



QUESTION / CLARIFICATION

Ref: 0893-02

CO-ORDINATION BETWEEN NOTIFIED BODIES
DIRECTIVES 96/48/EC AND 2001/16/EC ON THE
INTEROPERABILITY OF THE TRANS-EUROPEAN HIGH-SPEED
AND CONVENTIONAL RAILWAY SYSTEMS

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TITLE

DEALING WITH ERRORS AND OMISSIONS IN CURRENT TSIS

ORIGINATOR

EBC

SUBJECT RELATED TO

Certification

DESCRIPTION AND BACKGROUND EXPLANATION

Certification processes carried out by the notified bodies have shown to date several problems in particular for manufacturers of interoperability constituents. This is creating real obstacles for certification and may lead to the consequence that certificates against TSI and the Directive are not possible, with the result that an open single market is negated.

The wording of the Directives and TSIs requires that all certificates relate to total conformity to the published TSIs.

Problems arise where this may not be possible, e.g. due to errors or omissions in TSIs. The following cases should be considered:

a Errors or Major Omissions

Clearly, where a TSI contains an unachievable or erroneous requirement, certification cannot occur. The current timescales for modifying TSIs are considerable. Article 11 of the Directive permits Article 21 Committee to make arrangements to remedy these. To date at least 3 specific examples have occurred which cannot wait for the TSIs to be revised and certification is halted for no good reason. In order to provide a basis for certification within the jurisdiction of the Directives, the following is proposed. It is recommended that the requesting body seeks the agreement of the AEIF/ERA TSI technical group to a new wording to resolve the problem and that the Article 21 Committee create a mechanism for agreeing and recording these in accordance with Article 11.

b Certain requirements can be categorised without affecting interoperability

A number of TSI requirements may not all be necessary simultaneously for interoperability to be maintained, e.g. a Eurobalise may not be required to meet the salt water resistance in a land where this does not arise. This could be a specific condition advised on the certificate. If the TSI had anticipated this type of situation, this might have become an optional matter like many others where the relevant options selected can be identified on the certificate. In cases like these, the same remedy is proposed for a above.

SUGGESTED RESOLUTION / INTERPRETATION

Article 21 Committee put in place a means for considering TSI difficulties and agreeing wordings that can be worked to with immediate effect. The requesting body should be required to secure the agreement of the relevant AEIF/ERA TSI group beforehand.

ORGANISATION(S) REQUESTED TO RESPOND (E.G. TSI GROUP, A21C, AEIF ETC.)

Article 21 Committee



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DATE OF AGREEMENT AT NB RAIL PLENARY MEETING

PM 13 Feb 16th 2005.

RESPONSE FROM ORGANISATION ABOVE