

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

# OPINION

*ERA/OPI/2026-6*

## OF THE EUROPEAN UNION AGENCY FOR RAILWAYS

for

SLOVAKIA

regarding

nine (9) adopted and fifteen (15) draft national rules setting requirements on several operational aspects.

### 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

In line with Article 8 of Directive (EU) 2016/798 (Railway Safety Directive or RSD) and Articles 25 (3) and 26 (3) of Regulation (EU) 2016/796 (the Agency Regulation), this opinion covers the examination by the European Union Agency for Railways (hereinafter the Agency or ERA) of nine (9) adopted national rules and fifteen (15) draft setting requirements on several operational aspects for Slovakia.

Slovakia notified a total of 24 rules in the Single Rules Database (SRD) on 19 February 2025. The Agency requested an extension to assess the rules until 28 August 2025 which Slovakia accepted. For six (6) of the adopted rules Slovakia also notified additional legal documents. However, only one piece of legislation can be notified for each rule.

The Agency assessed the rules and reached its conclusion on 28 August 2025 (also recorded in the SRD). The Agency and Slovakia agreed to an extension to consider the Agency's response until 22 April 2026. During this time detailed discussions took place between the Slovakian NSA and the Agency. The Agency explained the process in relation to the acceptance of NRs following the update to the TSI OPE 2023 and Slovakia agreed that these rules could not be accepted. However, they explained that whilst they were willing to withdraw them it would take time to remove legislation and therefore the rules would need to remain until this work had been done. Slovakia also acknowledged that a considerable amount of work needed to be done on the maturity of the sector in implementing developed safety management systems that would ensure that the SMS would fully cover all operational risks. Their main concern is the potential effect on the level of safety within Slovakia if these were withdrawn without suitable IM/RU safety management systems in place. They also accepted that Slovakia should develop and implement a detailed action plan that considered the effective implementation of EU legislation by the rail sector. This is set out in the letter to the Agency ED in Appendix A to this opinion.

The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but it was explained that this is not a new requirement. This information was given to Slovakia before the uploading of the rules in SRD in a series of bilateral meetings during 2022. Furthermore, the cleaning up of national rules should have been a focus of the implementation of the Railway Safety Directive EU Directive 2016/798 and following the publication of EU Regulation 2018/762 with the enhanced requirements on safety management systems and EU Regulation 2019/773 with the narrowing of the focus on accepted national operational rules.

The Agency believes that the action plan should also ensure that the NSA would be fully resourced and competent to supervise the system and the maturity of the stakeholders. In particular, for the effective application of EU legislation and implementation of Article 4 of Directive (EU) 2016/798 in relation to the roles and responsibilities of the infrastructure manager and railway undertakings.

The opinion of the Agency is that the 9 notified adopted and 15 draft rules subject to this opinion contain requirements which according to the Agency's opinion are not in line with the EU legal framework, mainly Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 establishing common safety methods on safety management system requirements (CSM-SMS) <sup>2</sup>.

This opinion is addressed to Slovakia with a copy to the European Commission (EC).

It is uploaded in the Single Rules Database (SRD) and on the Agency's website.

## 2. Legal Background

Article 25 (2) and (3) of 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 881/20041 (Agency Regulation) sets out the following:

*“2. Where, after the examination referred to in paragraph 1, the Agency considers that the draft national rules enable the essential requirements for railway interoperability to be fulfilled, the CSMS and TSIs in force to be respected and the CSTs to be achieved, and that they would not result in arbitrary discrimination or a disguised restriction on rail transport operations between Member States, the Agency shall inform the Commission and the Member State concerned of its positive assessment. In that case, the Commission may validate the rules in the IT system referred to in Article 27.*

*Where the Agency within 2 months of receipt of the draft national rule or within the extended time period agreed in accordance with paragraph 1 does not inform the Commission and the Member State concerned of its assessment, the Member State may proceed with the introduction of the rule without prejudice to Article 26.*

*3. Where the examination referred to in paragraph 1 leads to a negative assessment, the Agency shall inform the Member State concerned and ask it to state its position regarding that assessment. If, following that exchange of views with the Member State concerned, the Agency maintains its negative assessment, the Agency shall within a maximum period of 1 month:*

*(a) issue an opinion addressed to the Member State concerned, stating the reasons why the national rule or rules in question should not enter into force and/or be applied; and*

*(b) inform the Commission of its negative assessment, stating the reasons why the national rule or rules in question should not enter into force and/or be applied...”*

Article 26 (3) of the Regulation (EU) 2016/796 sets out the following:

*Where the examination referred to in paragraph 1 leads to a negative assessment, the Agency shall inform the Member State concerned and ask it to state its position regarding that assessment. If, following that exchange of views with the Member State concerned, the Agency maintains its negative assessment, the Agency shall within a maximum period of 1 month:*

*(a) issue an opinion addressed to the Member State concerned, stating that the national rule or rules in question has or have been the subject of a negative assessment and the reasons why the rule or rules in question should be modified or repealed; and*

*(b) inform the Commission of its negative assessment, stating the reasons why the national rule or rules in question should —be modified or repealed.*

This opinion is issued pursuant to Articles 25 (3) and 26 (3) of the Regulation (EU) 2016/796.

The analysis and the Annex to this opinion show that the rules are not compliant with EU requirements.

The applicable EU legislation which is relevant for this opinion is:

Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety,
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, as amended by: <ul style="list-style-type: none"> <li>• Commission Implementing Regulation (EU) 2020/778 of 12 June 2020</li> <li>• Commission Implementing Regulation (EU) 2021/2238 of 15 December 2021</li> <li>• Commission Implementing Regulation (EU) 2023/1693 of 10 August 2023</li> <li>• Commission Implementing Regulation (EU) 2025/458 of 10 March 2025</li> </ul>
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,
Commission Regulation (EU) No 1078/2012 of 16 November 2012 on a common safety method for monitoring to be applied by railway undertakings, infrastructure managers after receiving a safety certificate or safety authorisation and by entities in charge of maintenance,
Commission Delegated Regulation (EU) 2018/761 of 16 February 2018 establishing common safety methods for supervision by national safety authorities after the issue of a single safety certificate or a safety authorisation pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council,
Commission implementing Regulation (EU) No 402/2013 of 30 April 2013 on the common safety method for risk evaluation and assessment and repealing Regulation (EC) No 352/2009.

## Analysis

A detailed review of the rules in SRD, the Agency's assessment is set out in the table below.

The Slovakian formal response to the ERA ED is set out in Appendix A to this opinion.

Rule ID	Rule content and reference in English	Assessment result from SRD	Member State's (MS) position on ERA's negative assessment	MS's justification	ERA's final opinion in English
<a href="#">SK-SA-1636-1-A</a>	<p>The following legal document is notified by the Member State:</p> <p>The Member State notified Articles 95 to 98, 104 and 105 of Vyhláška Ministerstva dopravy, pôšt a telekomunikácií Slovenskej republiky o dopravnom poriadku dráh on Common requirements relating to operation of railway lines and operation of transport on railways</p>	<p>This rule cannot be accepted under Appendix I of TSI OPE (Regulation (EU) 2019/773) for the following reasons:</p> <ol style="list-style-type: none"> <li>1. Time management is for the IMs SMS</li> <li>2. On board communication is for the RUs SMS</li> <li>3. Remote operation of trains is for the RU/IMs SMS</li> <li>4. Safety of passengers is for the RUs SMS and is also covered by an ERA AMOC. Acceptable means of compliance</li> <li>5. Procedure for identifying the causes and circumstances of accidents and incidents or remediation of the accident is for the RUs SMS.</li> <li>6. Provision for First Aid is for the RU/IM SMS</li> <li>7. Extraordinary stops and Safety of passengers is for the RUs SMS and is also covered by an ERA AMOC.</li> </ol>	MS rejected ERA's negative assessment	See letter from the Slovakian Ministry for Transport in Appendix A to this opinion	The result of the Agency's assessment remains. The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but this is not a new requirement. The cleaning up of national rules should have started following the implementation of the EU Railway Safety Directive (Directive (EU) 2016/798) and in particular following the publication of both EU Regulations 2018/762 and 2019/773.
<a href="#">SK-SA-1590-1-A</a>	<p>The following legal document is notified by the Member State:</p> <p>The Member State notified Articles 37 to 45 of Vyhláška Ministerstva dopravy, pôšt a telekomunikácií Slovenskej republiky o dopravnom poriadku dráh on Particular requirements relating to operation of transport on railways</p>	<p>This rule is not accepted as it is not permitted under Appendix I of the TSI OPE (Regulation (EU) 2019/773) . Railway operation is for the RU under their safety management system (Regulation (EU) 2018/762 Annex 1 requirements 3, 4 and 5). This includes train composition, braking and testing, sufficient competent train crew. Front and rear end signals are covered by the TSI OPE (Regulation (EU) 2019/773) .</p>	MS rejected ERA's negative assessment	See letter from the Slovakian Ministry for Transport in Appendix A to this opinion	The result of the Agency's assessment remains. The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but this is not a new requirement. The cleaning up of national rules should have started following the implementation of the EU Railway Safety Directive (Directive (EU) 2016/798) and in particular following the publication of both EU Regulations 2018/762 and 2019/773.
<a href="#">SK-SA-1589-1-A</a>	<p>The following legal document is notified by the Member State:</p> <p>The Member State notified Articles 3 to 23 and Appendix 1 (Parts One and Three) of Vyhláška Ministerstva dopravy, pôšt a telekomunikácií Slovenskej republiky o</p>	<p>This rule is not accepted as it is not permitted under Appendix I of the TSI OPE ( Regulation (EU) 2019/773). The safe design, use and maintenance of the track and signalling system including switches and train path is covered by the safety management system of the IM (Regulation (EU) 2018/762 Annex II requirement 5). The content of the route book</p>	MS rejected ERA's negative assessment	See letter from the Slovakian Ministry for Transport in Appendix A to this opinion	The result of the Agency's assessment remains. The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but this is not a new requirement. The cleaning up of national rules should have started following the implementation of the EU Railway Safety Directive (Directive (EU) 2016/798) and in particular

Rule ID	Rule content and reference in English	Assessment result from SRD	Member State's (MS) position on ERA's negative assessment	MS's justification	ERA's final opinion in English
	dopravnom poriadku dráh on Particular requirements relating to operation of railway lines	is for the RU. Braking distance and calculations are for the RU based on the information provided by the IM. Shunting management is for either the RU or IM. OTMs is for the IMs SMS and not a NR. Article 23 on timetable is not in line with 4.2.1.2.3.			following the publication of both EU Regulations 2018/762 and 2019/773.
<a href="#">SK-SA-1507-1-A</a>	<p>The following legal document is notified by the Member State:</p> <p>The Member State notified Article 25 of Zákon o dráhach a o zmene a doplnení niektorých zákonov; Articles 27, 30 and 32 of Zákon o doprave na dráhach; and Article 6 and Appendix 1 of Vyhláška Ministerstva dopravy, pôšt a telekomunikácií Slovenskej republiky o odbornej spôsobilosti, zdravotnej spôsobilosti a psychickej spôsobilosti osôb pri prevádzkovaní dráhy a dopravy na dráhe on Particular requirements relating to vocational training, qualifications and certification of train drivers</p>	<p>Each rule should be notified individually and not together. Appendix I as updated by Regulation (EU) 2023/1693 only permits national rules on competence for IM signaller or dispatch staff. The competence of all other staff must be managed via the safety management system of the operator under Regulation (EU) 2018/762 and Regulation (EU) 2019/773 for onboard staff and train preparers. Member States cannot overlay national legislation on EU requirements as national rules are not permitted where they are covered by a Common Safety Method (CSM).</p> <p>For train drivers, the requirements of the Directive 2007/59/EC should not be notified as it was subject to implementing legislation by the MS.</p>	MS rejected ERA's negative assessment	See letter from the Slovakian Ministry for Transport in Appendix A to this opinion	The result of the Agency's assessment remains. The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but this is not a new requirement. The cleaning up of national rules should have started following the implementation of the Railway Safety Directive (Directive (EU) 2016/798) and in particular following the publication of both EU Regulations 2018/762 and 2019/773.
<a href="#">SK-SA-1505-1-A</a>	<p>The following legal document is notified by the Member State:</p> <p>The Member State notified Articles 17 and 18 of Zákon o dráhach a o zmene a doplnení niektorých zákonov; and Articles 20 to 32 and Appendices 5 and 6 of Vyhláška Ministerstva dopravy, pôšt a telekomunikácií Slovenskej republiky o odbornej spôsobilosti, zdravotnej spôsobilosti a psychickej spôsobilosti</p>	<p>Each rule should be notified individually and not together. However, both of these rules are not accepted as they are not permitted under Appendix I of the TSI OPE (Regulation (EU) 2019/773). The identification of the activities and competence of staff using and maintaining technical equipment is covered by the safety management system of the RU (Regulation (EU) 2018/762 Annex 1 requirement 4). This of course should be done in accordance with the requirements of other EU legislation that covers</p>	MS rejected ERA's negative assessment	See letter from the Slovakian Ministry for Transport in Appendix A to this opinion	The result of the Agency's assessment remains. The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but this is not a new requirement. The cleaning up of national rules should have started following the implementation of the Railway Safety Directive (Directive (EU) 2016/798)(as amended) and in particular following the publication of both EU Regulations 2018/762 and 2019/773.

Rule ID	Rule content and reference in English	Assessment result from SRD	Member State's (MS) position on ERA's negative assessment	MS's justification	ERA's final opinion in English
	osôb pri prevádzkovaní dráhy a dopravy na dráhe on Requirements relating to designated activities and activities on designated technical installations	the use of gas/pressure systems/lifting equipment etc.  Member States cannot overlay national legislation on EU requirements as national rules are not permitted where the requirements they are covered by an EU Directive/Regulation.			
<a href="#">SK-SA-1504-1-A</a>	The following legal document is notified by the Member State:  The Member State notified Articles 16, 19 and 18 of Zákon o dráhach a o zmene a doplnení niektorých zákonov; and Articles 2 to 19 and Appendices 1 to 4 of Vyhláška Ministerstva dopravy, pôšt a telekomunikácií Slovenskej republiky o odbornej spôsobilosti, zdravotnej spôsobilosti a psychickej spôsobilosti osôb pri prevádzkovaní dráhy a dopravy na dráhe on Requirements relating to operation of designated technical installations	Each rule should be notified individually and not together. However, both of these rules are not accepted as they are not permitted under Appendix I of the TSI OPE (Regulation (EU) 2019/773). This rule is about the safe use and maintenance of certain types of technical equipment including gas/pressure systems/lifts. The safe use and maintenance of technical equipment is covered by the safety management system of the RU (Regulation (EU) 2018/762 Annex 1 requirement 5). This of course should be done in accordance with the requirements of other EU legislation that covers the use of gas/pressure systems/lifting equipment etc. However, this rule cannot be accepted as a NR.  Member States cannot overlay national legislation on EU requirements as national rules are not permitted where they are covered by an EU Regulation.	MS rejected ERA's negative assessment	See letter from the Slovakian Ministry for Transport in Appendix A to this opinion	The result of the Agency's assessment remains. The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but this is not a new requirement. The cleaning up of national rules should have started following the implementation of the Railway Safety Directive (Directive (EU) 2016/798) and in particular following the publication of both EU Regulations 2018/762 and 2019/773.
<a href="#">SK-SA-1503-1-A</a>	The following legal document is notified by the Member State:	Each rule should be notified individually and not together. However, both of these rules are not accepted as they are not permitted under Appendix I of the TSI OPE (Regulation (EU) 2019/773). Technical inspections are part of the	MS rejected ERA's negative assessment	See letter from the Slovakian Ministry for Transport in Appendix A to this opinion	The result of the Agency's assessment remains. The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but this is not a new requirement. The cleaning up of national rules should have started following the

Rule ID	Rule content and reference in English	Assessment result from SRD	Member State's (MS) position on ERA's negative assessment	MS's justification	ERA's final opinion in English
	<p>The Member State notified Articles 24 of Zákon o dráhach a o zmene a doplnení niektorých zákonov; and Article 95 and Appendices 3 and 5 of Vyhláška Ministerstva dopravy, pôšt a telekomunikácií Slovenskej republiky o odbornej spôsobilosti, zdravotnej spôsobilosti a psychickej spôsobilosti osôb pri prevádzkovaní dráhy a dopravy na dráhe on Requirements relating to technical inspections of vehicles</p>	<p>maintenance elements covered by both the safety management system of the RU and the entity in charge of maintenance, whether this is the RU's responsibility, or it is contracted out.</p> <p>Member States cannot overlay national legislation on EU requirements as national rules are not permitted where they are covered by an EU Regulation.</p>			<p>implementation of the Railway Safety Directive (Directive (EU) 2016/798) and in particular following the publication of both EU Regulations 2018/762 and 2019/773.</p>
<p><a href="#">SK-SA-1502-1-A</a></p>	<p>The following legal document is notified by the Member State:</p> <p>The Member State notified Articles 29 to 33 of Zákon o dráhach a o zmene a doplnení niektorých zákonov; and Vyhláška Ministerstva dopravy, pôšt a telekomunikácií Slovenskej republiky o odbornej spôsobilosti, zdravotnej spôsobilosti a psychickej spôsobilosti osôb pri prevádzkovaní dráhy a dopravy na dráhe in its entirety. Except for Articles 4a and 7 to 9 and Appendices 3a to 3c, 7, 8 and 11 relating specifically to guideways other than railway lines of the Union rail system (i.e. private sidings, tramways, trolleybus lines, special guideways - functionally separate rail networks or cableways), and except for Article 6 and Appendix 1 relating specifically to vocational training, fitness and certification of train drivers (referenced in a separate national rule), and except for Articles 5a and 5b relating specifically to</p>	<p>Each rule should be notified individually and not together. However, both of these rules are not accepted as they are not permitted under Appendix I of the TSI OPE (Regulation (EU) 2019/773).</p> <p>Appendix I as updated by Regulation (EU) 2023/1693, only permits national rules on competence for IM signaller or dispatch staff. The competence of all other staff must be managed via the safety management system of the operator under EU Regulation (EU) 2018/762 and Regulation (EU) 2019/773 for onboard staff and train preparers. Member States cannot overlay national legislation on EU requirements as national rules are not permitted where they are covered by an EU Common Safety Method.</p> <p>For train drivers, the requirements of the Directive 2007/59/EC should not be notified as it was subject to implementing legislation by the MS.</p>	<p>MS rejected ERA's negative assessment</p>	<p>See letter from the Slovakian Ministry for Transport in Appendix A to this opinion</p>	<p>The result of the Agency's assessment remains. The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but this is not a new requirement. The cleaning up of national rules should have started following the implementation of the Railway Safety Directive (Directive (EU) 2016/798) and in particular following the publication of both EU Regulations 2018/762 and 2019/773.</p>

Rule ID	Rule content and reference in English	Assessment result from SRD	Member State's (MS) position on ERA's negative assessment	MS's justification	ERA's final opinion in English
	<p>vocational training, fitness and certification of examiners (referenced in a separate national rule).</p> <p>The notification related to the Essential requirements and obligations relating to operation of railways and requirements for professional qualifications, medical qualifications and psychological qualifications of staff executing safety-critical tasks</p>				
<a href="#">SK-SA-1195-1-A</a>	<p>The following legal document is notified by the Member State:</p> <p>The Member State notified Articles 26 of Zákon o dráhach a o zmene a doplnení niektorých zákonov; and Article 5a and 5b of Vyhláška Ministerstva dopravy, pôšt a telekomunikácií Slovenskej republiky o odbornej spôsobilosti, zdravotnej spôsobilosti a psychickej spôsobilosti osôb pri prevádzkovaní dráhy a dopravy na dráhe on Particular requirements relating to vocational training, qualifications and certification of examiners</p>	<p>Each rule should be notified individually and not together. However, both of these rules are not accepted as they are not permitted under Appendix I of the TSI OPE (Regulation (EU) 2019/773). Part of this rule implements Commission Decisions 2011/765 and 766. Implementing legislation is not accepted as a NR.</p> <p>In Regulation 2023/1693, Appendix I was updated to only permit rules on competence for IM signaller or dispatch staff. Appendix I does not permit rules on examiners or exams. The competence of all other staff must be managed via the safety management system of the operator under EU Regulation 2018/762 and EU Regulation 2019/773 for onboard staff and train preparers. Member States cannot overlay national legislation on EU requirements as national rules are not permitted where they are covered by an EU Common Safety Method.</p>	MS rejected ERA's negative assessment	See letter from the Slovakian Ministry for Transport in Appendix A to this opinion	The result of the Agency's assessment remains. The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but this is not a new requirement. The cleaning up of national rules should have started following the implementation of the Railway Safety Directive EU Directive 2016/798 (as amended) and in particular following the publication of both EU Regulations 2018/762 and 2019/773.
<a href="#">SK-SA-1612-1-D</a>	<p>The following legal document is notified by the Member State:</p>	<p>This rule cannot be accepted under the TSI OPE (Regulation (EU) 2019/773) as brakes and train braking is for the RU SMS and operational risk</p>	MS rejected ERA's negative assessment	See letter from the Slovakian Ministry for Transport in Appendix A to this opinion	The result of the Agency's assessment remains. The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but this is not a new requirement. The cleaning up of

Rule ID	Rule content and reference in English	Assessment result from SRD	Member State's (MS) position on ERA's negative assessment	MS's justification	ERA's final opinion in English
	The Member State notified Articles 816 to 818 of Pravidlá železničnej prevádzky (revízia 2024) on Rules of railway operation - rail vehicles - brakes and braking of trains	assessment and the development of suitable instructions and procedures.			national rules should have started following the implementation of the Railway Safety Directive EU Directive 2016/798 (as amended) and in particular following the publication of both EU Regulations 2018/762 and 2019/773.
<a href="#">SK-SA-1611-1-D</a>	The following legal document is notified by the Member State:  The Member State notified Articles 814 to 815 of Pravidlá železničnej prevádzky (revízia 2024) on Rules of railway operation - rail vehicles - staffing of trains	This rule cannot be accepted under TSI OPE Appendix I (Regulation (EU) 2019/773) as the decision on train crew is for the RUs SMS and operational risk assessment.	MS rejected ERA's negative assessment	See letter from the Slovakian Ministry for Transport in Appendix A to this opinion	The result of the Agency's assessment remains. The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but this is not a new requirement. The cleaning up of national rules should have started following the implementation of the Railway Safety Directive EU Directive 2016/798 (as amended) and in particular following the publication of both EU Regulations 2018/762 and 2019/773.
<a href="#">SK-SA-1609-1-D</a>	The following legal document is notified by the Member State:  The Member State notified Articles 761 to 779 of Pravidlá železničnej prevádzky (revízia 2024) on Rules of railway operation - rail vehicles - train composition	This rule cannot be accepted under TSI OPE Appendix I (Regulation (EU) 2019/773) for the following reasons: 1. Train composition is for the RU SMS and operational procedures 2. Tests and checks for the RU SMS and operational procedures. 3. Train length etc for the RU SMS and operational procedures.	MS rejected ERA's negative assessment	See letter from the Slovakian Ministry for Transport in Appendix A to this opinion	The result of the Agency's assessment remains. The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but this is not a new requirement. The cleaning up of national rules should have started following the implementation of the Railway Safety Directive EU Directive 2016/798 (as amended) and in particular following the publication of both EU Regulations 2018/762 and 2019/773.
<a href="#">SK-SA-1608-1-D</a>	The following legal document is notified by the Member State:  The Member State notified Articles 747 to 760 of Pravidlá železničnej prevádzky (revízia 2024) on Rules of railway operation - rail vehicles - special loads	Requirements on extraordinary transport can be accepted under Appendix I of the TSI OPE (Regulation (EU) 2019/773). However, articles 750 752 753 755 756 759 are for the RUs risk assessment and operational procedures in their SMS and therefore cannot be accepted. Please renotify the accepted parts Exceptional transport.	MS rejected ERA's negative assessment	See letter from the Slovakian Ministry for Transport in Appendix A to this opinion	The result of the Agency's assessment remains. The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but this is not a new requirement. The cleaning up of national rules should have started following the implementation of the Railway Safety Directive EU Directive 2016/798 (as amended) and in particular following the publication of both EU Regulations 2018/762 and 2019/773.
<a href="#">SK-SA-1607-1-D</a>	The following legal document is notified by the Member State:	This rule cannot be accepted under TSI OPI Appendix I (Regulation (EU) 2019/773), because the operation and safety of wagons is for the	MS rejected ERA's negative assessment	See letter from the Slovakian Ministry for	The result of the Agency's assessment remains. The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but this

Rule ID	Rule content and reference in English	Assessment result from SRD	Member State's (MS) position on ERA's negative assessment	MS's justification	ERA's final opinion in English
	The Member State notified Articles 741 to 746 and 779 to 805 of Pravidlá železničnej prevádzky (revízia 2024) on Rules of railway operation - rail vehicles - wagons, coaches, self-propelling rail vehicles	RUs SMS. Self-propelling rail vehicles are for the operator whether RU or IM under their SMS.		Transport in Appendix A to this opinion	is not a new requirement. The cleaning up of national rules should have started following the implementation of the Railway Safety Directive EU Directive 2016/798 (as amended) and in particular following the publication of both EU Regulations 2018/762 and 2019/773.
<a href="#">SK-SA-1606-1-D</a>	The following legal document is notified by the Member State:  The Member State notified Articles 735 to 740 of Pravidlá železničnej prevádzky (revízia 2024) on Rules of railway operation - movement of trains - trains ahead and trains delayed, arrival and departure of trains, operational traffic management	This rule cannot be accepted under Appendix I of TSI OPE (Regulation (EU) 2019/773) because train delays for IM SMS.	MS rejected ERA's negative assessment	See letter from the Slovakian Ministry for Transport in Appendix A to this opinion	The result of the Agency's assessment remains. The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but this is not a new requirement. The cleaning up of national rules should have started following the implementation of the Railway Safety Directive EU Directive 2016/798 (as amended) and in particular following the publication of both EU Regulations 2018/762 and 2019/773.
<a href="#">SK-SA-1605-1-D</a>	The following legal document is notified by the Member State:  The Member State notified Articles 728 to 734 of Pravidlá železničnej prevádzky (revízia 2024) on Rules of railway operation - movement of trains, temporary closures and emergencies - safeguarding of train movements upon malfunctions	This National Rule cannot be accepted in its current form. If this relates to a section of line where there is poor or no radio communication, then this can be notified as a local operational rule. But the exact location of the line needs to be included in the rule. It cannot be a general rule.	MS rejected ERA's negative assessment	See letter from the Slovakian Ministry for Transport in Appendix A to this opinion	The result of the Agency's assessment remains. The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but this is not a new requirement. The cleaning up of national rules should have started following the implementation of the Railway Safety Directive EU Directive 2016/798 (as amended) and in particular following the publication of both EU Regulations 2018/762 and 2019/773.
<a href="#">SK-SA-1603-1-D</a>	The following legal document is notified by the Member State:  The Member State notified Articles 515 to 727 of Pravidlá železničnej prevádzky (revízia 2024) on Rules of railway operation - movement of trains,	This rule cannot be accepted as a signalling rule under Appendix I of the TSI OPE (Regulation (EU) 2019/773). These articles set out requirements on: 1. Train departure which is for the RU SMS. 2. Running on wrong track which is for the for RU SMS	MS rejected ERA's negative assessment	See letter from the Slovakian Ministry for Transport in Appendix A to this opinion	The result of the Agency's assessment remains. The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but this is not a new requirement. The cleaning up of national rules should have started following the implementation of the Railway Safety Directive EU Directive 2016/798 (as amended) and in particular

Rule ID	Rule content and reference in English	Assessment result from SRD	Member State's (MS) position on ERA's negative assessment	MS's justification	ERA's final opinion in English
	temporary closures and emergencies - arrival and departure of trains, train movement on a wrong track, train movement against the correct direction, traffic on a line with remotely operated signalling control, traffic on a line with simplified traffic management, irregularities during train movement on a line, temporary closures of tracks, signalling control and fixed electric traction installations, train movements onto a temporary closed track, on-track machines, accidents	<p>3. Detailed instructions for staff is for the RU SMS</p> <p>4. Unforeseen stop for RU SMS</p> <p>5. Track issues including OTM for IM SMS</p> <p>6. Provisions on accidents for RU and IM SMS</p> <p>7. Running trains and route book for RU SMS</p>			following the publication of both EU Regulations 2018/762 and 2019/773.
<a href="#">SK-SA-1602-1-D</a>	<p>The following legal document is notified by the Member State:</p> <p>The Member State notified Articles 488 to 514 of of Pravidlá železničnej prevádzky (revízia 2024) on Rules of railway operation - safeguarding of train movements - traffic documentation, line control points, level crossings</p>	<p>This relates to the implementation of TSI OPE Appendix C European instructions and should not be implemented into national legislation. They are directly applicable to the RU/IM and should be implemented through the SMS.</p> <p>Information on the operation of level crossings should be provided by the IM to the RU, and this is then implemented into the RUs SMS considering the operational risk assessment.</p> <p>Information on the failure of level crossings can be accepted but this should be notified under the scope of failure of level crossing – additional information.</p>	MS rejected ERA's negative assessment	See letter from the Slovakian Ministry for Transport in Appendix A to this opinion	The result of the Agency's assessment remains. The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but this is not a new requirement. The cleaning up of national rules should have started following the implementation of the Railway Safety Directive EU Directive 2016/798 (as amended) and in particular following the publication of both EU Regulations 2018/762 and 2019/773.
<a href="#">SK-SA-1601-1-D</a>	<p>The following legal document is notified by the Member State:</p> <p>The Member State notified Articles 393 to 487 of Pravidlá železničnej prevádzky (revízia 2024) on Rules of railway operation - shunting - shunting in an</p>	<p>National Rules on shunting operation can be accepted but this rule mixes shunting with normal operation and includes roles and responsibilities which is for the RUs SMS.</p> <p>The definition of train composition and train preparation in Appendix J Glossary of the TSI OPE (Regulation (EU) 2019/773) should be</p>	MS rejected ERA's negative assessment	See letter from the Slovakian Ministry for Transport in Appendix A to this opinion	The result of the Agency's assessment remains. The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but this is not a new requirement. The cleaning up of national rules should have started following the implementation of the Railway Safety Directive EU Directive 2016/798 (as amended) and in particular

Rule ID	Rule content and reference in English	Assessment result from SRD	Member State's (MS) position on ERA's negative assessment	MS's justification	ERA's final opinion in English
	operational point with track branching, shunting between operational points	considered when deciding what can be a shunting operation and can be notified as a national rule.			following the publication of both EU Regulations 2018/762 and 2019/773.
<a href="#">SK-SA-1600-1-D</a>	<p>The following legal document is notified by the Member State:</p> <p>The Member State notified Articles 386 to 392 of Pravidlá železničnej prevádzky (revízia 2024) on Rules of railway operation - train traffic diagram (GVD) - GVD aids</p>	<p>This rule cannot be accepted as a signalling rule under Appendix I of the TSI OPE (Regulation (EU) 2019/773). Requirements in relation the classification of trains cannot be accepted.</p> <p>Information on normal speed is not acceptable. The IM should provide the information to the RU, and this is then implemented into the SMS considering the operational risk assessment.</p>	MS rejected ERA's negative assessment	See letter from the Slovakian Ministry for Transport in Appendix A to this opinion	The result of the Agency's assessment remains. The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but this is not a new requirement. The cleaning up of national rules should have started following the implementation of the Railway Safety Directive EU Directive 2016/798 (as amended) and in particular following the publication of both EU Regulations 2018/762 and 2019/773.
<a href="#">SK-SA-1599-1-D</a>	<p>The following legal document is notified by the Member State:</p> <p>The Member State notified Articles 381 to 385 of Pravidlá železničnej prevádzky (revízia 2024) on Rules of railway operation - signalling aspects and signals - use of signalling aspects in radio operation</p>	<p>This rule cannot be accepted as a signalling rule under Appendix I of the TSI OPE (Regulation (EU) 2019/773). These articles contain information from the TSI OPE Appendix C and should not be implemented into national legislation. They are directly applicable to the RU/IM and should be implemented through the SMS.</p> <p>The IM should provide the information to the RU, and this is then implemented into the SMS considering the operational risk assessment.</p>	MS rejected ERA's negative assessment	See letter from the Slovakian Ministry for Transport in Appendix A to this opinion	The result of the Agency's assessment remains. The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but this is not a new requirement. The cleaning up of national rules should have started following the implementation of the Railway Safety Directive EU Directive 2016/798 (as amended) and in particular following the publication of both EU Regulations 2018/762 and 2019/773.
<a href="#">SK-SA-1598-1-D</a>	<p>The following legal document is notified by the Member State:</p> <p>The Member State notified Articles 370 to 380 of Pravidlá železničnej prevádzky (revízia 2024) on Rules of railway</p>	<p>This rule cannot be accepted as a signalling rule under Appendix I of the TSI OPE (Regulation (EU) 2019/773). This is for the route book. Only information on the type of signals should be notified. Any reference to instructions on what the train or driver should do should be removed. These are elements covered by</p>	MS rejected ERA's negative assessment	See letter from the Slovakian Ministry for Transport in Appendix A to this opinion	The result of the Agency's assessment remains. The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but this is not a new requirement. The cleaning up of national rules should have started following the implementation of the Railway Safety Directive EU Directive 2016/798 (as amended) and in particular

Rule ID	Rule content and reference in English	Assessment result from SRD	Member State's (MS) position on ERA's negative assessment	MS's justification	ERA's final opinion in English
	operation - signalling aspects and signals - train protection, lineside markers	requirements in chapters 3 and 5 of Regulation (EU) 2018/762.			following the publication of both EU Regulations 2018/762 and 2019/773.
<a href="#">SK-SA-1597-1-D</a>	<p>The following legal document is notified by the Member State:</p> <p>The Member State notified Articles 26 to 369 of Pravidlá železničnej prevádzky (revízia 2024) on Rules of railway operation - signalling aspects and signals - general provisions, main signals and distant signals, signal and distant signal alert marker boards, signalling aspects prohibiting running and coverage of obstacles on a traffic route, signals limiting speed, points and point signals, signalling aspects and signals upon shunting, indication of trains and individual vehicles, signalling aspects upon train traffic, particular provisions for electric operation, other signals and signalling aspects</p>	<p>This rule cannot be accepted as a signalling rule under Appendix I of the TSI OPE (Regulation (EU) 2019/773) for the following reasons:</p> <p>Information on the type of signals can be accepted. However, throughout the articles this is mixed with instructions to what the driver or the train should do which is not permitted. Operational instructions including written instructions are for the RU and should be part of the SMS. They cannot be set out in a NR.</p> <p>The whole rule needs to be cleaned up to show just descriptions of the signals which can then be accepted as a national rule. How the train is operated in accordance with these signals is for the RUs SMS.</p> <p>References to the route book are not accepted. The route book is for the RU to develop bases on information in RINF, and any additional information provided by the IM but not in the form of a NR.</p> <p>Information on braking distance cannot be in a NR. Information on train departure cannot be in a NR. Information on traction failure cannot be in a NR. This are covered by the requirements of the TSI OPE.</p> <p>Article 116 on the red warning light for RS cannot be accepted. ERA has refused such rules from other MSs.</p>	MS rejected ERA's negative assessment	See letter from the Slovakian Ministry for Transport in Appendix A to this opinion	The result of the Agency's assessment remains. The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but this is not a new requirement. The cleaning up of national rules should have started following the implementation of the Railway Safety Directive EU Directive 2016/798 (as amended) and in particular following the publication of both EU Regulations 2018/762 and 2019/773.

Rule ID	Rule content and reference in English	Assessment result from SRD	Member State's (MS) position on ERA's negative assessment	MS's justification	ERA's final opinion in English
<a href="#">SK-SA-1594-1-D</a>	<p>The following legal document is notified by the Member State:</p> <p>The Member State notified Articles 1 to 25, 819 to 833 of Pravidlá železničnej prevádzky (revízia 2024) on Rules of railway operation - basic provisions, transitional provisions</p>	<p>This rule cannot be accepted as a signalling rule under Appendix I of the TSI OPE (Regulation (EU) 2019/773) for the following reasons:</p> <ol style="list-style-type: none"> <li>1. National Rules (NRs) should not contain any reference on the behaviour of staff. That is for the RU &amp; IM SMS. Detailed requirements on the operation and use of trains and INF are for the RU&amp;IM SMS. NRs should set out the framework and not provide how operational elements should be implemented. These depend on the operational context and risk assessment of either the RU or the IM.</li> <li>2. Introductory and transitional provisions are not accepted. They are reference only.</li> <li>3. Articles 6 to 8 are for the RU &amp; IM SMS.</li> <li>4. Articles 15 to 19 are not in line with Appendix C of TSI OPE. There can be no rules on communication except the notification of national operational instructions. Operational language is for the IM.</li> </ol>	<p>MS rejected ERA's negative assessment</p>	<p>See letter from the Slovakian Ministry for Transport in Appendix A to this opinion</p>	<p>The result of the Agency's assessment remains. The Agency welcomes the positive engagement with Slovakia on the clean-up of national rules, but this is not a new requirement. The cleaning up of national rules should have started following the implementation of the Railway Safety Directive EU Directive 2016/798 (as amended) and in particular following the publication of both EU Regulations 2018/762 and 2019/773.</p>

## Appendix A



CE00 SECTION OF RAILWAY TRANSPORT AND GUIDEWAYS

To the attention of  
**Ms Oana Gherghinescu**  
Executive Director  
European Union Agency for Railways  
120 Rue Marc Lefrancq, BP 20392  
59307 Valenciennes Cedex  
France

Your ref.	Our ref.	Person in charge/contact	Date
	15080/2026/SŽDD/33276	Svitek/+421 2 594 94 249	13 April 2026

Confidentiality level  
Public

## Subject

**Statement of the Member State's position regarding the negative assessment of notified existing national rules and draft national rules relating to railway safety and operations**

Dear Ms Gherghinescu,

On 28 August 2025, the European Union Agency for Railways (hereinafter referred to as "the Agency") informed the Ministry of Transport of the Slovak Republic (hereinafter referred to as "the Ministry") of its negative assessment of the following 24 notified existing national rules and draft national rules of the Slovak Republic relating to railway safety and operations (hereinafter referred to as "national rules"), submitted on 19 February 2025 through the relevant IT system (Single Rules Database) for examination by the Agency in accordance with Articles 26 and 25 of Regulation (EU) 2016/796:

- SK-SA-1195-1-A "Particular requirements relating to vocational training, qualifications and certification of examiners" – *existing rule*,
- SK-SA-1502-1-A "Essential requirements and obligations relating to operation of railways and requirements for professional qualifications, medical qualifications and psychological qualifications of staff executing safety-critical tasks" – *existing rule*,

Ministry of Transport of the Slovak Republic | Námestie slobody 6 | P. O. BOX 100 | 810 05 Bratislava | Slovakia  
Tel: +421 2 594 94 426 | E-mail: sekretariat.szdd@mindop.sk | www.mindop.sk

- SK-SA-1503-1-A “Requirements relating to technical checks of vehicles” – *existing rule*,
- SK-SA-1504-1-A “Requirements relating to operation of designated technical installations” – *existing rule*,
- SK-SA-1505-1-A “Requirements relating to designated activities and activities on designated technical installations” – *existing rule*,
- SK-SA-1507-1-A “Particular requirements relating to vocational training, qualifications and certification of train drivers” – *existing rule*,
- SK-SA-1589-1-A “Particular requirements relating to operation of railway lines” – *existing rule*,
- SK-SA-1590-1-A “Particular requirements relating to operation of transport on railways” – *existing rule*,
- SK-SA-1636-1-A “Common requirements relating to operation of railway lines and operation of transport on railways” – *existing rule*,
  
- SK-SA-1594-1-D “Rules of railway operation – basic provisions, transitional provisions” – *draft rule*,
- SK-SA-1597-1-D “Rules of railway operation – signalling aspects and signals – general provisions, main signals and distant signals, signal and distant signal alert marker boards, signalling aspects prohibiting running and coverage of obstacles on a traffic route, signals limiting speed, points and point signals, signalling aspects and signals upon shunting, indication of trains and individual vehicles, signalling aspects upon train traffic, particular provisions for electric operation, other signals and signalling aspects” – *draft rule*,
- SK-SA-1598-1-D “Rules of railway operation – signalling aspects and signals – train protection, lineside markers” – *draft rule*,
- SK-SA-1599-1-D “Rules of railway operation – signalling aspects and signals – use of signalling aspects in radio operation” – *draft rule*,
- SK-SA-1600-1-D “Rules of railway operation – train traffic diagram (GVD) – GVD aids” – *draft rule*,
- SK-SA-1601-1-D “Rules of railway operation – shunting – shunting in an operational point with track branching, shunting between operational points” – *draft rule*,
- SK-SA-1602-1-D “Rules of railway operation – safeguarding of train movements – traffic documentation, line control points, level crossings” – *draft rule*,
- SK-SA-1603-1-D “Rules of railway operation – movement of trains, temporary closures and emergencies – arrival and departure of trains, train movement on a wrong track, train movement against the correct direction, traffic on a line with remotely operated signalling control, traffic on a line with simplified traffic management, irregularities during train movement on a line, temporary closures of tracks, signalling control and fixed electric traction installations, train movements onto a temporarily closed track, on-track machines, accidents” – *draft rule*,
- SK-SA-1605-1-D “Rules of railway operation – movement of trains, temporary closures and emergencies – safeguarding of train movements upon malfunctions” – *draft rule*,
- SK-SA-1606-1-D “Rules of railway operation – movement of trains – trains ahead and trains delayed, arrival and departure of trains, operational traffic management” – *draft rule*,

- SK-SA-1607-1-D “Rules of railway operation – rail vehicles – wagons, coaches, self-propelling rail vehicles” – *draft rule*,
- SK-SA-1608-1-D “Rules of railway operation – rail vehicles – special loads” – *draft rule*,
- SK-SA-1609-1-D “Rules of railway operation – rail vehicles – train composition” – *draft rule*,
- SK-SA-1611-1-D “Rules of railway operation – rail vehicles – staffing of trains” – *draft rule*,
- SK-SA-1612-1-D “Rules of railway operation – rail vehicles – brakes and braking of trains” – *draft rule*,

In accordance with the aforementioned articles of Regulation (EU) 2016/796, the Agency also provided its reasoning for the negative assessment and invited the Ministry to state the Member State’s position regarding the assessment of each of the examined national rules. Subsequently, it agreed to extend the deadline for the statement of Member State’s position, as well as to hold a bilateral discussion on relevant aspects of the assessment and the expected position.

In the bilateral discussion, the Ministry explained the reasons and circumstances behind the notification of the aforementioned national rules, particularly regarding the manner of their definition and division into two groups, with the first group consisting of existing rules laid down in national legal acts under the Ministry’s responsibility, specifically in their state prior to the intended repeal of provisions falling outside the permissible scope of applicability, as currently defined by Directive (EU) 2016/798 and Regulation (EU) 2019/773 (TSI OPE), and the second group consisting of draft rules as laid down in the submitted version of the draft amendment to the relevant regulatory document under the responsibility of the national infrastructure manager. Ministry representatives expressed understanding for the reasons behind the negative assessment of the majority of the notified national rules and also committed to either repealing these national rules or bringing them into full compliance with EU legislation. The Agency highlighted areas currently covered by the OPE TSI where the continued application of national rules is not acceptable, whereas the relevant principles, obligations, or measures shall be defined in the safety management systems of railway undertakings or the infrastructure manager. In addition to the need to remove provisions from the set of national rules that fall outside the permissible scope of applicability, the need to align other provisions — in particular those concerning the use of the national signaling system or specific communication requirements — with the requirements of the harmonized EU framework was also recognized.

Based on discussions with representatives of the Agency on the current status of the implementation of national rules and options for further action regarding the amendment of national legislation and related fundamental changes to the safety management systems of railway undertakings and the infrastructure manager in the Slovak Republic, the Ministry has decided to state **the Member State’s disagreeing position regarding the assessment of the aforementioned national rules** in accordance with Articles 26 and 25 of Regulation (EU) 2016/796. We justify this position by the fact that, without calling into question the need for a fundamental revision of the notified set of national rules, it is essential, in order not to jeopardize the current level of safety, to align with the requirements of the harmonized EU framework for railway safety and operations only gradually and within a reasonable timeframe, with the involvement of all stakeholders and taking into account the time required for legislative changes

in the Slovak Republic, as well as related changes in the safety management systems of railway undertakings and the infrastructure manager. During this period of transition to the target regulatory framework, we consider it essential to continue applying the existing rules laid down in national legal acts as notified, and in the case of notified draft regulations, to continue applying the original version of the infrastructure manager's regulatory document.

We intend to underpin the Slovak Republic's commitment to carry out the aforementioned transition — with a focus on fully aligning national rules with EU legislation regarding railway safety and operations — by establishing specific tasks, responsibilities, and a timeline with milestones in the form of a project plan. The transition itself will thus be preceded by the Ministry's development of this plan and the establishment of cooperation with key partners, including the national safety authority and representatives of the railway sector, to ensure a proper transfer of the principles, obligations, or measures currently specified by national rules into individual risk-based safety management systems. In this regard, our Ministry highly appreciates the Agency's supportive approach, as it has expressed its willingness to provide valuable guidance on the correct alignment of the scope of national rules and the safety management systems of railway undertakings and the infrastructure manager.

Yours sincerely,

Filip HLUBOCKÝ  
Director General of Section

### 3. The opinion

The Agency is of the opinion that the provisions in the nine (9) adopted and fifteen (15) draft rules of Slovakia are not compliant with relevant EU legal requirements in the field of safety, according to Article 8 of Directive (EU) 2016/798 on railway safety, as described in part 3 Analysis of this opinion.

For this reason, in accordance with Articles 25(3) and 26 (3) of Regulation (EU) 2016/796, the Agency with this opinion confirms its negative assessment.

This opinion is addressed to Slovakia, with a copy to the European Commission (DG Move).

Valenciennes, xx/05/2026

Oana GHERGHINESCU  
Executive Director

## Annex 1

### Impact Note

*Regarding nine (9) adopted and fifteen (15) draft national rules by Slovakia setting requirements on several operational aspects*

Issued as per Art. 8(1) of Regulation (EU) 2016/796 and the Impact Assessment procedure adopted by the ERA Management Board (Decision n.290, 16/03/2022)

<b>1. Context and assessment of impacts</b>
<b>1.1. The national rule in object</b>
<p>In line with articles 25 (3) and 26 (3) of Regulation (EU) 2016/796, this opinion covers the examination of nine (9) adopted national rules and fifteen (15) draft rules notified by Slovakia in the Single Rules Database (SRD) on 19 February 2025.</p> <p>The Agency assessed them and reached the conclusion (also recorded in the SRD) that the notified rules contain requirements which according to the Agency's opinion are not in line with the EU legal framework, mainly Regulation (EU) 2019/773 (TSI OPE). In particular, this opinion points out that the national rules proposed by Slovakia are not within the scope of the assessment and/or conflict with already harmonised EU legislation.</p>
<b>1.2. Analysis performed</b>
<p>The Agency shared its negative assessment with Slovakia on the 28 August 2025 via SRD. Slovakia notified the Agency via SRD its rejection of the Agency's negative assessment of the nine adopted national rules and fifteen draft rules on the 13 April 2026 (The Agency and Slovakia agreed in the Autumn 2025 to an extension for Slovakia to consider the Agency's response until 22 April 2026).</p> <p>For six (6) of the adopted rules Slovakia also notified additional rules. However, only one piece of legislation can be notified for each rule.</p> <p>In chapter 3 of this opinion the Agency provides an overview of the rules. In particular, all the various rules adopted / proposed were found to be not within the scope of the assessment and/or conflict with already harmonised EU legislation. Indeed, the opinion concluded that for all the rules these could be covered by already existing European Instructions. The opinion of the Agency is that the 9 notified adopted and 15 draft rules subject to this opinion contain requirements which according to the Agency's opinion are not in line with the EU legal framework, mainly Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 establishing common safety methods on safety management system requirements (CSM-SMS).</p>
<b>1.3. Assessment of impacts</b>
<p>The nine (9) adopted rules and fifteen (15) notified draft national rules of Slovakia fall within the scope of the Light Impact Assessment 'Revision of the Common Safety Methods on Conformity Assessment and the Common Safety Methods on Supervision' performed by the Agency in February 2017 and of the Full Impact Assessment on the TSI OPE Revision carried out in 2018. The impacts were therefore already adequately assessed, and it is confirmed that these rules would compromise uniformity of application of well-established EU requirements and increase the risk of low transparency of the national rules framework that stakeholders have to comply within Slovakia.</p> <p>In particular the rules negatively assessed duplicate or are not in line with requirements and/or procedures to be addressed in the companies' Safety Management System. It is for the SMS of RU/IM to develop their processes and procedures on the basis of the requirements specified in EU law, including TSI OPE Regulation (EU) 2019/773.</p> <p>Interoperability and coherence of the EU legal framework across the Union risk to be weakened by duplicating or further supplementing, in the national law, requirements already covered (in a harmonised way) at European level, going against the policy goal of reducing national rules and creating unnecessary burden on stakeholders (including unnecessary efforts to ensure the enforcement of the additional national rules on top of all other existing oversight requirements pertaining to EU law), with no (or doubtful) benefit.</p>
<b>1.4. Stakeholders affected</b>

Railway undertakings (RU)	<input checked="" type="checkbox"/>	Member States (MS)	<input checked="" type="checkbox"/>
Infrastructure managers (IM)	<input checked="" type="checkbox"/>	Third Countries	<input type="checkbox"/>
Manufacturers	<input type="checkbox"/>	National safety authorities (NSA)	<input checked="" type="checkbox"/>
Keepers	<input type="checkbox"/>	European Commission (EC)	<input checked="" type="checkbox"/>
Entity Managing the Change (EMC)	<input type="checkbox"/>	European Union Agency for Railways (ERA)	<input checked="" type="checkbox"/>
Notified Bodies (NoBo)	<input type="checkbox"/>	Shippers	<input type="checkbox"/>
Associations	<input type="checkbox"/>	Other (Please specify) ...	<input type="checkbox"/>

<b>2. Preferred option</b>
<b>2.1. Recommendation</b>
No alternative options are to be assessed, and it is confirmed a negative assessment of the nine adopted national rules and the fifteen draft rules notified draft rules of Slovakia.