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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**

(Text with EEA relevance)

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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. This TSI revision shall set the scene for the next TSI revision taking into account the outcomes of Europe's Rail Joint Undertaking and in particular the System Pillar achievements.
- (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.

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).

- (5) On 30 June 2022, the Agency issued Recommendation ERA 1175-1218 as regards the TSIs of the Union rail system covering Articles 3 to 11 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) 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; for that purpose ERA will further develop an Acceptable Mean Of Compliance in accordance with Article 2 (33) of Directive (EU) 2016/797.
- (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.

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).

- (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) TSI WAG paves the way to the further digital automatic coupling (DAC) development, migration and implementation; its deployment will be a major step in modernising the European railway freight business.
- (13) 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 (EU) 321/2013, (EU) 1299/2014, (EU) 1300/2014, (EU) 1301/2014¹⁰, (EU) 1302/2014 and (EU) 1304/2014.
- (14) 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.
- (15) 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.
- (16) 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.
- (17) The railway infrastructure parameters registered in the Register of Infrastructure (RINF) should also evolve, in particular by amending, the tables listing such parameters consistently with other amendments included in this Regulation and Regulations *[PO: please insert reference to CCS and OPE TSIs]*, by making the infrastructure manager the data provider replacing the national registration entity which may keep a coordination role, and by identifying future developments.
- (18) Therefore the following Regulations should be amended accordingly:
 - (1) Regulation (EU) No 321/2013 (TSI WAG);
 - (2) Regulation (EU) No 1299/2014 (TSI INF);
 - (3) Regulation (EU) No 1300/2014 (TSI PRM);
 - (4) Regulation (EU) No 1301/2014 (TSI ENE);
 - (5) Regulation (EU) No 1302/2014 (TSI LOC&PAS);

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).

- (6) Regulation (EU) No 1304/2014 (TSI NOI);
- (7) Implementing Regulation (EU) 2019/777 (RINF).
- (19) 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 4 is replaced by:
“Article 4
Not used.”
- (2) Article 9a is deleted;
- (3) the Annex is amended in accordance with Annex I to this Regulation.

Article 2

Regulation (EU) No 1299/2014 is amended as follows:

- (1) The paragraph in Article 6 is replaced as follows:
“Article 7(2) of Directive (EU) 2016/797 applies.”
- (2) The Annex to Regulation (EU) No 1299/2014 is amended in accordance with Annex II to this Regulation.

Article 3

Regulation (EU) No 1300/2014 is amended as follows:

- (1) Article 2 is modified as follows
 - (a) in point 1 and point 5 “Directive 2008/57/EC” is replaced by “Directive (EU) 2016/797”;
 - (b) point 2 is replaced as follows:
“2. The TSI shall apply to the network of the Union rail system as described in Annex I of Directive (EU) 2016/797 with the exclusion of cases referred to in Article 1(3) and (4) of Directive (EU) 2016/797.”;
- (2) In Article 4 point 1 and point 2 letter c, “Directive 2008/57/EC” is replaced by “Directive (EU) 2016/797”;
- (3) In Article 5, “Directive 2008/57/EC” is replaced by “Directive (EU) 2016/797”;
- (4) In Article 6 point 5, “Directive 2008/57/EC” is replaced by “Directive (EU) 2016/797”;
- (5) In Article 7 point 3, “Directive 2008/57/EC” is replaced by “Directive (EU) 2016/797”;
- (6) In Article 8 point 6 and point 7, “Directive 2008/57/EC” is replaced by “Directive (EU) 2016/797”;

- (7) In Article 9 point 4, “Directive 2008/57/EC” is replaced by “Directive (EU)2016/797”;
- (8) The Annex is amended in accordance with Annex III to this Regulation.

Article 4

Regulation (EU) No 1301/2014 is amended as follows:

- (1) The paragraph in Article 6 is replaced as follows:
“Article 7(2) of Directive 2016/797 applies.”
- (2) Article 9 is replaced as follows:
 - (1) In point 1 and point 3 “Article 20 of Directive 2008/57/EC” is replaced by “Article 18 of Directive 2016/797”;
 - (2) In point 2 “Article 29 of Directive 2008/57/EC” is replaced by “Article 51 of Directive 2016/797”;
- (3) 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:
 - (a) in paragraph 1, the second subparagraph is amended as follows:
 - (i) the introductory phrase is replaced by the following:
‘They shall however continue to apply to:’;
 - (ii) point (c) is deleted;
 - (b) paragraphs 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 1 point (2) is replaced as follows:
“2. Each Member State shall instruct its Infrastructure Managers to include the values of the parameters of its railway network in an electronic application which shall comply with the common specifications of this Regulation.”;

- (2) Article 2 is modified as follows:
- (a) In points (4) and (5) “Member State” is replaced by “infrastructure manager”;
 - (b) Point (6) is replaced as follows:

“6. The Agency shall set up a group composed of representatives of the infrastructure managers which shall coordinate, monitor and support the implementation of this Regulation into the RINF Application. this group shall also support the future development of this Regulation. National registration entities designated under Article 5 shall have the right to participate in line with their tasks and scope of activities. As appropriate, the Agency shall invite experts and representative bodies.”;
- (3) Articles 4 and 5 are replaced as follows:

“

Article 4

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.

Article 5

National Registration Entity

Member State may designate a national registration entity to act as point of contact between the Agency and the infrastructure managers in the view of assisting and coordinating the infrastructure managers of their territory provided that this does not put at risk the availability of data in accordance with Article 4.

”

- (4) Article 6 is replaced as follows:

“

Article 6

Future developments

1. The Agency shall update the RINF application by 15 December 2024 in order to:
 - (a) Allow for a partial update of data corresponding to the modified parameter(s), in order to allow infrastructure managers to update the relevant modified information as soon as it becomes available;
 - (b) Further adapt the routing calculation on the network with a micro level description;

- (c) Provide dedicated notification to railway undertakings regarding changes in the RINF Application in relation to the network(s) for which they have registered to be informed of and provide a system acknowledgement to the IM;
 - (d) Provide the definition, modelling and implementation of validity dates in order to fulfil the use cases;
 - (e) Align locations for infrastructure description with locations used in the Union for information exchange in telematics applications.
 - (f) Integrate infrastructure description related to the nature of the infrastructure which is available to railway undertakings (part of the network statement*) and to the technical characteristics of the rail service facilities**.
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.

*Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (recast) Text with EEA relevance, OJ L 343, 14.12.2012, p. 32–77

**Commission Implementing Regulation (EU) 2017/2177 of 22 November 2017 on access to service facilities and rail-related services , C/2017/7692, OJ L 307, 23.11.2017, p. 1–13”;

- (5) A new Article 7a is added:

“

Article 7a

ERA vocabulary

“ERA Vocabulary” means a Technical Document issued by the Agency pursuant to Article 4(8) of Directive (EU) 2016/797, establishing human and machine readable data definitions and presentations and linked quality and accuracy requirements for each data element (ontology) of the rail system.

The Agency shall ensure the ERA vocabulary is maintained to reflect regulatory and technical developments affecting the rail system.”;

- (6) 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*