



INTERNATIONAL UNION  
OF RAILWAYS

WEBINAR  
**XBORDER - SECTIONS**  
**WORKSHOP 23 FEBRUARY 2021**  
**PRESENTATION BY**  
**KAREN DAVIES      TORBEN HOLVAD**  
**EUROPEAN AGENCY FOR RAILWAYS**



**Karen Davies**

**Project Officer from the Safety and Operations Unit**

**Torben Holvad**

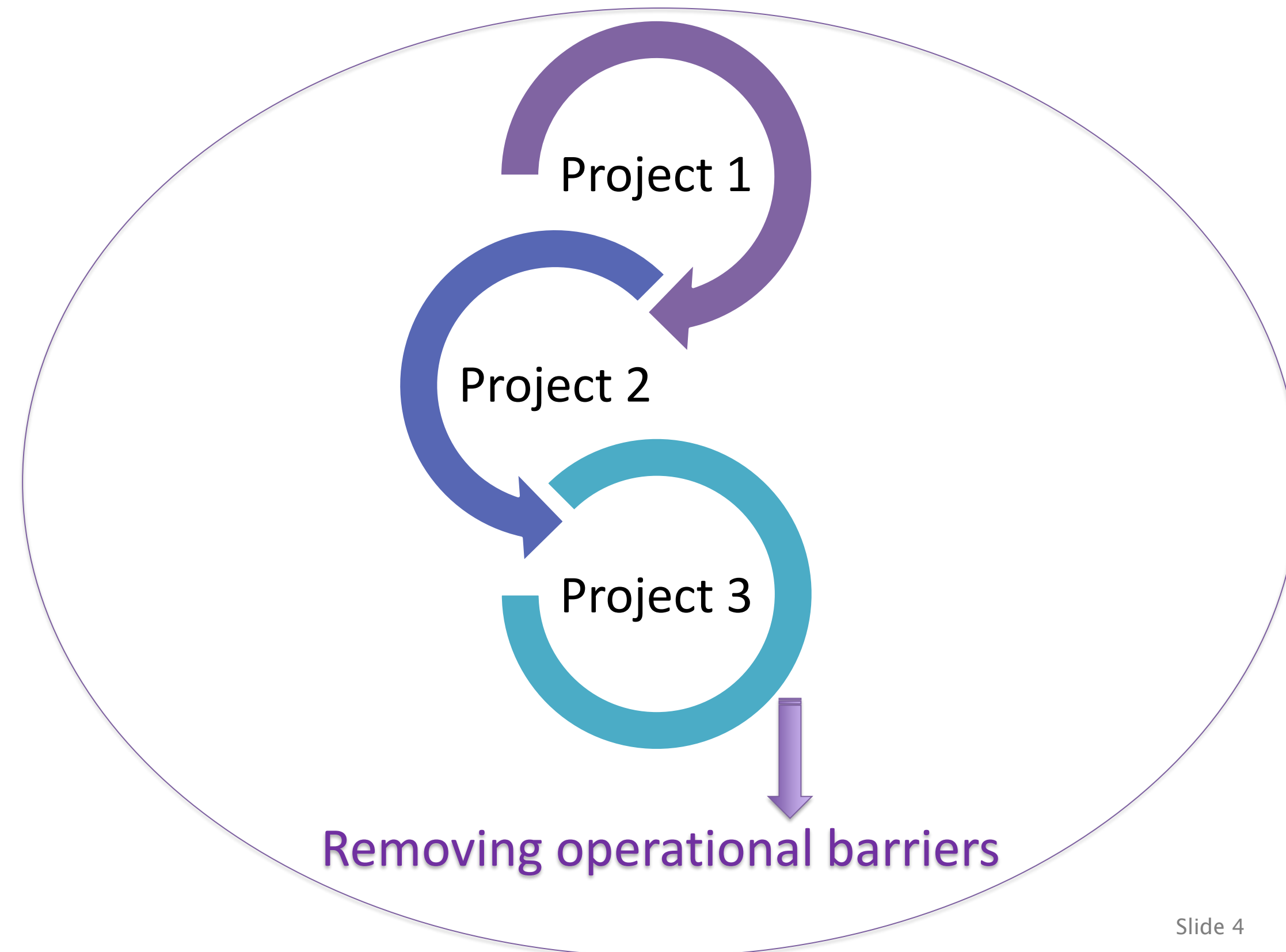
**Analysis Team Leader**

**at the European Union Agency for  
Railways**

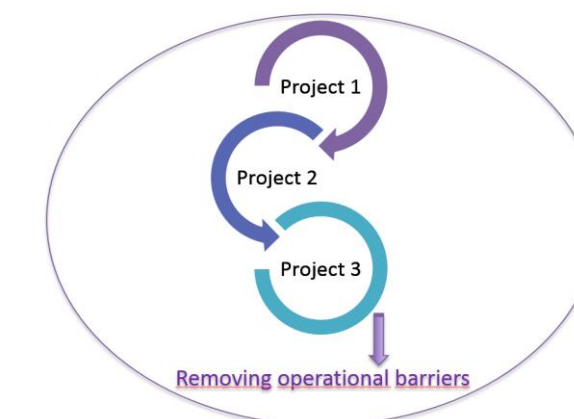
# ERA projects for improving cross border operations

Karen Davies

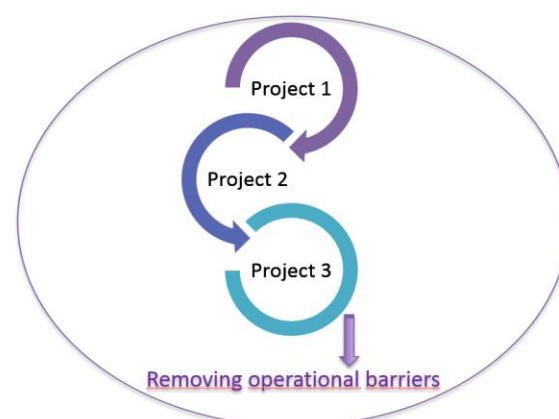
- What are they?
  1. Cleaning up of national rules
  2. **Technical opinion – first delivered on Buffer wagons**
  3. Development of Acceptable Means of Compliance



- Transition of the current national rules from the NOTIF-IT database to the new Single Rules Database database. This requires:
  - Member States to provide ERA with an Excel Sheet of all their current applicable rules
  - ERA to review these national rules against existing EU legislation (i.e. Safety Directive Annex II, TSI Operation and Safety Management Systems)
    - If they are in line with EU legislation they can be transferred to the new database
    - If not, then discussions take place with the Member States
    - If no satisfactory resolution, the Agency issues a Technical Opinion for the Commission with evidence as to why the rule should no longer be valid
    - If no reaction by Member State, an Implementing Act may be issued by the Commission for the removal or modification of the rule

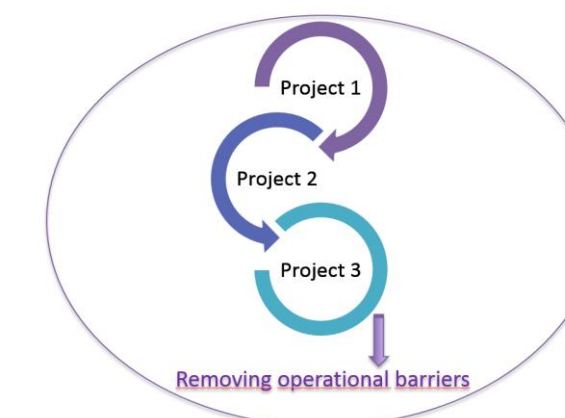


- Single Rule Database (SRD) is now only for notification of new draft safety rules as defined by Art. 8 of the Railway Safety Directive
- Member States cannot use the new SRD with existing national rules unless ERA has evaluated positively the rules and agreed that they should be transferred to the new database.
- Eventually NOTIF-IT will be mothballed and can no longer be used
- If a rule is not notified in the Agency database it cannot be required because it has no legal basis
- NSAs may include some rules that are not national rules as good practice but it cannot mandate them particularly if a RU demonstrates that they are not in line with their risk assessment
- Note:
  1. The assessment of the Single Safety Certificate should not be done against those rules that overlap with TSI OPE. This is because they are now part of the assessment done by ERA as the certification for those RUs that operate cross border
  2. If RUs decide to use Acceptable Means of Compliance - AMOCs – these provide a presumption of conformity



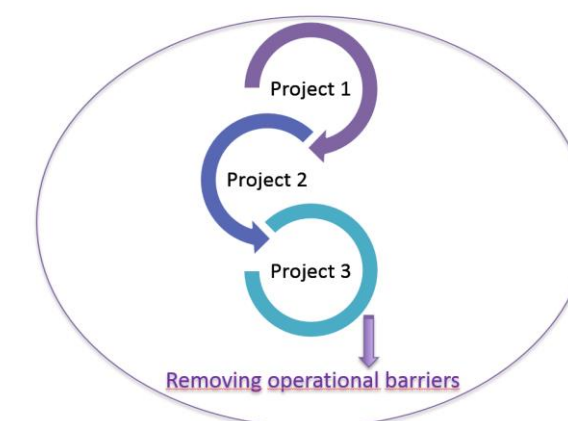
## Project 1 – cleaning up of national rules

- The Agency is currently reviewing the Excel sheets received
  - HU/BG/RO have submitted the Excel sheets and the reviews have taken place
  - These member states are the ones where we often see problems at the border and increased dwell times
  - The next step is to engage with these Member States
- The Agency has recommended around 90% of national rules to be removed. This include:
  - Braking requirements
  - Requirements on tests and checks
  - Train composition issues
- The Agency project is due to be finalised by June 2021
- However, this may ongoing if the Commission has to issue further Implementing Acts on outdated and non risk based national rules



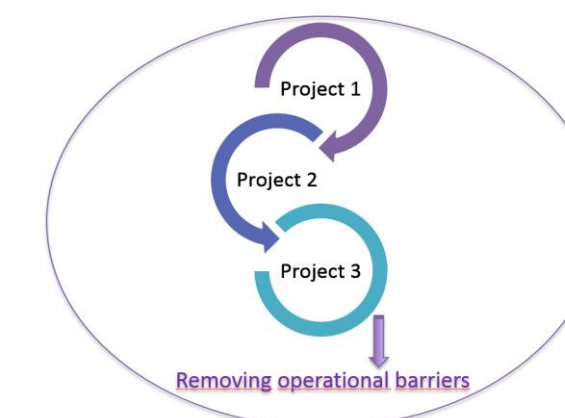
## Project 2 - Technical opinion on Buffer wagons

- The different national rules on buffer wagons was highlighted as an issue on OEM
- Agency issued two technical opinions on the requirements for buffer wagons in BG and RO in May 2020
- Both Member States were consulted prior to the technical opinion on an informal report produced by the Agency
  - This report reviewed the national rules against EU legislation including RID and SMS requirements
  - In addition, a risk assessment was developed analysing the requirements from both BG and RO
  - Only BG responded but the arguments were not sufficient justification for the national rule
- The technical opinions were submitted to the Member States and Commission and Implementing Acts were adopted by RISC on 10 February to remove such rules
- Although HU had a similar rule this was not analysed because of proposals to remove it, confirmed at RISC 89 by HU representative





- As part of the TSI OPE 2019, the Agency was required to develop acceptable means of compliance (AMOCs) on:
  1. Checks and tests (including train braking)
  2. Safety of loads
  3. Safety of passengers
  4. Train departure
  5. Degraded operation
- AMOCs are voluntary but provide a presumption of conformity for meeting requirements that cover these areas
- The Agency is expected to deliver AMOCs on topics 1 to 4 for the Commission by June 2021.
- These topics represent most of the concerns that have come out of the RFC Issue Log Book and the two of the three priority areas (train braking, train composition and tests and checks)
- AMOC should support Member State in removal of national rules in those areas



# Cross-border dwell times: Data request

OPE TSI WP, 11/02/21

- One of Agency's statutory tasks is to monitor the progress with railway safety and interoperability of the Union railway system (see Agency Regulation, Article 35(4)).
- This is done with the help of a series of well-defined and understood indicators focusing on outcomes and outputs of interoperability efforts / safety related aspects, published biennially in the Agency report on progress with Interoperability
- The latest report was issued in July 2020, see this [link](#) (and next report is due in 2022)
  
- Unlike the EU regulatory framework for railway safety, the interoperability regulatory framework does not contain common indicators for monitoring interoperability
- In particular, data availability remains an issue concerning the measurement of progress with respect to operational barriers (e.g. extent of seamless cross border operations across Europe linked to dwell times)

- Joint effort with sector to:
  - define feasible indicators for measuring **changes** in seamless cross border operation based on already available data (focus would be on international freight)
  - collect, consolidate and validate data for the chosen indicators in order to ensure that meaningful and unbiased conclusions can be drawn
  - determine the most suitable approach to publish the indicator(s) in the next biennial report (2022)
- Once these steps have been completed the idea would be to include the indicator(s) in each new issue of the biennial report
- This would permit over time to show the trend re. seamless cross border operation as an indicator for changes in operational barriers



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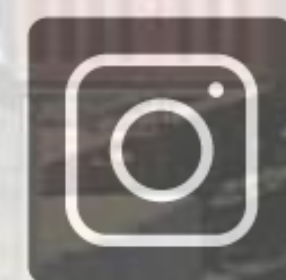
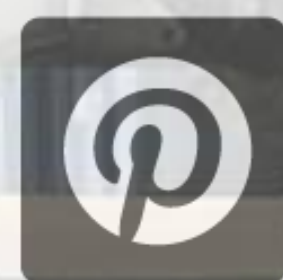




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**Thank you for your attention.**