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La Défense, le 9 décembre 2011

Monsieur Jean-Alexis Souvras
Coordinateur Commission
intergouvernementale
Eurotunnel
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OBJET : Projet de Document de référence réseau Eurotunnel pour 2013

Cher Monsieur,

Conformément à l'article 5.3 du Règlement binational sur l'utilisation du Tunnel sous la Manche du 23 juillet 2009, Eurotunnel a transmis à la Commission intergouvernementale (CIG), par courrier du 8 novembre 2011 (réf. 588359), le projet de Document de référence du réseau Eurotunnel applicable à l'horaire de service 2013 (DRR 2013).

En tant qu'organisme de contrôle au sens de la Directive 2001/14 CE, la CIG est chargée de veiller à l'absence de discrimination pour l'accès au marché des services ferroviaires de la liaison fixe. Elle est compétente pour traiter d'éventuels recours d'entreprises ferroviaires qui seraient victimes d'un traitement inéquitable ou de discrimination à la suite des décisions prises par Eurotunnel, notamment au titre du Document de référence réseau.

En tant qu'autorité de sécurité nationale, la CIG est chargée de la mise en œuvre et du suivi du cadre réglementaire de sécurité du Tunnel sous la Manche, y compris les règles de niveau national.

La CIG rappelle qu'elle avait formulé de nombreuses observations dans sa lettre du 12 août 2009 relative au DRR 2011, dans l'annexe de celle-ci (N. Réf. : D 14871), et dans sa lettre du 8 mars 2011 relative au DRR 2012 (réf : 10/11/76). Pour une grande part, ces observations n'avaient pas été prises en compte par Eurotunnel dans le projet de DRR 2012.

Concernant le projet de DRR 2013, après consultation du Comité binational économique et du Comité de sécurité, la CIG souhaite particulièrement appeler votre attention sur les points suivants.

1. S'agissant des règles de sécurité, la CIG avait souligné qu'« il n'y a pas d'obligation de présenter les règles relatives à la sécurité de la liaison fixe dans le document de référence ». La CIG note que, dans sa description générale des règles de sécurité :

- Eurotunnel aurait dû préciser (paragraphe 3.2.1) que la modification des règles opérationnelles qui permettra aux locomotives fret ayant une résistance au feu de 15 mn (au lieu de 30 mn) d'emprunter le tunnel n'est pas encore validée par la CIG et n'est donc pas applicable à ce projet. Il conviendrait de ne pas la mentionner, ou d'indiquer dans un renvoi en bas de page que la disposition est en cours de validation et que sa date d'entrée en effet fera l'objet d'une publication spécifique. [
- Eurotunnel donne du système de validation des qualifications professionnelles que les personnels des entreprises ferroviaires doivent acquérir une description erronée. La CIG rappelle à Eurotunnel qu'il n'appartient pas au gestionnaire d'infrastructure de s'assurer que les entreprises ferroviaires s'acquittent des obligations de formation de leur personnel définies par le règlement binational, ni de vérifier le contenu de ces formations ou la liste des personnes dont la formation est à jour. Elle demande à Eurotunnel de rectifier le DRR sur ce point.

□

2. Répartition des capacités

La CIG a noté au paragraphe 1.2 la référence à la Convention d'utilisation (RUC) conclue entre Eurotunnel, British Railways Board et la SNCF, ainsi que l'analyse qui en est présentée. Elle se réserve le droit d'exiger une éventuelle adaptation du DRR en fonction des conclusions de l'analyse qu'elle mène actuellement sur le RUC.

Le paragraphe 4.3.2 expose en détail le principe de la répartition des capacités ; tout en notant le caractère positif de l'affichage de ces principes, la CIG note que certains ont un caractère subjectif qui ne permet pas de garantir a priori le caractère équitable et non discriminatoire de l'application qui en sera faite. Elle indique qu'elle assurera un suivi de cette application au cours de l'exercice 2013.

3. Tarification

La CIG prend acte de ce que les charges d'utilisation évoluent avec une baisse de 1,1% par an depuis 1993 par rapport à l'index utilisé. Cet effort de productivité du gestionnaire va dans le sens fixé par les directives européennes.

La CIG se réserve le droit de s'assurer que le système de tarification défini dans le Document de référence est compatible avec les exigences européennes, notamment par le biais d'études programmées par le Comité binational économique.

4. Régime de performance

La CIG considère que le régime de performance proposé répond globalement aux obligations fixées par les Directives européennes.

La CIG demande qu'un tableau de bord de la performance soit tenu sur une base mensuelle et lui soit communiqué, de même que l'indication des pénalités appliquées en fonction de ce régime.

5. Droit de recours

Le droit de recours concernant les décisions du gestionnaire d'infrastructure auprès de la CIG est mentionné à juste titre. La CIG demande que l'adresse à laquelle les réclamations peuvent être adressées soit mentionnée.

Les remarques de détail sur l'ensemble du DRR vous seront communiquées séparément.

J'adresse une copie de cette lettre à Roy Griffins, Chef de la délégation du Royaume Uni à la CIG, à Caroline Wake et Pierre Garnier, respectivement Présidente du Comité de sécurité et chef de la délégation française, ainsi qu'à Brian Kogan et Jean-Paul Ourliac, co-présidents du Comité binational économique. La lettre sera mise en ligne sur le site de la CIG.

Je vous prie de bien vouloir agréer, cher Monsieur, l'expression de mes sentiments les meilleurs

Le Président de la CIG

A handwritten signature in black ink, consisting of a stylized 'C' followed by a checkmark-like flourish.

Christian Parent

Copies : M. Griffins, Mme Wake, M ; Garnier, M. Kogan, M. Ourliac

Translation :

FOR THE ATTENTION OF MR. JEAN-ALEXIS SOUVRAS

RE: DRR 2013

Dear Sir

In accordance with Article 5.3 of the Binational Regulation on the Use of the Channel Tunnel, of 23 July 2009, Eurotunnel sent the Intergovernmental Commission (IGC) a draft Eurotunnel Network Reference Document relating to the 2013 service timetable (DRR 2013), by letter dated 8 November (ref. 588359).

As the regulatory body in the terms of Directive 2001/14/EC, the IGC is responsible for ensuring that there is no discrimination in access by railway services to the market of the Channel Tunnel. The IGC is competent to hear any appeals from railway companies who feel they have been unfairly treated or discriminated against as a result of decisions adopted by Eurotunnel, including relating to the Network Statement. It urges companies to contact it if such a case arises.

As the national safety authority, the IGC is responsible for implementing and monitoring the regulatory safety framework of the Channel Tunnel, including the national rules.

The IGC points out that it had made many comments on the Network Statement 2011, by letter dated 12 August 2009, in the annexe to this (our ref. D 14871). It had also commented on the Network Statement 2012, by letter dated 8 March 2011 (ref: 10/11/76). Eurotunnel ignored most of these comments in the draft Network Statement 2012.

The IGC has consulted the Joint Economic Committee and the Safety Authority about the draft Network Statement 2013, and would like to draw your particular attention to the following points.

1. On safety rules, the IGC had stressed "there is no obligation to submit the rules relating to the safety of the Fixed Link in the reference document." The IGC notices that, in the general description of safety rules:
 - Eurotunnel should have specified (paragraph 3.2.1) that the envisaged modification of the operational rules to allow freight locomotives of 15 mins. (instead of 30 mins.) fire resistance to use the tunnel has not yet been validated by IGC and should not be included in this draft. It would be better either not to mention it, or to indicate in a footnote that the issue is under consideration, and will be publicly confirmed at a later date. .
 - Eurotunnel gives a wrong description of the system for validating occupational qualifications, which railway staff have to gain. The IGC would remind Eurotunnel that it is not for the infrastructure manager to ensure that the railway undertakings fulfil their staff training obligations defined by the Binational Regulation, nor to check the content of such training or the list of persons whose training is up to date. The IGC asks Eurotunnel to correct this point of the DRR.

□

2. Allocation of capacity

In paragraph 1.2, the IGC notes the reference to the Rail Usage Contract (RUC), concluded between Eurotunnel, British Railways Board and SNCF, and the analysis presented of it. The

IGC reserves the right to require formal adaptation of the Network Statement, according to the findings of its analysis, now in progress, of the RUC.

Paragraph 4.3.2 gives a detailed presentation of the principle of capacity allocation. While noting that it is good to highlight these principles, the IGC thinks some are subjective and offer no automatic guarantee that they will be fairly applied without discrimination. The IGC says it will monitor this application during financial year 2013.

3. Charging

The IGC notes that charges for use have declined 1.1% per year since 1993, against the index used. This productivity improvement by the operator is in line with the approach of the European directives.

The IGC reserves the right to ensure that the charging system, defined in the Network Statement, is consistent with European requirements. This could especially be done via studies planned by the Joint Economic Committee.

4. Performance scheme

The IGC considers that the proposed performance scheme overall meets the obligations set by the European Directives.

The IGC would like a monthly performance log to be kept and notified to it, and to know the penalties applied under the scheme.

5. Right of appeal

The right of appeal to IGC relating to decisions of the infrastructure manager has been correctly referred to. IGC asks that the address where appeals should be directed is also included.

Detailed comments on the Network Statement as a whole will be sent separately.

I am copying this letter to Roy Griffins, Head of the UK Delegation to IGC, Caroline Wake and Pierrre Garnier, respectively Chairman and Head of the French Delegation to CTSA, as well as to Brian Kogan and Jean-Paul Ourliac, the Co-Chairs of the Joint Economic Committee. A copy of the letter will be placed on IGC's website.

(Signed)

Christian Parent

IGC Chairman

Annex 1 to the IGC letter re Eurotunnel 2013 draft network statement

Note : The following text is proposed by the JEC following a joint reading of the French and English versions of the Network Statement.

The remarks highlighted in yellow only relate to the drafting of the English version.

Herewith the Bilateral Economic Committee's comments and recommendations on the draft Eurotunnel Network Reference Document for 2013.

- 1) As a regulatory body, and in accordance with Article 5.3 of the IGC's Binational Regulation on the Use of the Channel Tunnel of 23 July 2009, the IGC has been consulted by Eurotunnel about the draft Network Reference Document for 2013. This referral followed a reminder to Eurotunnel about this obligation, given at the IGC meeting on 4 October 2011.
- 2) It will be remembered that the IGC had made many comments on the 2011 Network Statement in its letter of 12 August 2009 with annexe (our ref: D 14871) and in its letter of 8 March 2011 concerning the 2012 Network statement (ref: 10/11/76) . Eurotunnel's draft 2012 Network Statement had ignored most of these. The Bilateral Economic Committee has checked that these recommendations have been acted on, before going into the document.

General comment

- 3) Where websites are referred to, the document should contain links to these websites to make it easier for readers to cross refer.

CONDITIONS FOR ACCESS (§2)

The second line of the second part of paragraph 2.2 should read "on the one hand.."

INFRASTRUCTURE (§3)

- 4) In paragraph 3.1, the term RCC should read Eurotunnel RCC.
- 5) Paragraph 3.1.1 does not refer to the two crossover chambers within the tunnel.
- 6) Paragraph 3.1.1 states that the catenary supplies traction power to electric locomotives in the rail tunnels but makes no mention of the tunnel approaches.
- 7) It would be helpful if in paragraph 3.2.1, Eurotunnel made reference to the requirements on HS1 (as it has done in paragraph 3.1.3).
- 8) Paragraph 3.2.2 refers to special operating procedures to ensure safe evacuation however it makes no mention as to where this information can be found. We consider that a web link should be referred in order that readers can cross reference this information.

Safety rules

- 9) In §1.2 the JEC notes the reference to the Railways Usage Contract (RUC) and the analysis given of it. It leaves it for the findings of the current analysis of the RUC to make any request for amendment of the corresponding text.
- 10) As for rolling stock, the obligation to use locomotives conforming to the technical specifications for interoperability is unrelated to the presence of SAFE stations. The reference to these stations does not fit §3.2.1, which is surely about rolling stock.

CAPACITY ALLOCATION (§4)

- 11) Paragraph 4.3.2 describes the detailed principle of allocation of capacity. While noting that it is a good thing to highlight these principles, the Bilateral Economic Committee notes that some of them are subjective. That means there is presumably no guarantee that they will be applied fairly and without discrimination. The Committee promises to monitor how these principles are applied during financial year 2013.
- 12) The second section of paragraph 4 could be made clearer with the addition of "(see paragraph 6.2 below for details of these periods)."

In paragraph 4.1 *and throughout the remainder of the document*, the word "circulations" should be replaced with "movements".

- 13) We are not clear what "programmed mode" means as referred to in paragraph 4.2.1. Please advise. It would also be useful to set out the dates of the 2013 Working Timetable at the outset of paragraph 4.2.1.
- 14) We believe the fifth section of paragraph 4.2.1 would read better to refer to "appeals" as opposed to "complaints".
- 15) We would be more comfortable knowing what are the "reasonable limits" referred to in the second section of paragraph 4.3.1.

In paragraph 4.3.1, "capacities" should read "capacity" and "of" should be inserted between the words "purpose" and "transparency".

- 16) The last section of paragraph 4.3.2, should read "Eurotunnel will propose solutions..."

The comma can be removed from the line "Complaints are communicated by the Railway Network Director to the operator(s) whose train paths are concerned." We also believe that "concerned" should read "involved".

Reference to "six o'clock" in paragraph 4.4, should be "06:00".

We think it may be clearer to use the word "disruption as opposed to "disturbance" in paragraph 4.5 to fit within the railway context in the UK.

Right of appeal (§4.3.5)

- 17) The Commission notes the mention of the right of appeal to the IGC against decisions of the Infrastructure Operator, and asks for mention of the address to which complaints can be sent.

ADDITIONAL SERVICES (§5)

- 18) The words “the reciprocal of” should be deleted from the first sentence of paragraph 5.3.
- 19) We consider that it would be clearer if the last line of the third section of paragraph 5.3 read “...in line with government policy in favour of modal transfer to rail”.

CHARGES (§6)

20) Charging framework (§6.1)

The Commission takes note that the charges for use have fallen by 1.1% per year since 1993, against the index used. This productivity improvement by the operator is in line with the intentions of the European directives.

We believe that the word “texts” should be substituted with the word “legislation” in paragraph 6.1.

The second section of paragraph 6.1 needs expanding as this would not be clear to some readers. “MPax” should be changed to “m passengers” and “Mtonnes” should be changed to “m tonnes”.

- 21) The section at the bottom of page 18 which states “...(as opposed to 67% to 100% construction subsidy for all other national Infrastructure Managers)...” is not accurate because there is significant variation between national rail networks.

The first line of paragraph 6.2 may be clearer reading “The regime provides options for freight trains...”.

In paragraph 6.2 at the end of “Option 1A” the wording “the period of the” should be inserted before the words “working timetable”. At the end of Option 1B the wording should read “...in the same reserved train paths (origin/destination)”. Option 3 should contain the wording “...planned not less than 24 hours...”. Option 4 should read “Light Engine Movement. One or more crossings by locomotive(s) without wagons not reserved.....”

- 22) There should be a (***) next to ‘Off Peak’ in Table 1 and (****) next to ‘Off Peak’ in Table 2 and in both cases the corresponding note should read “Except where a maintenance period intervenes”.

In paragraph 6.3, our comment in respect of Option 1A is the same as for Option 1A in paragraph 6.2. For Options 2 and 3, the wording should be “in one or more individual single train paths...”. Option 4 should read “Empty Passenger Rolling Stock Movements”.

- 23) Paragraph 6.4 currently suggests that there are only 24 hours from the operation of the last train in any given month to supply the data for the next month. We would be grateful for Eurotunnel to explain if this is what it intended.

PERFORMANCE REGIME (§7)

- 24) We believe that the proposed performance regime is adequate for purpose although we have noted specific concerns below.
- 25) The JEC would like a monthly performance log to be kept and passed to it, with information on the penalties imposed under this system.
- 26) Paragraph 7.1 does not explain what happens when a delay falls within the time bracket of >10 minutes and <15 minutes. We also note that the regime is unusual as it appears only to penalise an operator a "lost path fee" (representing Eurotunnel's losses) where the operator's train breaks down for >15 minutes.
- 27) We note that there does not appear to be any positive incentive in the form of bonuses.
- 28) The statement does not appear to cover the situation of the late presentation of trains. For example, late presentation from the HS1 network, the sidings at Frethun or Dollands Moor.
- 29) We note that Eurotunnel Shuttle services fall outside of the performance regime, particularly as Eurotunnel operate these services. However we do not believe this is of immediate concern.

The last line of the second bullet point of paragraph 7.2 should read "capacity" as opposed to "capacities".

Appendix 1

- 30) We consider it would be clearer to state in A1 "Safety Arrangements which are rules documents mandatory for all parties:".
- 31) For consistency "operators" referred to in A2 should be "Railway Undertakings".
- 32) In paragraph B, we believe the last line should read "Eurotunnel reserves the right to undertake unannounced inspections."

The heading of paragraph C (ii) is "Breaches of duty" but given that this appendix relates to the rules then we consider that "Breaches of Rules" might be better in this context.

Appendix 2

- 33) In paragraph 1.2.5, in addition to safety, we consider that Eurotunnel would want to ensure the efficient operation in the Tunnel.

The first sentence of paragraph 1.2.6 should read "Battery life needs to be at least 90 minutes".

- 34) We would question whether some of the requirements in paragraph 1.4 are also applicable to locomotives and consider that this should be mentioned.

- 35) The last line on page 26 should read "Eurotunnel recommends that new wagons should be designed for a maximum speed of 120 km/h."

Please add an 's' onto the word 'other' in paragraph 2.

36) We would suggest that a cross reference link to evacuation procedures should be included in paragraph 2.2.

37) The first line of paragraph 2.3 should read “An efficient internal communication system...” and we believe that the last word should be “roles” as opposed to “missions”. We note that there is nothing in this paragraph regarding ‘alarms’ despite the subheading.

In the first line of paragraph 2.5, we consider that it would be more accurate to use the word “operate” instead of “haul”. In the last line of the paragraph we would suggest deleting “performance required” and replacing this with “capability”.

38) For the last line of paragraph 2.8, we would repeat our comment about “efficient operation” above.

39) On the subject of measures taken to protect traction equipment against winter conditions, it would be useful to refer to the report of the independent Garnett-Gressier inquiry following the Eurostar incidents of December 2009.

40) We believe that Eurotunnel should expand paragraph 2.9 to explain to whom there will be a safety demonstration.

In the same paragraph, “...managed under the responsibility of...” should be replaced with “...managed under the direction of...”.

References to “whichever” should be “whatever”.

The last section of paragraph 2.9 should read “For any rolling stock intended to use the Channel Tunnel...”.

Appendices 3 and 4

Our previous comments [21] and [22] apply. The word “offer” should be replaced with “option”.

Annexe 2 à la lettre de la CIG sur le projet de document de référence de réseau 2013 d'Eurotunnel

Observations du Comité de Sécurité

Dans l'article 3.1 les références aux gestionnaires d'infrastructure (GI) sont inappropriées. Il faut distinguer entre « Network Rail Infrastructure Ltd » et « Network Rail (CTRL) Ltd » alors que la formulation utilisée donne l'impression qu'il n'y a qu'un seul « Network Rail ». Eurotunnel a une interface avec l'un et l'autre.

L'article 3.2.1 sur les locomotives part du principe que les locomotives conformes aux spécifications techniques d'interopérabilité (STI) européennes pourront utiliser le tunnel, parce que les trains de fret seront en mesure d'utiliser les SAFE. Comme le projet de DRR le reconnaît, avant que cela ne soit possible, une modification des procédures opérationnelles est nécessaire. Le passage d'une capacité de roulement de 30 minutes à 15 minutes pour les locomotives de fret n'ayant pas encore été accepté par la CIG, la formulation adoptée est excessive pour un projet de document destiné à la publication.

Article 3.2.2. Cet article devrait simplement se référer à la conformité aux STI et aux règles techniques nationales notifiées (NNTRs), qui, pour le tunnel, sont les règles de sécurité unifiées notifiées à l'ERA.

Annexe 1 article B. Cette annexe porte sur la compatibilité du matériel roulant avec l'infrastructure, ce qui est correct. Cependant, il devrait être clair que l'annexe 2 déborde largement les problèmes de compatibilité et comprend des exigences détaillées sur le matériel roulant qui n'ont rien à voir avec la compatibilité. Les indications portant sur la maintenance paraissent superflues. Le Comité de Sécurité ne croit pas qu'Eurotunnel puisse exiger un rapport technique détaillé sur la conformité avec « les spécifications ». Si le matériel roulant est autorisé en France ou au Royaume-Uni (y compris en vertu des règles de reconnaissance mutuelle) alors le seul élément de preuve supplémentaire nécessaire sera sur les questions de compatibilité spécifiques [au tunnel]. On ne sait pas ce qui est entendu par « vérifications inopinées », ni comment Eurotunnel serait en mesure de les mener à bien légitimement - et donc nous nous interrogeons sur l'inclusion de cette disposition.

Annexe 1 article C. : Malgré les remarques déjà formulées, diverses discussions et plusieurs correspondances (la plus récente le 12 août 2011) sur la question de la formation, cette section n'a pas été correctement révisée et est inacceptable. En particulier, elle continue d'indiquer qu'Eurotunnel "approuve" la formation du personnel des entreprises ferroviaires (EF). Comme annoncé précédemment, il n'est pas légitime pour Eurotunnel de prescrire la formation ou la fréquence des cours de recyclage - ceci doit être déterminé par le système de gestion de la sécurité (SGS)

de l'EF. On ne peut légitimement exiger des EF qu'elles fournissent au GI, mensuellement ou selon toute autre périodicité, une liste des membres de leur personnel détenant une certification valable. Eurotunnel ne peut pas exiger des EF qu'elles excluent des membres de leur personnel, etc. La CIG invite Eurotunnel à réviser l'intégralité de cette section afin qu'elle soit en conformité avec les exigences légales. Nous conseillons que de manière générale l'article se réfère aux exigences de coopération entre le GI et les EF, sans imposer de prescriptions de la part d'Eurotunnel.

Nous pensons qu'il serait judicieux de mentionner quelque part la nécessité d'une coopération étroite entre les EF et le GI sur les dispositions d'évacuation ; une référence à ces dispositions pourrait être incluse dans l'article D.

Annexe 1 article D. Cet article doit simplement faire référence aux exigences formulées par la CIG dans son règlement binational de sécurité, sur la délivrance des certificats de sécurité. Il n'est pas certain que la documentation interne d'Eurotunnel reflète correctement les exigences des MSC sur la certification. Tout ce qu'Eurotunnel devrait indiquer, c'est que le certificat de sécurité partie B délivré par la CIG est nécessaire.

Annexe 2 Rappel. Ceci est maintenant inexact, et l'objet de la remarque n'est pas clair : à supprimer

Annexe 2 Révision. Ce paragraphe reconnaît à juste titre qu'il peut y avoir des changements, mais ne tient pas compte du fait qu'Eurotunnel n'est pas en charge des spécifications qui sont contenues dans les STI et les règles de sécurité unifiées de la CIG.

Annexe 2, article 1.1. Cet article ne tient pas compte de l'utilisation de locomotives en service qui datent d'avant les STI. Le deuxième paragraphe est superflu car il contient des exigences en doublon avec les exigences de la STI.

Annexe 2 article 1.2.2. Nous supposons que l'intention est que l'équipement ATP soit compatible avec le système de tunnel, mais ce n'est pas vraiment dit.

Annexe 2 article 1.2.6. Nous souhaiterions d'Eurotunnel vérifie attentivement que cette disposition ne double pas les exigences contenues dans la STI.

Annexe 2 article 1.3. La fourniture de dispositifs de relevage a été incluse dans les documents de référence de réseau précédents, mais le Comité de Sécurité est conscient que les locomotives class 92 n'ont pas de tels dispositifs de relevage ni aucune autre locomotive. Nous invitons Eurotunnel à examiner si la STI matériel roulant et opérations fait référence avec suffisamment de détail à la nécessité d'être en mesure de secourir/soulever le train et, sur cette base, d'examiner si d'autres dispositions détaillées sont nécessaires pour Eurotunnel.

Annexe 2 article 2. Le premier alinéa n'est pas correct. Il faut mentionner que les trains doivent être autorisés en vertu de l'interopérabilité et être conformes aux règles de sécurité unifiées de la CIG notifiées à l'ERA.

Annexe 2 article 2.1.2 même commentaire que pour l'article 1.2.2

Annexe 2 article 2.2. Le premier alinéa est redondant avec la STI

Annexe 2, article 2.7. La référence à la norme française spécifique doit être supprimée, conformément aux changements déjà convenus par le CIG. Cette section devrait simplement dire que les matériaux doivent être conformes aux normes spécifiées dans la STI, sans panachage entre différentes séries de normes.

Annexe 2 article 2.7. Cet article se réfère maintenant à «un agent d'extinction validé par un Organisme Européen Agréé ». La signification de cette expression n'est pas claire, on ne voit pas non plus à quoi correspond un tel organisme dans la pratique, ni qui délivre l'autorisation etc. D'une manière générale, ces aspects devront être revus à la lumière des travaux de réécriture de la STI « sécurité dans les tunnels ferroviaires »

Annexe 2 article 2.9 : Devrait se référer à la nécessité de se conformer au règlement 352/2009/CE (méthode de sécurité commune relative à l'évaluation et à l'appréciation des risques).

Annex 2 to the IGC letter on Eurotunnel draft 2013 Network Statement

Observations of the Safety Authority

In section 3.1 the references to infrastructure managers (IMs) are confused. These need to distinguish between Network Rail Infrastructure Ltd and Network Rail (CTRL) Ltd as the impression is given that there is only one 'Network Rail'. Eurotunnel actually interface with both.

Section 3.2.1 on locomotives assumes that locomotives which are compliant with European technical specifications for interoperability (TSIs) will be able to use the tunnel as freight trains will be able to use the SAFE stations. As the draft acknowledges, it will be necessary for the operational procedures to be modified before this is the case. As the changes from the 30 minutes to 15 minutes running capability for freight locomotives have not yet been agreed by the IGC, this is a bold statement to be included in a draft document for publication.

Section 3.2.2 This section should simply refer to compliance with TSIs and with notified national technical rules (NNTRs) which for the tunnel are the unified safety rules notified to ERA.

Appendix 1 section B. This refers to rolling stock compatibility with infrastructure, which is correct. However it should be clear that Appendix 2 deals with much more than just the compatibility issues and includes detailed rolling stock requirements that have nothing to do with compatibility. The statement about maintenance appears superfluous. The Authority does not believe that Eurotunnel can require a detailed technical report on compliance with the "specifications." If rolling stock is authorised in France or the United Kingdom (under rules of mutual recognition or otherwise), then the only additional evidence required will be on specific compatibility matters. It is unclear what is meant by "unplanned verifications", nor how Eurotunnel would be able to legitimately carry them out - therefore we question the inclusion of this provision.

Appendix 1 section C. Despite previous representations, discussion and correspondence (most recently on 12 August 2011) on the issue of training, this section has not been appropriately revised and is unacceptable. In particular, it continues to refer to Eurotunnel "approving" the training of railway undertakings' (RUs') staff. As previously advised, it is not legitimate for Eurotunnel to prescribe the training or frequency of refresher training –this must be determined through the safety management system (SMS) of the RU. There can be no legitimate requirement for RUs to supply IMs with a list of their personnel who hold valid certification on a monthly basis (or on the basis of any other frequency). Eurotunnel also cannot require RUs to withdraw personnel etc. IGC invites Eurotunnel to revise the entirety of this section so that it is in compliance with legal requirements. We

advise that generally the section refers to the requirements for cooperation between the lo and the railway companies, without imposition of prescriptions by Eurotunnel. We agree it would be sensible to include somewhere the need for close cooperation on evacuation arrangements, and reference to this could be included in section D.

Appendix 1 section D. This section should simply refer to the IGC requirements in its binational regulation for issuing safety certificates. Whether Eurotunnel's internal document reflects the actual requirements from the CSM on certification etc is not clear. All that Eurotunnel should be advising is that a part B safety certificate from the IGC is required.

Appendix 2 Reminder. This is inaccurate now, as well as unclear as to its purpose, and should be deleted.

Appendix 2 Revisions. This revision rightly acknowledges there can be change, but fails to account for the fact that Eurotunnel are not in charge of the specifications which are contained in TSIs and the IGC's unified safety rules.

Appendix 2 section 1.1. This section fails to acknowledge the use of in service locomotives that pre-date the TSIs. The second section is superfluous as it duplicates requirements contained in the TSI.

Appendix 2 section 1.2.2. We assume the intention is that the fitted ATP is compatible with the tunnel system, though it does not actually say so.

Appendix 2 section 1.2.6. We would like Eurotunnel to consider carefully whether this provision again duplicates requirements contained in the TSI.

Appendix 2 section 1.3. Provision of lifting gear has been included in earlier Network Statements but the Authority is aware that class 92s do not have any such lifting gear nor does any other loco. We invite Eurotunnel to consider whether the Rolling Stock and Operations TSIs refer in sufficient detail to the need to be able to rescue/lift the train and, on that basis, to consider whether further detailed provision is required by Eurotunnel.

Appendix 2 section 2. The first paragraph is not correct. It should refer to trains authorised under interoperability and compliant with the IGC's unified safety rules notified to the ERA.

Appendix 2 section 2.1.2 comment as for section 1.2.2

Appendix 2 section 2.2. TSI makes first sub-paragraph redundant.

Appendix 2 section 2.7. Reference to the specific French standard must be deleted, in accordance with changes previously agreed by IGC. This section should simply say that materials should be compliant with standards specified in the TSI without mixing different sets of standards.

Appendix 2 section 2.7. This now refers to “an extinguishing agent validated by an Approved European Organisation”. The meaning of this is not clear, nor is what such an organisation actually is or who delivers the approval etc. These aspects generally must be reviewed in the light of the task of re-writing the Railway Tunnel Safety TSI.

Appendix 2 section 2.9 should refer to the need to comply with Commission Regulation 352/2009/EC (Common Safety Method on risk evaluation and assessment).