

RECOMMENDATION N. ERA-REC-111-2015-REC
OF THE EUROPEAN RAILWAY AGENCY

ON

**‘Conditions for application of Article 23(1) of Interoperability
Directive’**

**amending Commission Regulation (EU) No 1302/2014 concerning
the technical specification for interoperability relating to the
subsystem ‘rolling stock – locomotives and passenger rolling
stock’ of the rail system in the European Union**



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 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 Union¹, hereafter referred to as the 'TSI LOC&PAS' needs to be amended in order to specify the conditions for application of Article 23(1) of Interoperability Directive.
- (2) In accordance with Article 3 of the Agency Regulation and with the work program of the Agency, a working party has been established for analysing the subject and draft the conditions for application of Article 23(1) of Interoperability Directive, in the scope of the TSI LOC&PAS. This working party has completed its work in December 2015, and as a result, the Agency has finalised the corresponding amendments to the TSI LOC&PAS.
- (3) In accordance with the administrative arrangements with OTIF and EC, the Agency has to cooperate with OTIF on the developing of similar legal provisions for rail transport of common interest, such as UTPs, and to ensure equivalence with corresponding TSIs. OTIF plans to adopt the same amendment in the UTP LOC&PAS, for the purpose of admission in international traffic.
- (4) The proposed amendments have no direct impact on the social environment or working conditions of workers in the industry, nor on the rail freight customers or passengers. Therefore, no consultation of the social partners and rail freight customers and passengers, as provided for in Articles 4 and 5 of the Agency Regulation, correspondingly, is necessary. However social partners being members of the working party had the opportunity to provide their comments.

¹ OJ L 356, 12.12.2014, p. 228.



HAS ADOPTED the following recommendation:

1. The TSI LOC&PAS should be amended as set out in Annex I of this recommendation.
2. The following considerations should be taken into account and included in the Regulation to be adopted for this amendment to the TSI LOC&PAS:
 - a. References to the Interoperability Directive may be reviewed if necessary considering the 4th railway package.
 - b. The Agency has not identified any impact to the legal part of the Commission Regulation (EU) No 1302/2014.
 - c. A separate recommendation (N° 120) is addressed for other aspects requiring an amendment of the TSI LOC&PAS.

This recommendation is addressed to the European Commission.

Valenciennes, 17.12.2015

(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) - Insertion of a new clause in TSI LOC&PAS specifying the conditions for application of Article 23(1) of Interoperability Directive.

Annex II: Accompanying report