



# **THE SPECIFIC CASE OF THE TELEMATICS APPLICATIONS FOR PASSENGER TSI - TAP TSI -**

**UITP RAIL WORKSHOP**  
**Brussels, Belgium, 22 September 2009**

**Yves AMSLER**  
UITP EuroTeam

Advisor to UITP's Secretary General, for Projects and Development

# SPECIFIC CASE OF TAP TSI

- **MOST IMPORTANT POINTS FOR DEBATE**

- Legal Background and scope
- Scope as TAP
- Scope as local rail services
- TAP-TSI annexes: part of TSI or input for standards?
- Involvement of the local rail sector
- Next steps?

# SPECIFIC CASE OF TAP TSI

- **MOST IMPORTANT POINTS FOR DEBATE**

- Legal Background and scope
- Scope as TAP
- Scope as local rail services
- TAP-TSI annexes: part of TSI or input for standards?
- Involvement of the local rail sector
- Next steps?

# SPECIFIC CASE OF TAP TSI

- **LEGAL BACKGROUND**

- As far as rail sector is directly concerned

- Interoperability directive 2008/57/CE
- Rail Passenger Rights Regulation 1371/2007/EC
- Public Service Requirements Regulation 1370/2007/EC
- Directive 2007/58/EC on the Rail Market opening

# SPECIFIC CASE OF TAP TSI

- **LEGAL BACKGROUND AND SCOPE**

- **Interoperability directive 2008/57/CE:**

- Article 1.3 allows Member States for exclusion of various systems, networks, infrastructure, vehicles and railway undertakings (mainly metro and Light Rail systems).

The EC shall send a letter asking Member States to apply the provisions of Article 1.3

- **Rail Passenger Rights Regulation 1371/2007/EC**

- Article 10 Travel information and reservation system:  
Article 10.2 « The Technical Specifications for Interoperability (TSIs) referred to in Directive 2001/16 shall be applied for the purposes of this Regulation »

# SPECIFIC CASE OF TAP TSI

## • LEGAL BACKGROUND AND SCOPE

### Rail Passenger Rights Regulation 1371/2007/EC

- Article 2.1. “The regulation shall apply to all rail journeys and services throughout the Community provided by one or more licensed railway undertakings in accordance with directive 95/18/EC.”
- Article 2.2. “This regulation does not apply to railway undertakings and transport services which are not licensed under directive 95/18/EC.”
- (*Directive 95/18/EC. Article 1.2. Railway undertakings the activities of which are limited to the operation of urban, suburban or regional services shall be excluded from the scope of this Directive.*)
- None of the licensed undertakings and services can be exempted from the provisions of some articles of the regulation (Article 2.3)
- **Members States can temporary exempt domestic rail passenger services (Article 2.4), and permanently exempt urban, suburban, and regional rail services (Article 2.5). UITP recommends to apply this provision (entry into force 03/12/2009)**

# SPECIFIC CASE OF TAP TSI

- **LEGAL BACKGROUND AND SCOPE**

## **Public Service Requirements Regulation 1370/2007/EC**

- Recital (17): “In keeping with the principle of subsidiarity, **competent authorities** are free to establish social and qualitative criteria in order to maintain and raise quality standards for public service obligations, for instance with regard to minimal working conditions, passenger rights, the needs of persons with reduced mobility [...]. In order to ensure transparent and comparable terms of competition between operators and to avert the risk of social dumping, **competent authorities** should be free to impose specific social and service quality standards.”

# SPECIFIC CASE OF TAP TSI

- **LEGAL BACKGROUND AND SCOPE**

- **Directive 2007/58/EC** modifying directives 91/440/EEC on the development of the Community's railways and 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure

- Article 1.8. modifies Article 10 of directive 91/440/EC by adding several paragraphs (3a to 3f) allowing for “cabotage” on international passenger services. MS may not limit the right of access except where the exercise of the right may compromise the economic equilibrium of a public service contract. **Whether the economic equilibrium would be compromised shall be determined by the relevant regulatory body or bodies referred to in Article 30 of Directive 2001/14/EC on the basis of an objective economic analysis and based on predetermined criteria.**

# SPECIFIC CASE OF TAP TSI

- **MOST IMPORTANT POINTS FOR DEBATE**

- Legal Background
- **Scope as TAP**
- Scope as local rail services
- TAP-TSI annexes: part of TSI or input for standards?
- Involvement of the local rail sector
- Next steps?

# SPECIFIC CASE OF TAP TSI

- **SCOPE AS TAP**

## Interoperability Directive Annex II, 2.5:

### *2.5. Telematics applications*

In accordance with Annex I, this subsystem comprises two elements:

- (a) **applications for passenger services**, including systems providing passengers with information before and during the journey, reservation and payment systems, luggage management and management of connections between trains and with other modes of transport;
- (b) applications for freight services [...]

# SPECIFIC CASE OF TAP TSI

- **MOST IMPORTANT POINTS FOR DEBATE**

- Legal Background and scope
- Scope as TAP
- **Scope as local rail services**
- TAP-TSI annexes: part of TSI or input for standards?
- Involvement of the local rail sector
- Next steps?

# SPECIFIC CASE OF TAP TSI

## • SCOPE AS LOCAL RAIL SERVICES

### – Article 1.5 of the RPR Regulation 1371/2007/EC:

[...] “a Member State may exempt from the application of the provisions of this Regulation urban, suburban and regional rail passenger services. In order to distinguish between urban, suburban and regional rail passenger services, Member States shall apply the definitions contained in Council Directive 91/440/EEC [...] on the development of the Community’s railways

### – Directive 91/440/EEC, Article 3:

[...]-‘urban and suburban services` shall mean transport services operated to meet the transport needs of an urban centre or conurbation, as well as the transport needs between such centre or conurbation and surrounding areas;

-‘regional services` shall mean transport services operated to meet the transport needs of a region

**UITP supports Member States to exclude urban, suburban and regional services**

# SPECIFIC CASE OF TAP TSI

- **MOST IMPORTANT POINTS FOR DEBATE**

- Legal Background and scope
- Scope as TAP
- Scope as local rail services
- **TAP-TSI annexes: part of TSI or input for standards?**
- Involvement of the local rail sector
- Next steps?

# SPECIFIC CASE OF TAP TSI

- **TAP TSI ANNEXES: PART OF TSI OR INPUT FOR STANDARDS?**
  - Former UIC leaflets are used by ERA as an input for TAP TSI annexes: **more than 600 pages**
  - According to UITP, these data should be used as an input for EU standardisation Working Groups, not as mandatory parts of TAP TSI

# SPECIFIC CASE OF TAP TSI

- **MOST IMPORTANT POINTS FOR DEBATE**

- Legal Background and scope
- Scope as TAP
- Scope as local rail services
- TAP-TSI annexes: part of TSI or input for standards?
- **Involvement of the local rail sector**
- Next steps?

# SPECIFIC CASE OF TAP TSI

- **INVOLVEMENT OF THE LOCAL RAIL SECTOR**
  - No one as a comprehensive view of all the local rail systems specifics in Europe in relation with TAP
  - Some main stakeholders (VEOLIA, VDV...) are participating in ERA WP TAP TSI and/or a UITP mirror group + SEDP process
  - Not possible to answer ERA requests easily:
    - need for time
    - need to avoid too stringent specifications for the local rail sector (see next slide on other EC initiatives)

# SPECIFIC CASE OF TAP TSI

- **MOST IMPORTANT POINTS FOR DEBATE**

- Legal Background and scope
- Scope as TAP
- Scope as local rail services
- TAP-TSI annexes: part of TSI or input for standards?
- Involvement of the local rail sector
- **Next steps?**

# SPECIFIC CASE OF TAP TSI

## • NEXT STEPS?

- Limit explicitly TAP TSI scope at least until July 2010 by not covering urban rail systems under article 1.3 of Interoperability Directive
- Identify urban, suburban and regional rail systems at stake, and those exempted from the scope of RPR Regulation 1371/2007 (France, UK...)
- Clarify the relationship of TAP TSI with:
  - **PSR Regulation 1370/2007 & Directive 2007/58 (Competent Authority...)**
  - **INSPIRE Directive 2007/02 and Metadata Regulation 1205/2008**
  - **EC Action Plan on the deployment in ITS for EU COM(2008)886 – Actions 1.1, 1.4, 1.5, 2.1, 2.3, 5.1, 6.2, 6.4... and proposed directive COM(2008)887 – Annex 2 (2) (c)**
  - **EC White Paper COM(2009)324 on modernising ICT standardisation in the EU – The way forward**
  - **EC Action Plan on Urban Mobility – Actions 9 “Improving information on public transport” , 15 “Upgrading data and statistics”, 19 “Guidance on intelligent transport systems ITS for urban mobility” (published 23 September 2009?)**

# SPECIFIC CASE OF TAP TSI

Thank you for your attention

[yves.amsler@uitp.org](mailto:yves.amsler@uitp.org)