

**Recommendation N. ERA-REC-120-2015/REC
of the European Railway Agency
on**

*Technical Specification for Interoperability relating to the
subsystem 'Rolling stock – Locomotive and passenger rolling stock'
– Amendments for closure of several open points, improvement of
implementation rules and technical update*

THE EXECUTIVE DIRECTOR

HAVING REGARD TO Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European Railway Agency, hereafter referred to as the 'Agency Regulation', in particular Articles 2 and 12 thereof,

HAVING REGARD TO Directive 2008/57/EC of the European Parliament and of the Council of June 2008 on the interoperability of the rail system within the Community, hereafter referred to as the 'Interoperability Directive', in particular Article 6 thereof,

Whereas

- (1) The Agency is tasked in Article 12 of the Agency regulation to 'propose to the Commission the amendments to the TSIs which it considers necessary'.
- (2) In accordance with the work program of the Agency, some clauses have been identified in the technical specification for interoperability relating to the subsystem 'rolling stock - locomotive and passenger rolling stock'¹ (TSI LOC&PAS) that need to be amended in order to close several open points, improve the implementation rules and perform a technical update.
- (3) The proposed amendments have been discussed with a working party established in accordance with Article 3 of the Agency Regulation.
- (4) These amendments have no direct impact in the social environment or working conditions of workers in the industry, nor on the rail freight customers or passengers. Therefore, consultation of neither social partners nor rail freight customers and passengers, as provided for in Articles 4 and 5 of the Agency Regulation, is necessary.
- (5) An impact assessment in accordance with Article 6(3) of the Interoperability Directive was already carried out during the full revision of this TSI. The proposed amendments complement the existing TSI and are covered by that impact assessment.

HAS ADOPTED the following recommendation:

1. The technical specification for interoperability relating to the subsystem 'rolling stock – Locomotive and passenger rolling stock' (Annex to Regulation (EU) 1302/2014) (TSI LOC&PAS) should be amended as set out in Annex I of this recommendation.

¹ Annex to Commission Regulation (EU) No 1302/2014 of 18 November 2014 concerning a technical specification for interoperability relating to the 'rolling stock locomotives and passenger rolling stock' subsystem of the rail system in the European Union (OJ L 356, 12.12.2014, p. 228).

2. When adopting this amendment to the TSI LOC&PAS the following considerations should be taken into account by the Commission [Implementing Regulation]:
 - a. The date of application of the amendment should be stipulated (Article 3).
 - b. Member states should withdraw the national rules applicable to open points which are closed in this amendment (Article 4).
 - c. Obligation of Member States to communicate to the Commission within one year of the entry into force of this amendment the list of projects at an advanced stage of development which will be impacted by this amendment should be specified (Article 7).
 - d. A transition period of 6 years after the date of application of this amendment should be set out for the Interoperability Constituent 'Automatic variable Gauge system' (Article 8).
 - e. Appendix J-1 of the amendment could be further updated before the adoption in order to consider all standards published between the vote at RISC and the adoption dates.
 - f. On 17 December 2015, the Agency issued another recommendation to amend the TSI LOC&PAS (recommendation ERA-REC-111-2015/REC). Both recommendations were planned to be issued in the same period so that they may be adopted by the Commission as a single amendment.

This recommendation is addressed to the European Commission.

Valenciennes, 06.01.2016

(signed)

Josef DOPPELBAUER
Executive Director

Annex I: Amendments to technical specification for interoperability relating to the subsystem 'rolling stock – locomotives and passenger rolling stock of the rail system in the European Union' (Annex to Commission Regulation (EU) 1302/2014).

Annex II: Accompanying report.