

Annex I to the Programme Plan Rules cleaning-up

Remaining national technical rules applicable to vehicles

Reminder – EU rules (TSIs) / National rules

1. The TSIs are the rules laid down at European level that define the target system of the Single European Railway Area, specifying the optimal level of harmonisation. It follows from this that:
 - a. All rules relating to the (shared) railway system that comprises its structural subsystems (rolling stock, infrastructure, energy, CCS) and its functional subsystems (operation, maintenance, telematics) must be covered only by TSIs.
 - b. National rules may only apply to cover:
 - i. Subsystem characteristics of the target system not yet covered by TSIs (i.e. “open points”, “specific cases”, omissions or errors); such national rules should be linked to TSIs.
 - ii. Subsystems not intended to be covered by the target system because:
 1. They will be replaced by the target system (i.e. “legacy systems”).
 2. Harmonisation at EU level has been evaluated as not necessary (e.g. track gauge 1000 mm).
2. The TSIs have been developed considering the existing railway system; in particular, most of the existing fixed installations are in the scope of the target system (i.e. track gauges 1435, 1520, 1524, 1600, 1668 mm; power supply DC 1,5 kV, DC 3 kV, AC 15 kV, AC 25 kV). As a result, the target system is not defined by a unique set of technical characteristics.
Regarding Control Command and Signalling, the TSI CCS specifies a new EU subsystem (ETCS, GSM-R); the existing CCS subsystems (class B) are then considered as legacy systems.
3. Requirements in rules can be technical (e.g. wheel and rails must be 1435mm apart) or operational (e.g. stop at a red signal).
The operational rules shall not be subject of national technical rules applicable to vehicles for authorisation; these rules are in the scope of the TSI OPE.
4. The Register of Infrastructure has been developed (according to Interoperability Directive, article 35; 4th RP ID article 48) in order to provide the main features/characteristics of the EU railway network, and “*their correlation with the features laid down under the applicable TSIs*”.
This register allows to identify:
 - a. The parts of the network that are in the scope of the target system
 - b. The exact characteristics of corresponding lines/sections, expressed in consistency with TSIs; these characteristics include interface parameters between fixed installations and vehicles, as defined in TSIs (section 4.3 ‘Interfaces between subsystems’), and which are necessary for evaluating the technical compatibility between vehicles and network/line.

5. Any remaining national rule shall not be a barrier to the progressive implementation of the target system (e.g. HS lines have to be built according to the structural gauge GC; vehicles of structural gauge GC have to be authorised for operation on the corresponding HS network in all EU MSs, otherwise the objective of the target system is not met).
The description of the existing infrastructure should not be subject of national technical rules applicable to vehicles; this description has to be provided by the register of infrastructure.
6. The RU is responsible for verifying the technical compatibility between the train and a route; this verification is done after the authorisation to be placed on the market of vehicles is delivered by the authority (4th RP, ID Article 23; see extract below).
7. According to the TSI covering the functional subsystem 'operation' (TSI OPE), IMs and RUs have to cooperate by exchanging relevant information (under their respective SMS) in order to ensure the operational compatibility between a train and a route and the safe operation of this train.

4th RP – Global overview

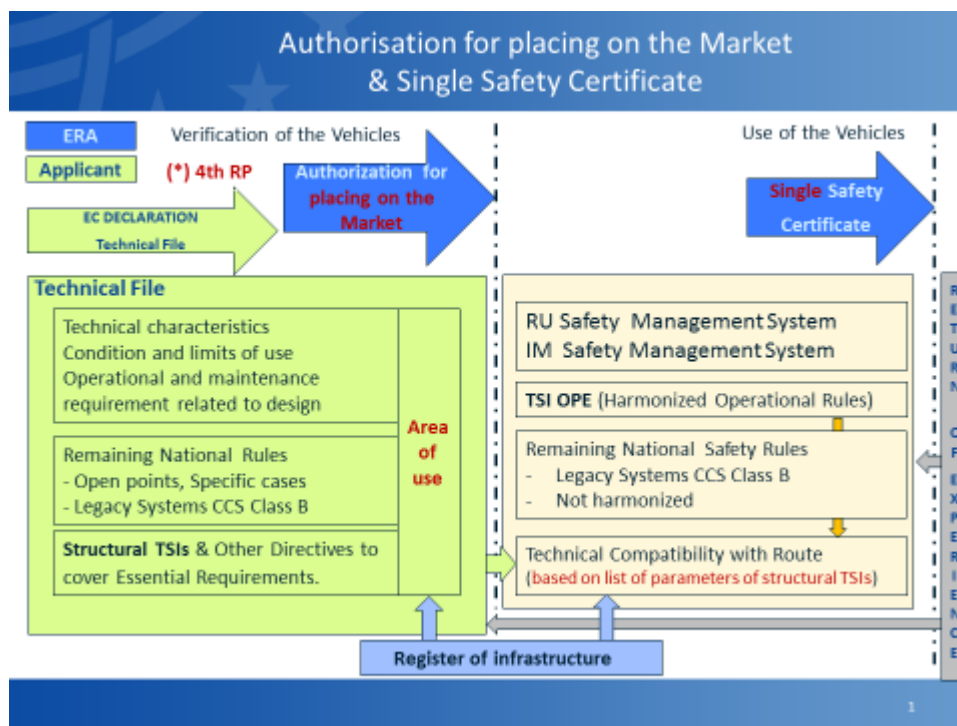
Interoperability Directive: Article 21 (10) 2 ‘Vehicle authorisation for placing on the market’

10. Vehicle authorisations for placing on the market shall state:
- the area(s) of use;
 - the values of the parameters set out in the TSIs and, where applicable, in the national rules, for checking the technical compatibility between the vehicle and the area of use;
 - the vehicle's compliance with the relevant TSIs and sets of national rules, relating to the parameters referred to in point (b);
 - the conditions for use of the vehicle and other restrictions.

Interoperability Directive: Article 23 ___ ‘Checks before the use of authorised vehicles’

- Before a railway undertaking uses a vehicle in the area of use specified in its authorisation for placing on the market, it shall check:
 - that the vehicle has been authorised for placing on the market in accordance with Article 20 and is duly registered;
 - that the vehicle is compatible with the route on the basis of the infrastructure register, the relevant TSIs or any relevant information to be provided by the infrastructure manager free of charge and within a reasonable period of time, where such a register does not exist or is incomplete; and
 - that the vehicle is properly integrated in the train composition where it is intended to operate, taking into account the safety management system set out in Article 9 of Directive .../.../EU and the TSI on operation and traffic management.
- For the purposes of paragraph 1, the railway undertaking may carry out tests in cooperation with the infrastructure manager.

The infrastructure manager, in consultation with the applicant, shall make every effort to ensure that any tests take place within three months of receipt of the applicant's request.



Guideline for identification and assessment of National Technical Rules (NTRs) remaining in addition to TSIs for vehicle authorisation

1. Scope of the Project

1.1. Geographical:

The scope of the cleaning up of national technical rules for vehicle authorisation is the whole EU railway network (EU Members States and Norway, case of Switzerland to be clarified).

1.2. Technical:

- NTRs applicable for **vehicle authorisation** in the scope of interoperability directive:
 - o **Vehicle covered by TSIs** 1st priority for identification and assessment
 - o Vehicle not covered by TSIs 2nd priority
- **Latest applicable TSIs :** 1st priority for identification and assessment
 - o For Locomotives and Passenger rolling stock: TSI LOC&PAS N° 2014/1302, TSI Noise N° 2014/1304 and TSI PRM N° 2014/1300.
 - o For Freight Wagon: TSI Wagon N° 2013/321 (amended by 2013/1236 and 2015/924) and TSI Noise N° 1304/2014.
 - o For CCS on board: TSI CCS N° 2012/88/EU (amended by 2012/696/EU and 2015/14).
- Former TSIs: 2nd priority

2. Identification of national technical rules:

2.1. Vehicle covered by TSIs

2.1.1. Parameters already covered by TSIs:

When a parameter is already covered by TSIs, member states shall not publish in RDD and further notify what is already in the TSIs. Concerned NTRs shall be **withdrawn**.

2.1.2. Parameters not covered by TSIs:

Rule(s) may only apply to cover:

- Parameters covering other directives, these parameters are clearly identified in the cross reference table: [link](#).
Note: the corresponding national rules (for these parameters) are not directly linked to the interoperability directive.
- Subsystem characteristics (of the target system) not yet covered by TSIs, such rule(s) shall refer clearly to TSIs :
 - o National specific cases mentioned, but not described in TSIs,
 - o Open points,
 - o Omissions or errors (with clear reference to the TSI clause impacted).
- Technical compatibility with the existing network (as 'legacy system' not covered by a specific case), considering the global EU framework (see Reminder/Global overview above).

2.2. Vehicle not covered by TSIs

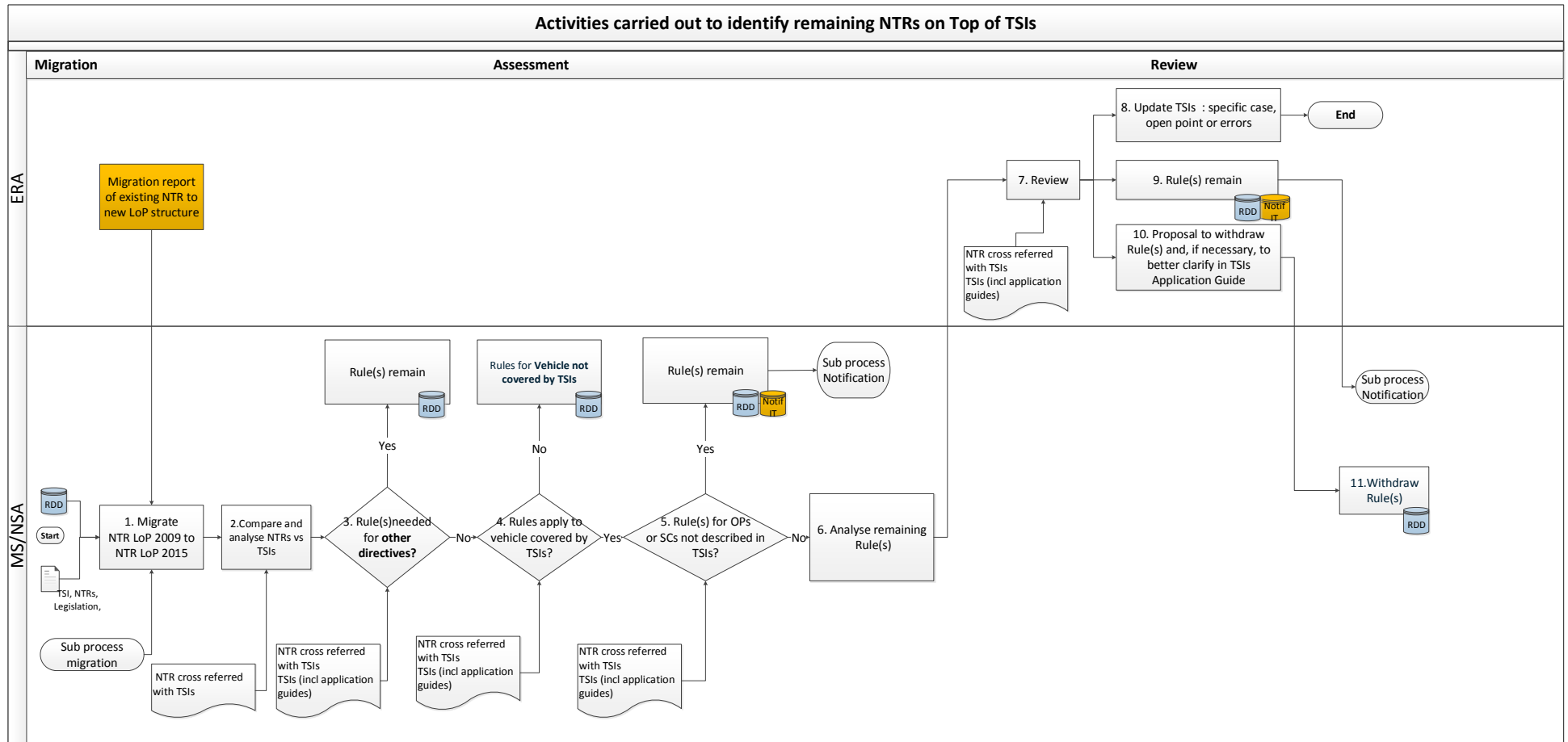
Rule(s) may remain for vehicles that are not covered by TSIs:

- Vehicle not intended to be covered by the target system because:
 - o They will be replaced by the target system (i.e. “legacy systems”, particularly on-board CCS Class B systems).
 - o Harmonisation at EU level has been evaluated as not necessary (e.g. vehicle intended for track gauge 1000 mm, shunting locomotive).
- Vehicle authorised before application of TSIs or under derogation:
 - o NTR may remain in RDD for reference).
 - o These rules will not be assessed.
 - o In case of derogation, the rules that were applied (or proposed to be applied) depend on the project (case by case analysis).

3. Process to assess NTRs with consideration of TSIs

The following flowchart provide steps to assess the NTRs with consideration of TSIs.

An additional flowchart is provided afterward to detail step 6 “Analyse remaining Rule(s)”:



Flowchart 1, giving the steps to consider to identify and assess the NTRs on top of TSIs

The following tables provide additional information describing the activities carried out:

Migration of Rules (step 1 in the flowchart)

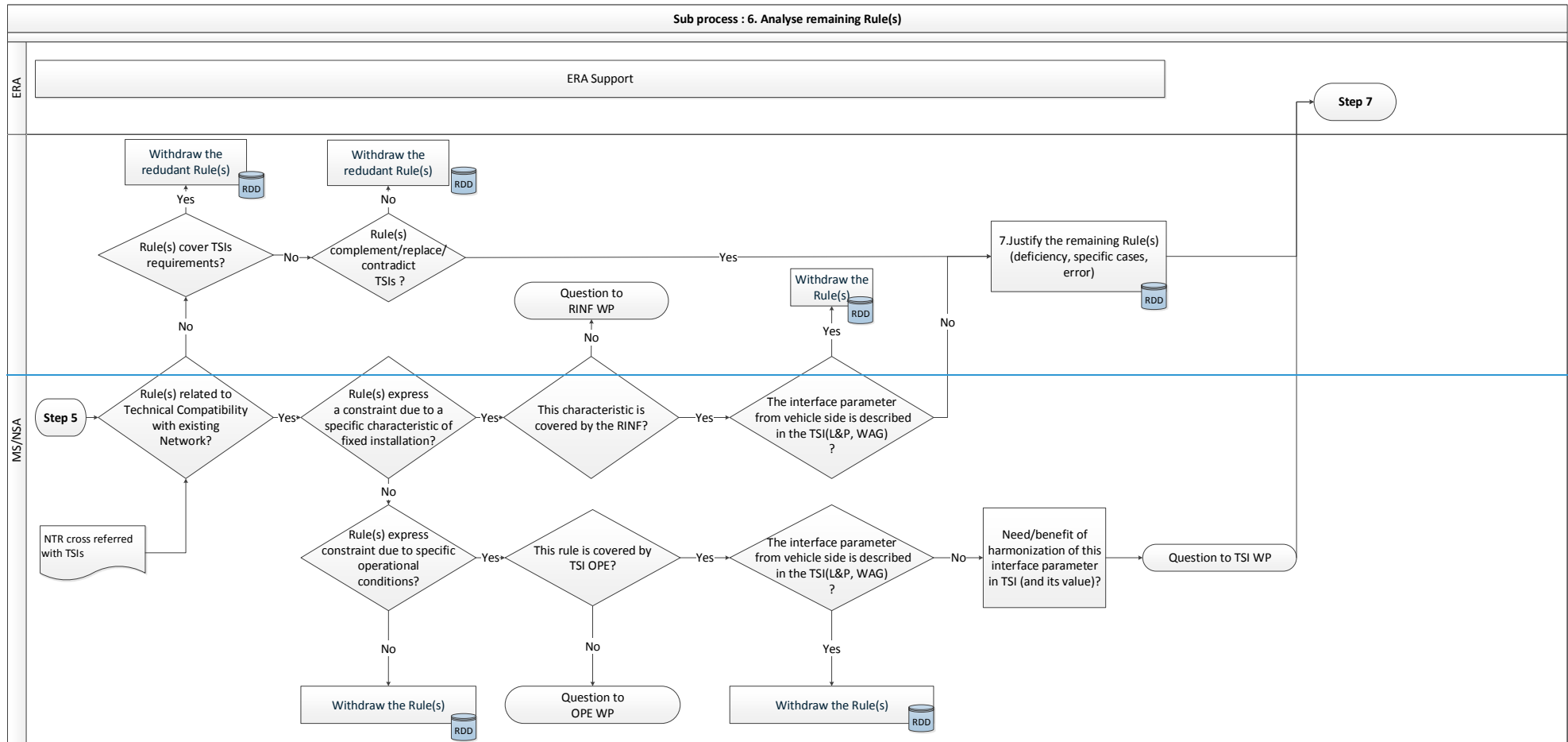
Input	NRD structured in the List of Parameter (based on Decision 2009/965/EC)
Activity	<p>In accordance with the Decision 2011/155/EU, MSs should publish the list of rules in the National Reference Document (NRD). The published NRDs are made available in the Reference Document Database (RDD): link.</p> <p>As the decision 2015/2299 (new LoP) reflect the revised TSIs, the migration of existing NRD to the new LoP is a prerequisite for the cleaning up of rules.</p> <p>Two possibilities is given:</p> <ul style="list-style-type: none"> - Migration support by ERA using RDD: <ul style="list-style-type: none"> o Migration of the existing rules into the new LoP is performed using dedicated “migration report” provided by ERA. - Migration of rules performed by MS independently: <ul style="list-style-type: none"> MS can transfer (manually) their rules into the new LoP (e.g. using Excel, Word). The NRD is then updated in RDD.
Output	NRD structured in the new LoP 2015, uploaded in RDD

Assessment

Rule(s) needed for: other directives, vehicle not covered by TSI, open points and specific cases not described in TSIs (step 2 to 5 in the flowchart):

Input	NRD structured in the LoP 2015/2299 with cross reference to TSIs. TSIs
Activity	<p>MS identify rule(s) needed for :</p> <ul style="list-style-type: none"> - Compliance with other directives - Vehicle not covered by TSI - covering an open point or a specific case not described in TSI
Output	<p>Rule(s) for “other directives remain in NRD.</p> <p>Rule(s) for “Vehicle not covered by TSIs” remain: column “Vehicle not covered by TSIs” updated in NRD/RDD.</p> <p>Rule(s) for open point or specific cases not described in TSIs remain: columns “Open Point” or “Specific case” updated in NRD/RDD.</p> <p>Remaining Rule(s) not falling in any of the above cases will be further assessed (see below).</p>

The following flowchart provide detail steps related “Analyse remaining Rule(s)” (step 6 in flowchart 1).



Flowchart 2, giving the steps to identify and assess the NTRs on top of TSIs.

The following table provides additional information describing the activities carried out:

Remaining rules not needed for Technical compatibility with existing network: (steps 6.2, 6.3, 6.10 in the flowchart 2).

Input	<p>Remaining Rule(s) not needed for Technical compatibility and covered by following TSIs :</p> <ul style="list-style-type: none"> - For Rolling Stock : TSI LOC&PAS, TSI PRM and TSI Noise - For Wagon : TSI Wag and TSI Noise - For CCS onboard : TSI CCS
Activity	<p>MS shall :</p> <ul style="list-style-type: none"> - identify and withdraw NTRs covered by TSIs (Art. 17 of IOP), - Relate NTRs to the TSIs and to the new list of parameters 2015/2299, - When NTRs are not related to open points or specific cases, they shall clearly refer to TSI requirements in order to identify if they complement/contradict/replace them for compatibility with existing networks, - Identify and analyze requirements that don't relate to any of the above, verify in this case for example if the TSI is deficient/non-exhaustive.
Output	<p>Rule(s) withdrawn</p> <p>Justification of remaining Rule(s): deficiency/errors in the TSIs, specific cases needed will be subject of review with ERA (see step 7 in the flowchart 1).</p>

Remark: the parameters that are marked as not necessary for technical compatibility between the vehicle and the network are identified in the cross reference table and in RDD. MS should use this information to consider if a rule is needed for technical compatibility. Any discrepancies will need discussion with the Agency.

Remaining rules needed for Technical compatibility with existing network (steps 6.4, 6.5, 6.6, 6.7, 6.8, 6.9 6.10 and 6.11 in the flowchart 2).

Input	<p>Rule(s) linked to a parameter related to TSI LOC&PAS or to TSI WAG. Rule(s) not linked to a specific case or open point of TSI LOC&PAS or TSI WAG. <u>Note:</u> for other TSIs, there is no parameter relevant for technical compatibility with existing network.</p>
Activity	<p>MS identify Rule(s) needed for technical compatibility with existing network. The following aspect shall be considered</p> <ul style="list-style-type: none"> - If the rule describes the infrastructure, this shall be analysed in RINF WP - If the rule describes an operational condition, this shall be analysed by OPE WP - If the rule cover an interface parameter between vehicle and fixed installation or operation that is already described in the TSIs LOC&PAS or TSI WAG: the rule shall be withdrawn.
Output	<p>Rule(s) withdrawn from NRD/RDD and transfer to RINF or OPE WPs</p> <p>Need/benefit of harmonization of interface parameter in TSI (and its value) to be analysed in TSI WAG or LOC&PAS WPs.</p> <p>Justification of remaining Rule(s): deficiency/errors in the TSIs, or need for a new specific case will be subject of review with ERA (see step 7 in the flowchart 1).</p>