

DIRECTIVE (EU) 2016/2370 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 December 2016

Article 1

Directive 2012/34/EU is amended as follows:

(6) Article 10 is amended as follows:

Without prejudice to Regulation (EC) No 1370/2007, railway undertakings shall be granted, under equitable, non-discriminatory and transparent conditions, **the right of access to railway infrastructure in all Member States for the purpose of operating rail passenger services**. Railway undertakings shall have the right to pick up passengers at any station and set them down at another. That right shall include access to infrastructure connecting service facilities referred to in point 2 of Annex II to this Directive.

Article 3

2. **Points 6** to 8 and 11 of Article 1 shall apply from **1 January 2019** in time for the working timetable starting on **14 December 2020**.

THE TRANSITIONAL PERIOD FOR VEHICLE AUTHORISATION AND SAFETY CERTIFICATION

Before 16 June 2019 all applications for vehicle authorisation and safety certificate shall be submitted to the national safety authorities. Where the concerned national safety authority is aware that it will not be able to issue the authorisation or certificate before 16 June 2019, it informs the applicant that it will not be possible to issue a vehicle authorisation or safety certificate on the basis of its application. The applicant needs to submit a new application to the European Union Agency for Railways.

Trenitalia asks for a pragmatic approach to the management of this transitional period and suggests to define special provisions in the ERA/ NSA cooperation agreements to avoid the risk of a disruption of rail services and operations due to non-granting of the safety certificate to a railway undertaking and to non-availability of rolling stock due to missing vehicle authorisations.

THE TRANSITIONAL PERIOD FOR VEHICLE AUTHORISATION AND SAFETY CERTIFICATION

Closure of the remaining TSI open points

Open points are items that correspond to essential requirements and thus require harmonisation. The objective shall be the closure of existing open points and the consequent the number of national rules, thus achieving full interoperability and contributing to the functioning of the single market.

As an example: OPE TSI shall define fundamental operational principles and common operational rules in order to allow for the migration to an interoperable system defining the optimal level of technical harmonisation.

In addition:

TSIs should provide certainty as to which parameters of a vehicle should be checked as part of the authorisation procedures in accordance with Articles 21 and 24 of Directive (EU) 2016/797 and which parameters should be checked by the railway undertakings 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.