

The Specific Case of the TAP TSI

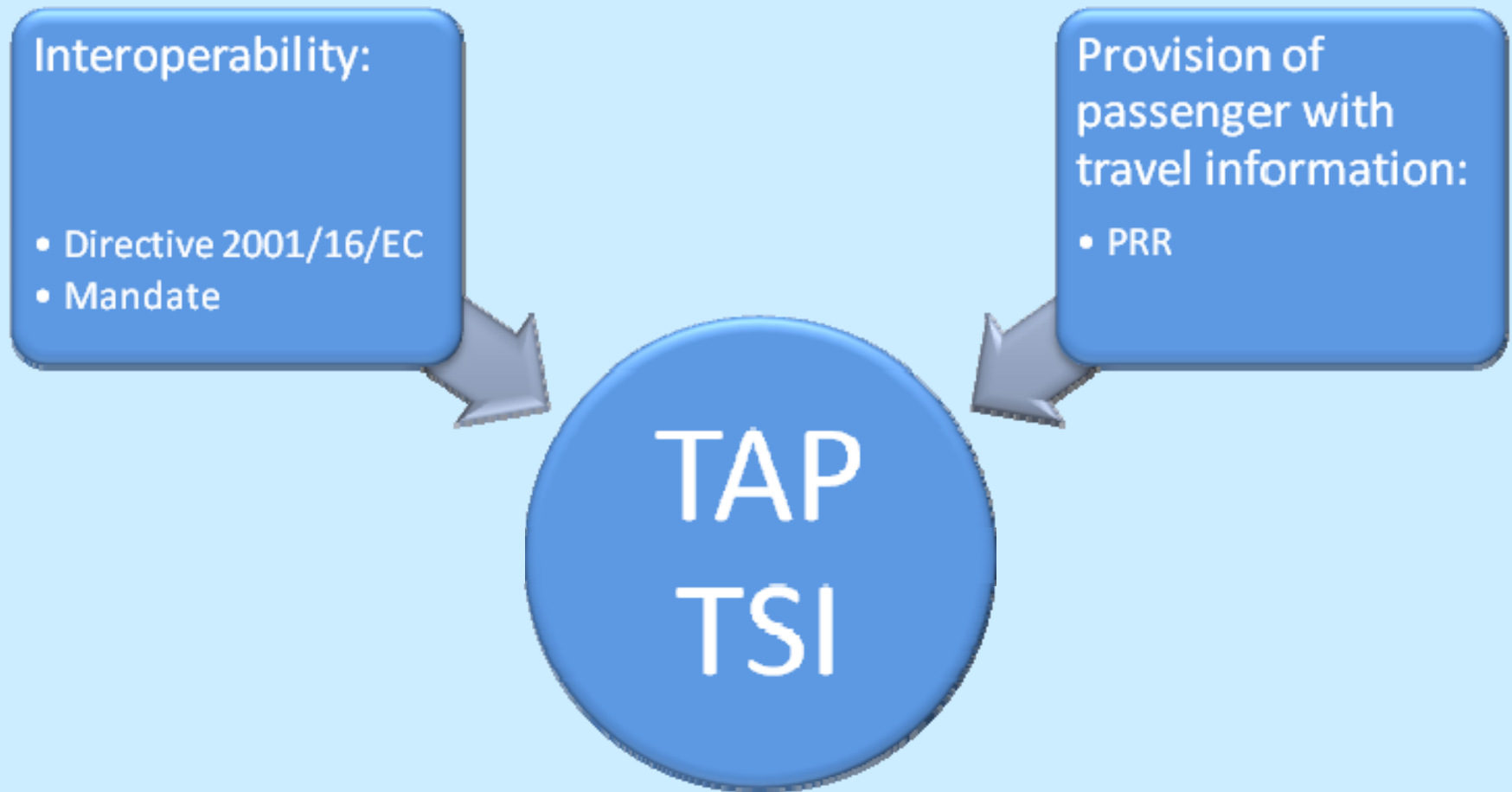
/ Telematic Applications for Passengers – Technical Specification for Interoperability /

Presented by
European Railway Agency

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Legal background of TAP TSI



→ Directive 2001/16/EC amended by 2008/57/EC

→ PRR = European Rail Passengers' Rights Regulation 1371/2007 (see Art 10 and Annex II)

Legal background of TAP TSI

Diagram on previous slide shows clearly that TAP TSI is mandated by

- the Interoperability Directive as part of the subsystem “Telematics Applications” within the European Rail system: see Annex II of Directive 2008/57/EC

and

- Art 10 and Annex II of the European Rail Passengers’ Rights Regulation 1371/2007/EC as technical enabler for the data provision towards the passengers and for the issuing of tickets.



Because of aforementioned requirements the provisions of **both** Interoperability Directive and of European Rail Passengers’ Rights Regulation apply to the TAP TSI.

TAP TSI Mandate and SEDP

The European Commission has mandated 2006 – based on the Interoperability Directive – ERA to draft the TAP TSI.

The drafting of TAP TSI is expected to be ready in 2009. The drafting has been performed in a dedicated ERA Working Party to which the rail sector representative bodies (among others UITP) were asked to contribute.

The TAP TSI will be – no later than December 2010 – a Commission Decision, thus binding legal instrument for all the addressed actors (e.g. railways, infrastructure managers, ticket vendors etc).

After above date a mandatory TAP Strategic European Deployment Plan (SEDP) shall be drafted in order to lay down how the addressed actors shall implement the provisions of the TAP TSI: the rail sector representative bodies (among others UITP) shall contribute to this SEDP.

Methodology Principles

1. No assessment of the benefits:
It is assumed that benefits were assessed in the framework of drafting the PRR
2. Minimum Cost Impact Approach:
Impact assessment has checked for each TAP requirement
 - If there are no alternative specification proposals with a lower economic impact
 - if it meets the requirements of PRR
3. Qualitative Assessment:
 - ERA has sent out assessment questionnaires in February 2009 to the rail sector (with response deadline April 2009)
 - Sector's responses were taken reasonably into account by ERA and introduced into TAP TSI

Possible Spec. Cases in TAP TSI

Specific cases – Article 5 in Dir 2008/57/EC:

*“TSIs shall retain, in an appropriate manner, the compatibility of **the existing rail system of each Member State**. With this objective, provision may be made for **specific cases for each TSI**, with regard to **both network and vehicles**; special attention must be given to the loading gauge, the track gauge or space between the tracks and vehicles originating from or destined for third countries. For each specific case, the TSIs shall stipulate the implementing rules of the elements of the TSIs indicated in paragraph 3(c) to (g).”*



Specific cases can be to **network and vehicles**, but not to traffic.

Possible Spec. Cases in TAP TSI

ERA has sent out on 27 Feb 2009 to **Member States** the Questionnaire about **TAP Specific cases**. → It was stressed: Each Basic Parameter which a Member State wants to treat as Specific Case must be applied for separately with sound justification.

Deadline for sending back above completed questionnaires to ERA was the **15 May 2009**.

The Member States CZ, EE, FI, LT, PL, PT and SK have sent back above questionnaire to ERA.

Situation:

- Member States with traffic to third countries asked for a generic SC:
They ask to exclude traffic to third countries completely from the provisions of TAP TSI
- According to the ID, SC cannot relate to traffic but to networks and vehicles (see ID Art. 5)
- The Agency asked the concerned member states to indicate the concerned BP with an impact on this traffic and to draft SC referencing to individual BP (as for all other TSIs)

Next Steps for the assessment of Specific Cases:

1. The Agency proposes to analyze the situation in detail together with a concerned MS and to draft appropriate templates for specific cases
2. These templates can be used by other concerned MS to draft their individual SC.
3. Additional support in drafting the SC will be provided by the Agency if requested.

Possible exemptions in PRR

Article 2 of PRR:

4. *“a **Member State** may, on a transparent and non-discriminatory basis, grant an exemption for a period no longer **than five years**, which may be renewed twice for a maximum period of five years on each occasion, from the application of the provisions of this Regulation to **domestic** rail passenger services”*

5. *“**Member State** may exempt from the application of the provisions of this Regulation urban, **suburban and regional** rail passenger services”*

Possible exemptions in PRR

Article 2 of PRR:

6. *“For a maximum period of **five years**, a **Member State** may, on a transparent and non-discriminatory basis, grant an exemption, which may be renewed, from the application of the provisions of this Regulation to particular services or journeys because a significant part of the rail passenger **service**, including at least one scheduled station stop, is **operated outside the Community**”*

NB: provisions of Art 9, 11, 12, 19, 20(1) and 26 from the Rail Passengers' Rights Regulation **cannot** be exempted !

Summary: Exemptions / Specific Cases

Rail Interoperability Directive 2008/57

What can be excluded?: rolling stock types / parts of the network
(see Art 1)

Who can ask for exclusions?:
Member States

TAP TSI Chapter 7.4

What can be applied for?: individual Basic Parameters from Chapter 4

Who can apply for specific cases?:
Member States

Rail Passengers' Rights Regulation 1371/2007

What can be exempted?: Service types
(see Art 2)

Who can ask for exemptions?:
Member States

Availability of legal documents

1. In the Official Journal of the European Union (<http://eur-lex.europa.eu>) :
 - Directive 2008/57/EC
 - Rail Passengers' Rights Regulation 1371/2007/EC
2. At ERA TAP TSI Extranet site (www.era.europa.eu/extranet)* :
 - Draft TAP TSI

* Accessible for sector representative bodies and NSAs

Thank you for your kind attention.

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