

Moving Europe towards a sustainable and
safe railway system without frontiers.

OPINION

ERA/OPI 2021-5

OF THE EUROPEAN UNION AGENCY FOR RAILWAYS

for

Czech Republic

regarding

Negative assessment of national rules of Czech Republic in addition to the latest TSIs in force for the Rolling Stock and on-board CCS subsystems notified in the Reference Document Database under Article 26 of the Agency Regulation

Disclaimer:

The present contains an opinion of the European Union Agency for Railways pursuant to Chapter 5 of Regulation (EU) 2016/796 related to the Agency's tasks concerning national rules. 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), as well as the functional and technical harmonisation of requirements within TSIs made a series of national rules redundant and unnecessary.

1.2 Articles 13 (2) and 14 (4) of Directive (EU) 2016/797 indicate clearly and exhaustively the cases where national rules may continue to apply:

- New national rules may only be adopted by Member States only 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.
- The application of existing national rules (article 13(2)) is 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),
 - o 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 (1) of Directive (EU) 2016/797, Member States had to notify existing national rules (listed in Article 13 (2)) before 16 December 2016 and are obliged to notify draft national rules. When notifying an existing national rule or a draft national rule, Member States have to provide justification for the existence of national rules (e.g. identification of the related open point) substantiating the case(s) (of Article 13 (2)) under which the rules fall.

1.4 Regarding structural subsystems that are constituting a vehicle, in particular on-board control-command and signalling and rolling stock, Member States shall notify their national rules in accordance with article 14 of Directive (EU) 2016/797. 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 In 2016, in accordance with the Agency's 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,
- 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 3.0)

The following TSIs are relevant for this Technical Opinion:

- TSI WAG: Commission Regulation (EU) No 321/2013, amended by Regulations (EU) No 1236/2013, 2015/924, 2019/776 and 2020/387,
- TSI LOC&PAS: Commission Regulation (EU) No 1302/2014, amended by Regulations (EU) No 2016/919, 2018/868, 2019/776 and 2020/387,
- TSI PRM: Commission Regulation (EU) No 1300/2014, amended by Regulation (EU) No 2019/772,
- TSI Noise: Commission Regulation (EU) No 1304/2014, amended by Regulation (EU) No 2019/774,
- TSI CCS: Commission Regulation (EU) No 2016/919 (including ERA/ERTMS/033281 rev 4.0), amended by Regulations (EU) No 2019/776, 2020/387 and 2020/420.

1.6 From 16 June 2019 and pending the deployment of the Single Rules Database, the Reference Document Database has been the reference for applicants, MSs/NSAs and the Agency in terms of notification of applicable national rules for vehicle authorisation.

1.7 The scope of this technical opinion covers the examination of national rules (existing) which resulted to a negative assessment by the Agency.

The complete assessment covering the examination of all national rules (existing) in addition to TSIs mentioned in section 1.5 will be available in the Reference Document Database.

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 *For draft rules: According to the provisions of Article 25 (3) of Regulation (EU) 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 *For existing rules: 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 the 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:
 - 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).
 - Consistency with the EU framework, including register of infrastructure and responsibilities of actors as defined in the Safety Directive and TSI OPE.
 - That the rule is transparent and not discriminatory.
 - 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 Regulation (EU) 2016/796, the Agency informed officially the Member States and the European Commission through an assessment report published in ERA website on June 2019 (uploaded also on CIRCABC), on the national rules in addition to latest TSIs (ERA-PRG-006-REP-RST). At that time, the assessment of Czech Republic national rules was still ongoing.
- The following table summarises the actions that were performed by the Agency and NSA Czech to review the remaining national rules for vehicle authorisation:

Date	Actions/Activities
September 2021	NSA CZ asked the Agency about the status of evaluation of their national rules. The Agency indicated to NSA CZ, due to issue with its resources and an increase of the number of vehicle authorisation applications that is above the forecast, reason why the Agency took the decision to temporarily re-allocate its current resources the vehicle authorisation activities. It was agreed with the

Date	Actions/Activities																																
	Commission, to postpone the evaluation of national rules for vehicle authorisation until March 2022.																																
February/March 2022	NSA CZ provided a revised set of national rules following review of decree 173/1995 Sb. The Agency informed NSA CZ that the file provided will be used for update of RDD and assessment of the national rules.																																
March – April 2022	The Agency reinitiated the cleaning-up program and informed NSA Czech on its assessment on national rules for vehicle authorisation with the following status: <table border="1" data-bbox="486 555 1417 842"> <thead> <tr> <th>Status</th> <th>04/04/2022</th> </tr> </thead> <tbody> <tr> <td>Accepted</td> <td>4</td> </tr> <tr> <td>Not reviewed-Other EU directives</td> <td>3</td> </tr> <tr> <td>Negatively assessed, NR should be modified</td> <td>18</td> </tr> <tr> <td>Negatively assessed, NR should be repealed</td> <td>10</td> </tr> <tr> <td>Withdrawn</td> <td>9</td> </tr> <tr> <td>Total</td> <td>44</td> </tr> </tbody> </table>	Status	04/04/2022	Accepted	4	Not reviewed-Other EU directives	3	Negatively assessed, NR should be modified	18	Negatively assessed, NR should be repealed	10	Withdrawn	9	Total	44																		
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17 June 2022	NSA CZ provided a revised set of national rules																																
01 July 2022	The Agency assessed the revised set of national rules and informed NSA Czech on its assessment with the following status: <table border="1" data-bbox="486 1010 1417 1361"> <thead> <tr> <th>Status</th> <th>04/04/2022</th> <th>01/07/2022</th> </tr> </thead> <tbody> <tr> <td>Accepted</td> <td>4</td> <td>3</td> </tr> <tr> <td>Not reviewed-Other EU directives</td> <td>3</td> <td>4</td> </tr> <tr> <td>Negatively assessed, NR should be modified</td> <td>18</td> <td>10</td> </tr> <tr> <td>Negatively assessed, NR should be repealed</td> <td>10</td> <td>12</td> </tr> <tr> <td>Withdrawn</td> <td>9</td> <td>19</td> </tr> <tr> <td>Total</td> <td>44</td> <td>48</td> </tr> </tbody> </table>	Status	04/04/2022	01/07/2022	Accepted	4	3	Not reviewed-Other EU directives	3	4	Negatively assessed, NR should be modified	18	10	Negatively assessed, NR should be repealed	10	12	Withdrawn	9	19	Total	44	48											
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Total	44	48																															
August 2022 – October 2022	7 bilateral meetings between the Agency and NSA Czech were organised to discuss on the remaining national rules taking into account NSA Czech justifications and the Agency's assessments. The outcome of these meetings was the reduction of the number of national rules negatively assessed from 36 in April 2022 to 11 end of October 2022. <table border="1" data-bbox="475 1541 1430 1966"> <thead> <tr> <th>Status</th> <th>04/04/2022</th> <th>01/07/2022</th> <th>09/11/2022</th> </tr> </thead> <tbody> <tr> <td>Accepted</td> <td>4</td> <td>3</td> <td>8</td> </tr> <tr> <td>Not reviewed-Other EU directives</td> <td>3</td> <td>4</td> <td>3</td> </tr> <tr> <td>Negatively assessed, NR should be modified</td> <td>18</td> <td>10</td> <td>7</td> </tr> <tr> <td>Negatively assessed, NR should be repealed</td> <td>10</td> <td>12</td> <td>4</td> </tr> <tr> <td>Withdrawn</td> <td>9</td> <td>19</td> <td>26</td> </tr> <tr> <td>Total national rules notified</td> <td>44</td> <td>48</td> <td>48</td> </tr> <tr> <td>Applicable national rules</td> <td>35</td> <td>29</td> <td>22</td> </tr> </tbody> </table>	Status	04/04/2022	01/07/2022	09/11/2022	Accepted	4	3	8	Not reviewed-Other EU directives	3	4	3	Negatively assessed, NR should be modified	18	10	7	Negatively assessed, NR should be repealed	10	12	4	Withdrawn	9	19	26	Total national rules notified	44	48	48	Applicable national rules	35	29	22
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- Except for the rules remaining negatively assessed, NSA Czech took into consideration most of the actions proposed by the Agency during the assessment and revised the MSs national rules.

Following the exchanges between the Agency and NSA Czech, the publication of the revised rules in RDD is under preparation.

- This technical opinion provides the evaluation on the 11 remaining national rules concerned by an Agency negative assessment.

3.2.1. *National rules and acceptable means of compliance subject to assessment by the Agency*

The table 1 below provides an overview of national rules and acceptable means of compliance notified by Member States and subject or not to an assessment by the Agency:

Table 1 : Overview of national rules and acceptable means of compliance notified by Member States and subject or not to an assessment by the Agency

National Rules and acceptable means of compliance 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 and acceptable means of compliance notified by Member States and subject or not to an assessment by the Agency

National Rules and acceptable means of compliance 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. Annex 1 provides details of the evaluation leading to negative assessment.

Table 2 : Number of national rules notified by Czech Republic in RDD and results of the examination

Member State	Number of National rules	Results of the examination			Remarks on national rules negatively assessed
		Positive assessment	Negative assessment	Other EU legislation	
Czech Republic	22	8	11	3	7 should be modified 4 should be repealed

4. The opinion

In accordance with article 26 of Regulation 2016/796, the opinion covers the examination by the Agency of national rules negatively assessed.

Annex 1 provides to the Member State an assessment table with:

- The national rules concerned,
- The Agency assessment of each rule and the reasons why this is Negatively assessed,
- The status of the assessment indicating whether the rule(s) should be modified or repealed.

Valenciennes, 05/12/2022

SIGNED

Josef DOPPELBAUER
Executive Director

5. ANNEX 1 – Examination of national rules notified in RDD leading to negative assessment

The table below presents the national 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	Rules related to documentation	<p><u>1.1-General documentation</u></p> <p>NTR Title: Decree 173/1995, §61, Art. 2,3,4,5 and 6</p> <p>Description: § 61 Technické podmínky pro schválení typu drážního vozidla (2) Pro každý typ drážního vozidla musí být vypracovány technické podmínky, které obsahují souhrnný výčet parametrů a technickoprovozních vlastností vozidla a jeho rozhodujících konstrukčních celků a částí včetně stanovení hodnot jejich mezních technických stavů. Provedení drážních vozidel musí</p> <p>a) zaručovat bezpečnost provozování dráhy a bezpečnost osob, b) odpovídat stanoveným technickým podmínkám, c) odpovídat zvláštním předpisům,9) d) odpovídat prostorové průchodnosti a parametrům dráhy, pro kterou je určeno, e) odpovídat účelu, pro který je určeno, f) splňovat požadavky na drážní vozidlo (konstrukční provedení a technickoprovozní vlastnosti) uvedené v příloze č. 3, která je součástí této vyhlášky. Pro drážní vozidla určená výhradně pro provozování na vlečkách platí ustanovení části II přílohy č. 3 přiměřeně.</p>	<p>The national rule relates to the supporting documentation to be provided for vehicle authorisation covered by the Commission Implementing Regulation (EU) 2018/545.</p> <p>NSA Czech justification: NSA CZ indicated that some information is needed as they are missing in the EU regulation as rescue documentation or vehicle characteristics defined in annex IV of decree as:</p> <ul style="list-style-type: none"> ○ 9.1. Designated technical devices used on the railway vehicle (in relation to law 100/1995) that relates to equipment under pressures, electrical devices.... ○ 9.14. Emergency exits (information used for rescue service). ○ 10. 1. Type drawing of the vehicle in 1:50 scale, ○ 10.4. Traction, brake, current and warming characteristic, ○ 10.5. Koreff stress diagram (relates to traction performance in relation to timetable and network performance) ○ 6.29. maximum permissible slope of the track or carriageway ○ etc <p>Agency examination:</p> <ul style="list-style-type: none"> - Article 61(2): negatively assessed, following entry into force of the fourth railway package, general supporting documentation for an application for vehicle authorisation is covered exclusively by the Commission Implementing Regulation (EU) 2018/545 (e.g content of vehicle authorisation application, vehicle authorisation process, 	Negatively assessed, 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>(3) Obsah technických podmínek je uveden v příloze č. 4, která je součástí této vyhlášky. Pro řídicí vozy platí rozsah technických podmínek pro vozy osobní a hnací drážní vozidla přiměřeně. Obsah technických podmínek motorových lokomotiv uvedených v příloze č. 4, části I platí i pro motorové lokomotivy na dráze speciální.</p> <p>(4) U jednotlivých typů drážních vozidel se naplnění obsahu technických podmínek podle odstavce 3 ověřuje zkouškami a zkušebním provozem.</p> <p>(5) Na drážním vozidle lze použít konstrukční části z jiných vozidel schváleného typu. V takovém případě se zkoušky omezí na ověření vlastností, které může použitá část ovlivnit.</p> <p>(6) Schválený typ drážního vozidla nebo jeho konstrukční části je určen technickými podmínkami, technickou dokumentací a zprávou o rozsahu a výsledcích zkoušek vozidla, které schválil drážní správní úřad."</p>	<p>role and responsibilities etc.) and the TSIs (eg. technical documentation).</p> <ul style="list-style-type: none"> - Article 61(3): negatively assessed, appendix 4 content of technical conditions is already covered by: <ul style="list-style-type: none"> o Authorisation file defined in regulation 2018/545 (including technical files accompanying the EC declarations of verification), o Technical files from NoBo, DeBo, o 4.2.12 of TSI LOC&PAS (e.g rescue documentation are covered by clause 4.2.12.6 of TSI LOC&PAS, see also point 18.4, 18.5 and 18.14 of regulation 2018/545, o 4.5 of TSI WAG, o TSI CCS, o ERATV decision 2011/665. - Article 61(4): negatively assessed, Applicant is responsible to define the verification and validation to be performed. In addition, TSIs and NRs are also indicating which Type Tests are to be mandatory. - Article 61(5): negatively assessed, such aspect is already covered by the Commission Implementing Regulation (EU) 2018/545 (see article 15, 16) and TSIs requirements (e.g change to existing Rolling stock type) - Article 61(6): negatively assessed, already covered by regulation 2018/545. <p>Note. The Agency considers that this national rule constitutes a transposition measure of Directive (EU) 2016/797. Transposition legislation must be notified by a Member State to the Commission via its dedicated IT application, THEMIS.</p>	

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
RST CCS	Rules relates to documentation, testing	<p><u>1.4-National requirement for testing</u></p> <p>NTR Title: Vyhláška 173/1995, § 60 ČSN 28 0101</p> <p>Description: § 60 Technickobezpečnostní zkouška</p> <p>(1) Pro technickobezpečnostní zkoušku se stanovují tyto podmínky:</p> <ul style="list-style-type: none"> a) provedení zkoušky v klidové poloze drážního vozidla, b) provedení zkoušky při jízdě drážního vozidla, c) zkoušky podle písmen a) a b) provádí právnická osoba určená Ministerstvem dopravy. <p>(2) Technickobezpečnostní zkouška podle odstavce 1 písm. a) se provádí na dráze tramvajové a na dráze trolejbusové tak, aby byl umožněn případný pohyb drážního vozidla, a na ostatních dráhách tak, aby byl umožněn pohyb drážního vozidla nejméně 100 m.</p> <p>(3) Při technickobezpečnostní zkoušce drážního vozidla v klidové poloze se zjišťuje</p> <ul style="list-style-type: none"> a) úplnost a správnost dokladů drážního vozidla včetně dokladu o potvrzení shody se schváleným typem, vydaného výrobcem, b) soulad technické dokumentace s provedením drážního vozidla a schváleným typem, 	<p>The national rule relates to article 19 of the Commission Implementing Regulation (EU) 2018/545 and tests to be performed.</p> <p>NSA Czech justification:</p> <p>NSA CZ explained that the document CSN 280101 covers tests to be performed including routine tests. NSA CZ indicated that the document CSN 280101 will be cross checked against the TSIs.</p> <p>Article 60 of decree 173/1995 provides general requirements regarding tests.</p> <p>Agency examination:</p> <p>National rules under parameter 1.4 are relevant under the fourth railway package when they contain strictly requirements for organisation of on-track testing on the Member State's network(s); such rules should satisfy the national procedural requirements for tests on the network in line with article 19 of the Commission Implementing Regulation (EU) 2018/545.</p> <p>The national rules should provide information on what must be done/ delivered by an applicant to use a vehicle for tests on the network(s) of a MS.</p> <p>National rule should be amended:</p> <ul style="list-style-type: none"> - to cover only aspects of organisation of on track tests in Czech Network(s), reference to paragraph 49k of Railway Act 266/1994 that relates to procedure to establish conditions to carry-out tests on public infrastructure should be added. - the rule as CSN 280101 specifying the content of the tests should not be kept under this parameter but under the relevant parameters where national rules have been notified (e.g class B tests are to be placed in 12.2.1). 	Negatively assessed, national rule should be modified

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<p>c) ověření funkce jednotlivých částí drážního vozidla.</p> <p>(4) Technickobezpečnostní zkouška podle odstavce 1 písm. b) se provádí na traťovém úseku s příznivými směrovými a sklonovými poměry, kde traťová rychlost umožňuje jízdu alespoň zkušební rychlostí. U ucelených souprav se tato zkouška provádí s celou soupravou, u řídicích vozů ve spojení tohoto vozu s příslušným hnacím vozidlem, u tažených drážních vozidel ve spojení s vhodným hnacím vozidlem. Drážní vozidla se k provedení jízdni zkoušky vybavují plnými zásobami provozních hmot.</p> <p>(5) Při technickobezpečnostní zkoušce za jízdy drážního vozidla se ověřují</p> <ul style="list-style-type: none"> a) údaje rychloměru, b) brzdové vlastnosti drážního vozidla, zábrzdne dráhy a součinnost všech brzdových systémů na vozidle, c) jízdni a provozní vlastnosti drážního vozidla při jmenovité konstrukční rychlosti a při rychlosti zkušební v každém směru jízdy; u řídicích vozů se ověřování provádí pouze ve směru sunutí, d) funkce naklápění vozových skříní, e) funkce vlakového zabezpečovače, automatizovaného řízení drážního vozidla a základních jisticích a ochranných obvodů. <p>(6) Po ukončení zkoušky podle odstavce 5 se provede prohlídka zaměřená na kontrolu technického stavu drážního vozidla.</p>	<p>NSA CZ should consider tests already required by TSIs (e.g annex H of LOC&PAS TSI, annex F of TSI WAG) and EC verification procedure (modules SB+SD, SH1) that cover production and routine tests.</p>	

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<p>(7) Rozsah, způsob a podmínky provedení technickobezpečnostní zkoušky obsahuje technická norma.</p> <p>(8) Ustanovení odstavce 5 písm. c) a d) se nevztahuje na drážní vozidla určená pro dráhu speciální, dráhu tramvajovou, dráhu trolejbusovou a dráhu lanovou a ustanovení odstavce 7 se nevztahuje na drážní vozidla určená pro dráhu lanovou.</p> <p>(9) O provedení technickobezpečnostní zkoušky se vyhotovuje zápis.</p>		
RST	Rules relate to other rules not covered above (e.g potential TSI deficiency)	<p><u>7.2.1-Vehicle marking</u></p> <p>NTR Title: Vyhláška 173/1995, Příloha 3, Část I, Čl. 9</p> <p>Description:</p> <p>9. Označení a nápisy na drážních vozidlech celostátní dráhy, regionální dráhy a vlečky</p> <p>9.1. symbol vlastníka,1)</p> <p>9.2. evidenční číslo1) (řada a inventární číslo),</p> <p>9.3. označení drážního vozidla podle podmínek pro mezinárodní železniční přepravu,</p> <p>9.4. označení domovské stanice nebo domovského depa,</p> <p>9.5. obchodní jméno, sídlo nebo adresa a telekomunikační spojení vlastníka vozu, pokud není totožný s dopravcem,</p> <p>9.6. typové označení drážního vozidla - rok výroby, výrobní číslo, jméno a sídlo výrobce,</p> <p>9.7. hmotnost drážního vozidla,</p>	<p>The national rule relates to marking of vehicles in the scope of LOC&PAS TSI and WAG TSI.</p> <p>NSA Czech justification:</p> <p>NSA CZ indicated that the rules related to vehicle marking facilitate the operation and safety. According to the NSA CZ, TSIs should be amended to cover more than what is defined today in TSIs.</p> <p>Agency examination:</p> <p>TSI LOC&PAS mandates only the marking of lifting points in clause 4.2.2.6.</p> <p>TSI WAG mandates the marking for lifting points (4.2.2.2) of TSI WAG). In addition, for WAG compliant with clause 7.1.2, TSI WAG 7.1.2(g) requires that the unit must be marked with all applicable markings in accordance with EN 15877-1:2012, except the marking defined in its clause 4.5.25(b).</p> <p>At vehicle authorisation level, the mandatory requirements are the one defined in TSIs other marking requirements are covered by EN 15877-1, EN15877-2 should be covered through contractual arrangement between Railway Undertaking and manufacturer of</p>	Negatively assessed, 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>9.8. druh brzdy, u tažených drážních vozidel označení soustavy tlakové brzdy s vyznačením poloh rukojetí přestavovačů,</p> <p>9.9. umístění rukojetí záchranné brzdy,</p> <p>9.10. druh stavěče odlehlosti zdrží,</p> <p>9.11. brzdící váhy pro jednotlivé režimy brzdění,</p> <p>9.12. nejvyšší rychlost,</p> <p>9.13. rozvor drážního vozidla nebo vzdálenost otočných čepů,</p> <p>9.14. rozvor podvozku,</p> <p>9.15. délka drážního vozidla přes narážecí zařízení,</p> <p>9.16. minimální poloměr projížděného oblouku,</p> <p>9.17. elektrická zařízení,</p> <p>9.18. umístění hasicích přístrojů,</p> <p>9.19. místo pro připojení napájecího kabelu,</p> <p>9.20. zásuvka kabelu dálkového ovládání,</p> <p>9.21. objem palivové nádrže,</p> <p>9.22. plnicí otvory,</p> <p>9.23. místa a způsob zvedání drážního vozidla,</p> <p>9.24. prámová přeprava drážního vozidla,</p> <p>9.25. úhel nájezdu na prám nebo posuvnu,</p> <p>9.26. typ nápravového ložiska,</p> <p>9.27. unifikované díly,</p> <p>9.28. přípustná hmotnost nákladu,</p> <p>9.29. rozměry nebo objem ložného prostoru,</p>	<p>vehicles. The rule is related to operation as the vehicle marking is used to provide information for railway staff useable during operation.</p>	

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		<p>9.30. způsob rozmístění nákladu na ložné ploše, 9.31. druh zboží, je-li užití nákladního vozu omezeno, 9.32. návod k obsluze mechanizačního zařízení (např. otevírání střechy, výsypných otvorů atd.), 9.33. způsobilost pro kombinovanou dopravu, 9.34. druh a počet oddělitelných součástí (např. klanice), 9.35. datum poslední nebo příští technické kontroly, označení lhůty a značka opravujícího místa, 9.36. údaj o místě a dni vážení, 9.37. mazací lhůty, 9.38. datum revize určených technických zařízení, 9.39. způsob zacházení s drážním vozidlem (např. posun, odraz, speciální vozidlo zajišťuje součinnost s kolejovými obvody), 9.40. informace pro cestující (např. označení vozových tříd, směrové tabule, označení pro cestující s omezenou schopností pohybu a orientace mezinárodním symbolem přístupnosti a další nápisy a piktogramy), 9.41. další označení nutná pro mezinárodní provoz.</p> <p>Poznámka:</p> <ol style="list-style-type: none"> 1. Výše uvedené jednotlivé druhy označení a nápisy se provádějí podle určení a použití drážního vozidla. 2. Označení a nápisy na drážních vozidlech určených pro provozování na dráhách s úzkým rozchodem, na vlečkách, bez možnosti přechodu na dráhy celostátní nebo regionální a pro historická drážní vozidla nebo jejich repliky, která nejsou používána v pravidelném provozu, 		

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		stanoví dopravce technologickým postupem s ohledem na zajištění bezpečnosti provozování drážního vozidla.		
RST	Rules relate to other rules not covered above (e.g. potential TSI deficiency)	<u>7.2.2.4-Lamp controls</u> Decree 173/1995, §39 Regulation D1 SZDC Díl 13 - Čl 149(4), , 155(4)	The national rule relates to clause 4.2.7.1.4 of LOC&PAS TSI. NSA Czech justification: NSA CZ indicated that Regulation D1 SZDC provides the necessary combinations of lights for operation on the CZ railway network: <ul style="list-style-type: none"> • Point 149(4) relates to use of head lights in shunting operation, • Point 155(4) relates to the vehicle in standstill. NSA CZ indicated that there is a translation issue in the Czech version of clause 4.2.7.1.4(2) LOC&PAS TSI " <i>This control may use independent command or combination of commands.</i> " that is wrongly translated in CZ version: " <i>Toto ovládání může využívat samostatný ovladač nebo kombinaci ovladačů</i> ". NSA CZ should propose a new translation that should be added in TSI deficiency list as obvious translation error. Agency examination: The rule relates to specific operation modes, LOC&PAS TSI clause 4.2.7.1.4 which allows drivers to control the lights with the use of independent command or combination of commands. The national rule should be repealed, CZ should propose a correction of the Czech translation of clause 4.2.7.1.4(2) of LOC&PAS TSI.	Negatively assessed, national rule should be repealed
RST CCS	Rules related to compatibility with Train Detection System	<u>8.4.2.1.1-Rail return current</u> EN 50238-1, EN50238- 3 ČSN CLC/TS 50238-2 ČSN 34 2613 ed. 3 EN 50388 ed. 2	The national rule relates to open point in TSI LOC & PAS clause 4.2.3.3.1.1 - Compatibility with track circuits (Electromagnetic interference). NSA Czech justification: NSA CZ indicated that the rules will be reviewed, and a proposal of amendment will be proposed.	Negatively assessed, national rule should be modified

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		EN 50617-1, EN 50617- 2	<p>Agency examination:</p> <p>Parameter 8.4.2.1.1 address requirements related to track circuits. The national rule should be modified as following:</p> <ul style="list-style-type: none"> - EN 50238-3: not relevant as the standard relate to axle counters, - ČSN 34 2613 ed.3: to indicate which paragraphs relate to rail return current - EN 50388 ed. 2: not relevant as the standard relates to the power supply harmonics, the standard should be placed under RDD parameters 8.4.2.1.4,8.4.2.1.5 - EN 50617-2: not relevant as related to technical parameters for axle counters and relates to trackside and not to rolling stock. 	
RST CCS	Rules related to compatibility with Train Detection System	<u>8.4.2.1.2-Heating cable interference current</u> ČSN 34 2613 ed. 3 ČSN CLC/TS 50238-2	<p>The national rule relates to open point in TSI LOC & PAS clause 4.2.3.3.1.1 - Compatibility with track circuits (Electromagnetic interference).</p> <p>NSA Czech justification:</p> <p>NSA CZ indicated that the rules will be reviewed, and a proposal of amendment will be proposed.</p> <p>Agency examination:</p> <p>NSA CZ should modify the rule to indicate which paragraphs of ČSN 34 2613 ed.3: relates to heating cable interference current.</p>	Negatively assessed, national rule should be modified
RST CCS	Rules related to compatibility with Train Detection System	<u>8.4.2.1.3-Interference current under the vehicle</u> ČSN 34 2613 ed. 3 ČSN CLC/TS 50238-2	<p>The national rule relates to open point in TSI LOC & PAS clause 4.2.3.3.1.1 - Compatibility with track circuits (EMC interference).</p> <p>NSA Czech justification:</p> <p>NSA CZ indicated that the rules will be reviewed, and a proposal of amendment will be proposed.</p> <p>Agency examination:</p>	Negatively assessed, national rule should be modified

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
			NSA CZ should modify the rule: to indicate which paragraphs of ČSN 34 2613 ed.3 apply to interference current under the vehicle due to circulating current for compatibility with mainly loops but there might be some axle counter that may be disturbed.	
RST CCS	Rules related to compatibility with Train Detection System	<u>8.4.2.2.1-Electro-magnetic fields/Induced voltages in the track/under the vehicle</u> ČSN CLC/TS 50238-2, ČSN CLC/TS 50238-3 ČSN 34 2613 ed. 3 Požadavky na národní vlakové zabezpečovací zařízení třídy B - v přípravě (Technická zpráva VUZ TZ44/2018, Stanovení provozního odstupu užitečného signálu od pozadí na hnacím vozidle vybaveného vlakovým zabezpečovačem systému LS)	The national rule relates to open point in TSI LOC&PAS clause 4.2.3.3.1.2 Rolling stock characteristics for compatibility with train detection system based on axle counters (Electromagnetic) NSA Czech justification: NSA CZ indicated that the rules will be reviewed, and a proposal of amendment will be proposed. Agency examination: Parameter 8.4.2.2.1 address requirements related to axle counters. The national rule should be modified as following: <ul style="list-style-type: none"> - EN 50238-2: not relevant as the standard relates to track circuits, - ČSN 34 2613 ed.3: to indicate which paragraphs relate to maximum allowed Electromagnetic fields. 	Negatively assessed, should be modified
CCS	ETCS and GSMR	<u>12.1.1-Non-GSM-R radio system</u> Zákon 90/2016 § 46, §47, NV 426/2016 § 3–16, NV 116/2016 Sb. - Nařízení vlády o posuzování shody zařízení a ochranných systémů určených k použití v prostředí s nebezpečím výbuchu při jejich dodávání na trh Vyhláška 173/1995 §71 bod 5a, CSN EN 50126-1 ed. 2, ČSN EN 50128 ed. 2, ČSN EN 62368-1 ed.2,	The national rules refer to clauses 4.2.5.1 (Radio communication with the train) of CCS TSI. NSA Czech justification: NSA CZ provided a list of applicable documents Agency examination: NSA CZ has to review the requirements on other EU legislation to check if they are maintained with a proper justification or modified to address railway vehicles. Only rules related to interoperability and class B radio requirements should be notified.	Negatively assessed, national rule should be modified

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<p>ČSN ENTSI EN 300 086-1 V1.3.1, ČSN ENTSI EN 300 086-1 V1.4.1, ČSN ENTSI EN 300 086-2 V.1.1.1, ČSN ENTSI EN 300 086-2 V.1.2.1, ČSN ENTSI EN 300 086-2 V.1.3.1, ČSN ENTSI EN 300 113-1 VO-R/1/05.2017-2 - Všeobecné oprávnění č. VO-R/1/05.2017-2 Směrnice SŽDC č. 35 - Technické specifikace vlakových rádiových zařízení a zásady pro jejich přípravu a realizaci čl. 4, 5.7, 7, 8 UIC 751-3</p>		
CCS	ETCS and GSMR	<p>12.1.2.2-Other GSM-R requirements TS 3/2014-S Technické specifikace systémů, zařízení a výrobků. Funkce STOP v systému GSM-R. Druhé vydání Vyhláška 173/1995 §71</p>	<p>The national rules refer to clauses 4.2.5.1 (Radio communication with the train) of CCS TSI. NSA Czech justification: NSA CZ indicated that on lines not equipped with ATP class A or class B, the radio stop function is mandatory. NSA CZ indicated that the rule should be maintained as removing the rule will degrade the safety level of the network. Agency examination: The rule requires that following an emergency call, the radio sends a command at train interface level to brake the train. This is considered as an exported constraint to the radio design, because this interface is optional and it is not described in the harmonised specifications (it should be considered as an additional function). It is reminded that management of emergency situation is to be covered by the Safety Management System of the Railway</p>	Negatively assessed, national rule should be repealed

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
			Undertakings and covered by clause 4.2.3.7 of OPE TSI. The expected behaviour is not fully in line with the OPE TSI (which indicates to lower the speed to on-sight upon reception of an Emergency Call and to wait for instructions, not to stop). An operational procedure may be used by those vehicles not implementing the radio stop function.	
CCS	ETCS and GSMR	<p>12.2.5.7-Other ETCS requirements (related to existing not interoperable networks)</p> <p>Předpis Drážního úřadu DUCR-2834/19: Metodický postup pro provádění zkoušek kompatibility, schvalování a uvádění do provozu vozidel vybavených zabezpečovacím systémem ETCS</p> <p>SŽDC PPD-2/2018 Pokyn provozovatele dráhy k zajištění plynulé a bezpečné drážní dopravy - Testy kompatibility palubních a traťových částí systému ERTMS/ETCS úrovně 2 ve znění změny č. 1</p>	<p>The national rules refer to clauses 4.2.17 (ETCS and Radio System compatibility checks of CCS TSI.</p> <p>NSA Czech justification:</p> <p>CZ indicates that the requirement will be a guidance that should be sent to ERA regarding ESC/RSC tests.</p> <p>Agency examination:</p> <p>The Agency considers that the ESC checks have already been notified by the Infrastructure Manager and no further national rule is permitted. Moreover, if the document is only a guide, then it should not be notified as national rule otherwise it would constitute an indirect national rule. Aspects of the document related to organisation for testing should be included in the corresponding RDD parameter 1.4</p>	Negatively assessed, national rule should be modified