



STRatégie d'Action de l'EPSF au Niveau Européen
(the European Strategy Action of EPSF)
in consultation with the French sector

GT1

Regulatory stability



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Strategic position report

GT1: Regulatory stability

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Organisations represented:

- AFRA
- ALSTOM GROUP
- BNF
- CERTIFER
- EIFFAGE
- EPSF
- HEXAFRET
- OBJECTIF OFP
- RAIL LOGISTICS EUROPE
- SNCF VOYAGEURS
- SNCF Réseau
- SNCF
- TRENITALIA
- UNIFER
- UTPF

1. Introduction and background information

The organisations and companies that contributed to the development of this strategic position report comprise a broadly representative panel of manufacturers, railway operators, infrastructure managers, professional associations in the French railway sector, and the EPSF.

The sector covered by the points in this memorandum represents a community of 200,000 employees and 35 billion in turnover, or 1.25% of France's GDP¹. It also accounts for 0.3% of greenhouse gas emissions from transport, for 10% of domestic passenger and freight journeys².

¹ sources: <https://www.materiel-du-pro.fr/lindustrie-ferroviaire-francaise-analyse-complete-du-secteur/>, partially cross-checked with UTPF, INSEE and government data.

² <https://industrie-ferroviaire.fr/wp-content/uploads/2025/06/20250625-fdr-decarbonation-filiere-ferroviaire.pdf>

The ongoing evolution of the European regulatory framework presents the rail sector with a number of challenges, particularly due to the updates to interoperability requirements in the Technical Specifications for Interoperability (TSIs), which occur on average every three years, and the emergence of new cross-cutting regulations. These complex changes make them difficult to implement, especially since the life cycles of railway assets span several decades, requiring costly adaptations and systematic requests for exemptions.

In this context, the main challenges include adapting TSI development cycles, simplifying and stabilising them, and improving planning to increase visibility. It is crucial to assess the impact of regulatory changes to ensure their relevance and cost-effectiveness, while striking a balance between standardisation and innovation.

For the French railway sector, it is essential to rise to these challenges in order to remain competitive and innovative. Effective management of long-term projects requires TSIs to be stabilised and a thorough assessment of regulatory impacts.

Important clarifications:

- This approach does not conflict with the needs for fast response times in urgent situations, where the entire community is mobilised. This responsiveness will also benefit from a stable and predictable environment.
- This approach also makes it easier to incorporate innovations relevant to the development of rail's modal share into the regulations.

2. TSI development cycle

Review and adjust the development cycle of TSIs to align it with investment depreciation periods and include operational deployment within operating entities.

The French sector wants the regulation development cycle to be **in line with the depreciation periods for investments**.

The frequency of regulatory changes can introduce increased technical complexity, requiring continuous adaptations for organisations of different sizes and resources. They incur additional and often very high costs. By aligning this cycle with the regulatory cycle, it is possible to limit regulatory monitoring, maximise return on investment and reduce the impact on design, manufacturing, operating and maintenance costs. In fact, while the European regulatory framework (including cross-cutting regulations) changes on average every three years, railway equipment has an average lifespan of 20 to 30 years. Another example is that seven-year transition schemes are acceptable but include specific provisions with implementation periods of two to five years. The transition scheme for LOC&PAS, WAGON and CCS TSIs offers some degree of regulatory stability.

Unfortunately, it does not apply to National Rules or ESC (ETCS System Compatibility). Therefore, a certain degree of synchronisation between national and European timetables is expected. One

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of the levers would be to ask Member States to adopt the concept of a "transition scheme" in their National Rules and Acceptable Means of Compliance (AMC).

To prevent ongoing projects from being affected, the French railway sector recommends limiting the impact of changes throughout the entire project implementation period.

- **Action: promote the implementation of transition schemes for all requirements, whether European or national.**
- **Action: unless there are exceptional circumstances, do not impose new regulatory requirements once the design phase has started (in accordance with the definition given in the TSI).**

The French sector requests that the TSI development cycle **take into account the time required to support and implement changes within the operating and maintenance entities**. For example:

- delays in implementation may result in postponements in the start of commercial operations or entry into service
- changes in testing methodologies may lead to specific investigations during a test campaign.
- functional or interface changes may require additional training for operational teams.

A strategic vision of the evolution of European and national regulations through "migration plateaus" (consistent planning of successive phases combining a set of requirements) should incorporate the time frames required to implement these changes. These plateaus must coordinate the development of TSIs for both on-board and trackside systems. These measures will ensure that the resources needed to implement the changes are available while continuing to maintain operations.

Action: extend the concept of migration plateau to all railway regulations.

3. Impact assessment

No regulatory changes must be made without first conducting a **formalised and substantiated impact assessment** (economic, risk, safety and interoperability) and **systematically consulting the sector** on the results of this assessment.

The analyses carried out to date show their limitations in relation to the difficulties encountered by the sector in integrating these regulatory changes.

These analyses should cover the following areas (described in detail in the appendix):

- Costs associated with changes to the railway ecosystem
- The economic benefits for the rail sector
- Comparison of the safety benefits with the alternatives

In order to be relevant and usable, these analyses will require working with objective, transparent data, while respecting business confidentiality.

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Impact assessment timetable:

- An initial analysis in the emergence phase
- If the drafting phase lasts several years, an update (focusing mainly on changes in the scope of regulatory developments) must be carried out annually,
- A final analysis prior to the GO/NO-GO decision

Action: All stakeholders will seek effective methods to implement this recommendation.

4. Regulatory Coordination

The TSIs lay down the interoperability requirements that must be complied with by the entities to which they apply.

Standardisation is a process that brings together experts representing stakeholders in a technical field with the aim of producing, by consensus, reference documents and standards that propose solutions to a given problem or respond to a mandate.

The French sector considers that the interoperability requirements imposed by the TSIs **must strictly relate only to the technical and operational provisions required to allow trains to run and operate without hindrance** on the European rail network, and that these requirements must only set the level of standardisation strictly necessary to achieve the interoperability objectives that are being pursued. To satisfy these requirements, **the technical provisions must, wherever possible, be based on documentation that contributes to standardisation and that is recognised by the sector.**

Current TSIs are linked to standards, or parts of standards, and technical documents, thereby conferring on them different levels of regulatory status:

- compulsory application (document cited),
- valid as an acceptable means of compliance (AMC, harmonised standard),
- or for information purposes only, without AMC value.

The first two statuses raise the issue of how to coordinate changes to the two sets of reference systems, which requires the implementation of a process to check that the content of the standards is consistent with the objectives of the TSI.

The French sector considers that **the application rendered compulsory by a TSI of a standard, part of a standard or technical document must only be used to set the level of requirement strictly necessary to comply with the interoperability objectives being pursued.** In other cases, market dynamics (supported, where applicable, by standardisation or other standards) are sufficient. Wherever possible, the response to the requirement is provided by a standard or technical document that may, for example, incorporate aspects of authorisation or safety demonstration. In the latter case, the application of this document implies compliance with this requirement.

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For example, when addressing the subject of immediate intervention limits for the track gauge, the Infrastructure TSI explicitly specifies the values to be complied with, whereas it could simply set the desired objective or the risk to be covered and refer to the standard that deals with this subject (standard EN 13848-5). Furthermore, the TSI sets values that differ from those in the standard.

Action: Application of these principles in the context of regulatory reviews.

5. Summary

The railway system, characterised by its long development cycles and substantial investments, is constantly confronted with a changing European regulatory framework, whereas in this sector, depreciation periods can be as long as 30 years or even longer.

As rail transport is highly capital-intensive, **any regulatory change must be accompanied by robust impact assessments** to evaluate its relevance in terms of economics and safety. This ensures that long-term investments are not compromised by uncoordinated changes. Two factors are crucial in this regard:

1. Ensure that equipment lifespans are respected in order to protect the depreciation of investments.
2. Allow capitalisation on previous developments while managing the complexity caused by frequent regulatory changes.

In this context, the importance of migration plateaus is particularly significant. They enable innovations and regulatory changes to be rolled out in coordinated phases. **These migration plateaus, adjusted in line with impact studies**, provide a European roadmap with implementation and deployment timescales that are compatible with the investment capacities of industry players and respect their depreciation cycles. By avoiding sudden disruptions due to regulatory changes, these plateaus make for a smooth transition, while offering clear planning and investment horizons.

Therefore, the architecture of railway regulation must be stable and modular, conducive to innovation, and also flexible enough to adapt to substantial leaps in performance, which may justify investments. Harmonising the dates of application of regulatory obligations would improve the clarity of timetables and reduce the complexity associated with the multiple rolling stock changes required by the various regulations. This would turn the capitalistic nature of the sector into an advantage, thereby optimising costs while innovating and improving the commercial performance of railway transport.

The entire community is committed to implementing these guidelines.

APPENDIX: details of the factors to be considered for impact assessments

1. Comparison of the safety benefits with the alternatives

Exported constraints & design error rates:

- Major changes generally reduce risks, but can introduce new constraints (increased complexity and new procedures), generating an error rate in the design that needs to be strictly managed (regulatory monitoring and feedback).
- Alternative solutions (enhanced training, manual procedures, ancillary tools) can sometimes limit the scope of the risk but rarely generate the same benefits in terms of eliminating incidents.

Impact of regulatory changes:

- Changes to rolling stock must remain aligned with regulatory developments; these developments may adjust the nature and level of constraints and influence the error rate when applied in the field, for example through new protocols to be followed or obligations that are imposed.

Deployment and required resources:

- Deployment of major changes: logistics project management, availability of human and material resources to maintain service during works and training.
- Less invasive alternative solutions sometimes limit the expected safety benefits, especially in the long term.
- Close monitoring of changes in safety indicators must guide the choice between structural modification or alternative solutions.

2. Costs associated with changes to the railway ecosystem

Costs of studying and implementing the changes:

- Engineering: analysis of the requirements, technical specifications, design, validation.
- Prototyping and testing: conducting tests on actual or simulated rolling stock.
- Implementation: production costs for modified parts, installation on rolling stock, logistics management.

Assessment and authorisation costs:

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- NoBo (Notified Body), DeBo (Designated Body) and AsBo (Safety Assessment Body): audits, compliance analyses, reports, appraisal fees.
- Administrative procedures related to obtaining authorisations to put into service (certifications, documentation, management of regulatory changes).

Indirect costs:

- Moving rolling stock to modification workshops.
- Temporary unavailability of rolling stock, which may result in reduced capacity or costs for chartering replacement rolling stock.
- Loss of productivity, possible impact on service punctuality.
- Impact on the organisation of operations and maintenance.

Costs of training and updating operating documentation:

- Updating training resources for driving and maintenance staff.
- Theoretical and practical training sessions.
- Managing staff unavailability during training periods.
- Updating operating instructions.

Costs of changes for maintenance:

- Acquisition of specific tools, adaptation of existing equipment.
- Changes to maintenance rules and related documents.
- Mitigation of new imported constraints (methods, frequency, inspection procedures).

3. The economic benefits for the rail sector

Interoperability benefits:

- Savings on development and production costs for rolling stock due to reduced national scope requirements (national rules).
- Benefits associated with harmonising technical solutions at the European level (economies of scale, freight consolidation)
- Benefits associated with operational harmonisation at the European level (efficiency, productivity, smooth traffic flow)

Reduced operating costs:

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- Fewer breakdowns or unexpected interventions thanks to modifications that improve reliability.
- Organisational improvement.
- Optimised maintenance cycles.
- Lower energy or resource consumption (e.g. automated operations, optimised on-board systems).

Improved competitiveness:

- Increased attractiveness of the service thanks to more efficient or innovative rolling stock.
- Better positioning compared to competitors and alternative modes of transport.
- Improved brand image through the integration of solutions that satisfy customer expectations and new regulations.

Safety benefits:

- Fewer incidents or accidents due to equipment faults: direct impact on the Railway Safety Indicator (ISF), with the critical failure rate potentially falling significantly.
 - Reduced costs associated with compensation, post-incident inspections, and traffic disruptions.
 - Improved social climate and confidence among stakeholders.
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