

**Implementing EU directive on railway safety:  
The creation of the French National Safety Authority**

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The emergence of new railway operators, the separation between infrastructure manager and railway undertaking activities, the increasing economical constraints, the evolution of needs in the field of transport, the objective of a seamless international network are leading to a new railway environment, similar on its organization to the aviation sector. This evolution must be performed preserving the operating system consistency, in particular between IM and RUs and between RUs themselves. The safety directive published by the European Commission in 2004, by defining responsibilities of the different actors and their relationships aims at the guarantee that safety is taken in account at each stage of the system life, from designing until operating.

The purpose of this presentation is to describe the French State approach for implementing a new partner in the national railway landscape, complying with the safety directive. I shall underline the main characteristics of the French National Safety Authority and the consequences of its creation for the other railway partners and then describe the EPSF missions and organization, its particularities and objectives. I shall conclude with some remarks regarding the transition between the current situation and the former one and with examples of EPSF first actions.

**A new partner is born.**

As stipulated in the directive 2004/49 EC, the French Government decided to create the National Safety Authority, called Etablissement Public de Sécurité Ferroviaire, publishing the law 2006-10 in January 2006.

The main willing of the State was to create a new body independent from the existing railway partners and to give him all the necessary means to fulfil its missions with a high quality level. That is the reason why EPSF is not funded by the State budget but through a safety tax paid by RUs using the national railway network and through the charges paid by the promoters when asking for authorisations.

Underlining the independence of EPSF, the Government wanted to avoid the difficulties faced in the previous situation, when the ministry of Transport was responsible of delivering all type of authorisations but did not prepare the corresponding dossiers. This task was fulfilled by a dedicated service within SNCF and the dossiers were approved by RFF, the IM, before being presented to the minister's signature.

This type of organization did not permit to clarify the actors' responsibility and gave to the French historical operator SNCF an uncomfortable double role to play regarding competition.

The emergence of the EPSF causes the parallel evolution of the other railway safety actors. The Government is supervising EPSF activities according to its public body's status and remains responsible for safety regulation publishing.

The IM and the RUs have now the obligation to submit a safety annual report to the EPSF and must be controlled on their activities according to the safety authorisation or certificate they have obtained.

The promoters of new systems must prepare themselves the dossiers when asking EPSF for an authorisation.

The accident investigation body (Bureau Enquêtes Accident – BEA) remains independent from EPSF.

## **Improving the national railway safety system.**

The first step in order to improve railway safety system is to clarify the missions of each body involved in the process.

A decree is defining the main missions of EPSF:

- authorising the new systems, the training centres, accrediting independent experts, delivering safety certificates to RUs and safety authorisation to IM;
- controlling the correct use of the authorisations delivered;
- publishing technical recommendations;
- co-ordinating relationships with ERA in link with other NSAs and setting up partnerships on European level.

EPSF structure is organized according to these missions in two main Divisions and four Departments as shown on the organization chart.

This new structure for the French national railway system is complying with the directive 2004/49 asking for each actor to be responsible for ensuring safety in his own field of action, first level for the promoters who must provide themselves the safety demonstration for their projects, and for EPSF which is not involved in the preparation of the dossiers in order to be fair when authorising.

The objective of EPSF is to be a real centre of competences regarding know-how in railway safety in order to be recognized as a relevant controlling body by all the actors. That is the reason why EPSF recruited high level and very skilled experts in majority, but not totally, coming from the historical operator company SNCF with a special status in order to guarantee their independence.

The structure of EPSF also allows a high level involvement in ERA's work groups and NSAs Network. Moreover, EPSF wishes to build technical and institutional partnerships around Europe in order to contribute to a harmonized development of the railway mode, and for this purpose, is ready to share competences and expertise with other NSAs.

## **The in-between situation.**

The transition with the previous organization exposed above presents the advantage to be much clearer for the partners: EPSF is the main counterpart of railway safety actors (and the only one for delivering authorisations and performing safety control) and each of them knows exactly the limits of his own responsibility regarding safety. Nevertheless, the Government remains present through the Ministry of Transport as executive entity for the decisions regarding global railway policy and regulation.

As EPSF is really acting only since late April 2006, the main problem faced was to insure continuity in processing the dossiers and, at the same time, to introduce a new balance in actors' relationships. This last point will be achieved this autumn 2006 when the legal framework regarding safety is completed.

The question of fair sharing of safety experts was very crucial in a period of global lack of such competences, and was carefully taken into account.

## **First actions.**

I would like to conclude this presentation with the first actions EPSF completed in continuity of the previous situation or on its own.

Regarding authorisations, EPSF must manage today the following dossiers:

- seven safety certificates have been delivered to RUs and some of them are now asking for extension; other dossiers for candidate RUs will follow; the regularization of SNCF safety certificate according to the directive 2004/49 is under way;
- interdependent safety authorisations for RFF and SNCF as IM are in preparation;
- about 30 authorisations for rolling stock are also under way, including in the framework of the French-German convention for rolling stock cross-acceptance.

The main dossiers under way for authorising new systems are:

- the tram train between Aulnay and Bondy near Paris,
- the Eastern HSL Paris-Strasbourg including ERTMS system level 2,

- the interoperable HSTs German ICE3 and French TGV POS.

Regarding audits and control, here are the main actions of the EPSF:

- the auditing methodology and procedures are published;
- one audit has already been done on a freight operator;
- audits are under way or in preparation for:
  - infrastructure maintenance,
  - temporary speed limits on national network
  - removing restrictive provisions included in some safety certificates already delivered.