

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

# OPINION

*ERA/OPI/2022-13*

## OF THE EUROPEAN UNION AGENCY FOR RAILWAYS

for

LITHUANIA

regarding

10 adopted rules setting requirements on several operational  
aspects

### 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

In line with Article 8 of Directive (EU) 2016/798 (Railway Safety Directive) and Article 26 of Regulation (EU) 2016/796, this opinion covers the examination by the European Union Agency for Railways (hereinafter the Agency or ERA) of ten (10) Lithuanian adopted national rules establishing requirements on several operational aspects.

Lithuania notified ten safety rules in the Single Rules Database (SRD)<sup>1</sup> on 29 and on 31 August 2022. The Agency assessed them and reached the conclusion (also recorded in the SRD) that the Lithuanian notified legal requirements contained references which are not in line with the EU legal framework<sup>2</sup>.

The Agency notified Lithuania its negative assessment of the above notified adopted safety rules on 28 October 2022.

On 14 December 2022, Lithuania notified the Agency in SRD its rejection of the Agency's negative assessment of all 10 adopted safety rules.

This opinion is addressed to Lithuania with a copy to the European Commission and is uploaded on the SRD.

## 2. Legal Background

Article 26 (3) of 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 881/20042 (the Agency Regulation) sets out the following:

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.

This opinion is issued pursuant to Article 26 (3) of the Regulation (EU) 2016/796.

This opinion points out the fact that the adopted national rules of Lithuania contradict already harmonised EU legislation according to the analysis in chapter 3 of this opinion and the Annex to this opinion.

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<sup>1</sup> Rule ID LT-SA-300-1-A, Rule ID LT-SA-307-1-A, Rule ID LT-SA-329-1-A, Rule ID LT-SA-335-1-A, Rule ID LT-SA-336-1-A, Rule ID LT-SA-337-1-A, Rule ID LT-SA-338-1-A, Rule ID LT-SA-339-1-A, Rule ID LT-SA-340-1-A and Rule ID LT-SA-341-1-A (references in SRD).

<sup>2</sup> Reference to legal documents included in the table under chapter 3 of this opinion.

The applicable EU legislation which is relevant for this opinion is:

- Directive (EU) 2016/798 of 11 May 2016 on railway safety;
- Commission Implementing Regulation (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union and repealing Decision 2012/757 EU;
- Commission delegated Regulation (EU) 2018/762 of 8 March 2018 establishing common safety methods on safety management system requirements pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulations (EU) No 1158/2010 and (EU) No1169/2010;
- Commission Regulation (EU) No 1078/2012 of 16 November 2012 on a common safety method for monitoring to be applied by railway undertakings, infrastructure managers after receiving a safety certificate or safety authorisation and by entities in charge of maintenance;
- Commission Delegated Regulation (EU) 2018/761 of 16 February 2018 establishing common safety methods for supervision by national safety authorities after the issue of a single safety certificate or a safety authorisation pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 1077/2012;
- Commission Implementing Regulation (EU) 2015/1136 of 13 July 2015 amending Implementing Regulation (EU) No 402/2013 on the common safety method for risk evaluation and assessment.

### 3. Analysis

| Rule ID                       | Rule content and reference in English                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Assessment Result                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Member State's (MS) position on ERA's negative assessment | MS's justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | ERA's final opinion in English                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <a href="#">LT-SA-300-1-A</a> | <p>The Member State refers to different adopted legal documents for the notification of the rule on area for national rules 'local operational rules'. Following adopted legal documents are notified:</p> <p><b>Legal document "Techninio geležinkelių naudojimo nuostatai (TNN)":</b> Following points are notified: 17.6.3, 17.7.3, 17.7.4, 18.2.11</p> <p><b>Legal document "Geležinkelių transporto eismo taisyklės":</b> Following points are notified: Point 5.2, Chapter 7, Annexes 4 (except point 2) and 5.</p> | <p>The points referred to in the <b>TNN document</b> can be assessed positively. On the Legal <b>document "Geležinkelių transporto eismo taisyklės"</b> following points are notified: Point 5.2, Chapter 7, Annexes 4 (except point 2) and 5. Chapter 7 contains also procedures and tasks and responsibilities for staff but they are mainly addressed to the Infrastructure Manager (IM) and can be accepted. Annex 4 contains the traffic arrangements for heavy railcars and self-propelled road machinery. These procedures do not address the topic of 'local operational rules' but refer to exceptional transport (with some references to locations). This cannot be accepted under 'local operational rules'. Annex 5 addresses the traffic regime for light rolling stock. These rules do not address the topic of 'local operational rules'. This cannot be accepted. The Member State notified several legal documents on the area for national rules 'local operational rules - Relating to specific local conditions where additional information may be needed, this is limited to requirements not covered by this Regulation' of Appendix I of the Regulation (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union and repealing Decision 2012/757/EU (TSI OPE). The content of these were assessed and discussed during several bilateral meetings with the Member State. Although the majority relates directly to local operational rules, there are also references made in the legal documents that relate to other specific topics that are not limited</p> | <p>MS rejected ERA's negative assessment</p>              | <p><b>Document uploaded in SRD:</b></p> <p><a href="#">LT-SA-300-1-A</a></p> <p><b>Summary:</b> The annexes of <b>legal document "Geležinkelių transporto eismo taisyklės"</b> regulate traffic for special vehicles defined under point 2.2.2 c of TSI LOC&amp;PAS. To our understanding traffic requirements for special vehicles do not fall under the scope of the Railway Safety Directive. Since special vehicles are used exclusively to maintain a proper quality of railway infrastructure, but not to deliver railway transport services as such, the rules concerning traffic arrangements for special vehicles do not fall under the notion of national safety rules and do not need to be notified. Therefore we would like to withdraw the notification of annexes 4 and 5 of the Railway Traffic Rules (Geležinkelių transporto eismo taisyklė). If the Agency considers that traffic arrangements for special vehicles fall under the open point 'Exceptional transport' of appendix I TSI OPE we would like to separate annex 4 and 5 from the other accepted rules. We kindly ask to validate the positively assessed points on TNN as a local operational rule.</p> | <p>To complement the initial assessment, the points referred to in the <b>legal document TNN</b> can be accepted and needs to be re-notified accordingly.</p> <p><b>On the Railway traffic rules ("Geležinkelių transporto eismo taisyklės"):</b></p> <ul style="list-style-type: none"> <li>- point 5.2 contains the procedures for reception and departure of trains and can be accepted. This rule needs to be re-notified accordingly.</li> <li>- chapter 7 contains procedures, tasks and responsibilities for staff but address the IM so are acceptable but not for notification since there is no legal basis.</li> <li>- annex 4 (point 2 excluded) and annex 5: the Agency agrees on withdrawing this notification. As clarified by the Member State, these rules do not fall under the scope of the Railway Safety Directive.</li> </ul> |

| Rule ID                              | Rule content and reference in English                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Assessment Result                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Member State's (MS) position on ERA's negative assessment | MS's justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | ERA's final opinion in English                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | to the specific local conditions (only parts of the network). The rules cannot be accepted as notified.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><a href="#">LT-SA-307-1-A</a></p> | <p>The Member state refers to several adopted legal documents for the notification of the rule on area for national rules 'Safety related communications terminology (see Appendix C) – national instructions'.</p> <p>Following adopted legal documents are notified: <b>Legal document "Techninio geležinkelių naudojimo nuostatai (TNN)"</b>: point 18.5.2 is notified.</p> <p><b>Legal document "Geležinkelių transporto eismo taisyklės"</b>: point 5.4, chapter 15 and annex 6 is notified.</p> <p><b>Legal document "Darbuotojų, kurių darbas susijęs su geležinkelių transporto eismu, pokalbių reglamentas"</b>: the entire legal document is notified.</p> | <p>In the <b>TNN document</b> the notified point refers to a template to be used in particular situations listed in the legal document. For the moment this rule can be accepted but it needs to be reviewed and possibly removed when appendix C of TSI OPE comes into effect.</p> <p><b>Legal document "Geležinkelių transporto eismo taisyklės"</b>: Point 5.4 contains the action by staff in case of failure of EVC equipment, this point is not limited to communication procedures but also puts responsibility on staff. Degraded operations are to be addressed into the SMS of the company. This point cannot be accepted.</p> <p>Chapter 15 describes the procedure for issuing driver warning leaflets. Some points that only address generalities like when a leaflet shall be issued are acceptable, but the rule mainly describes in detail how the process has to be implemented and is not acceptable. The chapter also contains interfaces between the IM/RU that cannot be addressed only under appendix C and are not acceptable.</p> <p>Annex 6 contains the regulations on route interviews (as translated from the original document). It contains the instructions for communication in several situations. This should be addressed in the SMS of the IM and is no basis for a national safety rule, the rules cannot be accepted. Also it must be stated that the legal document was published in 2000, it does not consider the criteria of newer published European legislation (such as f.e. Reg. 2018/762 &amp; TSI OPE 2019).</p> | <p>MS rejected ERA's negative assessment</p>              | <p><b>Document uploaded in SRD:</b><br/><a href="#">LT-SA-307-1-A, LT-SA-329-1-A, LT-SA-339-1-A</a></p> <p><b>Summary:</b></p> <p>After Reassessment the rule ID LT-SA-329-1-A <b>legal document "geležinkelių transporto eismo taisyklės"</b>: point 2.1.10 and annex 19 and rule ID LT-SA-307-1-A legal document <b>"Techninio geležinkelių naudojimo nuostatų (TNN)"</b>: point 18.5.2 and legal document <b>"Geležinkelių transporto eismo taisyklės"</b>: point 5.4, chapter 15 and annex 6, should have constituted one rule under area for national rules/open point safety related communications terminology (appendix C).</p> <p>Rule ID LT-SA-329-1-A and ID LT-SA-339-1-A legal document <b>"Techninio geležinkelių naudojimo nuostatų (TNN)"</b>: points 15.2 and 15.5 and points 15.1, 15.3, 15.4 and 15.6 of Chapter IV should have been notified as another single rule on open point Timetable (see 4.2.1.2.3) Additional information.</p> <p>The Member State agrees that some documents need revision. The amendment of Rules on the Technical use of Railways and of Railway Traffic Rules are under preparation. The negative assessment of issuing driver leaflets and of the <b>document "Darbuotojų, kurių darbas susijęs su geležinkelių transporto eismu, pokalbių"</b></p> | <p>The notification scope for rule ID LT-SA-307-1-A is 'area for national rules 'Safety related communications terminology (see Appendix C) – national instructions'. The Member State reassessed the notification of these national rules and concluded that documents constituting rule ID LT-SA-329-1-A (<b>legal document "geležinkelių transporto eismo taisyklės"</b>: point 2.1.10 and annex 19) should have been notified under the scope of safety related communications together with the already notified legal document (<b>"Geležinkelių transporto eismo taisyklės"</b>: point 5.4; chapter 15 and annex 6) under rule ID LT-SA-307-1-A.</p> <p>Both documents are assessed negatively. The details can be found both in column 3 (assessment result) and directly in SRD. The main reason not accepting these rules is because they regulate interfaces between IM/RU and address requirements/procedures that shall be part of the safety management system of the company.</p> <p>The notification scope for rule ID LT-SA-329-1-A and ID LT-SA-339-1-A is an open point Timetable (see 4.2.1.2.3) Additional information. The Member State agrees on the negative assessed rules under both ID's but would like a positive assessment on <b>legal document "Techninio geležinkelių naudojimo nuostatai (TNN)"</b>: points 15.1, 15.2, 15.3 and 15.5. These are part of both above named rule</p> |

| Rule ID                              | Rule content and reference in English                                                                                                                                                                                         | Assessment Result                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Member State's (MS) position on ERA's negative assessment | MS's justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | ERA's final opinion in English                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|                                      |                                                                                                                                                                                                                               | <p><b>Legal document “Darbuotojų, kurių darbas susijęs su geležinkelių transporto eismu, pokalbių reglamentas”:</b> The legal document contains next to safety related communications also specific procedures and dedicated responsibilities on staff.</p> <p>It also includes issues on informing about train departure, braking and train composition (para 8) and para 10 covers shunting but it is also about train departure.</p> <p>Although some elements of this document can be accepted, the majority is not acceptable. Also it must be stated that the legal document was published in 2017, it does not consider the criteria of newer published European legislation (such as f.e. Reg. 2018/762 &amp; TSI OPE 2019).</p> <p>An additional remark in this is that although initially there were no comments on this document, after reviewing, discussing and aligning in the team it was concluded that some paragraphs (referred to above) cannot be accepted.</p> |                                                           | <p><b>reglamentas’</b> was unexpected (part of assessment of rule ID LT-SA-307-1-A). Therefore the Member State would like to postpone the revision till December 2023.</p> <p>On the open point Timetables the Member State would like to notify <b>legal document “Techninio geležinkelių naudojimo nuostatai (TNN)”</b>: points 15.1, 15.2, 15.3 and point 5.5 (see Rule ID LT-SA-329-1-A and LT-SA-339-1-A). Point 15.4 of the above named legal document TNN point 5.4 was assessed negatively and the Member State agrees on this.</p> <p>On the legal document <b>“Traukinių eismo grafiko sudarymo instrukcija”</b> (notified under Rule ID LT-SA-329-1-A): the Member State acknowledges that the document needs revision. If the document would not regulate any actions undertaken by the train drivers of the railway undertaking it should not be notified as a national rule.</p> | <p>ID’s and to proceed with a positive evaluation they shall be renotified in SRD accordingly.</p> <p><b>Conclusion:</b> On notification under area for national rules – safety-related communications terminology (see appendix C) only high level national operational instructions can be accepted. Requirements and procedures that are part of the interface between the IM and RU shall be addressed in the safety management system and shall not be regulated in a national rule. Thus, the rules notified and put in the justification document <b>‘LT-SA-307-1-A, LT-SA-329-1-A, LT-SA-339-1-A’</b> cannot be accepted as a national rule. The Agency welcomes the fact that the Member state acknowledges that the legal documents needs to be revised and that an action plan is available for the revision of these rules. On the open point ‘timetable (see 4.2.1.2.3) additional information: the rules part of the legal document TNN point 15.1, 15.2, 15.3 and 15.5 can be assessed positively and need renotification in SRD. The other assessed rules as mentioned in the assessment result (column 3) cannot be accepted.</p> |
| <p><a href="#">LT-SA-329-1-A</a></p> | <p>The Member state refers to different legal documents for the notification of the rule on the open point timetable. Only additional information can be accepted.</p> <p>Following adopted legal documents are notified:</p> | <p><b>Legal document “Techninio geležinkelių naudojimo nuostatai (TNN)”</b>: Both notified points 15.2 &amp; 15.5 can be accepted.</p> <p><b>Legal document “Geležinkelių transporto eismo taisyklės”</b>: Point 2.1.10 does not refer to ‘timetables’, the rule contains requirements to issue the driver a warning leaflet. The content of this point refers rather to an interface procedure between the IM and RU and can therefore not be accepted as national safety rule.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>MS rejected ERA’s negative assessment</p>              | <p><b>Document uploaded in SRD:</b><br/><a href="#">LT-SA-307-1-A, LT-SA-329-1-A, LT-SA-339-1-A</a></p> <p><b>Summary:</b><br/>After Reassessment the rule ID LT-SA-329-1-A <b>legal document “geležinkelių transporto eismo taisyklės”</b>: point 2.1.10 and annex 19) and rule ID LT-SA-307-1-A (legal document <b>“Techninio geležinkelių</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>The notification scope for rule ID LT-SA-307-1-A is ‘area for national rules ‘Safety related communications terminology (see Appendix C) – national instructions’. The Member State reassessed the notification of these national rules and concluded that documents constituting rule ID LT- SA-329-1-A (<b>legal document “geležinkelių transporto eismo taisyklės”</b>: point 2.1.10 and annex 19) should have been notified under the scope of safety</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

| Rule ID | Rule content and reference in English                                                                                                                                                                                                                                                                                                                                                                                                                                     | Assessment Result                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Member State's (MS) position on ERA's negative assessment | MS's justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | ERA's final opinion in English                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|         | <p><b>Legal document “Techninio geležinkelių naudojimo nuostatai (TNN)”</b>: points 15.2 &amp; 15.5 are notified.</p> <p><b>Legal document “Geležinkelių transporto eismo taisyklės”</b>: point 2.1.10 and Annex 19 is notified.</p> <p><b>Legal document “Mašinisto įspėjamųjų lapelių išdavimo tvarkos aprašas”</b>: the entire document is notified.</p> <p><b>Legal document “Traukinių eismo grafiko sudarymo instrukcija”</b>: the entire document is notified.</p> | <p>Annex 19 refers to the template of the leaflet to be used as described under point 2.1.10 and cannot be accepted for the same reasons as above stated as a national safety rule. Also, it must be stated that the legal document was published in 2000, it does not consider the criteria of newer published European legislation (such as f.e. Reg. 2018/762 &amp; TSI OPE 2019).</p> <p><b>Legal document “Mašinisto įspėjamųjų lapelių išdavimo tvarkos aprašas”</b>: The entire legal document was notified. The document contains different procedures to be followed by the staff of the IM and RU on different operational topics. This rule does not limit itself to additional information on timetables. These procedures are more an interface between the IM and the RU and cannot be accepted as a national safety rule.</p> <p><b>Legal document “Traukinių eismo grafiko sudarymo instrukcija”</b>: The entire legal document was notified. This rule does not limit itself to additional information on timetables. It contains very specific details how the timetable is managed by the IM; this rule cannot be accepted. Also, it must be stated that the legal document was published in 2015, it does not consider the criteria of newer published European legislation (such as f.e. Reg. 2018/762 &amp; TSI OPE 2019).</p> |                                                           | <p><b>naudojimo nuostatų (TNN)”</b>: point 18.5.2 and legal document <b>“Geležinkelių transporto eismo taisyklės”</b>: point 5.4, chapter 15 and annex 6, should have constituted one rule under area for national rules/open point safety related communications terminology (appendix C).</p> <p>Rule ID LT-SA-329-1-A and ID LT-SA-339-1-A legal document <b>“Techninio geležinkelių naudojimo nuostatų (TNN)”</b>: points 15.2 and 15.5 and points 15.1, 15.3, 15.4 and 15.6 of Chapter IV should have been notified as another single rule on open point Timetable (see 4.2.1.2.3) Additional information.</p> <p>The Member State agrees that some documents need revision. The amendment of Rules on the Technical use of Railways and of Railway Traffic Rules ae under preparation. The negative assessment of issuing driver leaflets and of the document ‘Darbuotojų, kurių darbas susijęs su geležinkelių transporto eismu, pokalbių reglamentas’ was unexpected (part of assessment of rule ID LT-SA-307-1-A). Therefore the Member State would like to postpone the revision till December 2023.</p> <p>On the open point Timetables the Member State would like to notify <b>legal document ‘Techninio geležinkelių naudojimo nuostatai (TNN)’</b>: points 15.1, 15.2, 15.3 and point 5.5 (see Rule ID LT-SA-329-1-A and LT-SA-339-1-A). on point of the above named legal document TNN point 5.4 was assessed</p> | <p>related communications together with the already notified legal document (<b>“Geležinkelių transporto eismo taisyklės”</b>: point 5.4; chapter 15 and annex 6 ) under rule ID LT-SA-307-1-A.</p> <p>Both documents are assessed negatively. The details can be found both in column 3 (assessment result) and directly in the SRD. The main reason for not accepting these rules is because the contain interfaces between IM/RU and address requirements/procedures that shall be part of the safety management system of the company.</p> <p>The notification scope for rule ID LT-SA-329-1-A and ID LT-SA-339-1-A is open point Timetable (see 4.2.1.2.3) Additional information. The Member State agrees on the negative assessed rules under both ID's but would like a positive assessment on <b>legal document ‘Techninio geležinkelių naudojimo nuostatai (TNN)’</b>: points 15.1, 15.2, 15.3 and 15.5. These are part of both above named rule ID's and to proceed with a positive evaluation they shall be renotified in SRD accordingly.</p> <p><b>Conclusion</b>: On notification under area for national rules – safety-related communications terminology (see appendix C) only high level national operational instructions can be accepted. Requirements and procedures that are part of the arrangements between the IM and RU shall be addressed in the safety management system. The rules notified and put in the justification document <b>‘LT-SA-307-1-A, LT-SA-329-1-A, LT-SA-339-1-A’</b> cannot be</p> |



| Rule ID                              | Rule content and reference in English                                                                                                                                                                                                                                                                                                                                                                                                                               | Assessment Result                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Member State's (MS) position on ERA's negative assessment | MS's justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | ERA's final opinion in English                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <p><a href="#">LT-SA-335-1-A</a></p> | <p>The Member state refers to different legal documents for the notification of the rule on the open point operations in long tunnels (see 4.3.5). Only additional information can be accepted.</p> <p>Following adopted legal documents are notified:</p> <p><b>Legal document "Techninio geležinkelių naudojimo nuostatai (TNN)":</b> point 5.3.4</p> <p><b>Legal document "Kauno geležinkelio tunelio avarinis planas ":</b>the entire document is notified.</p> | <p><b>Legal document 'Techninio geležinkelių naudojimo nuostatai (TNN)'</b>: Point 5.3.4 is notified and sets that the IM shall determine and provide a list of bridges and tunnels. The rule can be accepted.</p> <p><b>Legal document 'Kauno geležinkelio tunelio avarinis planas'</b>: The entire document is notified. This document contains the emergency plan of the Kaunas railway tunnel and is not limited to additional information. Degraded operations are to be addressed into the SMS of the company. This rule cannot be accepted.</p> <p>The Member State notified several legal documents on the open point 'Operations in long tunnels (see 4.3.5) additional information' of Appendix I of the Regulation (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union and repealing Decision 2012/757/EU (TSI OPE). Only additional information is acceptable. The rules contain details on degraded operations that is no area for national safety rules. Although during the bilaterals it was confirmed</p> | <p>MS rejected ERA's negative assessment</p>              | <p><b>Document uploaded in SRD:</b></p> <p><a href="#">LT-SA-335-1-A</a></p> <p><b>Summary:</b></p> <p>The Member State agrees that the document should be renewed and aligned with Tunnels' safety TSI. However is of the opinion that the IM can (and must) set actions of RU's during emergency situation in this particular document (the reference is made to the Railway Safety Directive point 5 of Article 9). The Kaunas's Railway Tunnel Emergency Plan is part of public IM's safety management system document. The document is approved after public consultation (RU's, carriers, applicants and others). After coordinated measures are determined. In the MS opinion it would be more difficult to ensure safe operations in the event of an emergency if individual decisions were made by the RU's. Since the RUs have opportunity to participate in the preparation of the document during public consultations, we</p> | <p>TSI OPE appendix I open point operations in long tunnels (see 4.3.5) additional information allows only additional high level information on already harmonised requirements part of EU legislation. The legal document "<b>Kauno geležinkelio tunelio avarinis planas</b>" contains specifically information on degraded operation and managing an emergency situation (see points 4.2.3.6 and 4.2.3.7 of the TSI OPE). On both topics only high level additional information can be allowed.</p> <p>OPE TSI point 4.2.3.7 defines the responsibility of an IM to define the measures to manage emergency situations and restore the line to normal operation, to publish them and to make them available to all. The framework of the emergency plan must be established by the IM in cooperation with the railway undertakings. It is then up to the railway undertaking, in the form of internal procedures, to integrate the emergency plan into its safety management system, taking into account the risks inherent in the operation and</p> |



| Rule ID                              | Rule content and reference in English                                                                                                                                                                                                                                    | Assessment Result                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Member State's (MS) position on ERA's negative assessment | MS's justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | ERA's final opinion in English                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                                      |                                                                                                                                                                                                                                                                          | <p>that the MS agrees with overlap the notification has not changed on legal document 'Kauno geležinkelio tunelio avarinis planas'.</p> <p>The rules cannot be accepted.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                           | <p>would consider the regulation of degraded operations also appropriate. The interpretation is also in line with the notions of annex of the Tunnel TSI (reference is made to points 4.4 a), 4.4.2). The draft of Kaunas's Railway Tunnel Emergency Plan has already undergo public consultation in September 2022. It will be notified in SRD after the examination of national rule ID LT-SA-335-1-A is finished.</p>                                                                                                                                                                                                                                              | <p>the specificities of the organisation. CSM on SMS requirements (EU Reg. 2018/762) point 5.5 has clear requirements on Emergency Management, taking into account interested parties. Demonstration to the competent authorities of the existence of an emergency plan taking into account the risks inherent in the operation is carried out at a high level by means of a check when a Single Safety Certificate (SSC) is applied for. The NSA can verify the effectiveness of its surveillance activities. Degraded operations and managing emergency situations shall be addressed in the safety management system of the company and are no basis for national rules. The legal document referred to in this rule can be made available as a guide but cannot be imposed by law. For these reasons, the national rule cannot be accepted.</p> |
| <p><a href="#">LT-SA-336-1-A</a></p> | <p>The Member state refers to one legal document for the notification of the rule on area for national rules – shunting.</p> <p>Following adopted legal document is notified:</p> <p><b><u>Legal document “Geležinkelių transporto eismo taisyklės”</u></b>: Annex 2</p> | <p><b><u>Legal document: ‘ Geležinkelių transporto eismo taisyklės’</u></b>: Annex 2 is notified and contains basic requirements and standards for parking of rolling stock.</p> <p>The Member State notified one legal document on area for national rules ‘shunting’ of Appendix I of the Regulation (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union and repealing Decision 2012/757/EU (TSI OPE). Although some high-level requirements can be accepted for parking a train under shunting, this rule contains requirements on how the vehicle shall be parked and not on what, the latter is acceptable. Secondly it has to be stated that the shunting definition is now under</p> | <p>MS rejected ERA's negative assessment</p>              | <p><b><u>Document uploaded in SRD:</u></b></p> <p><a href="#">LT-SA-336-1-A</a>, <a href="#">LT-SA-338-1-A</a>, <a href="#">LT-SA-340-1-A</a>, <a href="#">LT-SA-341-1-A</a></p> <p><b><u>Summary :</u></b></p> <p>The Member State agrees with the provided assessment. The amendment of the Railway Traffic Rules (<b><u>Geležinkelių transporto eismo</u></b>) is under preparation as agreed in the action plan. However, we must note that due to the circumstance that some of the notified rules received unexpected negative evaluations (and, therefore, were not included in the action plan), there might be delays in the implementation of the plan.</p> | <p>It is noted that the Member State agrees on the assessment of rule ID LT-SA-336-1-A. The Agency was notified via SRD that the MS rejected ERA's negative assessment. is the Agency welcomes the fact that the Member State acknowledges that the legal documents needs to be revised and that an action plan is available for the revision of these rules. The initial assessment(see column 3) still stands, the rule cannot be accepted as notified.</p>                                                                                                                                                                                                                                                                                                                                                                                       |

| Rule ID                              | Rule content and reference in English                                                                                                                                                                                                                                              | Assessment Result                                                                                                                                                                                                                                                                                                                                                                                                                 | Member State's (MS) position on ERA's negative assessment | MS's justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | ERA's final opinion in English                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                                      |                                                                                                                                                                                                                                                                                    | <p>revision of the TSI OPE working party and for the moment it is considered that shunting is moving a vehicle while parking is a standstill. The content of the rule does not meet the scope of shunting. The information provided in the rule can be provided as guidance but is no area for a national safety rule. The rule cannot be accepted.</p>                                                                           |                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><a href="#">LT-SA-337-1-A</a></p> | <p>The Member state refers to one legal document for the notification of the rule on TSI OPE clause 4.2.2.1.3.1 Passenger trains.</p> <p>Following adopted legal document is notified: <b>“Geležinkelių transporto eismo signalizacijos taisyklės”</b> : point 21.6 of Annex 5</p> | <p>The Member state refers to one adopted legal document for the notification of the rule on TSI OPE clause 4.2.2.1.3.1 Passenger trains.</p> <p>Following adopted legal document is notified: <b>‘Geležinkelių transporto eismo signalizacijos taisyklės’</b>: Annex 5 point 21.6 is notified and addresses passenger train visibility – rear end signalling. This is not an area for national rules and cannot be accepted.</p> | <p>MS rejected ERA's negative assessment</p>              | <p><b>Document uploaded in SRD:</b></p> <p><a href="#">LT-SA-337-1-A</a></p> <p><b>Summary:</b></p> <p>The Member State agrees with the provided assessment. Additionally, we would like to inform that the amendment of Regulation (EU) 2019/7732 has been initiated. The new specific case for (P) for Estonia, Latvia, Lithuania, Poland, Hungary and Slovakia is proposed in point 7.2.2.1 of the Annex of the newest draft Regulation (EU) 2019/7733 and it covers the above mentioned national rule. If the text is adopted, the national rule would become acceptable as well. The rest of the Railway traffic signaling rules were evaluated positively by European Union Agency for Railways. Therefore, Lithuania suspended its plan to change Railway traffic signaling rules at least until the Committee on Interoperability and Safety of the European Rail System votes in favor for draft Regulation (EU) 2019/773. Accordingly, we kindly ask to postpone the issuance of the opinion towards the national rule LT-SA-337-1-A4, if that is possible.</p> | <p>It is noted that the Member State agrees on the assessment of rule ID LT-SA-337-1-A. The Agency was notified via SRD that the MS rejected ERA's negative assessment. According to Art. 26 (3) of Regulation (EU) 2016/796 a technical opinion shall be issued within maximum one month. The Agency may not deviate from this.</p> <p>It also has to be added that even if the specific case is amended in a newer version of European legislation this does not mean that national rules are allowed. The only legal basis for relevant national safety rules are the ones part of appendix I of the TSI OPE appendix I.</p> |

| Rule ID                       | Rule content and reference in English                                                                                                                                                                                                                                                                                               | Assessment Result                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Member State's (MS) position on ERA's negative assessment | MS's justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | ERA's final opinion in English                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <a href="#">LT-SA-338-1-A</a> | <p>The Member state refers to one legal document for the notification of the rule on TSI OPE clause 4.2.2.3 Vehicle identification</p> <p>Following adopted legal document is notified:</p> <p><b><u>Legal document "Techninio geležinkelių naudojimo nuostatai (TNN)":</u></b> Point 11.7</p>                                      | <p>The Member state refers to one adopted legal document for the notification of the rule on TSI OPE clause 4.2.2.3 Vehicle identification.</p> <p>Following adopted legal document is notified:</p> <p><b><u>"Techninio geležinkelių naudojimo nuostatai (TNN)":</u></b> Point 11.7 is notified and addresses vehicle identification. This is not an area for national rules and cannot be accepted.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>MS rejected ERA's negative assessment</p>              | <p><b><u>Document uploaded in SRD:</u></b></p> <p><a href="#">LT-SA-336-1-A</a>, <a href="#">LT-SA-338-1-A</a>, <a href="#">LT-SA-340-1-A</a>, <a href="#">LT-SA-341-1-A</a></p> <p><b><u>Summary :</u></b></p> <p>The Ministry agrees with the provided assessment. The amendment of Rules on Technical Use of Railways is under preparation and the draft rule (point 11.7) will be notified as a draft national technical rule.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>It is noted that the Member State agrees on the assessment of rule ID LT-SA-338-1-A. The Agency was notified via SRD that the MS rejected ERA's negative assessment. is the Agency welcomes the fact that the Member state acknowledges that the legal documents needs to be revised. The initial assessment(see column 3) still stands, the rule cannot be accepted as notified.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <a href="#">LT-SA-339-1-A</a> | <p>The Member state refers to one legal document for the notification of the rule on the open point timetable. Only additional information can be accepted.</p> <p>Following adopted legal document is notified: <b><u>"Techninio geležinkelių naudojimo nuostatai (TNN)":</u></b> Points 15.1, 15.3, 15.4, 15.6 of Chapter IV:</p> | <p>Legal Document: <b><u>"Techninio geležinkelių naudojimo nuostatai (TNN)":</u></b> Points 15.1, 15.3, 15.4, 15.6 of Chapter IV are notified.</p> <p>Points 15.1 and 15.3 refer to timetables and can be accepted. The train running number as referred to in point 15.4 is out of scope and cannot be accepted under timetable. Point 15.6 sets staff requirements for the installation of the electric wall and outdoor staff and is for the SMS to be addressed in.</p> <p>The Member State notified one legal document on the open point 'timetable' of Appendix I of the Regulation (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union and repealing Decision 2012/757/EU (TSI OPE).</p> <p>Only rules that relate directly to additional information on the timetable can be accepted as a notified national safety rule.</p> <p>Although there are some elements that can be excepted the rule as notified cannot be accepted</p> | <p>MS rejected ERA's negative assessment</p>              | <p><b><u>Document uploaded in SRD:</u></b></p> <p><a href="#">LT-SA-307-1-A</a>, <a href="#">LT-SA-329-1-A</a>, <a href="#">LT-SA-339-1-A</a></p> <p><b><u>Summary:</u></b></p> <p>After Reassessment the rule ID LT-SA-329-1-A <b><u>legal document "geležinkelių transporto eismo taisyklės":</u></b> point 2.1.10 and annex 19) and rule ID LT-SA-307-1-A (legal document <b><u>"Techninio geležinkelių naudojimo nuostatų (TNN)":</u></b> point 18.5.2 and legal document <b><u>"Geležinkelių transporto eismo taisyklės":</u></b> point 5.4, chapter 15 and annex 6, should have constituted one rule under area for national rules/open point safety related communications terminology (appendix C).</p> <p>Rule ID LT-SA-329-1-A and ID LT-SA-339-1-A legal document <b><u>"Techninio geležinkelių naudojimo nuostatų (TNN)":</u></b> points 15.2 and 15.5 and points 15.1, 15.3, 15.4 and 15.6 of Chapter IV should have been notified as</p> | <p>The notification scope for rule ID LT-SA-307-1-A is 'area for national rules 'Safety related communications terminology (see Appendix C) – national instructions'. The Member State reassessed the notification of these national rules and concluded that documents constituting rule ID LT- SA-329-1-A (<b><u>legal document "geležinkelių transporto eismo taisyklės":</u></b> point 2.1.10 and annex 19) should have been notified under the scope of safety related communications together with the already notified legal document (<b><u>"Geležinkelių transporto eismo taisyklės":</u></b> point 5.4; chapter 15 and annex 6 ) under rule ID LT-SA-307-1-A.</p> <p>Both documents are assessed negatively. The details can be found both in column 3 (assessment result) and directly in the SRD. The main reason for not accepting these rules is because they contain interfaces between IM/RU and address requirements/procedures</p> |

| Rule ID | Rule content and reference in English | Assessment Result | Member State's (MS) position on ERA's negative assessment | MS's justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | ERA's final opinion in English                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|         |                                       |                   |                                                           | <p>another single rule on open point Timetable (see 4.2.1.2.3) Additional information.</p> <p>The Member State agrees that some documents need revision. The amendment of Rules on the Technical use of Railways and of Railway Traffic Rules are under preparation. The negative assessment of issuing driver leaflets and of the document 'Darbuotojų, kurių darbas susijęs su geležinkelių transporto eismu, pokalbių reglamentas' was unexpected (part of assessment of rule ID LT-SA-307-1-A). Therefore the Member State would like to postpone the revision till December 2023.</p> <p>On the open point Timetables the Member State would like to notify <b>legal document 'Techninio geležinkelių naudojimo nuostatai (TNN)'</b>: points 15.1, 15.2, 15.3 and point 5.5 (see Rule ID LT-SA-329-1-A and LT-SA-339-1-A). on point of the above named legal document TNN point 5.4 was assessed negatively and the Member State agrees on this.</p> <p>On the legal document '<b>Traukinių eismo grafiko sudarymo instrukcija</b>' (notified under Rule ID LT-SA-329-1-A: the Member State acknowledges that the document needs revision. If the document would not regulate any actions undertaken by the train drivers of the railway undertaking it should not be notified as a national rule.</p> | <p>that shall be part of the safety management systems of the RU/IM.</p> <p>The notification scope for rule ID LT-SA-329-1-A and ID LT-SA-339-1-A is open point Timetable (see 4.2.1.2.3) Additional information. The Member State agrees on the negative assessed rules under both ID's but would like a positive assessment on <b>legal document 'Techninio geležinkelių naudojimo nuostatai (TNN)'</b>: points 15.1, 15.2, 15.3 and 15.5. These are part of both above named rule ID's and to proceed with a positive evaluation they shall be renotified in SRD accordingly.</p> <p><b>Conclusion:</b> On notification under area for national rules – safety-related communications terminology (see appendix C) only high level national operational instructions can be accepted. Requirements and procedures that are part of the interface between the IM and RU shall be addressed in the safety management system. The rules notified and put in the justification document '<b>LT-SA-307-1-A, LT-SA-329-1-A, LT-SA-339-1-A</b>' cannot be accepted as a national rule because of the reasons expressed above is the Agency welcomes the fact that the Member state acknowledges that the legal documents need to be revised and that an action plan is available for the revision of these rules. On the open point 'timetable (see 4.2.1.2.3) additional information: the rules part of the legal document TNN point 15.1, 15.2, 15.3 and 15.5 can be assessed positively and need renotification in SRD. The other assessed rules</p> |

| Rule ID                       | Rule content and reference in English                                                                                                                                                                                                                                                                                                                                                                                                                                          | Assessment Result                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Member State's (MS) position on ERA's negative assessment | MS's justification                                                                                                                                                                                                                                                     | ERA's final opinion in English                                                                                                                                                                                                                                                                                                                  |
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| <a href="#">LT-SA-340-1-A</a> | <p>The Member state refers to one legal document for the notification of the rule on area for national rules – local operational rule – relating to specific local conditions where additional information may be needed – this is limited to requirements not covered by this Regulation.</p> <p>Following adopted legal document is notified:</p> <p><b><u>Legal document 'Techninio geležinkelių naudojimo nuostatai (TNN)'</u></b>: Points 17.4, 17.7.6, Chapter XVIII</p> | <p>Following adopted legal document is notified:</p> <p><b><u>"Techninio geležinkelių naudojimo nuostatai (TNN)":</u></b><br/>Following points are notified: point 17.4, point 17.7.6 and chapter XVIII. Point 17.4 and point 17.7.6 addresses requirements on train composition and coupling/uncoupling. Those points shall be addressed in the SMS of the company and cannot be accepted. Chapter XVIII contains generic requirements on train movements and does not fall under local operational rules (limited to part of the network).</p> <p>The Member State notified one adapted legal document on the area for national rules 'local operational rules - Relating to specific local conditions where additional information may be needed, this is limited to requirements not covered by this Regulation' of Appendix I of the Regulation (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union and repealing Decision 2012/757/EU (TSI OPE). The content of these were assessed and discussed during several bilateral meetings with the Member State. The rules address topics that shall be managed within the SMS accordingly Regulation 2018/762. The rules cannot be accepted.</p> | MS rejected ERA's negative assessment                     | <p><b><u>Document uploaded in SRD:</u></b><br/><a href="#">LT-SA-336-1-A</a>, <a href="#">LT-SA-338-1-A</a>, <a href="#">LT-SA-340-1-A</a>, <a href="#">LT-SA-341-1-A</a></p> <p><b><u>Summary :</u></b><br/>The Member State agrees with the provided assessment.</p> | It is noted that the Member State agrees on the assessment of rule ID LT-SA-340-1-A. The Agency was notified via SRD that the MS rejected ERA's negative assessment. The document however needs to be revised and amended or withdrawn accordingly. The initial assessment(see column 3) still stands, the rule cannot be accepted as notified. |
| <a href="#">LT-SA-341-1-A</a> | The Member state refers to one legal document for the notification of the rule on open point – exceptional transport.                                                                                                                                                                                                                                                                                                                                                          | The Member state refers to one adopted legal document for the notification of the rule on list of open points 'exceptional transport'. Following adopted legal document is notified: <b><u>"Krovinių vežimo geležinkelių transportu taisyklės"</u></b> : Points 64, 74, 103,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | MS rejected ERA's negative assessment                     | <p><b><u>Document uploaded in SRD:</u></b><br/><a href="#">LT-SA-336-1-A</a>, <a href="#">LT-SA-338-1-A</a>, <a href="#">LT-SA-340-1-A</a>, <a href="#">LT-SA-341-1-A</a></p> <p><b><u>Summary :</u></b></p>                                                           | It is noted that the Member State agrees on the assessment of rule ID LT-SA-341-1-A. The Agency was notified via SRD that the MS rejected ERA's negative assessment. The document however needs to be revised and amended or withdrawn accordingly. The initial                                                                                 |

| Rule ID | Rule content and reference in English                                                                                                                                                                                                   | Assessment Result                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Member State's (MS) position on ERA's negative assessment | MS's justification                                           | ERA's final opinion in English                                                          |
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|         | <p>Following adopted legal document is notified:</p> <p><b><u>Legal document "Krovinių vežimo geležinkelių transportu taisyklės"</u></b>: Points 64, 74, 103, 119, Chapters 2-4, Chapter 8, Chapter 12, Annexes 1-9, 11-15, 18, 34.</p> | <p>119, Chapters 2-4, Chapter 8, Chapter 12, Annexes 1-9, 11-15, 18, 34 are notified.</p> <p>Point 64 &amp; 74 can only be accepted in relation with exceptional transport, it cannot be accepted with normal transport because it relates to route compatibility which is no area for National Safety Rules. In the legal document it is not clearly stated that these points relate only to exceptional transport so cannot be accepted.</p> <p>Point 103 and annex 18 on the requirements of the consignment file can only be accepted in relation with exceptional transport, it cannot be accepted with normal transport. Since it is not clearly mentioned in the legal document that this rule only relates to exceptional transport the rule cannot be accepted.</p> <p>Article 119 on delivery times cannot be accepted since it is not clearly stated that the rule relates only with exceptional transport.</p> <p>Chapters 2-4 on preparation of cargo for transport, cargo weights and consignment requirements, sealing wagons and containers cannot be accepted since it is not clearly stated that these rules relate only with exceptional transport.</p> <p>Chapter 8 on issuing and obstructing the delivery of cargo, storage of cargo cannot be accepted since it is not clearly stated that the rule relates only with exceptional transport.</p> <p>Chapter 12 on loading and unloading of goods by rail on access roads cannot be accepted since it is not clearly stated that the rule relates only with exceptional transport.</p> |                                                           | <p>The Member State agrees with the provided assessment.</p> | <p>assessment (see column 3) still stands, the rule cannot be accepted as notified.</p> |



| Rule ID | Rule content and reference in English | Assessment Result                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Member State's (MS) position on ERA's negative assessment | MS's justification | ERA's final opinion in English |
|---------|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|--------------------|--------------------------------|
|         |                                       | <p>Annexes 1-9 on several requirements on consignments cannot be accepted since it is not clearly stated that the rule relates only with exceptional transport.</p> <p>Annexes 11-15 on consignment forms cannot be accepted since it is not clearly stated that the rule relates only with exceptional transport.</p> <p>Annex 34 on an inspection form cannot be accepted since it is not clearly stated that the rule relates only with exceptional transport.</p> <p>Although the Member State acknowledged during the bilateral discussions that the rules are limited to the 1520mm network and are not applicable for the 1435mm network these are not acceptable for normal operations. The rules can only possibly accepted under 'exceptional transport' limited to only this type of mode.</p> <p>Conclusion: The Member State notified one legal document on the open point 'exceptional transport' of Appendix I of the Regulation (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union and repealing Decision 2012/757/EU (TSI OPE). The rules are only applicable for the 1520mm network and not for the 1435mm network.</p> <p>The content of these were assessed and discussed during several bilateral meetings with the Member State. The rules cannot be accepted.</p> |                                                           |                    |                                |

#### **4. The opinion**

The Agency considers that the provisions in the adopted national safety rules of Lithuania are not compliant with relevant EU legal requirements as described in the analysis.

For this reason, in accordance with Article 26 (3) of Regulation 2016/796, the Agency with this opinion confirms its negative assessment. This opinion is addressed to Lithuania, with a copy to the European Commission (DG Move).

Valenciennes, 13/01/2023

Signed

Josef DOPPELBAUER  
Executive Director

## ANNEX

### Impact Assessment Note

*regarding 10 adopted rules by Lithuania setting requirements on several operational aspects*

Issued as per Art. 8(1) of Regulation (EU) 2016/796 and the Impact Assessment procedure adopted by the ERA Management Board (Decision n.290, 16/03/2022)

## 1. Context and assessment of impacts

### 1.1. The national rule in object

As part of the assessment of the national safety rules under Article 8 of Directive (EU) 2016/798 in conjunction with article 26 of Regulation (EU) 2016/796, the Agency received from Lithuania the notification of 10 adopted national rules (in object) establishing requirements on several operational aspects.

### 1.2. Analysis performed

In its first assessment, the Agency provided substantial evidence that the adopted national safety rules are not compliant with relevant EU legal requirements, notifying Lithuania on its negative assessment.

Although the Member State agreed on the majority of the assessments of the adopted national safety rules acknowledging that some documents need revision, the Agency was notified via SRD that the MS rejected ERA's negative assessment. The final opinion by the Agency confirms/indicates that some rules can be assessed positively and need to be re-notified accordingly in SRD, while other assessed rules cannot be accepted.

In particular, as explained in detail above in section 3 of the Opinion (i.e. Analysis):

- For [LT-SA-300-1-A](#) (on area for national rules 'local operational rules'), the notified points 17.6.3, 17.7.3, 17.7.4, 18.2.11 of the legal document "*Techninio geležinkelių naudojimo nuostatai*" (TNN) and point 5.2 (containing the procedures for reception and departure of trains) of the legal document "*Geležinkelių transporto eismo taisyklės*" can be accepted and need to be re-notified accordingly. Concerning this last legal document, chapter 7 contains procedures, tasks and responsibilities for staff but they are mainly addressed to the IM and can be accepted (but not for notification since there is no legal basis), while Annex 4 (point 2 excluded) and Annex 5 address traffic arrangements for special vehicles which do not fall under the scope of the Railway Safety Directive - RSD, (and do not need to be notified), so the Agency agreed on the withdrawal of these by the MS.
- For [LT-SA-307-1-A](#) (on area for national rules 'Safety related communications terminology – national instructions'), [LT-SA-329-1-A](#) and [LT-SA-339-1-A](#) (on the open point timetable), the Member State reassessed the notification of national rule LT-SA-329-1-A and concluded that point 2.1.10 and annex 19 of legal document '*geležinkelių transporto eismo taisyklės*' should have been notified under the scope of safety related communications together with the already notified legal document under rule LT-SA-307-1-A.

On notification under area for national rules – safety-related communications terminology (see appendix C) only high level national operational instructions can be accepted. Requirements and procedures that are part of the interface between the IM and RU shall be addressed in the safety management system. A positive note is that the Member State acknowledges that the legal documents needs to be revised and that an action plan is available for the revision of these rules. On the open point 'timetable additional information', the rules part of the legal document TNN points 15.1, 15.2, 15.3 and 15.5 can be assessed positively and need re-notification in SRD, while the other assessed rules cannot be accepted (i.e. out of scope, not limited to additional information on timetables or setting requirements to be addressed in the SMS).

- For [LT-SA-335-1-A](#) (on the open point operations in long tunnels), notified point 5.3.4 of the legal document TNN (stating that the IM shall determine and provide a list of bridges and tunnels) can be accepted, while legal document '*Kauno geležinkelio tunelio avarinis planas*' contains the emergency plan of the Kaunas railway tunnel (and is not limited to additional information). This rule cannot be accepted since degraded operations and managing emergency situations shall be

addressed in the safety management system of the company and are no basis for national rules. The legal document referred to in this rule can be made available as a guide but cannot be imposed by law.

- For [LT-SA-336-1-A](#) (on area for national rules – shunting), [LT-SA-337-1-A](#) (on TSI OPE clause 4.2.2.1.3.1 Passenger trains), [LT-SA-338-1-A](#) (on TSI OPE clause 4.2.2.3 Vehicle identification), [LT-SA-340-1-A](#) (on area for national rules – local operational rule) and [LT-SA-341-1-A](#) (on open point – exceptional transport), the national rules cannot be accepted (since the content/points do not fall in an area for national rules, or shall be addressed in the SMS or it is not clearly stated that they relate only to exceptional transport) and the Member State agreed on the initial assessment by ERA. The Agency was notified via SRD that the MS rejected ERA’s negative assessment, but the Member State acknowledges that the legal documents needs to be revised and amended (or withdrawn) accordingly. The initial assessments still stand, the rules cannot be accepted as notified.

### 1.3. Assessment of impacts

The national rules in object adopted by Lithuania fall within the scope of the Light Impact Assessment ‘Revision of the Common Safety Methods on Conformity Assessment and the Common Safety Methods on Supervision’ performed by the Agency in February 2017 and of the Full Impact Assessment on the TSI OPE Revision carried out in 2018.

The impacts were therefore already adequately assessed and it is confirmed that the adopted rules compromise uniformity of application of well-established EU requirements on SMS, increase the risk of low transparency of the national rules framework that stakeholders have to comply within Lithuania as well as hindering interoperability.

In particular, while the rules which can be assessed positively need to be re-notified in SRD, the rules negatively assessed do not fall under the RSD or in an area for national rules, or they set requirements and/or procedures to be addressed in the companies’ Safety Management System, or are not limited to additional information, or it is not clearly stated that they relate only to exceptional transport. For example, requirements and procedures that are part of the interface between the IM and RU or degraded operations and managing emergency situations shall be addressed in the safety management system of the company and are no basis for national safety rules.

These Lithuanian national rules, as notified, contradict and/or are not compliant with already harmonised EU legislation, risking to weaken/affect interoperability and coherence of the EU legal framework across the Union, being in contrast with the policy goal of reducing national rules and creating unnecessary burden on stakeholders (including unnecessary efforts to ensure the enforcement of the additional national rules on top of all other existing oversight requirements pertaining to EU law).

### 1.4. Stakeholders affected

|                                  |                                     |                                          |                                     |
|----------------------------------|-------------------------------------|------------------------------------------|-------------------------------------|
| Railway undertakings (RU)        | <input checked="" type="checkbox"/> | Member States (MS)                       | <input checked="" type="checkbox"/> |
| Infrastructure managers (IM)     | <input checked="" type="checkbox"/> | Third Countries                          | <input type="checkbox"/>            |
| Manufacturers                    | <input type="checkbox"/>            | National safety authorities (NSA)        | <input checked="" type="checkbox"/> |
| Keepers                          | <input type="checkbox"/>            | European Commission (EC)                 | <input type="checkbox"/>            |
| Entity Managing the Change (EMC) | <input type="checkbox"/>            | European Union Agency for Railways (ERA) | <input type="checkbox"/>            |
| Notified Bodies (NoBo)           | <input type="checkbox"/>            | Shippers                                 | <input type="checkbox"/>            |
| Associations                     | <input type="checkbox"/>            | Other (Please specify) ...               | <input type="checkbox"/>            |

## 2. Preferred option

### 2.1. Recommendation

No alternative options are to be assessed and it is confirmed a negative assessment of the national rules in object adopted by Lithuania.