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**TECHNICAL SPECIFICATIONS FOR THE INTEROPERABILITY
OF THE TRANS-EUROPEAN CONVENTIONAL RAIL SYSTEM,
POLISH PERSPECTIVE 2004**

This paper describes how interoperability related European regulations are introduced in Polish legislation. It also describes present state of the Technical Specifications for Interoperability especially for the four first priority TSIs (Control Command and Signalling; Telematic Applications for Freight; Noise; Freight Wagons). To give also the picture of the future paper presents also European Railway Agency as well as European Commission plans regarding European Railway System unification and upgrading.

**TECHNICZNE SPECYFIKACJE INTEROPERACYJNOŚCI
TRANSEUROPEJSKIEGO SYSTEMU KOLEI KONWENCJONALNYCH,
POLSKIE SPOJRZENIE 2004**

Niniejszy referat opisuje w jaki sposób europejskie regulacje prawne w tym zakresie zostały odzwierciedlone w polskim prawodawstwie. Referat opisuje także aktualny stan zaawansowania prac nad Technicznymi Specyfikacjami Interoperacyjności szczególnie w zakresie czterech specyfikacji TSI pierwszego priorytetu (sterowanie ruchem kolejowym; aplikacje telematyczne dla przewozów towarowych; hałas; wagony towarowe). Aby przedstawić także dalszą perspektywę referat opisuje Europejską Agencję Kolejową oraz plany Komisji Europejskiej w zakresie unifikacji i modernizacji europejskiego systemu kolejowego.

1. INTRODUCTION

European rail interoperability concept has been presented during previous TST conference emphasising Polish perspective of the technical specifications for the interoperability of the trans-European Conventional Rail system. This presentation has shown main European legal acts as European Parliament Directives 96/48/EC and 2001/16/EC as well as supporting European Commission Decisions. Already then Polish involvement in

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European interoperability works as well as Polish works based on interoperability related European specifications have been presented.

Since then Poland become European Union Member State. European legal acts have been introduced into Polish legislation. Works on decisions supporting interoperability directives are much more advanced and additional Directives have been introduced into European legislation. As a result overall situation has changed significantly.

In order to describe Polish rail interoperability perspective 2004 I have decided to focus on three main topics which are very important and have to be known as wide as possible. I have decided not to talk about Polish involvement in European interoperability related works conducted especially by European Association for Rail Interoperability (AEIF) as not much has changed in that respect since it was presented during previous TST conference.

I will also not focus on implementation of the EC Decision on Telematic Applications for freight services as this will be presented by PKP Group representatives in respective AEIF works as a separate paper during present TST conference.

As a result I want to present the way how European rail interoperability related regulations have been introduced into Polish law, what is the present state of the supporting decisions —Technical Specifications for Interoperability and what we know about future steps on the European level especially taking into account European Regulation establishing European Railway Agency.

2. RAIL INTEROPERABILITY IN POLISH LAW

Entering European Union requires from all Member States introduction of the European legal regulations into national law. This is especially important for the regulations related to common market which are forming the basis of the European Community. Such regulation frequently define not only the technical requirements for the products but also the way how to asses if the requirements are met or not. Such regulations in the European law from the legal point of view are based on the new approach rules (European Council Resolution 1985) and unified conformity rules (European Council resolution 1989). This basic regulations have been introduced into Polish legislation by

*Ustawa z dnia 30 sierpnia 2002 r.
o systemie oceny zgodności
(Dz. U. Nr 166, poz. 1360 z późniejszymi zmianami).*

This is a very important basic regulation which is applicable not only for the railway related technical unification but also for many other products present on the common market from children toys to power supply. To show the scale of this type technical regulations one can point nearly fifty new approach European Directives of which only two are railway related ones.

Based on this regulation Poland was obliged to introduce European railway interoperability related Directives (96/48/EC and 2001/16/EC) into Polish law before entering

European Union. In principle essential requirements should be introduced into Polish law by publication in the decree issued by appropriate minister. However in case of railway interoperability related European Directives Polish lawyers pointed some detailed statements inside which could not be introduced into Polish legislation by minister decree. A long discussion involving Polish parliament members, highly qualified lawyers, Infrastructure Ministry employees and railway experts resulted in

*Ustawa z dnia 20 kwietnia 2004 r.
o zmianie Ustawy o transporcie kolejowym
(Dz. U. Nr 92 , poz. 883)*

supplementing

*Ustawę z dnia 28 marca 2003
o transporcie kolejowym
(Dz. U. Nr 86 , poz. 789)*

especially with chapter 4a defining terms for introduction of trans-European high speed railway system interoperability on the Polish territory.

Unfortunately railway system is one of the most complicated technical systems. As a result essential requirements defined on the level of directives which have been transferred into Polish legislation by pointed law does not define the requirements precisely enough. Poland, as well as other Member States, is obliged to introduce into national legislation also the European Commission Decisions supplementing interoperability directives. As it was already pointed during TST 2003 presentation high speed Directive 96/48/EC is supplemented by six decisions numbered from 2002/730/EC to 2002/735/EC issued in May 2002. This decisions have been introduced into Polish legislation by

*Rozporządzenie Ministra Infrastruktury
w sprawie zasadniczych wymagań dotyczących
interoperacyjności kolei oraz procedur oceny zgodności
dla transeuropejskiego systemu kolei dużych prędkości
z dnia 29 czerwca 2004
(Dz. U. Nr 162, poz. 1697).*

However to find appropriate detail technical requirements one have to look to the EC Decisions and a number of specifications and standards which have been quoted. The decisions and the high speed Technical Specifications for Interoperability are available in Polish. Unfortunately experts using quoted specifications and standards have to use English, German or French version as Polish ones in most cases are not available.

To complete the picture it is important to say when similar decree based on European Commission decisions supplementing Directive 2001/16/EC with the TSIs for the trans-European conventional rail system will be available. To answer this question we have to say something about present state of those documents.

3. PRESENT STATE OF THE TSI SPECIFICATIONS

The trans-European conventional rail sub-systems for which detail requirements have to be defined have been subdivided into three priorities.

For the preparation of the Technical Specifications for the first priority sub-systems European Railway Interoperability Association received European Commission Mandate in the year 2002. This five TSIs were expected to be voted by Member States in April 2004. Nevertheless European Commission, taking into account European Union enlargement, decided to involve all 25 Member States in a whole acceptance process and moved voting to October 2004. As a result cost / benefit analyses prepared for fifteen EU Member States have been redone for twenty five. Hot and serious discussions related especially to implementation of those TSIs will probably result with additional few months delay. The first priority Conventional Rail (CR) Technical Specifications for Interoperability are covering following five subsystems: CCS –control command and signalling; NOI – noise; TAF – telematic applications for freight services; FW – freight wagons; OPE – operation.

For the preparation of the Technical Specifications for the second priority sub-systems European Railway Interoperability Association received European Commission Mandate in the year 2003. This two TSIs are expected to be voted by Member States in February 2005. The second priority Conventional Rail (CR) Technical Specifications for Interoperability are covering following two topics: SRT –safety in railway tunnels; PRM – access for persons with reduced mobility.

European Railway Interoperability Association received also European Commission Mandate for updating high speed TSIs and European Commission restricted Mandate for the definition of basic parameters and interfaces for two third priority conventional rail subsystems namely ENE – energy and INS – infrastructure.

As a result of on-going work we have to expect in the summer of the year 2005 not only decree based on European Commission decisions supplementing Directive 2001/16/EC with the TSIs for the trans-European conventional rail system but also updated decree related to the high speed trans-European system on the Polish territory. However issued documents will not cover all railway sub-systems and certain solutions will remain in national responsibility.

4. FUTURE DEVELOPMENT OF THE EUROPEAN RAIL INTEROPERABILITY

The sub-division of the trans-European railway sub-systems into European and national ones is very inconvenient, but European Commission already stated that AEIF will not receive new Mandates for the preparation of missing TSIs. It is not because European Railway Interoperability Association is not doing well, it is because European Parliament decided to establish European Railway Agency.

European Parliament and Council Regulation 881/2004/EC dated 29 April 2004 establishing European Rail Agency (ERA) defines three fields of ERA responsibility: railway

safety, railway interoperability, and railway market regulation. The 881/2004/EC defines also competencies of the ERA Administrative Board which is composed of twenty five Member States representatives and four European Commission representatives and six observers representing international railway organisations.

According to the Regulation 881 in relation to railway interoperability ERA shall contribute to the development and implementation in accordance with the principles and definitions laid down in Directives 96/48/EC and 2001/16/EC. To this end, the Agency shall:

- (a) organise and conduct, on a mandate from the Commission, the work of the working parties referred to in Article 3 on drafting the TSIs and forward the draft TSIs to the Commission;
- (b) ensure that the TSIs are adapted to technical progress and market trends and to the social requirements and propose to the Commission the amendments to the TSIs which it considers necessary;
- (c) ensure co-ordination between the development and updating of the TSIs on the one hand and the development of the European standards which prove necessary for interoperability on the other and maintain the relevant contacts with the European standardisation bodies; 30.4.2004 EN Official Journal of the European Union L 164/
- (d) assist the Commission in organising and facilitating the co-operation of notified bodies, as described in Article 20(5) of Directives 96/48/EC and 2001/16/EC;
- (e) advise and address recommendations to the Commission relating to the working conditions of all staff executing safety-critical tasks.

ERA will also publish every second year report on the stage of railway interoperability in the European Union. First report have to be published in the second year of ERA existence. ERA will also be responsible for the preparation of interoperability related opinions for the railway projects supported by the EC funds. It will be involved in certification of maintenance workshops, will propose to the European Commission 'rolling stock register' and 'infrastructure register' structure and content and will conduct register of all interoperability related documents including not only documents defining requirements but also all issued conformity certificates for interoperability constituents and sub-systems put into service.

5. CONCLUSION

As a result there is a grate chance that during next years railway system in Poland will change significantly. However it still depends how efficient Polish railway experts and managers and Polish politicians will be in using EU support for the railway projects. To show the order of magnitude of the possibilities we can point European Commission Trans-European Transport Network priorities which are covering on Polish territory E-65 and E-75 lines, and we can point common UIC/CER/EIM proposal for the so called inception kernel for the TSI control command and signalling which is covering on Polish territory E-65, E-75 as well as major parts of E-20, E-30 and CE-59 lines. I am deeply convinced that we have to use this opportunity as far as possible.