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[...] (2022) **XXX** draft

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

of **XXX**

**amending Commission Regulations: (EU) No 321/2013, No 1299/2014, No 1300/2014,
No 1301/2014, No 1302/2014, No 1304/2014 and Commission Implementing
Regulation (EU) 2019/777**

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.

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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 Union¹, and in particular Article 5(11) thereof,

Whereas:

- (1) Having regard to the role railways are called on to play in a decarbonised transport system, as envisaged by the European Green Deal and the Sustainable and Smart Mobility Strategy, and in the light of developments in that field, a revision of the current Technical Specifications for Interoperability (TSIs) is required, in the framework of the Digital Rail and Green Freight package.
- (2) Pursuant to Article 3(5), points (b) and (f) of Commission Delegated Decision (EU) 2017/1474² TSIs are to be reviewed in order to take into account the developments of the Union railway system and related research and innovation activities, and update references to standards.
- (3) Delegated Decision (EU) 2017/1474 sets out specific objectives for the drafting, adoption and review of TSIs of the rail system within the Union.
- (4) On 24 January 2020, in accordance with Article 19(1) of Regulation (EU) No 2016/796 of the European Parliament and of the Council³, the Commission requested the European Union Agency for Railways (the 'Agency') to prepare recommendations implementing a selection of the specific objectives set out in Delegated Decision (EU) 2017/1474.
- (5) On 30 June 2022, the Agency issued Recommendation ERA 1175-1218 as regards the TSI relating to the operation and traffic management subsystem of the Union rail system covering Article 11, (1) to (6) of Delegated Decision (EU) 2017/1474.
- (6) It is appropriate for combined transport to be regulated through TSIs. Changes should accordingly be made, inter alia, to the Commission Implementing Regulation (EU)

¹ OJ L 138, 26.5.2016, p. 44.

² 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).

³ 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).

2019/773⁴ (OPE TSI) and TSIs set out in the Annexes to Commission Regulation (EU) No 1299/2014⁵ (TSI INF) and Commission Regulation (EU) No 321/2013⁶ (TSI WAG) and in the content of the Annex to Commission Implementing Regulation (EU) 2019/777⁷ (RINF). This should enable a more harmonised application of the codification system and foster the development of combined transport.

- (7) The Union-wide authorization of passenger coaches will be a major step in fostering interoperability of the European railway network. In pursuit of that objective, the Annex to Commission Regulation (EU) No 1302/2014⁸ (TSI LOC&PAS) should be amended, in particular by harmonizing requirements and testing methods in terms of the topic of electromagnetic compatibility and compatibility with train detection systems.
- (8) The TSIs LOC&PAS and INF should be amended with a view to harmonizing the specifications applicable to rolling stock and fixed installations, notably by closing open points as regards requirements on traffic loads and load carrying capacity of infrastructure, requirements for operations with more than two pantographs at the same time, and facilitating the retrofitting of trains with Energy Measuring Systems.
- (9) Furthermore, TSI LOC&PAS should be amended to clarify the definition of special vehicles including on-track machines, infrastructure inspection vehicles, emergency vehicles, environment vehicles and road-rail vehicles and clarify the applicability of the TSIs to those vehicles.
- (10) The Annex to Commission Regulation (EU) No 1304/2014⁹ (TSI NOI) should be amended to introduce a methodology to assess the acoustic performance of composite brake blocks at constituent level.
- (11) To enhance the level of rail safety and reliability, the TSIs WAG and LOC&PAS should be amended to incorporate a derailment detection function.
- (12) Given that no specific new competence is required for the assessment of conformity of interoperability constituents or the verification of subsystems, there should be no change as regards the notified bodies for the purposes of Commission Regulations

⁴ 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 (OJ L 139I , 27.5.2019, p. 5)

⁵ Commission Regulation (EU) No 1299/2014 of 18 November 2014 on the technical specifications for interoperability relating to the ‘infrastructure’ subsystem of the rail system in the European Union (OJ L 356, 12.12.2014, p. 1).

⁶ Commission Regulation (EU) No 321/2013 of 13 March 2013 concerning the technical specification for interoperability relating to the subsystem ‘rolling stock — freight wagons’ of the rail system in the European Union and repealing Decision 2006/861/EC (OJ L 104, 12.4.2013, p. 1).

⁷ Commission Implementing Regulation (EU) 2019/777 of 16 May 2019 on the common specifications for the register of railway infrastructure and repealing Implementing Decision 2014/880/EU (OJ L 139, 27.5.2019, p. 312).

⁸ Commission Regulation (EU) No 1302/2014 of 18 November 2014 concerning a technical specification for interoperability relating to the ‘rolling stock — locomotives and passenger rolling stock’ subsystem of the rail system in the European Union (OJ L 356, 12.12.2014, p. 228).

⁹ Commission Regulation (EU) No 1304/2014 of 26 November 2014 on the technical specification for interoperability relating to the subsystem ‘rolling stock — noise’ amending Decision 2008/232/EC and repealing Decision 2011/229/EU (OJ L 356, 12.12.2014, p. 421).

(EU) 321/2013, (EU) 1299/2014, (EU) 1300/2014, (EU) 1301/2014¹⁰, (EU) 1302/2014 and (EU) 1304/2014.

- (13) It should be clarified when to apply the TSIs INF and the Annex to Regulation (EU) No 1301/2014 (TSI ENE) in case of upgrade or renewal of existing subsystems and vehicles, in order to ensure a gradual transition to a fully interoperable European railway system, in accordance with Article 4 of Directive (EU) 2016/797.
- (14) The Annex to Commission Regulation (EU) No 1300/2014¹¹ (TSI PRM) should be amended to better define the basic parameters which facilitate access to railway services for persons with reduced mobility, including the introduction of the concept of interoperable wheelchair transportable by train. Further clarifications are required concerning ticket vending machines and provision of travel information in aural, visual and tactile form.
- (15) References to standards require regular updates. In order to facilitate future updates, all details about standards should be gathered in dedicated appendices to each TSI, which can then be amended without amending the TSI core text. Such approach enables the applicants to use modern IT tools which perform better for requirements capture. All TSIs on Fixed Installations and Rolling Stock should be amended accordingly.
- (16) The railway infrastructure parameters registered in the Register of Infrastructure (RINF) should also evolve, in particular by amending, together with the TSIs, the tables listing such parameters.
- (17) Therefore the following Regulations should be amended accordingly:
 - (a) Regulation (EU) No 321/2013 (TSI WAG);
 - (b) Regulation (EU) No 1299/2014 (TSI INF);
 - (c) Regulation (EU) No 1300/2014 (TSI PRM);
 - (d) Regulation (EU) No 1301/2014 (TSI ENE);
 - (e) Regulation (EU) No 1302/2014 (TSI LOC&PAS);
 - (f) Regulation (EU) No 1304/2014 (TSI NOI);
 - (g) Implementing Regulation (EU) 2019/777 (RINF).
- (18) The measures provided for in this Regulation are in accordance with the opinion of the Railway Safety and Interoperability Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 321/2013 is amended as follows:

- (1) Article 9a is deleted;
- (2) the Annex is amended in accordance with Annex I to this Regulation.

¹⁰ Commission Regulation (EU) No 1301/2014 of 18 November 2014 on the technical specifications for interoperability relating to the 'energy' subsystem of the rail system in the Union (OJ L 356, 12.12.2014, p. 179).

¹¹ Commission Regulation (EU) No 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility (OJ L 356, 12.12.2014, p. 110).

Article 2

The Annex to Regulation (EU) No 1299/2014 is amended in accordance with Annex II to this Regulation.

Article 3

The Annex to Regulation (EU) No 1300/2014 is amended in accordance with Annex III to this Regulation.

Article 4

The Annex to Regulation (EU) No 1301/2014 is amended in accordance with Annex IV to this Regulation.

Article 5

Regulation (EU) No 1302/2014 is amended as follows:

- (1) in Article 2(1), point (d), , the term “mobile railway infrastructure construction and maintenance equipment” is replaced by: “special vehicles, such as on-track machines (OTMs)”.
- (2) Article 8 is deleted;
- (3) Article 11 is amended as follows:
paragraph 2 and 3 are deleted;
- (4) the Annex is amended in accordance with Annex V to this Regulation.

Article 6

The Annex to Regulation (EU) No 1304/2014 is replaced by the text in Annex VI to this Regulation.

Article 7

Implementing Regulation (EU) 2019/777 is amended as follows:

- (1) Article 4 is deleted;
- (2) Article 5 is replaced as follows:
‘Data submission and update
 1. Infrastructure managers shall directly submit data to the RINF Application, as soon as such data becomes available. The Infrastructure managers shall ensure the accuracy, completeness, consistency and timeliness of the submitted data.
 2. Infrastructure managers shall make available in RINF all information relating to new infrastructures to be placed in service, upgraded or renewed before their placing in service.’;
- (3) Article 6 is replaced as follows:
‘Future developments
 1. The Agency shall update the RINF application by 15 December 2024 in order to:

- (a) Entitle a differential update of the data in RINF in order to allow infrastructure managers to update the relevant modified information as soon as it becomes available;
 - (b) improve the routing calculation on the network;
 - (c) provide improved means for alerting railway undertakings regarding changes in the RINF Application relevant to the networks for which they have registered to be informed with
2. Further developments of the RINF application may create a data system feeding into all electronic information flows in respect of the Union rail network.’;
- (4) the Annex is amended in accordance with Annex VII to this Regulation.

Article 8

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*