

Annex 3

Impact Note

The transfer of requirements from RID to TSI WAG, amending it to add requirements on spark arresters and WE marking

Issued in accordance with Art. 8(1) Regulation (EU) 2016/796 and following the Impact Assessment procedure adopted by the ERA Management Board (Decision n.290¹, 16/03/2022)

¹ https://www.era.europa.eu/content/decision-n%C2%B0290-management-board-european-union-agency-railways-amending-annex-1-mb-decision_en

1. Context and assessment of impacts

1.1. Scope and analysis

The RID contains specific vehicle related requirements, e.g. strength of the frame, end coupling, which are not reflected in TSIs.

The report RID-ATMF Working Group TECH-16050-RID-ATMF from 13.04.2017 provides the following conclusions:

The working group agreed that it was necessary to discuss the vehicle aspects in both RID and the TSIs/UTPs as a priority. With regard to vehicle requirements, for example, the group was of the view that an improved coordination process should enable the 'protective aims' of vehicle-related requirements to be maintained in RID, either where they were at the moment or to move them to a separate part, whereas technical specifications should be formulated in TSIs/UTPs.

The technical requirements should be so formulated that compliance with the requirements could be checked by a Notified Body/Assessing entity. This conclusion led to the establishment of the JCGE group (composed of state and sector representatives for RID and railway law) which was tasked to coordinate legal amendment proposals to RID, involving at the same time TSIs and UTPs.

Additional requirements on mandatory fitting of spark arresters for specific freight wagons were added following the conclusions of the JNS 'Consequences of unintended brake applications with LL blocks'.

Given that the rail freight customers participated, through their representative bodies, to the drafting of this Recommendation and the fact that this Recommendation has neither direct impact on the social environment or working conditions of workers in the industry nor an impact on passengers, the Agency did not go through a consultation process and did not consult social partners.

1.2. Analysis of options

Based on the above and subsequent decisions, the specific vehicle related requirements of RID, e.g. strength of the frame, end coupling spark arrestors, etc, shall be transferred to the WAG TSI in chapter 4.2.7, Appendix I.

In addition, WE marking requirements associated with mandatory equipment as per Appendix I shall also be covered by WAG TSI.

Spark arresters are also required for non-RID vehicles with certain constructive characteristics (tread-braked wagons, flat units without flooring, etc). This is already the current engineering practice for vehicle geometries in which the absence of spark arrester has the risk of starting a fire due to spark propagation to the carried load.

Moreover, the proposed transition regime specifies that the transferred requirements apply solely to vehicles for which the design phase has started, thereby not affecting existing wagons.

1.3. Assessment of impacts

There is no technical vehicle related impact, because the vehicle related requirements in RID were already applicable in the European vehicle authorisation process (via the requirements capture process according to Art. 13 of Regulation 2018/545).

Notified Bodies were already allowed to assess these RID requirements and issue specific certificates.

The transfer of requirements into the TSI will increase the transparency and the quality of the assessment of these requirements.

The JCGE group (see above 1.1) already approved this option and advised the concerned committees (RID, RISC, CTE) to proceed with the adoption of the proposal.

Spark arresters in non-RID vehicles is deemed to have no impact as it is already the current practice. The NoBo will assess the spark arresters as part as the already mandatory requirements regarding fire safety.

1.4. Stakeholders affected			
Railway undertakings (RU)	<input type="checkbox"/>	Member States (MS)	<input checked="" type="checkbox"/>
Infrastructure managers (IM)	<input type="checkbox"/>	Third Countries	<input checked="" type="checkbox"/>
Manufacturers	<input checked="" type="checkbox"/>	National safety authorities (NSA)	<input checked="" type="checkbox"/>
Keepers	<input type="checkbox"/>	European Commission (EC)	<input type="checkbox"/>
Entity Managing the Change (EMC)	<input type="checkbox"/>	European Union Agency for Railways (ERA)	<input checked="" type="checkbox"/>
Notified Bodies (NoBo)	<input checked="" type="checkbox"/>	Shippers	<input type="checkbox"/>
Associations	<input type="checkbox"/>	Other (Please specify) ...	<input type="checkbox"/>

Manufacturers have to contract one conformity assessment body to assess compliance with all vehicle related requirements incl. RID provisions.

Notified Bodies have to update their content of the technical file to include the RID requirements. There is no impact concerning the technical competence (annex D of ERA assessment scheme) of NoBos. The assessment of applications for vehicle authorisations at ERA side or NSAs side (for national applications) will be facilitated, as the assessment of all vehicle-related requirements incl. RID is done in one single NoBo assessment report.

Third countries and Member States profit from an improved transparency and the quality of the assessment of these requirements.

2. Preferred option
2.1. Recommendation
ERA recommends the adoption of the recommended amendments in the TSI WAG.