



EUROPEAN COMMISSION

Brussels, 26.1.2012
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COMMISSION IMPLEMENTING DECISION

of 26.1.2012

**granting the United Kingdom a derogation to the application of the Control Command
and Signalling TSI for the Crossrail core section**

(Only the English text is authentic)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2008/57/EC of 17 June 2008 of the European Parliament and of the Council on the interoperability of the rail system within the Community¹, and in particular Article 9.1(d) thereof,

Whereas:

- (1) The central operating section of the Crossrail route links two TEN-T routes. It is therefore part of the TEN-T and falls within the geographical scope of the Control Command and Signalling Conventional TSI, as set out in Commission Decision 2006/679/EC concerning the technical specification for interoperability relating to the control-command and signalling subsystem of the trans-European conventional rail system.²
- (2) The UK submitted on 5 September 2011 a request and a supporting file for a derogation from the application of the Control Command and Signalling Conventional TSI to the Crossrail central operating section, since the application of the Control Command and Signalling Conventional TSI would compromise the economic viability of the project.
- (3) The submitted file contained the information laid down in Annex IX to Directive 2008/57/EC. In particular it showed that using ERTMS in conjunction with urban rail specific functions such as Automatic Train Operation, auto-reverse and Platform Edge Doors might create a risk to the project programme.
- (4) In order to avoid this risk, while ensuring final interoperability of the project, a CBTC system should be installed, as interim measure, on the central operating section and the CBTC Contractor will prepare and issue an ERTMS Migration Plan for the Infrastructure Manager to implement.

¹ OJ L 191, 18.7.2008, as last amended by Commission Directive 2011/18/EU (OJ L 57, 01.03.2011, p. 21).

² OJ L 284, 16.10.2006, p. 1

- (5) Activities should be organised in a way to ensure that the need to migrate to ERTMS does not affect the planning of the CBTC installation and that migration to ERTMS is done at the earliest possible date, as soon all tests confirm that ERTMS complies with the crossrail sponsors' requirements, in particular as regards performance and reliability.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Committee set up by Article 29 of Directive 2008/57/EC,

HAS ADOPTED THIS DECISION:

Article 1

The derogation from the obligation to implement the TSI Control Command and Signalling of the trans-European conventional rail for the central operating section of Crossrail running from Westbourne Park-Paddington to Whitechapel-Stratford/Abbey Wood requested by the United Kingdom is hereby granted.

Article 2

A CBTC system may be used to operate on the Crossrail central operating section during an initial phase. This CBTC system shall be supported by a migration plan that enables ETCS Level 3 with minimal modification. Additionally a communications bearer capable of supporting ETCS level 3 should be installed as part of the initial installation. The migration plan shall be notified to the Commission and the United Kingdom shall ensure its swift implementation.

Article 3

The migration plan shall foresee tests to verify that ETCS implementation on Crossrail meets the performance requirements and availability rates, in particular as regards Automatic Train Operation, Platform Edge Door communications and Auto Reverse.

As soon the final tests confirm that it is possible to switch to ERTMS as performance requirements and availability rates are met, the United Kingdom shall notify this to the Commission and ensure that the Infrastructure Manager then switches over to use ERTMS as the primary signalling system.

This derogation shall expire on the date of switching to use ERTMS as the primary signalling system.

Article 4

This Decision is addressed to the United Kingdom.

Done at Brussels, 26.1.2012.

For the Commission
Siim KALLAS
Vice-President

CERTIFIED COPY
For the Secretary - General

Jordi AYET PUIGARNAU
Director of the Registry