposals

- **VERY strong support of SNCF for this provision.**
- Proposal to add:
  - Regular presentation of the work of this group by the ERA to the RISC committee (comitology – Railway Interoperability and Safety Committee)
  - Deadline of 2 years for the adoption of the Agency recommendations
  - Power to launch a ERA working group to establish a standard, if 3 years after the Agency Recommendation, the standard is still missing.



# THE SAFETY DIRECTIVE

# The Safety Directive

## Introduction

### ➤ The main message: maintain railway safety

- We want the text to be guided by the objectives set out in article 4.1: “to maintain or increase the safety level”.
- We want to avoid solutions that can create gaps in the railway safety chains of responsibilities. Such gaps could have dramatic consequences in the mid- and long term on railway safety levels.
- We want to clarify the role of each actor of the safety chain.
- We want to clarify the role of the European Union and the Member States (e.g. proposed article 4.1), which have different duties.

# The Safety Directive

## Introduction

### ➤ Today, to run trains, RU shall hold:

1. A license (certifying financial capacity, professional competence and civil liability...) dealt with in the recast (directive 2012/34/EU).
2. A safety certificate including a **part A** (issued by a NSA and mutually recognised in the EU) and a **part B** for each country in which the RU wants to operate (issued by each NSA and matching the technical as well as the operational specificities of a given national network).

### ➤ The Commission proposes:

1. to create a single safety certificate, deleting part B. Services can start without explicit agreement of the NSA or ERA (if a documentation composed in particular of « coordination » and « arrangements » with IMs is given 3 months before the start of the service).
2. To give to the Agency the power to deal with requests from RUs and to issue single safety certificates.

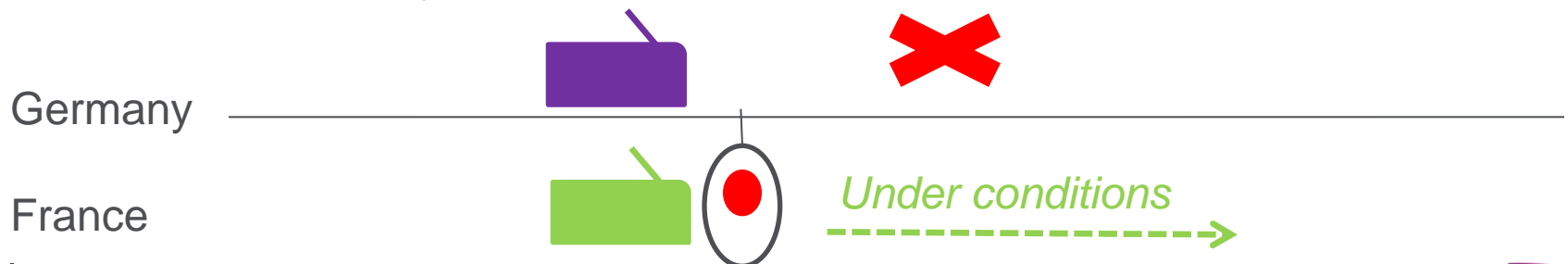
# The Safety Directive

## Single Safety Certificate

➤ The proposal of the Commission to replace part B is not satisfactory

1. It is essential that the Agency (or the NSAs) checks that RUs can safely run their trains in a given country (i.e. they know and understand the systems, the process, the rules and the languages), before the start of the service. It is necessary to work first on harmonisation of national rules, before part B of safety certificate is deleted. **The objectives of the current part B of the safety certificate should be maintained during the period of convergence of national rules.**

- Example of safety critical rules : the behaviour of the driver towards a stop signal



# The Safety Directive

## Single Safety Certificate

➔ The proposal of the Commission to replace part B is not satisfactory

- **SNCF Proposal**: at the request of RUs, when asking for the single safety certificate, « national safety appendixes » should be issued by the ERA for national territories selected by the applicant (on the same basis that what is foreseen for vehicles in the interoperability directive). The NSAs can assist the ERA for the investigation of the request.

# The Safety Directive

## Clear duties for the main actors of the safety chain

➔ If tasks and responsibilities are not very precisely defined, safety is at risk

- Railway safety depends on the thorough accomplishment of their duties by each of the key players of the railway system. The main railway actors are: railway undertakings, infrastructure managers but also entities in charge of maintenance, keepers, manufacturers, consignors, consignees, carriers, loaders fillers and unloaders. The 4<sup>th</sup> railway package should specify the tasks and duties of the main railway actors in order to have a precise allocation of their roles. The EC proposal is a step forward, but it remains insufficient (examples: repartition and fixation of the goods in a container / unloading of a dangerous goods rail tank)
- **SNCF Proposal**: Clear definition of the roles and duties of the “main railway actors” should be provided by the in the definitions (article 3) and in article 4.

# The Safety Directive

## Clear duties for the main actors of the safety chain

- Example of the rolling motorway in France



# The Safety Directive

## The convergence of national rules

➔ The commitment should be taken to review all national rules and to reduce their number

○ The proposal of the Commission is in this regard satisfactory to lead to a progressive convergence of national rules. All the rules should be notified (transparency + capacity of the ERA to review them)

○ **SNCF proposes to:**

1. Foresee the case of urgent preventive measures, where draft new rules could be applicable, for a short period of time, until the Agency validates (or not) the draft rule (for instance after an accident).
2. Foresee the case of new national rules if a gap is needed to maintain the safety level (for instance if an unforeseen safety gap is detected after a TSI is adopted).
3. Give to the Agency the role of coordination of the writing of new harmonised national rules (in particular following to an accident).



# THE INTEROPERABILITY DIRECTIVE

# The Interoperability Directive

## Authorisation for vehicles

### ➤ The Commission proposes:

- To replace authorisations for placing vehicles in service by « **authorisations for placing on the market** » **issued by the Agency**, which could include national parts at the request of the applicant ;
- To rely on **the RU to take decision to place vehicles in service** on the basis of the authorisation to place vehicles on the market, after having checked the compliance with the line through the characteristics of the infrastructure.
  - This means that the RU would be in charge of verifying the integration of the vehicle in the system (ensuring that the vehicle will technically be able to integrate within the rail system).
  - This means that every time that a vehicle is operated, the RU has to issue a decision and to inform the IM, ANS and the Agency.

# The Interoperability Directive

## Authorisation for vehicles

➤ SNCF fears that the EC proposal will :

- **Empty the content of the « authorisations for placing on the market » delivered by the Agency**, as it only deals with a collection of stamps from the various certifying bodies (other industries grant themselves the EC logo for their products without having to go through an authorisation body).
- **Undue transfer responsibility for checking the integration of the vehicle in the system on the RUs**, which is today explicitly lying on the MS and realised by NSAs, using the proofs and tests made by the applicant (often the manufacturer). This transfer would mean:
  - a barrier to market access for small RUs
  - a transfer of responsibility from the manufacturer and MS to RUs to maintain safety levels, whereas meeting the targets lies on the responsibility of MS.
- **Increase of administrative burden and repetition of tests already done for series of vehicles** (in the current system, the authorisation to place vehicle in service is done one for all for one vehicle-type – until major modification/upgrade – while in the EC proposal, the decision to place a vehicle in service is done every time that the vehicle is integrated in a train of a specific RU for the first time on a specific line).

# The Interoperability Directive

## Authorisation for vehicles

➤ SNCF proposes that:

- 1. To keep the concept of authorisation for placing in service (today in force in the current directive), including the technical characteristics and conditions of use on the selected networks, groups of lines or lines.**
  - The concept of authorisation to place a product on the market does not fit the complexity of the railway vehicles (as it does not provide solutions to check the technical compatibility and the safe integration both within the vehicle and with the network).
  - SNCF prefers keeping the current concept of authorisation to place a vehicle in service but the concept of “passports” / “visas for the networks, groups of lines and lines” that the Commission mentioned before the adoption of the 4<sup>th</sup> railway package could also be a solution.
- 2. The register of infrastructure (RINF) should be transposed, created, kept up-to-date and adapted to the needs of the RUs.**

Thank you for  
your attention !