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**COMMISSION IMPLEMENTING REGULATION (EU) .../...**

**of XXX**

**amending Implementing Regulation (EU) 2019/773 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union**

(Text with EEA relevance)

*This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.*

# COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

## **amending Implementing Regulation (EU) 2019/773 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union<sup>1</sup>, and in particular Article 5(11) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2019/773<sup>2</sup> lays down the technical specification for interoperability (TSI) relating to the operation and traffic management subsystem of Union rail system.
- (2) In accordance with Article 3(5), points (b) and (f), of Commission Delegated Decision (EU) 2017/1474<sup>3</sup> TSIs must be reviewed in order to take into account the developments of the Union railway system and related research and innovation activities, and to update references to standards.
- (3) Having regard to the role railways are expected to play in a decarbonised transport system, as envisaged in the European Green Deal, and in the light of developments in this field, notably in research and innovation, an extensive revision of the current TSIs is required, in particular with a view to digitalising the railways and making rail freight more attractive.
- (4) On 24 January 2020, in accordance with Article 19(1) of Regulation (EU) No 2016/796 of the European Parliament and of the Council<sup>4</sup>, the Commission requested the European Union Agency for Railways (the 'Agency') to prepare recommendations implementing a selection of the specific objectives set out in Decision (EU) 2017/1474.

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<sup>1</sup> OJ L 138, 26.5.2016, p. 44.

<sup>2</sup> Commission Implementing Regulation (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union and repealing Decision 2012/757/EU (OJ L 139I, 27.5.2019, p. 5).

<sup>3</sup> Commission Delegated Decision (EU) 2017/1474 of 8 June 2017 supplementing Directive (EU) 2016/797 of the European Parliament and of the Council with regard to specific objectives for the drafting, adoption and review of technical specifications for interoperability (OJ L 210, 15.8.2017, p. 5).

<sup>4</sup> Regulation (EU) No 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004 (OJ L 138, 26.5.2016, p. 1).

- (5) On 30 June 2022, the Agency issued the recommendation ERA 1175-1218 as regards the TSI relating to the operation and traffic management subsystem of the Union rail system. The Commission analysed the above recommendation and concluded that it is appropriate to amend Implementing Regulation (EU) 2019/773 to achieve greater harmonisation of rail operation in the Union.
- (6) The amendments to Implementing Regulation (EU) 2019/773 aim in particular to (i) incorporate new requirements for a greater harmonisation of the operational rules of the European Rail Traffic Management System (ERTMS), (ii) add new requirements covering ERTMS trackside engineering information relevant to operation that the infrastructure manager is required to provide to railway undertakings and (iii) introduce a new format for the European Instructions and feedback from the examination of national rules on safety and operation.
- (7) In accordance with Article 14 (1) of Directive (EU) 2019/797, Member States are to notify national rules made redundant following the revision of technical specifications for interoperability. In view of the amendments proposed, it is appropriate to set a clear deadline for such notification to avoid legal uncertainty.
- (8) In accordance with the procedure laid down in Commission Implementing Regulation (EU) 2018/763<sup>5</sup>, the infrastructure managers and the railway undertaking need to ensure compliance with the Annex to this Regulation.
- (9) Implementing Regulation (EU) 2019/773 should therefore be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Committee established in accordance with Article 51(1) of Directive (EU) 2016/797,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Implementing Regulation (EU) 2019/773 is amended as follows:

- (1) the following Articles 5a and 5b are inserted:

#### *“Article 5a*

By [*PO - six months of the entry into force of this Regulation*], each Member State shall notify to the Commission and the Agency any national rules made redundant by the entry into force of Commission Implementing Regulation (EU) XXXX/2023 [*PO – insert number of this Regulation*], together with a timetable for their withdrawal if not yet done.

#### *Article 5b*

By [*PO - nine months of the entry into force of this Regulation*], railway operator and infrastructure managers shall change their safety management system as defined in Article 9 of Directive (EU) 2016/798 in accordance with the requirements laid down in the Annex to this Regulation. Such changes, if limited to those strictly necessary to apply this Regulation, as amended, shall not be considered to be substantial changes to the safety regulatory framework within the meaning of Article 10(15) of Directive (EU) 2016/798.”;

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<sup>5</sup> Commission Implementing Regulation (EU) 2018/763 of 9 April 2018 establishing practical arrangements for issuing single safety certificates to railway undertakings pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council, and repealing Commission Regulation (EC) No 653/2007, C/2018/2001, OJ L 129, 25.5.2018, p. 49.

- (2) the Annex to Implementing Regulation (EU) 2019/773 is amended in accordance with the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission  
The President  
Ursula von der Leyen*