

# OPINION

*OPI 2020-5*

## OF THE EUROPEAN UNION AGENCY FOR RAILWAYS

for

Hungary

regarding

Negative assessment of National Rules of Hungary 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 Article 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 and have to notify draft national rules. When notifying an existing national rule or a draft national rule, 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 4.0 dated 20/09/2018).
- 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 program 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 updated list of parameters defined in Commission Implementing Decision (EU) 2015/2299,
- 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 (EU) 2016/796, the Agency informed officially 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 website 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.
- Following the publication of the assessment report (ERA-PRG-006-REP-RST), NSA HU considered some of the actions proposed and revised the national rules. The publication of the revised rules in RDD is under preparation. The NSA HU informed that further changes of the national rules are envisaged along with the ongoing revision of the OVSZ regulation.
- This technical opinion provides the evaluation on the remaining twenty four national rules concerned by the negative assessment. Five rules should be repealed and nineteen rules should be modified taking into account the Agency assessment.

### 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 notified by the Member State in addition to the TSIs referred in section 1 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 State	Number of National rules	Results of the examination		Remarks
		Positive assessment	Negative assessment	
Hungary	25	1	24	5 National rules should be repealed 19 National rules should be modified

#### 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 whether the rule(s) should be modified or repealed.

Valenciennes, 16/07/2020



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Executive Director

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

The table below presents the rules where the evaluation performed by the Agency leads to a negative assessment.

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
RST	Other rules related to compatibility with network / legacy system	<u>2.1.2.2-Axle load and wheel load:</u> OVSZ I. B part 5.2.1.-minimal axle load 30kN.	<p><b>Agency:</b> The rule refers to LOC &amp; PAS TSI 1302/2014 clause 4.2.3.3.1.1 - Compatibility with train detection systems - axle load for 1520 mm, Open Point.</p> <p>The rule is covering an open point in the ERA/ERTMS/033281 v. 3.0 which was closed in the ERA/ERTMS/033281 v. 4.0 with different requirements compared to your rule. You may consider the removal of the rule in the context of the harmonised solution provided in ERA/ERTMS/033281 v. 4.0. In case the before mentioned harmonised solution is not compatible with your network you may apply for a specific case. The rule may be kept when modified to have the date of end of validity as of 20/09/2018, date of the new ERA/ERTMS/033281 v. 4.0.</p> <p><b>NSA HU:</b> OVSZ I. B part 5.2.1.-minimal axle load 30kN. (no more precision possible in specification)</p>	Reviewed and not accepted - National rule should be modified
RST	Other rules related to compatibility with network / legacy system	<u>2.3-Passive safety:</u> UIC 505-1 UIC 566 UIC 564-1 UIC 567 UIC 625-7 UIC 617-5 UIC 651 EN 15227 OVSZ I. B part 5.2.6	<p><b>Agency:</b> The rule refers to the clause (open point) 4.2.2.5 - Passive Safety, Open Point of TSI Loc&amp;Pas 1302/2014 The open point was closed in the Loc&amp;Pas TSI amendment Commission Implementing Regulation (EU) 2019/776 of 16 May 2019. The scope of the identified open point 4.2.2.5 (6) was restricted to specific type of locomotives. The requirements in the OVSZ I. B part 5.2.6 are general and not in the scope of the Open Point. The EN 15227 deals with passive safety and it is already referenced in the TSI requirements for passive safety aspects. References to the different UIC does not cover the OP.</p>	Reviewed and not accepted - National rule should be repealed



Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
			<p><b>NSA HU:</b> Taking into consideration that issue of new OVSZ regulation is ongoing we would like to keep the reference OVSZ I. B part 5.2.6 and the UIC leaflets too</p>	
RST	Other rules related to compatibility with network / legacy system	<p><u>3.2.2-Equivalent conicity:</u> UIC 518 UIC 519 MSZ EN 13715 MSZ EN 14363 MSZ EN 15302</p>	<p><b>Agency:</b> The rule refers to clause (open point) 4.2.3.4.3 of TSI Loc&amp;Pas 1302/2014 The set of standards mentioned do not really cover the open point Please precise the requirements, and the related part(s) of the referred EN's and UIC's which cover exactly the OP.</p> <p><b>NSA HU:</b> We consider that is not really possible to precise the requirements to cover exactly the OP.(general requirements are mentioned only)</p>	Reviewed and not accepted - National rule should be modified
RST	Other rules related to compatibility with network / legacy system	<p><u>3.3.5-Sanding system:</u> UIC 737-2</p>	<p><b>Agency:</b> The rule refers to clause (open point) 4.2.3.3.1.1 - Compatibility with train detection systems – Isolating emissions: sand characteristics of Loc&amp;Pas TSI 1302/2014</p> <p>The rule cannot be accepted because the referenced document is not covering the identified OP. The open point is related to the sand characteristics while the UIC 737-2 provides limits for the amount of sand to be used.</p> <p>Please provide the applicable requirements covering the identified open point or otherwise please repeal the rule.</p> <p><b>NSA HU:</b> UIC 737-2 refers to amount of sand (0.3 ;&gt;2,5 km/h)</p>	Reviewed and not accepted - National rule should be modified
RST	Other rules related to compatibility with network	<p><u>3.3.5-Sanding system:</u> UIC 737-2</p>	<p><b>Agency:</b> The rule refers to clause (open point) 4.2.3.3.1.1 - Compatibility with track circuits – Isolating emission: maximum amount of sand (for 1520 mm system) of Loc&amp;Pas TSI 1302/2014</p>	Reviewed and not accepted - National rule

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
	/ legacy system		<p>The rule is covering an open point in the ERA/ERTMS/033281 v. 3.0 which was closed in the ERA/ERTMS/033281 v. 4.0. Please consider the removal of the rule in the context of the harmonised solution in ERA/ERTMS/033281 v. 4.0. In case the before mentioned harmonised solution is not compatible with your network please apply for a specific case.</p> <p>The rule may be kept to if modified to have the date of end of validity as of 20/09/2018, date of the new ERA/ERTMS/033281 v. 4.0.</p> <p><b>NSA HU:</b> UIC 737-2 refers to amount of sand (0.3 l;&gt;2,5 km/h)</p>	should be modified
RST	Rules related to compatibility with TDS	<u>8.4.2.1.1-Rail return current:</u> OVSZ I.	<p><b>Agency:</b> The national rule refers to clause (open point) 4.2.3.3.1.1 - Compatibility with track circuits-EMC- EMC interference of Loc&amp;Pas TSI 1302/2014</p> <p>The OVSZ.I covers generally all railway system, please provide the specific applicable references (chapter, article, etc.). P-6876/2004 is a relevant document for this parameter.</p> <p>No feedback from <b>NSA HU</b></p>	Reviewed and not accepted - National rule should be modified
RST	Rules related to compatibility with TDS	<u>8.4.2.1.3-Interference current under the vehicle:</u> OVSZ I.	<p><b>Agency:</b> The national rule refers to clause (open point) 4.2.3.3.1.1 - Compatibility with track circuits-EMC- EMC interference of Loc&amp;Pas TSI 1302/2014</p> <p>The OVSZ.I covers generally all railway system, please provide the specific applicable references (chapter, article, etc.).</p> <p>No feedback from <b>NSA HU</b></p>	Reviewed and not accepted - National rule should be modified
RST	Other rules related to compatibility with network / legacy system	<u>8.4.2.1.4-Harmonic characteristics and related overvoltages on the overhead contact line:</u> OVSZ I.	<p><b>Agency:</b> The national rule refers to clause 4.2.8.2.10 of Loc&amp;Pas TSI 1302/2014</p> <p>The OVSZ.I covers generally all railway system, please provide the specific applicable references (chapter, article, etc.).</p> <p>No feedback from <b>NSA HU</b></p>	Reviewed and not accepted - National rule should be modified

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
RST	Rules related to compatibility with TDS	<u>8.4.2.2.1-Electro-magnetic fields/Induced voltages in the track/under the vehicle:</u> OVSZ I.	<p><b>Agency:</b> The national rule refers to clause 4.2.3.3.1.2 of Loc&amp;Pas TSI 1302/2014</p> <p>The OVSZ.I covers generally all railway system, please provide the specific applicable references (chapter, article, etc.). P-6876/2004 is a relevant document for this parameter. No open point in the CCS TSI interface document anymore. The rule may be acceptable if there are installed axle counters which are not mentioned in Annex A of EN 50238-3</p> <p>No feedback from <b>NSA HU</b></p>	Reviewed and not accepted - National rule should be modified
RST	Rules related to compatibility with TDS	<u>8.4.2.2.1-Electro-magnetic fields/Induced voltages in the track/under the vehicle:</u> OVSZ I.	<p><b>Agency:</b> The national rule refers to clause 4.2.3.3.1.2 of Loc&amp;Pas TSI 1302/2014</p> <p>The OVSZ.I covers generally all railway system, please provide the specific applicable references (chapter, article, etc.). No open point in the CCS TSI interface document anymore. The rule may be acceptable if there are installed axle counters which are not mentioned in Annex A of EN 50238-3</p> <p>No feedback from <b>NSA HU</b></p>	Reviewed and not accepted - National rule should be modified
RST	Rules related to other directives	<u>8.4.2.2.2-Electro-magnetic fields/Induced voltages outside the track:</u> OVSZ I.	<p><b>Agency:</b> The OVSZ.I covers generally all railway system, please provide the specific applicable references (chapter, article, etc.). P-6876/2004 is a relevant document for this parameter.</p> <p>No feedback from <b>NSA HU</b></p>	Reviewed and not accepted - National rule should be modified
RST	Rules related to compatibility with TDS	<u>8.4.2.3-Vehicle entrance impedance:</u> OVSZ I.	<p><b>Agency:</b> The national rule refers to clause 4.2.3.3.1.1 of Loc&amp;Pas TSI 1302/2014</p> <p>The OVSZ.I covers generally all railway system, please provide the specific applicable references (chapter, article, etc.).</p>	Reviewed and not accepted - National rule should be modified

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
			<b>NSA HU:</b>	
RST	Rules related to other directives	<u>8.4.2.4-Psophometric current:</u> OVSZ I.	<b>Agency:</b> The national rule refers to clause 4.2.3.3.1.1 of Loc&Pas TSI 1302/2014 The OVSZ.I covers generally all railway system, please provide the specific applicable references (chapter, article, etc.). P-6876/2004 is a relevant document for this parameter.  No feedback from <b>NSA HU</b>	Reviewed and not accepted - National rule should be modified
RST	Other rules related to compatibility with network / legacy system	<u>10.1-Fire protection concept and protection measures:</u> UIC 642 UIC 564-2 EN 54-7 EN 50155 OVSZ I.	<b>Agency:</b> The national rule refers to clause 4.2.10.3.4, Fire Containment and Control Systems, Assessment procedure of efficiency for controlling fire and smoke developed by CEN according to a request for standard issued by ERA of Loc&Pas TSI 1302/2014  The identified open point is limited to: Conformity assessment of FCCS other than full partitions. Please refer to the application guide clause 4.2.10.3.4 for more information. The OVSZ.I covers generally all railway system, please provide the specific applicable references (chapter, article, etc.). Please revise the rule and provide the specific requirements to be applied in the scope of the identified open point.  No feedback from <b>NSA HU</b>	Reviewed and not accepted - National rule should be modified
CCS	CCS and Radio class B systems (legacy systems)	<u>12.2.1-National on-board signalling systems:</u> OVSZ I. EN 50126 EN 50128 EN 50129  system in use: INDUSI	<b>Agency:</b> Class B CCS system shall not be mandatory for part of the network where ETCS is installed. You shall add a statement in the rule in this sense (e.g. "The installation of the one of the class B CCS systems is not mandatory for operation exclusively on lines where ETCS is operational.")  EVM is notified (ERA_TD_2011-11) as in use on the HU network and the value NID_NTC = 17 is assigned for it (ERA_ERTMS_040001).	Reviewed and not accepted - National rule should be modified

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		EVM MIREL P-7013/2002-I., modified by Gy.1582-1687/2006. (EVM 120) and Gy.1582-2277/2008. (EVM 160)	INDUSI and MIREL shall be notified (ERA_TD_2011-11) as in use on the HU network. In addition a clarification regarding the engineering of the transitions between class B and ETCS has to be provided.  The OVSZ.I covers generally all railway system, please provide the specific applicable references (chapter, article, etc.).  <b>NSA HU:</b> INDUSI and MIREL systems are in use on the HU network is not a matter of cross border issues only.(EVM system integrated in MIREL, INDUSI system is in use on GYSEV lines)	
CCS	ETCS and GSM-R	<u>12.2.2-STM requirements:</u> OVSZ I. EN 50126 EN 50128 EN 50129	<b>Agency:</b> This parameter scope is notification of requirements when using the class B system as STM(s) - we were not able to identify those in the referenced documents.  The OVSZ.I covers generally all railway system, please provide the specific applicable references (chapter, article, etc.). Please consider the possible relevance of P-5600/2008 and revise the rule accordingly.  No feedback from <b>NSA HU</b>	Reviewed and not accepted - National rule should be modified
RST	Rules related to compatibility with TDS	<u>12.2.4-Compatibility of rolling stock with CCS Trackside:</u> OVSZ I.	<b>Agency:</b> The OVSZ.I covers generally all railway system, please provide the specific applicable references (chapter, article, etc.).  No feedback from <b>NSA HU</b>	Reviewed and not accepted - National rule should be modified
RST	Rules related to compatibility with TDS	<u>12.2.4.1-Minimum axle distance:</u> OVSZ I.	<b>Agency:</b> The requirement refers to clause 4.2.3.3.1.2 of Loc&Pas TSI 1302/2014 The OVSZ.I covers generally all railway system, please provide the specific applicable references (chapter, article, etc.).  No feedback from <b>NSA HU</b>	Reviewed and not accepted - National rule should be modified

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
RST	Rules related to compatibility with TDS	<u>12.2.4.2-Minimum wheel diameter:</u> OVSZ I.	<p><b>Agency:</b> The requirement refers to clause (open point) 4.2.3.3.1.2 - Compatibility with axle counters – Wheel geometry, minimum wheel diameter for speed greater than 350 km/h of Loc&amp;Pas TSI 1302/2014 The OVSZ.I covers generally all railway system, please provide the specific applicable references (chapter, article, etc.). Please also explain the relevance of the rule considering also the identified OP. Do you have operating speeds &gt; 350 km/h in Hungary? A rule is not expected as it is only for speeds above 350kmh. Please note that OP closed in version 4 of the interface document.</p> <p>No feedback from <b>NSA HU</b></p>	Reviewed and not accepted - National rule should be modified
RST	Rules related to compatibility with TDS	<u>12.2.4.3-Metal and inductive components-free space between wheels:</u> MSZ EN 50238 TSI CCS Compatibility must be checked.	<p><b>Agency:</b> The requirement refers to clause 4.2.3.3.1.2 of Loc&amp;Pas TSI 1302/2014. The OVSZ.I covers generally all railway system, please provide the specific applicable references (chapter, article, etc.). Please confirm if EN 50238-3 is applicable for all vehicles categories and reference the applicable section(s) of EN 50238-3.</p> <p>No feedback from <b>NSA HU</b></p>	Reviewed and not accepted - National rule should be modified
RST	Rules related to compatibility with TDS	<u>12.2.4.5-Compatibility with fixed installations of CCS:</u> OVSZ I.	<p><b>Agency:</b> The requirement refers to clause (open point) 4.2.3.3.1.1 - Compatibility with train detection systems - axle load for 1520 mm of Loc&amp;Pas TSI 1302/2014 The rule should be removed because is redundant with the rule notified for parameter 2.1.2.2 which refers to OVSZ I. B part 5.2.1.</p> <p>The OVSZ.I covers generally all railway system, please provide the specific applicable references (chapter, article, etc.). The rule is covering an open point in the ERA/ERTMS/033281 v. 3.0 which was closed in the ERA/ERTMS/033281 v. 4.0.</p> <p>No feedback from <b>NSA HU</b></p>	Reviewed and not accepted - National rule should be repealed

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
RST	Rules related to compatibility with TDS	<u>12.2.4.5-Compatibility with fixed installations of CCS:</u> OVSZ I.	<p><b>Agency:</b> The requirement refers to clause (open point) 4.2.3.3.1.1 - Compatibility with track circuits – Isolating emission: maximum amount of sand (for 1520 mm system) of Loc&amp;Pas TSI 1302/2014</p> <p>The OVSZ.I covers generally all railway system, please provide the specific applicable references (chapter, article, etc.). The rule is covering an open point in the ERA/ERTMS/033281 v. 3.0 which was closed in the ERA/ERTMS/033281 v. 4.0.</p> <p>Please repeal the rule considering also the rule notified at parameter 3.3.5 for the same topic.</p> <p>No feedback from <b>NSA HU</b></p>	Reviewed and not accepted - National rule should be repealed
RST	Rules related to compatibility with TDS	<u>12.2.4.5-Compatibility with fixed installations of CCS:</u> OVSZ I.	<p><b>Agency:</b> The rule refers to clause (open point) 4.2.3.3.1.1 - Compatibility with train detection systems – Isolating emissions: sand characteristics of Loc&amp;Pas TSI 1302/2014</p> <p>The OVSZ.I covers generally all railway system, please provide the specific applicable references (chapter, article, etc.). Please repeal the rule considering also the rule notified at parameter 3.3.5 for the same topic.</p> <p>No feedback from <b>NSA HU</b></p>	Reviewed and not accepted - National rule should be repealed
RST	Rules related to compatibility with TDS	<u>12.2.4.5-Compatibility with fixed installations of CCS:</u> OVSZ I.	<p><b>Agency:</b> The national rule refers to clause 4.2.3.3.1.2 of Loc&amp;Pas TSI 1302/2014</p> <p>The OVSZ.I covers generally all railway system, please provide the specific applicable references (chapter, article, etc.). No open point in the CCS TSI interface document anymore.</p>	Reviewed and not accepted - National rule should be repealed

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
			<p>Please repeal the rule considering also the rule notified at parameter 8.4.2.2.1 for the same topic.</p> <p>No feedback from <b>NSA HU</b></p>	