EUROPEAN UNION AGENCY FOR RAILWAYS

Moving Europe towards a sustainable and safe railway system without frontiers.

OPINION

ERA/OPI/2026-2

OF THE EUROPEAN UNION AGENCY FOR RAILWAYS

for

THE EUROPEAN COMMISSION

regarding

Authorisation for placing on the market of special vehicles

Disclaimer:

The present document is a non-legally binding opinion of the European Union Agency for Railways. It does not represent the view of other EU institutions and bodies and is without prejudice to the decision-making processes foreseen by the applicable EU legislation. Furthermore, a binding interpretation of EU law is the sole competence of the Court of Justice of the European Union.

1. General Context

1.1. European Commission's Request

In its letter Ref. Ares(2025)9437692 (attached in Annex 1), the European Commission (EC) asked the European Union Agency For Railways ("ERA" or "the Agency to provide a technical opinion facilitating the compliance certification and authorisation of special vehicles in running mode.

Within the current legal framework regulations (Commission implementing regulation (EU) 545/2018 and (EU) 1302/2014), it seems to be insufficiently clear what kind of operating modes for the running, travelling or working special vehicles are subject to compliance certification and vehicle authorisation.

Therefore, different interpretations by ERA and individual NSAs may lead to differing authorisation requirements and contents.

To promote a European harmonised approach regarding the authorisation of special vehicles, the Commission is asking the Agency for a technical opinion in accordance with Article 10 of the ERA Regulation clearly stating which operating mode(s) is (are) to be considered for the authorisation of special vehicles.

1.2. Special vehicles' purpose

Special vehicles are mainly developed for construction, maintenance, renewal, repair, inspection of infrastructure, environment management (snow, vegetation, sand) and emergency use. Their main functions relate to working and travelling in the working area, but they need to fulfil the interoperability directive when operating between two or more defined points according to an allocated train path and identified by means of a unique train running number.

2. Legal Background

According to Article 10 (2) of Regulation (EU) 2016/796, the Agency shall issue opinions at the request of the Commission on amendments to any act adopted on the basis of Directive (EU) 2016/797, especially where any alleged deficiency is signalled. This is the legal background under which this opinion is prepared.

Article 19 (1) (d) of Regulation (EU) 2016/796, empowers the Agency to issue opinions which constitute acceptable means of compliance concerning deficiencies in TSIs, in accordance with Article 6(4) of Directive (EU) 2016/797, and provide those opinions to the Commission.

The request of the Commission relates to article 1 of Commission implementing regulation (EU) 2018/545 and point 2.3.1 of Commission regulation (EU) 2014/1302.

3. Analysis

3.1. Reference Documents

Reference documents	*Title*	*Issue*
Regulation (EU) 2016/796	Regulation (EU) 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.
Directive (EU) 2016/797	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	OJ L 138, 26.5.2016, p. 44.
Regulation (EU) 1302/2014	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, pp. 228–393

Reference documents	*Title*	*Issue*
Regulation (EU) 2018/545	Commission Implementing Regulation (EU) 2018/545 of 4 April 2018 establishing practical arrangements for the railway vehicle authorisation and railway vehicle type authorisation process pursuant to Directive (EU) 2016/797 of the European Parliament and of the Council	OJ L 90, 6.4.2018, pp. 66–104
Regulation (EU) 2019/773	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
Regulation (EU) 2018/762	Commission Delegated Regulation (EU) 2018/762 of 8 March 2018 establishing common safety methods on safety management system requirements pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulations (EU) No 1158/2010 and (EU) No 1169/2010 (Text with EEA relevance) C/2018/1392	OJ L 129, 25.5.2018, pp. 26–48
Directive 89/391/EEC	COUNCIL DIRECTIVE of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work https://eur-lex.europa.eu/legal-content/EN/AUTO/?uri=celex:31989L0391	(OJ L 183 29.6.1989, p. 1)
Decision (EU)2018/1614	Commission Implementing Decision (EU) 2018/1614 of 25 October 2018 laying down specifications for the vehicle registers referred to in Article 47 of Directive (EU) 2016/797 of the European Parliament and of the Council and amending and repealing Commission Decision 2007/756/EC, C/2018/6929	OJ L 268, 26.10.2018, p. 53
GUI/LOC&PAS TSI/2023	Guide for the application of the LOC&PAS TSI In accordance with Article 19(3) of Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016	Version 4.0 of 16/02/2024
EN14033-1:2017	Railway applications - Track - Railbound construction and maintenance machines - Part 1: Technical requirements for running	
EN14033-2:2017	Railway applications. Track. Railbound construction and maintenance machines technical requirements for travelling and working	
EN14033-3:2017	Railway applications - Track - Railbound construction and maintenance machines - Part 3: General safety requirements	
CEN /TR 17498:2020.	Railway applications - Infrastructure - Rail mounted railway maintenance and inspection machines and associated equipment - Explanation of machine type and compliance, including acceptance processes	
EN16704-1:2016+A1:2021	Railway applications. Track. Safety protection on the track during work - Railway risks and common principles for protection of fixed and mobile work sites	

Table 1 : Reference documents

3.2. Background / Discussion in working group

3.2.1. Return of experience from Vehicle authorisation

Very few National Safety Authorities require that authorisations cover not only running mode but also working and travelling modes (see definitions in section 3.3.3).

3.2.2. Topical Working Group (TWG) on Special Vehicle

TWG special vehicle related to EC multi-annual request CS-23: "Integrating special vehicles in the scope of TSI", aims to

- Clarify, and propose amendments of **TSIs requirements** including **mandatory** application (point 7.1.1.3 of **regulation (EU) 1302/2014 (TSI LOC&PAS**)) and conditions to apply the requirements to the different types of **special vehicles**.
- Clarify cases where **Regulation (EU) 321/2013 (TSI WAG)** can apply to special vehicles.
- Review **prEN 14033-1:2025** to ensure it is aligned with TSIs and can be harmonized. **In some cases, referred into TSIs**.
- Define the transition regime for the new and amended requirement(s) (e.g. TSI LOC&PAS appendix L).
- Review of possible impact to registers (e.g. ERATV).
- Provide an ERA recommendation by end of 2028.

The subject of special vehicles operation modes: running, working and travelling, in the scope of the Technical Specification for Interoperability had been addressed and discussed in the TWG meetings, with a proposal to exclude working and travelling modes from vehicle authorisation, and to amend point 2.3.1 of TSI LOC&PAS:

"Special vehicles in working and travelling mode as defined in CEN / TR 17498:2020 are also excluded from:

- *Vehicle authorisation as referred in regulation 2018/545. Working and Travelling modes relates to the responsibility of employers in general and in the scope of operation covered by regulation 2018/762 establishing common safety methods on safety management system (see also 3.1.1.2. When assessing risk, an organisation shall take into account the need to determine, provide and sustain a safe working environment which conforms to applicable legislation, in particular Directive 89/391/EEC).*
- *The application of this TSI and TSI NOI."*

The exclusion of working and travelling modes from vehicle authorisation is based on the assumption that these modes are operated under controlled operational conditions established by the Infrastructure Manager.

3.2.3. Vehicle Authorisation Working Party:

Vehicle authorisation working party started on the 4th July 2024 with aims to promote best practices in order to facilitate the uniform implementation of the provisions of the 4thRailway Package, the exchange of information on difficulties in the implementation, cooperation between the National Safety Agencies and the Agency in vehicle authorisation, sponsoring the development of working methods and tools and promoting the full digitalisation of the Vehicle Authorisation process.

The topic of authorisation of special vehicles was addressed in relation to operational modes (running, working and travelling). It results in a proposal to amend the commission implementing regulation (EU) 2018/545 as follows:

3. This Regulation does not apply to special vehicles in traveling or working mode as defined sections 2.2.2 and 2.2.3 of the Annex of Regulation (EU) 2014/1302.

4. This Regulation does not apply to shunters as defined sections 2.2.2 and 2.3.1 of the Annex of Regulation (EU) 2014/1302 when they are not designed to be used under the supervision of a train protection system and are operated exclusively in shunting yards, stations and/or depots. When shunters are designed ~~intended~~ to operate in the Union railway network, including shunting yards and stations, under the supervision of a train protection system, they are in the scope of the Regulation, unless they are excluded from pursuant to Article 1.4(b) of Directive (EU) 2016/797.

It resulted in a convergence towards the position that vehicle authorisation should primarily address interoperability-related aspects linked to running mode, while working and travelling modes should be managed through operational and organizational measures.

3.2.4. OPE Working Party:

A similar point was discussed in TSI Operation (OPE) working party meeting in September 2024, and the following was concluded:

The Infrastructure Manager (IM) is responsible for the movement of special vehicles. This is thus a matter for the IM's Safety Management System (SMS) to manage. On an operational level, not all aspects are harmonised or can be harmonised, but elements not listed in the TSI OPE Appendix I as open points or areas for national rules cannot be introduced as a rule at national level.

3.3. Analysis of requirement

3.3.1. Directive (EU) 2016/797 (Interoperability Directive)

Special vehicles such as on track machines, listed in section 2 of Annex I of Directive (EU) 2016/797, fall within the scope of the Directive as vehicles likely to travel on all or part of the Union's network.

3.3.2. Commission regulation (EU) 2014/1302 (TSI LOC&PAS)

Special vehicles such as "on track machines" are covered by Commission regulation (EU) 2014/1302 as follows:

- Point 2.2.2 indicates that special vehicles are categorised in the EVR Commission Implementing Decision (EU) 2018/1614. They can be grouped into the following subsets:
    - On track Machines (OTMs) are vehicles specially designed for construction and maintenance of the track and infrastructure.
    - Infrastructure Inspection Vehicles (IIVs) are vehicles utilised to monitor the condition of the infrastructure.
    - Environment vehicles are vehicles designed for clearance of the track from environmental conditions, such as snow clearance machines.
    - Emergency vehicles are vehicles designed for a specific emergency use such as evacuation, firefighting, and recovery of trains (including the breakdown cranes).
    - Road-Rail vehicles are self-propelled machines able to move on rails and on the ground.

Special vehicles can be used in one or more of the following modes: working mode, travelling mode and running mode, as self-propelled or as hauled vehicles.

- Point 2.3.1 indicates that Special Vehicles are in the scope of this TSI and shall demonstrate compliance with the requirement of this TSI when in running mode and when:

  (1) running on its own rail wheels (in running mode self-propelled or hauled), and

  (2) designed and intended to be detected by a track-based train detection system for traffic management.

Related application guide (GUI/LOC&PAS TSI/2023 version 4.0) in point 2.2.1 indicates that running mode, travelling mode and working mode are defined in point 3 of EN 14033-1:2017 and further explained in CEN / TR 17498:2020.

3.3.3. EN standards

3.3.3.1. CEN/TR 17498:2020

CEN/TR 17498:2020 provides guidance related to machines fitted with rail wheels that are used for the construction, maintenance, inspection, repair and renewal of railway infrastructure, and for emergency rescue purposes.

The document clearly distinguishes running, travelling and working modes based on the level of interaction with the railway system and the presence of operational protection measures implemented by the Infrastructure Manager.

3.3.3.1.1 Working mode

Working mode, in clause 4.2 of CEN/TR 17498:2020, refers to the operation of machines **when protected from all traffic interference** (such as passenger and freight trains), **through operational controls by the Infrastructure Manager.**

Machines in this mode may exceed the track's vehicle gauge, with planning required to prevent infrastructure damage, potentially using movement-limiting devices or other controls. The planning should also cover cases where passenger or freight train will be allowed to pass the work site on the adjacent track. Signalling systems might not be operational. **Safety protection during works** is further described in **EN 16704-1:2016+A1:2021**. A schematic view of working mode can be found in figure 1 of CEN/TR 17498:2020.

3.3.3.1.2 Travelling mode

Travelling mode, in clause 4.3 of CEN/TR 17498:2020, refers to the operation of machines **when moving between worksites on sections of track taken out of service by the Infrastructure Manager's operational controls.**

In this mode, the **machine stays within the line's gauge but does not need to interact with signalling systems**. Where self-propelled machines are in use, their **driver/operator has to fulfil the Infrastructure Manager's rule** and need to be able to see ahead far enough to stop within the sighting distance.

This differs from working mode, where machines are protected from all traffic and may exceed gauge limits under planning controls, and running mode, where machines follow standard railway vehicle rules including signalling compliance. A schematic view of travelling mode can be found in figure 2 of CEN/TR 17498:2020.

3.3.3.1.3 Running mode

Running mode in clause 4.3 of CEN/TR EN 17498:2020, refers to the operation of machines under the same rules as standard railway vehicles, such as passenger or freight trains. Machines in this mode interact with the **railway signalling and control systems** identically to rolling stock such as locomotives, coaches etc. remaining within the line's gauge to avoid collisions with infrastructure or adjacent trains. Machines able to be used in running mode can be self-propelled or hauled and **interface compatibly with the railway's**

systems, it should be noted that **not all machines possess this mode**. A schematic view of running mode can be found in the figure 3 of CEN/TR 17498:2020.

It should be noted that infrastructure inspection vehicles/machines can be used in running mode to perform inspections (e.g diagnostic task). In running mode equipment's used for inspection should also be considered in the scope of vehicle authorisation.

3.3.3.2. EN 14033-1:2017

Part 1 covers the safety and technical requirements for the machine in **running mode**. It also provides definitions of the operational state of machines. These can be summarized as follow:

- **working mode**: operational state when the machine is performing its designed working tasks such as track construction, maintenance or inspection.
- **travelling mode**: operational state when a machine moves **along a closed track for work**, and when the machine **does not require to interact with the signalling and control systems**. A machine in travelling mode operate under the infrastructure manager's operational rules.
- **running mode:** operational state when a machine **is** running on its own rail wheels (self-propelled or hauled),and is designed and intended to be detected by a track-based train detection system for traffic management. In this mode, the machine is as any train operating between two or more defined points according to an allocated train path.

3.3.3.3. EN 14033-2: 2017

EN 14033-2 applies only to working and travelling modes of railbound construction and maintenance machines The requirements defined in EN 14033-2 address aspect such as stability, derailment prevention, braking, gauge and warning systems under operationally controlled conditions of **Infrastructure Manager** and **are not subject to vehicle authorisation for placing on the market.**

Travelling mode corresponds to shorter movements between nearby work sites or on restricted sections, under an "**authorization to work**" **from the infrastructure manager**. In this mode, the machine is not operated as a train in the timetable, lacks train detection, and may use specific machine standards such as for braking, gauge, stowing. For that, EN 14033-2:2017 contains requirements such as: proof of overturning stability, prevention of derailment in travelling mode, prevention of derailment **during working movements**, machine gauge, stowing of movable parts in **travelling mode**, braking in **travelling/working mode**, warning systems in **travelling mode**, recovery, etc. Tables and requirements (e.g. maximum wheel loads, bridge loading, gauge, visibility, warning systems) are explicitly specified "with the **machine in working and travelling mode**", i.e. not in running mode.

"Authorisation to work" from the infrastructure manager (IM):

In line with clause 3.8 of EN 14033-2:2017, the infrastructure manager grants a work authorisation, allowing the machine to operate on the railway infrastructure under the specific conditions it defines, including the prescribed working method, quality requirements, and expected performance. The "authorisation to work" is mandatory for machines to access and operate on the railway under EN 14033-2:2017.

Annex I of EN14033-2 (informative) details the procedure to obtain authorisation to work, which permits machines to work (and travel) on the Infrastructure Manager's network per its specific requirements. It applies post-compliance with EN 14033-2:2017 technical requirements and EN 14033-3:2017 safety, valid for the machine type or individual unit on defined infrastructure.

"Authorisation to work" is clearly separated from vehicle authorisation.

3.3.3.4. EN 14033-3:2017

EN 14033-3:2017 covers the safety requirements for the **machines in working and travelling modes**, this is a harmonised standard with the European Machinery Directive 2006/42/EC (Commission Implementing

Decision (EU) 2023/1586 of 26 July 2023 on harmonised standards for machinery drafted in support of Directive 2006/42/EC of the European Parliament and of the Council, C/2023/4914 - OJ L 194, 2.8.2023, p. 45–133).

It addresses occupational and machine safety risks and does not establish requirements for running mode or for operation as a train within the railway system. The standard applies to machines using rail-wheel friction adhesion, including those partly supported on ballast **during working**. It covers hazards in assembly, use, maintenance, and travelling mode. It focuses on working mode safety (e.g., ballast handling, tamping) and travelling. EN14033-3 covers aspects such as:

- Access to working places including working cab, walkways on the machine, ergonomics
- Requirements for working cabs, operator seats
- Communication between work positions
- Stability and measures preventing derailment
- Visibility of working tools and working areas
- Visibility of the track in travelling mode, working mode
- Thermal hazards, electrical hazards
- EMC Directive, emission of gas and particles
- etc.

3.3.4. National rules for vehicle authorisation

3.3.4.1. National rules for vehicle authorisation in addition to TSIs

National rules in addition to TSIs relate to cases where special vehicles comply with TSI LOC&PAS and TSI NOI (see point 7.1.1.3 of Regulation (EU) 1302/2014 (TSI LOC&PAS).

Nowadays, remaining national rules applying in addition to TSIs covers only running mode. Except for **Germany** that had notified ERA with few national rules negatively assessed by the Agency and that are still under discussion between the Agency and NSA Germany. Such requirements refer to EN14033-2 or EN14033-3, for the following functions:

3.1 Vehicle gauge:

"Machines and their associated moving parts must be designed and constructed in such a way that they cannot unintentionally encroach on the kinematic space required for vehicles travelling without operational restrictions imposed by the infrastructure operator on the adjacent track during operation."

"Parts of the machine that may exceed the upper area of the travel limitation line of the working track during operation must be equipped with a lift or height limitation".

3.2.1 Running dynamic:

"Safe travel on track twists in working mode: Proof of safety against derailment on track twists in working mode under special test conditions (DIN EN 14033-2:2017-10 Chapters 5.2.2 and 5.2.3, DIN EN 14363:2016+A1:2018+A2:2022 - Chapter 6.1)

"Safety against overturning under the most unfavourable load and track conditions. Regulations for additional national testing: DIN EN 14033-2: 2017-10 Chapter 5.2, DIN EN 12077-2: 2008-12, ISO 4305: 2014-04 + AMD1: 2016-04, DIN EN 12999: 2021-11, DIN EN 280-2: 2022-05, ISO 4310: 2009-06"

4.1-Functional requirements for braking at train level, 4.5.4-Parking brake performance:

(…) Regulations for additional national testing of special vehicles: EN 14033-1:2017-10, Chapter 9.2.2; DIN EN 14033-2:2017-10, Chapter 5.12

14.3-Doors and loading facilities

''Additional safety requirements and/or measures for specific machine functions (continuous conveyors, aerial work platforms, cranes, etc.) e.g.: the design must ensure that the transported material, e.g. gravel, sleepers, cannot be thrown off the conveyor belts or chains; Protective devices for work units, etc.

Description of the device, including measures to ensure safety Regulations for additional national testing: DIN EN 14033-3: 2017-10 Chapter 6, - DIN EN IEC 61496-1: 2021-06, DIN EN 13135: 2018-08, DIN EN ISO 3471: 2010-01, DIN EN ISO 6683: 2009-04, DIN EN 280-2: 2022-05''

The Agency has negatively assessed these rules as the risks (i.e. no respect of kinematic gauge during working mode, braking distance in travelling mode, risk of derailment in working mode or issues with loading thrown off) in working and travelling mode that may impact adjacent track that is in operation should be part of a risk assessment to be performed before the work starts by the Infrastructure manager and the organisation that performs the work.

3.3.4.2. National rules for vehicle authorisation of "non TSI vehicle"

National rules for special vehicles not TSI compliant relate to the case where an applicant can apply only national rules (no TSIs are applied). It is possible only when the area of use covers only **one Member State** where the compliance with the LOC&PAS TSI and the NOI TSI is not mandatory:

- the applicant may decide to apply the TSIs and use the conformity assessment process as described in the point 6.2.1 to establish an EC declaration of verification against this TSI and NOI TSI; this EC declaration of verification shall be recognised as such by all Member States.
- the applicant may choose not to apply the TSIs. In that case, the special vehicle may be authorised in accordance with Article 21 of Directive (EU) 2016/797 **against national rules as regards the basic parameters of the TSIs**.

Such national rules are being assessed by the Agency in coordination with the concerned MSs where only national rules related to running mode should remain applicable (i.e. reference to EN14033-1). The only Member state having national rules referring to EN14033-2 or EN14033-3 are:

- Poland with a reference to EN 14033 series. These rules were negatively assessed by the Agency and are under discussion with NSA Poland where ERA waits for their position and
- Germany: the related national rules "Gleisbaumaschinen NTV/NTR-Gesamtliste Stand: 12.11.2021" **were not notified** in the Reference Document Database (RDD) but are available in the NSA website. It is to be noted that the rules were not subject to an assessment of the Agency as not notified. The rules refer to EN14033-2 and EN14033-3 for several parameters.

It is to be noted that Member states as the Netherlands and Italy had national rules referring to EN 14033-2 and EN 14033-3. Such national rules **were repealed** following ERA assessment.

3.3.5. Regulation (EU) 2019/773 (TSI OPE), Regulation (EU) 2018/762 (CSM on SMS):

The OPE TSI applies to train that is defined in annex J ":*(a) traction unit(s) with or without coupled vehicles with train data available operating between two or more defined points according to an allocated train path and identified by means of a unique train running number*". Moreover, the OPE TSI defines operational requirements only to Trains.

In regard to working and travelling mode for special vehicles, operational rules should be implemented, including those in terms of access to the infrastructure. It is under the responsibility of the operators who exercise it through their own Safety Management System as defined by regulation 2018/762 establishing common safety methods on safety management system, see also 3.1.1.2. When assessing risk, an organisation shall consider the need to determine, provide and sustain a **safe working environment** which conforms to applicable legislation, in particular Directive 89/391/EEC.

See also annex II-section 5.2 Asset management of regulation 2018/762 where it is indicated that the organisation shall manage the safety risks associated with physical assets throughout their lifecycle (see 3.1.1. Risk assessment), from design to disposal, and fulfil the human factors requirements in all phases of the life cycle including cases of maintenance of the assets.

It is to be noted that OPE TSI Appendix I allows national safety rules on the topic of “operation during works” (see Appendix I point 1(f) of OPE TSI). This means that national rules on topics such as worksite protection, traffic management, safe execution of works or train operations on the adjacent track are allowed as soon as they are notified in accordance with article 8 of the Railway Safety Directive (EU) 2016/ 798. National safety rules defining requirements on special vehicle to be used in working and travelling mode are not allowed.

3.4. Impact assessment

The impact note can be found in Annex 2. It concludes that the residual risk resulting from removing working and travelling mode from vehicle authorisation is considered to be marginal as it is covered by the duties of entities involved in working and travelling mode. The benefits for vehicle manufacturers and applicants lie in harmonised authorisation processes across the EU. As such, the impact of the proposed changes is assessed as positive.

4. The opinion

The Agency is of the opinion that vehicle authorisation covers special vehicles only in running mode, i.e. when operating under the same conditions as conventional railway vehicles in interaction with the railway system. As a consequence, special vehicles not able of operating in running mode should not be subject to vehicle authorisation for placing on the market in accordance with Commission implementing Regulation (EU) 2018/545, and any authorisation granted shall not include conditions of use related to working and travelling mode.

The other modes namely working and travelling modes should be excluded from vehicle authorisation as they are to be covered by operational means under the responsibility of the operators who exercise it through their own Safety Management System as defined by r Commission delegated Regulation 2018/762 establishing common safety methods on safety management system (see also 3.1.1.2. When assessing risk, an organisation shall consider the need to determine, provide and sustain a **safe working environment** which conforms to applicable legislation, in particular Directive 89/391/EEC), as well as in accordance with the safety requirements/obligations set out in Directive (EU) 2016/798. The risks related to worksite protection, interaction with adjacent tracks in operation, local operating constraints and the specific working methods applied in working and travelling modes should be part of a risk assessment to be performed by Infrastructure managers / company that should perform the work.

Pending revision of the TSI LOC&PAS and / or regulation 2018/545, it should be considered in the Agency's view that for vehicles is working and travelling mode:

- Commission implementing Regulation (EU) 2018/545 should not be required to apply,
- TSI LOC&PAS and TSI NOI should not be required to apply,
- Besides, the concerned Member states shall repeal the national rules for vehicle authorisation related to working and travelling modes and when relevant, amend their current national legal framework to align it with the outcome of the technical opinion. Member States should not lay down new national rules (as referred in article 14(4) of Directive (EU) 2016/797) for vehicle authorisation, if such requirements relate to working and travelling modes.
- This does not preclude national operational rules or worksite protection measures implemented under the Safety Management Systems of Infrastructure Managers and operators, in particular under "operation during works" as referred to in TSI OPE Appendix I.

Special vehicles (e.g Infrastructure inspection vehicles, machines) using equipment's to perform tasks such as inspections (e.g diagnostic task) in running mode are in the scope of vehicle authorisation:

- All equipment's, tooling that operates when the special vehicle is in running mode shall be considered in the EC verification procedure, as example (not exhaustive) tooling shall not exceed the allowed gauge, the special vehicle shall be detectable by train detection system etc.

This opinion does not affect:

- the validity of the vehicle type authorisations previously registered in register ERATV, however, this ERATV entries should no longer be used to request conformity to type on special vehicles that are used only in working and/or travelling mode.
- the existing vehicle registrations in register EVR.

Valenciennes,

Qualified electronic signature by: OANA

RODICA GHERGHINESCU

Date 2026-03-31 15:04:50 UTC

Oana GHERGHINESCU
Executive Director

ANNEX 1 – EC request

Ref. Ares(2025)9437692 - 03/11/2025

EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate C – Land
The Director

Brussels
MOVE.DDG2.C.4/SZ

Subject: Request for technical opinion according to Article 6 of Commission Directive (EU) 797/2016 – clarification of authorisation requirements for special vehicles

Dear Ms Gherghinescu

According to paragraph 2 of Article 6 of Commission Directive (EU) 797/2016 ([1]) together with Art. 10 of Commission Regulation (EU) 796/2016 ([2]), we would like to request a technical opinion facilitating the compliance certification and authorisation of special vehicles in running mode.

Within the current legal framework (Commission Implementing Regulations (EU) 545/2018 ([3]) and (EU) 1302/2014 ([4])) it seems to be insufficiently clear what kind of operating modes for the running, travelling or working of special vehicles are subject to compliance certification and vehicle authorisation. Therefore, different interpretations by ERA and individual NSAs may lead to differing authorisation requirements and contents.

To promote a European harmonised approach regarding the authorisation of special vehicles, the Commission is asking the Agency for a technical opinion in accordance with Article 10 of the ERA Regulation clearly stating which operating mode(s) is (are) to be considered for the authorisation of special vehicles.

([1]) 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, OJ L 138, 26.5.2016, pp. 44–101

([2]) Regulation (EU) 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, pp. 1–43

([3]) Commission Implementing Regulation (EU) 2018/545 of 4 April 2018 establishing practical arrangements for the railway vehicle authorisation and railway vehicle type authorisation process pursuant to Directive (EU) 2016/797 of the European Parliament and of the Council, *OJ L 90, 6.4.2018, pp. 66–104*

([4]) 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, pp. 228–393

[redacted]

ANNEX 2 – Impact Note

1. Context and assessment of impacts

1.1. Scope and analysis

As indicated in the Opinion, national technical rules for special vehicles in working and travelling mode remain or were in force in:

- Germany (national rules in force, negative ERA assessment, discussion ongoing with Germany)
- Italy (national rules repealed)
- The Netherlands (national rules repealed)
- Poland (national rules in force, negative ERA assessment, discussion ongoing with Poland)

These rules impose additional requirements that need to be assessed during the vehicle authorisation process. While this only concerns a small number of countries, it impedes a European harmonised approach towards vehicle authorisation for special vehicles.

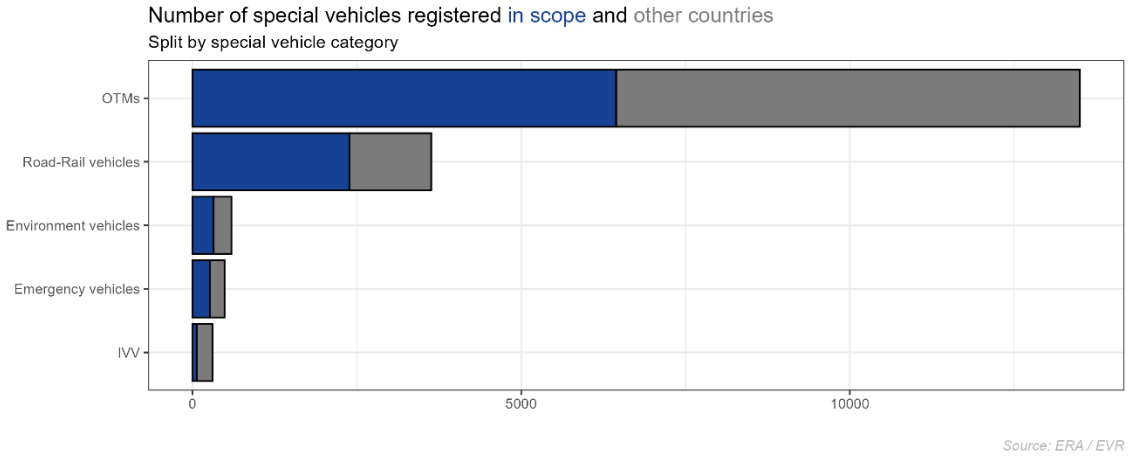
The Opinion indicates that, pending revision of the TSI LOC&PAS and / or regulation 2018/545, it shall be considered for special vehicles in working and travelling mode that:

- Regulation 2018/545 is not applicable,
- TSI LOC&PAS and TSI NOI are not applicable,
- The concerned Member states shall repeal the national rules for vehicle authorisation related to working and travelling modes and when relevant, amend their current national legal framework to align it with the outcome of the technical opinion.
- Member States should not lay down new national rules (as referred in article 14(4) of directive (EU) 2016/797) for vehicle authorisation, if such requirements relate to working and travelling mode

This note shall reflect on the impacts of the scenario in which the Opinion is implemented versus the baseline in which the national rules remain in place and unclarity on the application of Regulation 2018/545 persists.

1.2. Assessment of impacts

The concerned National safety authorities checking working and travelling modes during vehicle authorisation is from return of experience limited to a very few National safety authorities. The special vehicles in scope are those that will be registered in the countries scope and their associated types. The figure below shows the number of vehicles registered across Europe split by category.



Vehicle Type authorisations pre-fourth railway package are not fully registered in the European Register of Authorised Types of Vehicles (ERATV). However, an analysis of the most recent years shows that within scope about >15 new types for special vehicles are introduced annually.

Hence, albeit it concerns relatively few types and few countries, the proposed solution in the Technical Opinion should provide the following positive impacts:

- **Authorising entities (Agency, NSAs):** harmonised authorisation for placing on the market requirements, clarification of scope, role and responsibility.
- **Applicants of vehicle authorisation**: transparency of the authorisation process and reduced costs for vehicle (type) authorisation.
- **National Safety Authorities:** reduced costs in the framework of management of/ keeping up to date remaining national rules.

The solution generates additional benefits for the railway sector by clarifying the scope of authorisation ensuring consistency in the approach of delivering vehicle authorisation of a special vehicle.

The residual risk resulting from removing working and travelling modes from vehicle authorisation is considered to be marginal as covered by duty of entities involved in working and travelling mode (i.e. infrastructure managers operational rules), which is applies for all entities of any EU Member State.

1.3. Stakeholders affected

Railway undertakings (RU)	☒	Member States (MS)	☒
Infrastructure managers (IM)	☒	Third Countries	☐
Manufacturers	☒	National safety authorities (NSA)	☒
Keepers	☐	European Commission (EC)	☐
Entity Managing the Change (EMC)	☐	European Union Agency for Railways (ERA)	☒
Notified Bodies (NoBo)	☐	Shippers	☐
Associations	☐	Other (Please specify): Designated Bodies (DeBo)	☒

2. Preferred option

2.1. Conclusion

This impact note concludes that the Opinion comes with benefits for the sector while the residual risks are found to be marginal as they are covered by the safety management systems of the involved operators.