

To the attention of
Mr. Keir Fitch
Head of Unit
European Commission
Directorate-General for Mobility and Transport
MOVE.C 4: Rail Safety and Interoperability
DM28 4/116
B-1049 Brussels/Belgium

Cc:

- Mr. Josef Doppelbauer, Executive Director, European Union Agency for Railways

Brussels, 21 October 2019

Dear Mr. Fitch,

To our regret, we consider ourselves obliged to voice further concerns regarding the fire safety requirements for exposed cables installed in railway tunnels in Europe.

We are concerned by incorrect interpretations in the explanations provided by the European Union Agency for Railways (ERA) in their recently published *“Guide for the application of the Technical Specification for Interoperability on Safety in Railway Tunnels (TSI SRT) in accordance with Article 19(3) of Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016”*.

We are anxious that this guidance, if followed by the applicants, would not meet the fire safety levels for our products as stipulated by the European Commission in its Implementing Regulation (EU) 2019/776 of 16 May 2019 and as supported by Member States.

In particular, we need to oppose the interpretation of the given fire safety requirements for “low flammability, low fire spread, low toxicity and low smoke density” in relation to the fire performance classes as defined in Commission Regulation (EU) 2016/364 regarding the identification of cable classes other than Class B2ca, s1a,a1 as provided by ERA in the explanation on clause 4.2.1.3 (3) of Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 amending Commission Regulation (EU) No 1303/2014.

We herewith call upon your support to see to a modification of chapter 2.3.6. “Fire reaction of building material (clause 4.2.1.3)” of the Application Guide by explicitly mentioning:

- 1) that also cables of **class Dca shall not be used**, as they – equal to class Fca and Eca – do not meet the requirement for *“Low fire spread”*; and
- 2) that cables need to comply with additional classifications **s1a, s1b, s1 or s2** to meet the agreed requirement for *“low smoke density”*; and
- 3) that cables need to comply with additional classification **a1 or a2** to meet the agreed requirement for *“low toxicity”*.

An accurate interpretation of the CPR fire safety requirements as stipulated by the Commission Implementing Regulation and supported by Member States is vital as they identify the range of cables classes lower than B2ca,s1a,a1 that can be used in railway tunnels resulting from a risk assessment.

Any unclear and inaccurate explanation opens room for interpretation of the required fire safety performance level for exposed cables in tunnels which may result in an increase of the fire hazard. This cannot be in the European Commission’s nor Member States intention as it would unequivocally contradict the outcome of the deliberations at Railway Interoperability and Safety Committee (RISC) level which lead to the adoption of the revised TSI.

Please find our specific remarks on the accuracy of the interpretation of CPR fire safety requirements of chapter 2.3.6 here below.

Clause 4.2.1.3 (3) of Commission Implementing Regulation (EU) 2019/776 states: *“Exposed cables shall have the characteristics of low flammability, low fire spread, low toxicity and low smoke density. These requirements are fulfilled when the cables fulfil at least the requirements of classification B2ca,s1a,a1. If the classification is lower than B2ca,s1a,a1, the class of cables may be determined by the infrastructure manager after a risk assessment, taking into account the characteristics of the tunnel and the intended operational regime. For the avoidance of doubt, different classifications of cable may be used for different installations within the same tunnel provided that the requirements of this paragraph are met.”*

Accordingly, the TSI requires that exposed cables shall have the characteristics of

- 1) *“low flammability”*, only fulfilled by class (Aca, B1ca), B2ca, Cca, Dca or Eca
- 2) *“low fire spread”*, only fulfilled by class (Aca, B1ca), B2ca or Cca
- 3) *“low smoke density”*, only fulfilled by additional classification s1a, s1b, s1 or s2
- 4) *“low toxicity”*, only fulfilled by additional classification a1 or a2

Consequently, even after a risk assessment, which is to be conducted by the Notified Bodies, the requirements of TSI can only be met

- by class B2ca or Cca to meet requirement for *“low fire spread”*;
- if classification for *“low smoke and low acidity”* is accompanied as outlined above; and
- as a result, by explicitly not considering class Dca as an option for TSI - even not after risk assessment.

In chapter **“2.3.6. Fire reaction of building material (clause 4.2.1.3)”**, the Application Guide of the TSI SRT correctly states that:

- 1) *“Using exposed cables of class B2ca, s1a, a1 ensures that the characteristics of low flammability, low fire spread, low toxicity and low smoke density are satisfied without the need for further risk assessment”*;

and that whilst cables with lower fire safety classes may be installed in tunnels after a risk assessment,

- 2) *“The requirements of the paragraph of the TSI to be met are the requirements for low flammability, low fire spread, low toxicity and low smoke density. Consequently, exposed cables of class Fca that are flammable and likely to burn uncontrollably in a fire and exposed cables of class Eca that do not have the characteristics of low toxicity and low smoke density should not be used.”*

Whilst correctly excluding cable classes Eca and Fca for being non-compliant with a number of the above-mentioned CPR criteria, the Application Guide misses

- 1) to also single out the installation of Class Dca cables as non-compliant with the CPR criterion of *“low fire spread”*. By omitting the explicit reference to class Dca the Guide provides an incorrect interpretation of the Commissions and Member States’ decision; and
- 2) to include any reference to the additional criteria of *“low toxicity”* and *“low smoke density”* in their explanation of clause 4.2.1.3 (3) of Commission Implementing Regulation (EU) 2019/776. Given the relevance of these two additional criteria for cables to be eligible for installation in railway tunnels, a dedicated explanatory paragraph on both requirements and the CPR classes complying with them is necessary, i.e. explicit mentioning of CPR additional classifications s1a, s1b, s1 or s2 and a1 or a2 should comply with the proposed requirement for *“Low toxicity and low smoke density”* based on EN 50399, EN 61034-2 and acidity test EN 60754-2.

Consequently, Europacable calls for the following amendments in chapter 2.3.6 of the Application Guide:

- 1) *“The requirements of the paragraph of the TSI to be met are the requirements for low flammability, low fire spread, low toxicity and low smoke density. Consequently, exposed cables of class Fca that are flammable and likely to burn uncontrollably in a fire, exposed cables of class Eca that do not have the characteristics of low toxicity and low smoke density **and exposed cables of class Dca that do not have the characteristics of low fire spread shall** not be used.”*
- 2) *“**As an additional prerequisite, exposed cables need to comply with additional classifications s1a, s1b, s1 or s2 to meet the requirement of low smoke density and classification a1 or a2 to meet the requirement of low toxicity.**”*

We are turning to you as we understand that no formal consultation is available of submitting our concerns to ERA.

We trust that you share our view that the incorrect interpretation outlined above puts into question the safety requirements stipulated by the Commission and supported by Member States. We are confident that through the proposed amendments, any unintended risk can be avoided. We are available at any time to discuss further should you so wish.

Yours sincerely,



Thomas Neesen
Secretary General

About Europacable

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