

Making the railway system
work better for society.

ACCOMPANYING REPORT N°006REC1072-1 TO THE RECOMMENDATION OF THE EUROPEAN UNION AGENCY FOR RAILWAYS

on

the amendment of Commission Regulation (EU) No 1299/2014 on the technical specifications for interoperability relating to the 'infrastructure' subsystem of the rail system in the European Union, Commission Regulation (EU) No 1301/2014 on the technical specifications for interoperability relating to the 'energy' subsystem of the rail system in the European Union and Commission Regulation (EU) No 1304/2014 on the technical specification for interoperability relating to the subsystem 'rolling stock — noise' amending Decision 2008/232/EC and repealing Decision 2011/229/EU

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The present document is a non-legally binding report 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.

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1. Executive summary

This accompanying report complements the recommendation N°006REC1072-1 of the European Union Agency for Railways on the amendment of Commission Regulation (EU) No 1299/2014 on the technical specifications for interoperability relating to the 'infrastructure' subsystem of the rail system in the European Union, Commission Regulation (EU) No 1301/2014 on the technical specifications for interoperability relating to the 'energy' subsystem of the rail system in the European Union and Commission Regulation (EU) No 1304/2014 on the technical specification for interoperability relating to the subsystem 'rolling stock — noise' amending Decision 2008/232/EC and repealing Decision 2011/229/EU.

It details the legal basis for this NOI TSI revision, the workgroup, the working methods, the main aspects covered and the aspects to be considered in the future revisions of the NOI TSI. It also contains the reasoning behind each recommended text change in the NOI TSI.

The general target of this NOI TSI amendment is to align it with the 4th railway package.

In case of the INF and ENE TSIs, amendments only cover updates to be in line with the 4th railway package.

2. Introduction

This accompanying report complements the recommendation N°006REC1072-1 of the Agency on the amendment of Commission Regulation (EU) No 1304/2014 on the technical specification for interoperability relating to the subsystem 'rolling stock — noise' amending Decision 2008/232/EC and repealing Decision 2011/229/EU. It deals with the technical and organisational aspects, which lead to the text of the recommendation whereas another accompanying document to the recommendation - impact assessment - deals with the related economic aspects.

The recommendation N°006REC1072-1 follows after the recommendation N. 006REC1072 sent by the Agency to the European Commission on 29th May 2018 and dealing with the application of the NOI TSI to existing wagons. The NOI TSI as proposed to be amended by the recommendation N. 006REC1072 is therefore taken as a reference document for the recommendation N°006REC1072-1.

A letter from the European Commission to the Agency entitled '*Request for recommendations to the Commission pursuant to Article 5 paragraph 2 of the interoperability Directive (EU) 2016/797*', ref. MOVE/C.4/BC/tg, mandates the Agency to integrate additional chapters as required in Article 4 of Directive (EU) 2016/797 in the NOI TSI with a deadline of December 2018. These additional chapters are:

- › Indicate the provisions applicable to the existing subsystems and vehicles, in particular in the event of upgrading and renewal and, in such cases, the modification work which requires an application for a new authorisation;
- › Indicate the parameters of the vehicles and fixed subsystems to be checked by the railway undertaking and the procedures to be applied to check those parameters after the delivery of the vehicle authorisation for placing on the market and before the first use of the vehicle to ensure compatibility between vehicles and the routes on which they are to be operated.

In addition to integrating additional chapters as required in Article 4 of Directive (EU) 2016/797, the recommendation N°006REC1072-1 aligns the NOI TSI with the rest of the 4th railway package.

In case of the INF and ENE TSIs, this recommendation only covers updates to be in line with the 4th railway package.

The legal base for the Agency to issue the recommendation is Article 4(a) of Directive (EU) 2016/797: '*The Agency may address recommendations to the Commission concerning the application of Articles 13, 15, 17, 19, 35, 36 and 37.*' as well as Article 19(1)(a): '*The Agency shall address recommendations to the Commission on the TSIs and their revision, in accordance with Article 5 of Directive (EU) 2016/797.*'

3. Workgroups

3.1. Composition of the working party

The invitation to participate to the WP was common with the previous WP on the application of the NOI TSI to existing wagons. It was sent to the 12 representative bodies and to the 26 national safety authorities. From other organisations, the OTIF Secretariat was invited to participate as an observer. Based on this invitation, the Agency received nominations of the interested stakeholders.

Two WP meetings were organised, to which participants came from 5 representative bodies and 9 national safety authorities.

The European Commission participated to one meeting of the WP.

In case of the INF and ENE TSIs due to the fact that both TSIs were under the complete revision - following the request ref. Ares(2017)4638846 - 22/09/2017 from the European Commission - only one meeting of the INF and ENE WPs were devoted to update abovementioned Commission Regulations to be in line with the 4th railway package.

3.2. Working party meetings participation

The table 1 below summarises the attendance of all representative bodies, national safety authorities and other organisations, which replied to the Agency's invitation and appointed their representatives to the WP.

Table 1 : WP meetings participation

<i>Organisation</i>	<i>Meeting N°1 14/06/2018</i>	<i>Meeting N°2 04/10/2018</i>
CER	Y	Y
EIM	Y	Y
ERFA	Y	Y
ETF	Y	
NB-Rail AISBL		
NSA AT		
NSA BG		
NSA CH		
NSA CZ		
NSA DE	Y	Y
NSA DK		
NSA EL		
NSA ES	Y	
NSA FI	Y	
NSA FR	Y	Y
NSA IT		

<i>Organisation</i>	<i>Meeting N°1 14/06/2018</i>	<i>Meeting N°2 04/10/2018</i>
NSA NL	Y	
NSA NO		
NSA PL	Y	Y
NSA SE	Y	Y
NSA SI	Y	Y
NSA UK	Y	Y
OTIF Secretariat		
UIP	Y	
UNIFE		

4. Working methods

The Agency chaired, managed and coordinated the WP. It ensured interface with its other activities and tasks. It applied relevant internal procedures and guidelines (e.g. procedure on issuing a recommendation or guide for drafting TSIs). It took into account the final output of the WP; however, it had the right to deviate from it, when justified (such deviations needed to be recorded in the minutes of the WP meetings and in this report).

The represented organisations were required to ensure continuity of their representative members for the duration of the WP. Whenever possible, the representative members were required to express their organisation's position in advance of the WP meetings through written methods, such as commenting on the draft documents or the draft minutes of the WP meetings. Representative members were also required to express the view of their organisation during the WP meetings. If this opinion has not been validated by their represented organisation, it should have been indicated as such. In order to achieve a common and agreed position of their organisation, the members should have shared pre- and post-meeting information within their organisations. The organisations were expected to facilitate the internal exchange of opinions and the elaboration of their position, for instance through 'mirror groups'.

The text of the recommendation was prepared by the Agency based on a working document, which gathered together the NOI TSI text as proposed to be amended by the recommendation N. 006REC1072 and the amendments to it needed for its alignment with the 4th railway package.

To facilitate exchange of documents, an Extranet workspace of the project was established at:

<https://extranet.era.europa.eu/NOI17/SitePages/Home.aspx>.

This workspace gathers all documents of the project and is accessible to the WP members and their deputies as well as to all experts involved in other WPs managed by the Agency.

In case of the INF and ENE TSIs, the amended texts were stored in the relevant Extranet spaces for the revision of the INF and ENE TSIs.

5. Main aspects covered

There are 2 main aspects covered in this revision:

- › Alignment of the text of the NOI TSI with the 4th railway package
- › Additional chapters of Article 4 of Directive (EU) 2016/797

In case of the INF and ENE TSIs, only the alignment with the 4th railway package was covered.

5.1. Alignment of the text of the NOI TSI with the 4th railway package

This is predominantly a simple editorial exercise comprising the change of references from the old Interoperability Directive to the new Interoperability Directive. The only technical content of this exercise is the need to accommodate the changed categories of rolling stock, where the number of categories has decreased from 5 to 3.

5.2. Additional chapters of Article 4 of Directive (EU) 2016/797

5.2.1. Article 4(3)(h) - Provisions applicable to the existing subsystems and vehicles, in particular in the event of upgrading and renewal and, in such cases, the modification work which requires an application for a new authorisation

The proposed new text stresses the importance of the LOC&PAS and WAG TSIs when dealing with changes to existing rolling stock and rolling stock type. In fact, the Agency's recommendation N. 006REC1025 sent to the European Commission on 24th July 2018 proposes, *inter alia*, to amend the LOC&PAS and WAG TSIs by adding text related to the management of changes to existing rolling stock and rolling stock type. It is proposed that the LOC&PAS and WAG TSIs take the lead over other TSIs covering the rolling stock subsystem in a way that they would contain overall general requirements for changes to locomotives and passenger rolling stock and freight wagons and only refer to other TSIs for particular aspects, if needed. Thus the proposed reference in the NOI TSI orienting the reader to the LOC&PAS and WAG TSIs regarding the principles to be applied by the applicants and authorising entities.

It is furthermore proposed not to limit the changes to renewal and upgrade but to widen the scope to any change in line with the recommendation N. 006REC1025.

5.2.2. Article 4(3)(i) - Parameters of the vehicles and fixed subsystems to be checked by the railway undertaking and the procedures to be applied to check those parameters after the delivery of the vehicle authorisation for placing on the market and before the first use of the vehicle to ensure compatibility between vehicles and the routes on which they are to be operated

As there are no basic design characteristics proposed in the recommendation N. 006REC1025 for the NOI TSI, there are also no parameters identified in the NOI TSI for the route compatibility check.

6. Proposed amendments to the NOI TSI

6.1. Proposed amendment no 1

In chapter 1 'Introduction', the text 'Directive 2008/57/EC' is replaced by 'Directive (EU) 2016/797'.

Reasoning:

Change of reference from the old Interoperability Directive to the new Interoperability Directive.

6.2. Proposed amendment no 2

Chapter 2 'Definition of the subsystem' is replaced by the following text:

'2. DEFINITION OF THE SUBSYSTEM

A 'unit' means the rolling stock which is subject to the application of this TSI, and therefore subject to the 'EC' verification procedure. Chapter 2 of the LOC&PAS TSI and chapter 2 of the WAG TSI describe what a unit can consist of.

The requirements of this TSI apply to the following categories of rolling stock set out in section 2 in Annex I of Directive (EU) 2016/797:

- (a) *Locomotives and passenger rolling stock including thermal or electric traction units, self-propelling thermal or electric passenger trains and passenger coaches.* This category is further defined in chapter 2 of the LOC&PAS TSI and shall be referred to in this TSI as locomotives, electric multiple units (EMU), diesel multiple units (DMU) and coaches;
- (b) *Freight wagons, including low-deck vehicles designed for the entire network and vehicles designed to carry lorries.* This category is further defined in chapter 2 of the WAG TSI and shall be referred to in this TSI as wagons;
- (c) *Special vehicles, such as on-track machines.* This category is further defined in chapter 2 of the LOC&PAS TSI and consists of on-track machines (referred to in this TSI as OTMs) and infrastructure inspection vehicles, which belong to the categories in points (a) or (b) depending on their design.'

Reasoning:

Change of categories of rolling stock from the old Interoperability Directive to the new Interoperability Directive.

6.3. Proposed amendment no 3

In chapter 3 'Essential requirements', the text 'Directive 2008/57/EC' is replaced by 'Directive (EU) 2016/797'.

Reasoning:

Change of reference from the old Interoperability Directive to the new Interoperability Directive.

6.4. Proposed amendment no 4

In chapter 3 'Essential requirements', Table 1 is replaced by the table below:

'Table 1

Basic parameters and their link to the essential requirements

Point	Basic parameter	Essential requirements					
		Safety	Reliability and availability	Health	Environmental protection	Technical compatibility	Accessibility
4.2.1	Limits for stationary noise				1.4.4		
4.2.2	Limits for starting noise				1.4.4		
4.2.3	Limits for pass-by noise				1.4.4		
4.2.4	Limits for driver's cab interior noise				1.4.4		

Reasoning:

Editorial + addition of the essential requirement on accessibility.

6.5. Proposed amendment no 5

In chapter 4 'Characterisation of the subsystem', the text 'Articles 5(5) and 2(l) of Directive 2008/57/EC' is replaced by 'Articles 4(5) and 2(13) of Directive (EU) 2016/797'.

Reasoning:

Change of reference and clauses from the old Interoperability Directive to the new Interoperability Directive.

6.6. Proposed amendment no 6

In chapter 7 'Implementation', point 7.2.1 'General provisions in case of renewal or upgrade' is replaced by the following text:

'The principles to be applied by the applicants and authorising entities in case of change(s) to an existing rolling stock or rolling stock type are defined in point 7.1.2 of the LOC&PAS TSI and section 7.2 of the WAG TSI.

7.2.1 Provisions in case of changes to existing rolling stock or rolling stock type

The applicant shall ensure that the noise levels of rolling stock subject to change(s) remain below the limits set out in the TSI which was applicable when the rolling stock in question was first authorised. If no TSI existed at the time of the first authorisation, it shall be ensured that the noise levels of the rolling stock subject to change(s) are either not increased or remain below the limits set out in Decision 2006/66/EC or Decision 2002/735/EC.

If an assessment is required, it shall be limited to the basic parameters affected by the change(s).

If the simplified evaluation is applied, the original unit may represent the reference unit in accordance with the provisions of point 6.2.3.

The replacement of a whole unit or (a) vehicle(s) within a unit (e.g. a replacement after a severe damage) does not require a conformity assessment against this TSI, as long as the unit or the vehicle(s) are identical to the ones they replace.'

Reasoning:

Alignment of the methodology to be used in case of changes with the proposed text for the LOC&PAS and WAG TSIs in the recommendation N. 006REC1025.

7. Proposed amendments to the INF and ENE TSIs

The relevant Annexes I and II to the recommendation contain updates of the INF TSI and the ENE TSI to be in line with 4th railway package.

8. Aspects to be considered in future revisions of the NOI TSI

The following aspects should be considered in future revisions of the NOI TSI:

- › Closure of the open point regarding the procedure to demonstrate the acoustic performance of a composite brake block at interoperability constituent level
- › Specific technical issues
- › Transfer of the operational aspects defined in section 4.4 to the OPE TSI

9. Annex 1: Definitions and abbreviations

9.1. Definitions

Table 2 : Table of definitions

<i>Definition</i>	<i>Description</i>
4 th railway package	Set of the following legislative texts: <ul style="list-style-type: none"> › Regulation (EU) 2016/796 › Directive (EU) 2016/797 › Directive (EU) 2016/798
The Agency	European Union Agency for Railways
ENE TSI	Technical specifications for interoperability relating to the 'energy' subsystem
INF TSI	Technical specifications for interoperability relating to the 'infrastructure' subsystem
LOC&PAS TSI	Technical specification for interoperability relating to the 'rolling stock — locomotives and passenger rolling stock' subsystem
New Interoperability Directive	Directive (EU) 2016/797
NOI TSI	Technical specification for interoperability relating to the subsystem 'rolling stock — noise'
Old Interoperability Directive	Directive 2008/57/EC
OPE TSI	Technical specification for interoperability relating to the 'operation and traffic management' subsystem
WAG TSI	Technical specification for interoperability relating to the subsystem 'rolling stock — freight wagons'

9.2. Abbreviations

Table 3 : Table of abbreviations

<i>Abbreviation</i>	<i>Description</i>
AT	Austria
BG	Bulgaria
CER	Community of European Railway and Infrastructure Companies
CH	Switzerland
CZ	Czechia
DE	Germany
DK	Denmark
EIM	European Rail Infrastructure Managers
EL	Greece
ERFA	European Rail Freight Association

<i>Abbreviation</i>	<i>Description</i>
ES	Spain
ETF	European Transport Workers' Federation
EU	European Union
FI	Finland
FR	France
IT	Italy
NB-Rail AISBL	Notified Bodies Association
NL	The Netherlands
NO	Norway
NSA	National Safety Authority
OTIF	Intergovernmental Organisation for International Carriage by Rail
PL	Poland
RISC	Railway Safety and Interoperability Committee
SE	Sweden
SI	Slovenia
TSI	Technical Specification for Interoperability
UK	United Kingdom
UIP	International Union of Wagon Keepers
UNIFE	The European Rail Industry
WP	Working Party

10. Annex 2: Reference documents*Table 4 : Table of reference documents*

<i>N°</i>	<i>Title</i>	<i>Reference</i>	<i>Version</i>
[1]	Request for recommendations to the Commission pursuant to Article 5 paragraph 2 of the interoperability Directive (EU) 2016/797	MOVE/C.4/BC/tg	22/09/2017
[2]	Recommendation of the European Union Agency for Railways on the amendment of Commission Regulation (EU) No 1304/2014 on the technical specification for interoperability relating to the subsystem 'rolling stock — noise' amending Decision 2008/232/EC and repealing Decision 2011/229/EU	006REC1072	
[3]	Recommendation of the European Union Agency for Railways on the amendment of Commission Regulations on the technical specification for interoperability relating to the subsystems: 'rolling stock — locomotives and passenger rolling stock' subsystem of the rail system in the European Union – Commission Regulation (EU) No 1302/2014 'rolling stock — freight wagons' of the rail system in the European Union – Commission Regulation (EU) No 321/2013 'operation and traffic management' subsystem of the rail system in the European Union – Commission Regulation (EU) 2015/995 and the amendment of Commission Implementing Decision on the European register of authorised types of railway vehicles (2011/665/EU)	006REC1025	

11. Annex 3: Reference legislation*Table 5 : Table of reference legislation*

<i>N°</i>	<i>Title</i>	<i>Reference</i>	<i>Version</i>
[1]	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 881/2004	2016/796	
[2]	Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (recast)	2016/797	
[3]	Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (recast)	2016/798	
[4]	Commission Regulation (EU) No 1299/2014 of 18 November 2014 on the technical specifications for interoperability relating to the 'infrastructure' subsystem of the rail system in the Union	1299/2014	
[5]	Commission Regulation (EU) No 1301/2014 of 18 November 2014 on the technical specifications for interoperability relating to the 'energy' subsystem of the rail system in the Union	1301/2014	
[6]	Commission Regulation (EU) No 1304/2014 of 26 November 2014 on the technical specification for interoperability relating to the subsystem 'rolling stock — noise' amending Decision 2008/232/EC and repealing Decision 2011/229/EU	1304/2014	
[7]	Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (Recast)	2008/57/EC	