

# OPINION

*OPI-2019-11*

## OF THE EUROPEAN UNION AGENCY FOR RAILWAYS

for

Portugal

regarding

Negative assessment of National Rules of Portugal in addition to the latest TSIs in force for the Rolling Stock and on-board CCS subsystems notified in the Reference Document Database by Member States according to Articles 25 and 26 of the Agency Regulation

### 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 The scope extension of TSIs (with effect on 01 January 2015), the functional and technical harmonisation of requirements within TSIs made a series of national rules redundant and unnecessary.

1.2 The articles 13 and 14 of Directive(EU) 2016/797 indicate clearly cases where national rules may continue to apply:

- New national rules may only be adopted in of the following cases (article 14(4)), :
  - o when a TSI does not fully meet the essential requirements;
  - o as an urgent preventive measure, in particular following an accident.
- Existing national rules (article 13(2)) are limited to :
  - o where the TSIs do not cover, or do not fully cover, certain aspects corresponding to the essential requirements, including **open points** as referred to in Article 4(6)Case where non-application of one or more TSIs or parts of them has been notified under article 7 of Directive(EU) 2016/797,
  - o Specific cases listed but not described in TSIs,
  - o Ensure technical compatibility with existing network not yet in compliance with TSI,
  - o Vehicles excluded from the scope of TSIs,
  - o Urgent temporary preventive measure, in particular following an accident.

1.3 According to article 14 of Directive(EU) 2016/797, Member States had to notify existing national rules before 16 December 2016. When notifying, Members States have to provide justification for the existence of national rules (e.g. identification of the related open-point).

1.4 Member States shall notify their national rules for vehicle authorisation. According to the communication of the Commission in RISC, until the Single Rules Database is available, the notification is performed in the Reference Document Database (RDD).

1.5 Since 2016, in accordance to the ERA programme plan on cleaning-up of national rules ERA-PRG-006-PPL, Member States and the Agency started the activity on identification and evaluation of national rules in addition to the following TSIs:

- TSI WAG: Commission Regulation (EU) No 321/2013, amended by Regulation (EU) No 1236/2013,
- TSI LOC&PAS: Commission Regulation (EU) No 1302/2014,
- TSI PRM: Commission Regulation (EU) No 1300/2014,
- TSI Noise: Commission Regulation (EU) No 1304/2014,
- TSI CCS: Commission Regulation (EU) No 2016/919 (including ERA/ERTMS/033281 rev 3.0 dated 04/12/2015).

1.6 From 16 June 2019 and pending the Single Rules Database, the Reference Document Database will be the reference for applicants, NSAs and the Agency in terms of applicable national rules for vehicle authorisation.

1.7 The scope of the technical opinion covers the examination of national rules (existing or draft) leading to a negative assessment by the Agency.

1.8 The complete assessment covering the examination of all national rules (existing or draft) in addition to TSIs mentioned in section 1.5 is available in the Evaluation Report of remaining national rules ERA-PRG-006-REP-RST.

## 2. Legal Background

2.1 According to the provisions of article 13.2 of Directive (EU) 2016/797, national rules and where relevant acceptable national means of compliance shall apply in the cases defined below :

- a) where the TSIs do not cover, or do not fully cover, certain aspects corresponding to the essential requirements, including open points ;
- b) where non-application of one or more TSIs or parts of them;
- c) where a specific case requires the application of technical rules not included in the relevant TSI;
- d) national rules used to specify existing systems, limited to the aim of assessing technical compatibility of the vehicle with the network;
- e) networks and vehicles not covered by TSIs;
- f) as an urgent temporary preventive measure, in particular following an accident.

2.2 According to the provisions of article 14 (9) of Directive (EU) 2016/797, draft national rules and national rules referred to in paragraph 1 shall be examined by the Agency in accordance with the procedures laid down in Articles 25 and 26 of Regulation (EU) 2016/796.

2.3 According to the provisions of Article 25 (3) of the Agency Regulation 2016/796, 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.

This shall not prejudice the right of a Member State to adopt a new national rule in accordance with point (c) of Article 8(3) of Directive (EU) 2016/798 or with point (b) of Article 14(4) of Directive (EU) 2016/797

2.4 According to the provisions of Article 26 (3) of the Agency Regulation 2016/796, 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.

### 3. Analysis

#### 3.1. Tasks under the responsibility of the Member States :

In accordance to rules cleaning-up programm plan ERA-PRG-006-PPL from March 2016, Member states were asked to :

- Identify and remove national rules covered by TSIs,
- Relate national rules to the TSIs and to the list of parameters defined in decision 2015/2299/EU,
- Clearly refer national rules not related to open point(s) or specific case(s) to TSI requirements in order to identify if they complement/contradict/replace TSIs for compatibility with existing networks,
- Ensure that the requirement is a mandatory rule. Acceptable national means of compliance in accordance to the definition in article 2 (34) of Directive 2016/797 is not considered as a national rule,
- Identify and analyse requirements that don't relate to any of the above, verify, in this case for example if the TSI is deficient/non-exhaustive.

Based on the outcome of this activity, Member States should have:

- Published their national rules in the Reference Document Database and
- Aligned their national legislation for vehicle authorisation with the Reference Document Database.

#### 3.2. Tasks carried out by the Agency

During the project of cleaning up of national rules for vehicle authorisation covered by the Rules cleaning up program plan ERA-PRG-006-PPL , the Agency has :

- Provided technical support to Member States in the cleaning up of the remaining rules by ensuring:
  - o That rules relate to : Open points, Specific cases, Legacy system or rule duly justified for compatibility with existing fixed installation (i.e. a specific case not declared up to now).
  - o Consistency with the EU framework, including register of infrastructure and responsibilities of actors as defined in the Safety Directive and TSI OPE.
  - o That the rule is transparent and not discriminatory.
  - o The update of the Reference Document Database.
- Assessed the relevance of the remaining national rules together with the Member states, using the Reference Document Database as a reference.
- Provided regular reporting to European commission on the progress made.
- Updated the Reference Document Database with the status of the evaluation.
- In accordance with article 25(3) and 26(3) of Agency regulation 2016/797, the Agency informed officialy the Member States and the European Commission through an assessment report, sent by email, on the national rules in addition to latest TSIs (ERA-PRG-006-REP-RST). This report was published on the ERA websiste and uploaded on the CIRCABC .
- The Agency asked to the Member States to check the report, to provide comments and to take into consideration the actions proposed. NSAT PT indicated that they agree with the report and they will perform the actions proposed for NSA PT.

### 3.2.1. National rules subject to assessment by the Agency

The table 1 below provides an overview of national rules notified by Member States and subject or not to an assessment by the Agency:

**Table 1 : Overview of national rules notified by Member States and subject or not to an assessment by the Agency**

National Rules relates to	Published in RDD	Evaluated	Remarks
Vehicles in the scope of Loc&Pas and WAG TSIs	Yes	Yes	Freight wagons, Locomotives, Trainsets / Electric or Diesel Multiple Unit, Passenger coaches, Track machines/OTMs.
Article 13.2(a): Open points listed in TSIs	Yes	Yes	TSIs clearly identify where a national rule may be kept and notified; traceability between TSIs and possible remaining national rules is clearly established, and the corresponding rules are recorded in RDD.  The Agency checked if the national rule covers the scope of the open point.
Article 13.2(a): Other Directives	Yes	No	Corresponding rules are available in RDD. Anyway, it will have to be decided at later stage with the Commission how to deal with these rules, considering the mentioned Directives. As a general principle, the TSIs in force don't cover subjects in the scope of these other EU Directives.  Corresponding parameters are defined in section 3.2.3 of the report ERA-PRG-006-REP-RST
Article 13.2 (b): Non application of TSI	No	No	
Article 13.2 (c): Specific cases mentioned but not described in TSIs	Yes	Yes	TSIs clearly identify where a national rule may be kept and notified. Traceability between TSIs and possible remaining national rules is clearly established, and the corresponding rules are recorded in RDD.  The Agency checked if the national rule covers the scope of the specific case.
Article 13.2(d): Technical compatibility between vehicle and existing network(s)	Yes	Yes	This includes vehicles with ETCS pre-baseline 2 versions (e.g. 2.2.2), additional functionality implemented on-board (e.g. NTRs from other MS) and TSI options implemented trackside (e.g. infill).
Article 13.2 (e): Vehicles not covered by TSIs	No	No	Concern vehicles such as Tram-Train, metric gauge vehicle.
Article 13.2 (f): Urgent temporary preventive measure following an accident	No	No	

**Table 1 : Overview of national rules notified by Member States and subject or not to an assessment by the Agency**

National Rules relates to	Published in RDD	Evaluated	Remarks
TSI potentially deficient or not exhaustive	Yes	Yes	National rules when accepted by the Agency are maintained pending the resolution of the potential deficiency.
Previous versions of TSIs not listed in section 3.1.2 of the report ERA-PRG-006-REP-RST	Yes	No	
Vehicle not TSI compliant authorised before TSIs.	Yes	No	Rules are in RDD for reference/history and are not subject to Agency evaluation.

### 3.2.2. Summary of the results of the examination of national rules

The table 2 below provides an overview of the number of national rules and acceptable national means of compliance notified by the Member State in addition to latest TSIs and the results of the examination leading to a positive or negative assessment.

The annex 1 provides details of the assessment leading to negative assessment. The national rules subject to discussion/clarification with the Member State are also counted in the column "Negative assessment".

**Table 2 : number of national rules notified by Member states and results of the examination**

Member States	Number of National rules (or draft national rules) and Acceptable national means of compliance	Results of the examination		Remarks
		Positive assessment	Negative assessment	
Portugal	59	58	1	1 National rule related to Train detection system will be revised by Portugal to include frequency management for compatibility with track circuits.

#### 4. The opinion

In accordance with article 26(3) of Regulation 2016/796, the opinion covers the examination of national rules by the Agency leading to a negative assessment.

The annex 1 provides to the Member State:

- The list of actions to be taken into account,
- An assessment table with :
  - o The national rules concerned,
  - o The Agency assessment of each rule and the reasons why this is not accepted,
  - o The status of the assessment indicating that the rule should be modified.

Valenciennes, 12.09.2019



Josef DOPPELBAUER  
Executive Director

## 5. ANNEX 1 – Examination of national rules leading to negative assessment

The following action should be taken into account by Portugal :

- National rule related to train detection system should be modified in accordance to Agency evaluation.

The table below presents the rule where the evaluation performed by the Agency lead to a negative assessment.

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
RST/CCS	Rules related to compatibility with TDS	<p>8.4.2.1.1-Rail return current, 8.4.2.1.2-Heating cable interference current</p> <ul style="list-style-type: none"> <li>IT.GER.009 v01 - Compatibilidade do Material Circulante com a Infra-estrutura de Via Larga - § 9.2 Emissões conduzidas - Sinalização e equipamentos de detecção de comboios</li> <li>EN 50238 Compatibility between rolling stock and train detection systems</li> <li>IEC 62427:2007. Railway applications - Compatibility between rolling stock and train detection systems</li> <li>CLC/TS 50238-2 Compatibility between rolling stock and train detection systems - part 2 compatibility with track circuits</li> <li>For all traction vehicles equipped with line cable with current return through the rail, compliance 4.1 of IET51 shall be fulfilled; Even if the mentioned point refers to specific series of locomotives</li> <li>For all electric traction vehicles equipped with more than one operational pantograph, compliance 9.2.4 of IT.GER.009 v01 shall be fulfilled</li> </ul>	<p>The requirement refers to clause 4.2.3.3.1.1 of Loc&amp;Pas TSI 1302/2014.</p> <p><b>Agency :</b> What is the exact requirement under 4.1. of IET51? The national rule should indicate the Frequency Management information for compatibility with track circuits.</p> <p><b>NSA Portugal</b> indicated that the document IT.GER.009 will be revised to include Frequency Management for compatibility with track circuits.A draft revision from PT Infrastructure Manager is available and being analysed by NSA PT.</p>	Not accepted, national rule should be modified to include frequency management information for compatibility with track circuits.

Making the railway system  
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## Light Impact Assessment

*4<sup>th</sup> Railway Package – Cleaning up National rules for Vehicle  
Authorisation*

*Technical Opinion OPI-2019-11*

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## 1. Context and problem definition

<p><b>1.1. Problem and problem drivers</b></p>	<p>One of the main objectives of the the 4th Railway Package (RP) is to increase the efficiency of the authorisation process of vehicles and to ensure transparency and non-discrimination of applicants in this process.</p> <p>Applicants for vehicle authorisations have to demonstrate compliancy with TSIs and with national rules notified by MSs.</p> <p>The scope extension of TSIs, the functional and technical harmonisation of requirements within TSIs made a number of national rules redundant and unnecessary.</p> <p><b>Problem/need to be addressed:</b></p> <p>In accordance with Art. 14 (9) of Interoperability Directive 2016/797 the Agency examined the draft national rules and national rules notified in accordance to Art 13.2. The majority of rules were cleaned in consensus with the MS. The Technical Opinion focus on rules where there is disagreement between MS and the Agency concerning their justifications/acceptance. These rules might represent an obstacle in the vehicle authorisation process.</p>
<p><b>1.2. Main assumptions</b></p>	<p>1. In June 2012, the European Commission has commissioned an impact assessment in view of the preparation of the 4th RP, hereinafter referred to as the 4<sup>th</sup> RP IA<sup>1</sup>. The cleaning of national rules is represented as an horizontal measure (to increase efficiency of the authorisation process) in all evaluated option. (where one of the option was the policy package summarized as 4<sup>th</sup> RP). This LIA uses this IA as main source for economic data.</p> <p>2. The TO only identifies the remaining rules in addition to TSIs refered in section of the TO where there is disagreement between MS and the Agency. As long as there is no removal or modification of the concerned rule(s), there is no economic impact. In this LIA we assume, that as a consequence of publication of the TO, the MS will withdraw the remaining rules so that an economic impact will appear.</p> <p>3. The majority of national rules was cleaned in consensus with the MS, which already lead to a significant reduction of applicable rules in the framework of vehicle authorisation (e.g. from approx. 14.000 national rules to less than 1000 national rules). As a consequence this achievement contributes significantly to the economic impacts of the complete cleaning process. The scope of the TO focus on the remaining rules where there is disagreement between MS and Agency, It contributes much lower to the economic impacts of the complete cleaning process.</p>

<sup>1</sup> See <https://ec.europa.eu/transport/sites/transport/files/modes/rail/studies/doc/2012-06-ia-support-study-era-final-report.pdf>

<b>1.3. Stakeholders affected</b>	<table border="1"> <thead> <tr> <th><i>Category of stakeholder</i></th> <th><i>Importance of the problem (*)</i></th> </tr> </thead> <tbody> <tr> <td>National Safety Authorities</td> <td>2 NSAs have to check the national part of the application for vehicle authorisation. However as compliance with national rules is checked by a DeBo, they are not directly concerned by the problem. However NSAs might be in charge of the management of national rules, especially keeping them up to date. In this context the problem could be relevant for them.</td> </tr> <tr> <td>ERA</td> <td>2 Although ERA is not involved in the assessment of the national part of the application for vehicle authorisation, ERA is delivering the final authorisation decision. For this reason, ERA is concerned by the problem however in a limited way.</td> </tr> <tr> <td>Vehicle Supplier</td> <td>5 As applicants for vehicle authorisations they have to declare compliance with all applicable national rules.</td> </tr> <tr> <td>RUs</td> <td>5 If they are applicants for vehicle authorisations – see vehicle suppliers</td> </tr> <tr> <td>Infrastructure Managers</td> <td>5 If they are applicants for vehicle authorisations – see vehicle suppliers</td> </tr> <tr> <td colspan="2">                     Note: Other stakeholders not listed in this table like IMs, wagon keepers are not impacted.                 </td> </tr> <tr> <td colspan="2">*) 1=low; 5=high</td> </tr> </tbody> </table>	<i>Category of stakeholder</i>	<i>Importance of the problem (*)</i>	National Safety Authorities	2 NSAs have to check the national part of the application for vehicle authorisation. However as compliance with national rules is checked by a DeBo, they are not directly concerned by the problem. However NSAs might be in charge of the management of national rules, especially keeping them up to date. In this context the problem could be relevant for them.	ERA	2 Although ERA is not involved in the assessment of the national part of the application for vehicle authorisation, ERA is delivering the final authorisation decision. For this reason, ERA is concerned by the problem however in a limited way.	Vehicle Supplier	5 As applicants for vehicle authorisations they have to declare compliance with all applicable national rules.	RUs	5 If they are applicants for vehicle authorisations – see vehicle suppliers	Infrastructure Managers	5 If they are applicants for vehicle authorisations – see vehicle suppliers	Note: Other stakeholders not listed in this table like IMs, wagon keepers are not impacted.		*) 1=low; 5=high	
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<b>1.4. Evidence and magnitude of the problem</b>	<p>The evidence of the problem related to the inefficiency of the authorisation process was analysed in detail in the 4<sup>th</sup> RP impact assessment (see section 3 problem definition).</p> <p>The magnitude of the problem for all EU countries was not quantified but it is estimated to be an impact of hundreds of millions EUR for the European railway sector.</p>																
<b>1.5. Baseline scenario</b>	The remaining national rules, where there is disagreement between MS and the Agency concerning their justifications/acceptance, are kept in force after the publication of this TO by the MS.																
<b>1.6. Subsidiarity and proportionality</b>	According to the provisions of article 14 (9) of Directive (EU) 2016/797 , draft national rules and national rules referred to in paragraph 1 shall be																

	examined by the Agency in accordance with the procedures laid down in Articles 25 and 26 of Regulation (EU) 2016/796
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## 2. Objectives

<p><b>2.1. Strategic and specific objectives</b></p>	<p><b>Strategic objective(s) of the Agency with which this initiative is coherent.</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Europe becoming the world leader in railway safety</li> <li><input type="checkbox"/> Promoting rail transport to enhance its market share</li> <li><input checked="" type="checkbox"/> Improving the efficiency and coherence of the railway legal framework</li> <li><input type="checkbox"/> Optimizing the Agency’s capabilities</li> <li><input checked="" type="checkbox"/> Transparency, monitoring and evaluation</li> <li><input checked="" type="checkbox"/> Improve economic efficiency and societal benefits in railways</li> <li><input type="checkbox"/> Fostering the Agency’s reputation in the world</li> </ul> <p>The <b>specific objective</b> is to Increase the efficiency of the vehicle authorisation processes (Specific Objective 1);</p>
<p><b>2.2. Link with Railway Indicators</b></p>	<p>N/A</p>

### 3. Options

<p><b>3.1. List of options</b></p>	<p>Baseline Option 1 – Technical Opinion</p>
<p><b>3.2. Description of options</b></p>	<p><b>Baseline</b> - corresponds to the Baseline of the 4<sup>th</sup> RP IA</p> <ul style="list-style-type: none"> <li>› No cleaning of national rules</li> </ul> <p><b>Option 1 – TO Negative Assessment of National Rules</b></p> <ul style="list-style-type: none"> <li>› Description of remaining rules where there is disagreement between MS and ERA about their justification.</li> <li>› Further Assumption: These remaining rules will be removed or modified by the MS as a consequence of the publication of the TO</li> </ul>
<p><b>3.3. Uncertainties/risks</b></p>	<p>1. The residual risk (related to a potential incompatibility with the network of the concerned MS) resulting from a removal or modification of a national rule is not taken into account in this LIA. It is considered to be marginal or non existent.</p> <p>2. The estimation of benefits of the 4<sup>th</sup> RP as stated in the 4<sup>th</sup> RP IA was based on stakeholders’ opinion survey and was performed in 2012. More updated evidence is not yet available.</p>

### 4. Impacts of the options

<p><b>4.1. Impacts of the options (qualitative analysis)</b></p>	<p>The positive or negative impacts from the option are derived by comparing the option against the baseline.</p>		
	<p><i>Category of stakeholder</i></p>		<p><i>Option 1</i></p>
	<p>NSAs</p>	<p>Positive impacts</p>	<p>Reduced costs in the framework of management of/ keeping up to date remaining national rules</p>
		<p>Negative impacts</p>	<p>N/A</p>
	<p>Agency</p>	<p>Positive impacts</p>	<p>Less work in the framework of classification of national rules (art 14.10)</p>
		<p>Negative impacts</p>	<p>N/A</p>
	<p>RUs</p>	<p>Positive impacts</p>	<p>They profit from clear and transparent national rules Reduced costs for vehicle (type) configuration management (e.g. in terms of vehicle change management and management of its operational use)</p>
		<p>Negative Impacts</p>	<p>N/A</p>
	<p>Vehicle Suppliers</p>	<p>Positive impacts</p>	<p>see RUs</p>
		<p>Negative Impacts</p>	<p>N/A</p>

	<b>Overall assessment</b> <i>(input for section 5.1)</i>	Positive impacts	Reduced costs for vehicle (type) configuration management due to an increase in the efficiency and transparency of the authorisation process.																							
		Negative impacts	Very limited																							
<b>4.2. Impacts of the options (quantitative analysis)</b>	<table border="1"> <thead> <tr> <th>Category of stakeholder</th> <th></th> <th>Option 1</th> </tr> </thead> <tbody> <tr> <td rowspan="2">RUs, Suppliers</td> <td>Benefits (euro)</td> <td>&lt;&lt;100 M€ (1)</td> </tr> <tr> <td>Costs (euro)</td> <td>N/A</td> </tr> <tr> <td rowspan="2">NSAs</td> <td>Benefits</td> <td>N/A</td> </tr> <tr> <td>Costs (euro)</td> <td>N/A</td> </tr> <tr> <td rowspan="2">Agency</td> <td>Benefits (euro)</td> <td>N/A</td> </tr> <tr> <td>Costs (euro)</td> <td>N/A</td> </tr> <tr> <td rowspan="2"><b>Overall</b></td> <td>Benefits (euro)</td> <td>&lt;&lt;100 M€</td> </tr> <tr> <td>Costs (euro)</td> <td>N/A</td> </tr> </tbody> </table>			Category of stakeholder		Option 1	RUs, Suppliers	Benefits (euro)	<<100 M€ (1)	Costs (euro)	N/A	NSAs	Benefits	N/A	Costs (euro)	N/A	Agency	Benefits (euro)	N/A	Costs (euro)	N/A	<b>Overall</b>	Benefits (euro)	<<100 M€	Costs (euro)	N/A
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	Agency	Benefits (euro)	N/A																							
		Costs (euro)	N/A																							
	<b>Overall</b>	Benefits (euro)	<<100 M€																							
		Costs (euro)	N/A																							
<p>(1) Based on 4th RP IA: section 5.59 – estimated benefits for cleaning up of national rules. The amount of 100 M€ relates to the complete cleaning process. However the economic impact with regards to the TO can be considered much lower.</p> <p>Overall resulting figures:</p>																										
<table border="1"> <thead> <tr> <th>CBA</th> <th>Option 1</th> </tr> </thead> <tbody> <tr> <td>NPV</td> <td>&lt;&lt;100 M€</td> </tr> <tr> <td>B/C ratio</td> <td>&gt;1</td> </tr> </tbody> </table>			CBA	Option 1	NPV	<<100 M€	B/C ratio	>1																		
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**5. Comparison of options and preferred option**

<b>5.1. Effectiveness criterion (options' response to specific objectives)</b>	The proposed option <b>meets all specific objectives</b> .  Comparison not applicable as only one option was proposed and the baseline is not legally compliant with the 4 <sup>th</sup> RP in force.
<b>5.2. Efficiency (NPV and B/C ratio) criterion</b>	The proposed option retrieves <b>positive NPV (&lt;&lt; 100 M€) and B/C ratio &gt;1</b>  Comparison not applicable as only one option was proposed and the baseline is not legally compliant with the 4 <sup>th</sup> RP in force.
<b>5.3. Summary of the comparison</b>	N/A as there is only one option.
<b>5.4. Preferred option(s)</b>	The proposed option is recommended in terms of both effectiveness and efficiency. There is no alternative proposal concerning the implementation of the 4 <sup>th</sup> RP.

<p><b>5.5. Further work required</b></p>	<p>The risks mentioned under section of 3.3 have to be closely monitored once the 4<sup>th</sup> RP is transposed in all Member States , in particular to detect any potential negative economic impacts.</p>
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**6. Monitoring and evaluation**

<p><b>6.1. Monitoring indicators</b></p>	<p>N/A</p>
<p><b>6.2. Future evaluations</b></p>	<p>N/A</p>

