

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

OPINION

ERA/OPI-2021-7

OF THE EUROPEAN UNION AGENCY FOR RAILWAYS

for

The Netherlands

regarding

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

Disclaimer:

The present contains an opinion of the European Union Agency for Railways pursuant to Chapter 5 of Regulation (EU) 2016/796 related to the Agency's tasks concerning national rules. It does not represent the view of other EU institutions and bodies and is without prejudice to the decision-making processes foreseen by the applicable EU legislation. Furthermore, a binding interpretation of EU law is the sole competence of the Court of Justice of the European Union.

1. General Context

1.1 The scope extension of the Technical Specifications for Interoperability (TSIs) (with effect on 01 January 2015), as well as the functional and technical harmonisation of requirements within TSIs made a series of national rules redundant and unnecessary.

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

- New national rules may only be adopted by Member States only in of the following cases (article 14(4)):
 - o when a TSI does not fully meet the essential requirements.
 - o as an urgent preventive measure, in particular following an accident.
- The application of existing national rules (article 13(2)) is limited to:
 - o where the TSIs do not cover, or do not fully cover, certain aspects corresponding to the essential requirements, including **open points** as referred to in Article 4(6),
 - o where non-application of one or more TSIs or parts of them has been notified under article 7 of Directive (EU) 2016/797,
 - o Specific cases listed but not described in TSIs,
 - o Ensure technical compatibility with existing network not yet in compliance with TSI,
 - o Vehicles excluded from the scope of TSIs,
 - o Urgent temporary preventive measure, in particular following an accident.

1.3 According to article 14 (1) of Directive (EU) 2016/797, Member States had to notify existing national rules (listed in Article 13 (2)) before 16 December 2016 and are obliged to notify draft national rules. When notifying an existing national rule or a draft national rule, Members States have to provide justification for the existence of national rules (e.g. identification of the related open point) substantiating the case(s) (of Article 13 (2)) under which the rules fall.

1.4 Regarding structural subsystems that are constituting a vehicle, in particular on-board control-command and signalling and rolling stock, Member States shall notify their national rules in accordance with article 14 of Directive (EU) 2016/797. According to the communication of the Commission in RISC, until the Single Rules Database is available, the notification is performed in the Reference Document Database (RDD).

1.5 In 2016, in accordance with the Agency's programme plan on cleaning-up of national rules ERA-PRG-006-PPL, Member States and the Agency started the activity on identification and evaluation of national rules in addition to the following TSIs:

- TSI WAG: Commission Regulation (EU) No 321/2013,
- TSI LOC&PAS: Commission Regulation (EU) No 1302/2014,
- TSI PRM: Commission Regulation (EU) No 1300/2014,
- TSI Noise: Commission Regulation (EU) No 1304/2014,
- TSI CCS: Commission Regulation (EU) No 2016/919 (including ERA/ERTMS/033281 rev 3.0)

The following TSIs are relevant for this Technical Opinion:

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

- TSI CCS: Commission Regulation (EU) No 2016/919 (including ERA/ERTMS/033281 rev 4.0), amended by Regulations (EU) No 2019/776, 2020/387 and 2020/420.

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

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

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

2. Legal Background

2.1 *According to the provisions of article 13 (2) of Directive (EU) 2016/797, national rules and where relevant acceptable national means of compliance shall apply in the cases defined below:*

- a) where the TSIs do not cover, or do not fully cover, certain aspects corresponding to the essential requirements, including open points;*
- b) where non-application of one or more TSIs or parts of them;*
- c) where a specific case requires the application of technical rules not included in the relevant TSI;*
- d) national rules used to specify existing systems, limited to the aim of assessing technical compatibility of the vehicle with the network;*
- e) networks and vehicles not covered by TSIs;*
- f) as an urgent temporary preventive measure, in particular following an accident.*

2.2 *According to the provisions of article 14 (9) of Directive (EU) 2016/797, draft national rules and national rules referred to in paragraph 1 shall be examined by the Agency in accordance with the procedures laid down in Articles 25 and 26 of Regulation (EU) 2016/796.*

2.3 *For draft rules: According to the provisions of Article 25 (3) of Regulation (EU) 2016/796, where the examination referred to in paragraph 1 leads to a negative assessment, the Agency shall inform the Member State concerned and ask it to state its position regarding that assessment. If, following that exchange of views with the Member State concerned, the Agency maintains its negative assessment, the Agency shall within a maximum period of 1 month:*

- (a) issue an opinion addressed to the Member State concerned, stating the reasons why the national rule or rules in question should not enter into force and/or be applied; and*
- (b) inform the Commission of its negative assessment, stating the reasons why the national rule or rules in question should not enter into force and/or be applied.*

This shall not prejudice the right of a Member State to adopt a new national rule in accordance with point (c) of Article 8(3) of Directive (EU) 2016/798 or with point (b) of Article 14(4) of Directive (EU) 2016/797

2.4 *For existing rules: According to the provisions of Article 26 (3) of the Agency Regulation 2016/796, where the examination referred to in paragraph 1 leads to a negative assessment, the Agency shall inform the Member State concerned and ask it to state its position regarding that assessment. If, following that exchange of views with the Member State concerned, the Agency maintains its negative assessment, the Agency shall within a maximum period of 1 month:*

- (a) issue an opinion addressed to the Member State concerned, stating that the national rule or rules in question has or have been the subject of a negative assessment and the reasons why the rule or rules in question should be modified or repealed; and*

(b) inform the Commission of its negative assessment, stating the reasons why the national rule or rules in question should be modified or repealed.

3. Analysis

3.1. Tasks under the responsibility of the Member States:

In accordance to the rules cleaning-up program plan ERA-PRG-006-PPL from March 2016, Member States were asked to:

- Identify and remove national rules covered by TSIs,
- Relate national rules to the TSIs and to the updated list of parameters defined in Commission Implementing Decision (EU) 2015/2299,
- Clearly refer national rules not related to open point(s) or specific case(s) to TSI requirements in order to identify if they complement/contradict/replace TSIs for compatibility with existing networks,
- Ensure that the requirement is a mandatory rule. Acceptable national means of compliance in accordance to the definition in article 2 (34) of Directive 2016/797 is not considered as a national rule,
- Identify and analyse requirements that don't relate to any of the above, verify, in this case for example if the TSI is deficient/non-exhaustive.

Based on the outcome of this activity, Member States should have:

- Published their national rules in the Reference Document Database and
- Aligned their national legislation for vehicle authorisation with the Reference Document Database.

3.2. Tasks carried out by the Agency

During the project of cleaning up of national rules for vehicle authorisation covered by the Rules cleaning up program plan ERA-PRG-006-PPL, the Agency has:

- Provided technical support to Member States in the cleaning up of the remaining rules by ensuring:
 - That rules relate to: Open points, Specific cases, Legacy system or rule duly justified for compatibility with existing fixed installation (i.e. a specific case not declared up to now).
 - Consistency with the EU framework, including register of infrastructure and responsibilities of actors as defined in the Safety Directive and TSI OPE.
 - That the rule is transparent and not discriminatory.
 - The update of the Reference Document Database.
- Assessed the relevance of the remaining national rules together with the Member States, using the Reference Document Database as a reference.
- Provided regular reporting to European Commission on the progress made.
- Updated the Reference Document Database (RDD) with the status of the evaluation.
- In accordance with Articles 25 (3) and 26 (3) of Regulation (EU) 2016/796, the Agency informed officially the EU Member States and the European Commission through an assessment report published in its website on June 2019 (uploaded also on CIRCABC), on the national rules in addition to latest TSIs (ERA-PRG-006-REP-RST).
- The Agency asked the Member States to check the report, to provide comments and to take into consideration the actions proposed.
- The following table summarises the actions performed by the Agency and the Netherlands to review the remaining national rules for vehicle authorisation:

Date	Actions/Activities
June 2019	The Agency provided to the Netherlands the assessment report ERA-PRG-006-REP-RST.

Date	Actions/Activities																														
	The assessment was based on rule Regeling Indienststelling Spoorvoertuigen (RIS) adopted in 2014 with amendment in 2017 and draft national rules from RIS 2020.																														
June 2021	<p>The Netherlands considered partially the Agency's assessment on revision and adoption of RIS 2020.</p> <p>The Netherlands published in RDD a new set of rules based on the law "Regeling van de Minister van Infrastructuur en Waterstaat, van 12 april 2020, nr. IENW/BSK-2019/250897, houdende vaststelling van regels betreffende het in de handel brengen, de indienststelling en het onderhoud van spoorvoertuigen op de hoofdspoorwegen (Regeling indienststelling spoorvoertuigen 2020)".</p> <p>Due to an increase of vehicle authorisation applications, the Agency decided to temporarily re-allocate its resources allocated to the cleaning. up of national rules program to the vehicle authorisation activities and to postpone the evaluation of national rules.</p>																														
March – April 2022	<p>The Agency reinitiated the cleaning-up program and informed the Netherlands on its assessment on national rules for vehicle authorisation notified in RDD with the following status:</p> <table border="1"> <thead> <tr> <th>Status</th> <th>08/04/2022</th> </tr> </thead> <tbody> <tr> <td>Accepted</td> <td>9</td> </tr> <tr> <td>Not reviewed-Other EU directives</td> <td>0</td> </tr> <tr> <td>Not accepted, national rule should be modified</td> <td>20</td> </tr> <tr> <td>Not accepted, national rule should be repealed</td> <td>17</td> </tr> <tr> <td>Withdrawn</td> <td>0</td> </tr> <tr> <td>Total</td> <td>46</td> </tr> </tbody> </table>	Status	08/04/2022	Accepted	9	Not reviewed-Other EU directives	0	Not accepted, national rule should be modified	20	Not accepted, national rule should be repealed	17	Withdrawn	0	Total	46																
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16 May 2022 23 May 2022 30 May 2022 07 June 2022 13 June 2022 23 June 2022 29 June 2022 08 September 2022 20 September 2022 07 October 2022 13 October 2022	<p>Several bilateral meetings between the Agency and The Netherlands were organised to discuss on the remaining national rules considering the Netherlands' justifications and the Agency's assessments.</p> <p>The discussion allowed to reduce the number of national rules notified in RDD negatively assessed from 37 in April 2022 to 22 in October 2022.</p> <table border="1"> <thead> <tr> <th>Status</th> <th>04/04/2022</th> <th>09/11/2022</th> </tr> </thead> <tbody> <tr> <td>Accepted</td> <td>9</td> <td>22</td> </tr> <tr> <td>Not reviewed-Other EU directives</td> <td>0</td> <td>0</td> </tr> <tr> <td>Negatively assessed, national rule should be modified</td> <td>20</td> <td>17</td> </tr> <tr> <td>Negatively assessed, national rule should be repealed</td> <td>17</td> <td>5</td> </tr> <tr> <td>Withdrawn</td> <td>0</td> <td>3</td> </tr> <tr> <td>Total national rules notified</td> <td>46</td> <td>47</td> </tr> <tr> <td>Applicable national rules</td> <td>46</td> <td>44</td> </tr> </tbody> </table> <p>The Agency has also assessed and discussed with the Netherlands the national rules in RIS 2020 that are not notified in the RDD.</p> <p>The following table provides the status of national rules not notified in RDD:</p> <table border="1"> <thead> <tr> <th>Status</th> <th>09/11/2022</th> </tr> </thead> <tbody> <tr> <td>Accepted</td> <td>0</td> </tr> <tr> <td>Not reviewed-Other EU directives</td> <td>0</td> </tr> </tbody> </table>	Status	04/04/2022	09/11/2022	Accepted	9	22	Not reviewed-Other EU directives	0	0	Negatively assessed, national rule should be modified	20	17	Negatively assessed, national rule should be repealed	17	5	Withdrawn	0	3	Total national rules notified	46	47	Applicable national rules	46	44	Status	09/11/2022	Accepted	0	Not reviewed-Other EU directives	0
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Date	Actions/Activities	
	Negatively assessed, national rule should be modified	3
	Negatively assessed, national rule should be repealed	20
	Withdrawn	0

3.2.1. National rules subject to assessment by the Agency

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

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

National Rules and acceptable means of compliance relates to	Published in RDD	Evaluated	Remarks
Vehicles in the scope of LOC&PAS and WAG TSIs	Yes	Yes	Freight wagons, Locomotives, Trainsets / Electric or Diesel Multiple Unit, Passenger coaches, Track machines/OTMs.
Article 13.2(a): Open points listed in TSIs	Yes	Yes	TSIs clearly identify where a national rule may be kept and notified; traceability between TSIs and possible remaining national rules is clearly established, and the corresponding rules are recorded in RDD. The Agency checked if the national rule covers the scope of the open point.
Article 13.2(a): Other Directives	Yes	No	Corresponding rules are available in RDD. Anyway, it will have to be decided at later stage with the Commission how to deal with these rules, considering the mentioned Directives. As a general principle, the TSIs in force don't cover subjects in the scope of these other EU Directives. Corresponding parameters are defined in section 3.2.3 of the report ERA-PRG-006-REP-RST
Article 13.2 (b): Non application of TSI	No	No	
Article 13.2 (c): Specific cases mentioned but not described in TSIs	Yes	Yes	TSIs clearly identify where a national rule may be kept and notified. Traceability between TSIs and possible remaining national rules is clearly established, and the corresponding rules are recorded in RDD. The Agency checked if the national rule covers the scope of the specific case.
Article 13.2(d): Technical compatibility between vehicle and existing network(s)	Yes	Yes	This includes vehicles with ETCS pre-baseline 2 versions (e.g. 2.2.2), additional functionality implemented on-board (e.g. NTRs from other MS) and TSI options implemented trackside (e.g. infill).
Article 13.2 (e): Vehicles not covered by TSIs	No	No	Concern vehicles such as Tram-Train, metric gauge vehicle.
Article 13.2 (f):	No	No	

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

National Rules and acceptable means of compliance relates to	Published in RDD	Evaluated	Remarks
Urgent temporary preventive measure following an accident			
TSI potentially deficient or not exhaustive	Yes	Yes	National rules when accepted by the Agency are maintained pending the resolution of the potential deficiency.
Previous versions of TSIs not listed in section 3.1.2 of the report ERA-PRG-006-REP-RST	Yes	No	
Vehicle not TSI compliant authorised before TSIs.	Yes	No	Rules are in RDD for reference/history and are not subject to Agency evaluation.

3.2.2. Summary of the results of the examination of national rules

3.2.1.1. National rules notified in RDD

The table 2 below provides an overview of the number of national rules notified by the Member State in addition to the TSIs referred in section 1 and the results of the examination leading to a positive or negative assessment. Annex 1 provides details of the evaluation leading to negative assessment.

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

Member State	Number of National rules	Results of the examination			Remarks on national rules negatively assessed
		Positive assessment	Negative assessment	Other EU legislation	
The Netherlands	44	22	22	0	17 should be modified 5 should be repealed

3.2.1.2. National rules in RIS 2020 not notified in RDD

The table 3 below provides an overview of the number of national rules available in RIS 2020 but not notified in RDD by the Member State in addition to the TSIs referred in section 1 and the results of the examination leading to a positive or negative assessment. Annex 2 provides details of the evaluation leading to negative assessment.

Table 3 : Number of national rules not notified by the Netherlands in RDD and results of the examination

Member State	Number of National rules	Results of the examination			Remarks on national rules negatively assessed
		Positive assessment	Negative assessment	Other EU legislation	
The Netherlands	24	0	24	0	3 should be modified 20 should be repealed 1 should be notified

4. The opinion

In accordance with Article 26 of Regulation (EU) 2016/796, this opinion covers the examination and negative assessment of national rules by the Agency.

Annexes 1 and 2 provide to the Member State an assessment table with:

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

The national rules notified or not by the Netherlands in RDD are extracted from the national legislation: *“Regeling van de Minister van Infrastructuur en Waterstaat, van 12 april 2020, nr. IENW/BSK-2019/250897, houdende vaststelling van regels betreffende het in de handel brengen, de indienstelling en het onderhoud van spoorvoertuigen op de hoofdspoorwegen (Regeling indienstelling spoorvoertuigen 2020)”*.

During the assessment performed by the Agency and exchanges with the Netherlands, some national rules have been modified or withdrawn by the Netherlands taking into account the Agency’s assessment.

The following actions should be taken into account by the Netherlands:

- National legislation should be revised and aligned with last version of national rules discussed between the Netherlands and the Agency.
- RDD should be updated with last version of rules discussed with Agency. A publication of national rules in RDD even as draft should be performed pending that the national legislation and discussions between the Netherlands and European Commission on the follow up of this technical opinion are finalised in accordance with article 26 of Regulation (EU) 2016/796.

Valenciennes, 14/12/2022



Josef DOPPELBAUER
Executive Director

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

The table below presents the national rules notified in RDD and referred in legal text: “Regeling van de Minister van Infrastructuur en Waterstaat, van 12 april 2020, nr. IENW/BSK-2019/250897, houdende vaststelling van regels betreffende het in de handel brengen, de indienststelling en het onderhoud van spoorvoertuigen op de hoofdspoorwegen (Regeling indienststelling spoorvoertuigen 2020)” where the evaluation performed by the Agency leads to a negative assessment.

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency’s assessment status
RST CCS	Rule related to vehicle authorisation process: cross border	<u>1.1-General documentation</u> Article 14: 2. Article 14. Restricted area of use within the Netherlands 2. By way of derogation from Articles 3 to 13, railway vehicles using only one of the areas of use listed in Annex 9 in the Netherlands and holding a vehicle authorisation issued by the German or Belgian competent authorities shall comply with the requirements set out in Annex 9 for that area of use.	The national rules relate to cross border agreements that should be covered by article 12 of the Commission Implementing Regulation (EU) 2018/545 The Netherlands’ justification: The Dutch policy regarding the application and admission of rolling stock is to encourage and stimulate the application and admission of TSI compliant rolling stock as much as possible. The application and admission of non TSI compliant rolling stock is discouraged. Annex 9 was intended to make authorization of non TSI compliant rolling stock easier, specifically for the cross-border station Venlo. This was legitimate in the past, but as per 2022 new applications for non TSI compliant rolling stock should be reduced as much as possible in order to stimulate cross border interoperability with TSI compliant rolling stock. Therefore, it is our intention is to rewrite article 14 and Annex 9 and place several requirements in the RINF and in cross-border agreements. The drafting of the cross-border agreements is however a low priority at this moment. Therefore, the present annex 9 will stay as it is for a while,	Negatively assessed, national rule should be modified
		<u>1.1-General documentation</u> Annex 9 to Article 14 (2) Railway vehicles as referred to in Article 14 (2) shall comply with the following requirements for the sections listed below. Valburg-Zevenaar — German border The railway vehicle: B. complies with the LOC & PAS TSI and CCS TSI		
		<u>1.1-General documentation</u> Annex 9 to Article 14 (2)		

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency's assessment status
		<p>Railway vehicles as referred to in Article 14 (2) shall comply with the following requirements for the sections listed below.</p> <p>Valburg-Zevenaar — German border</p> <p>The railway vehicle: E. complies with Article 5 (4), Article 7 (4), Article 8, Article 9, Article 10, second and third subparagraphs Article 13 of this Regulation</p> <hr/> <p><u>3.2.1-Running safety and dynamics</u></p> <p>Annex 9 to Article 14 (2)</p> <p>Railway vehicles as referred to in Article 14 (2) shall comply with the following requirements for the sections listed below.</p> <p>Venlo — German border</p> <p>The railway vehicle: C. if the vehicle has a wheel diameter of less than 730 mm: complies with Article 7 (1)</p> <hr/> <p><u>8.2.1.1-Specific requirements for power supply</u></p> <p>Annex 9 to Article 14 (2)</p> <p>Railway vehicles as referred to in Article 14 (2) shall comply with the following requirements for the sections listed below.</p> <p>Valburg-Zevenaar — German border</p> <p>The railway vehicle:</p> <p>A. is a locomotive that has electrical traction,</p> <p>1° suitable for 15 kV AC power supply;</p> <p>2° not suitable for 1.500 V DC power supply; and</p>	<p>but annex 9 will certainly not be extended with additional cross border situations.</p> <p>During the technical discussion it was explained that the Netherlands plan to transfer some rules into the Register of Infrastructure when they relate to characteristics of the network and to cross border agreements.</p> <p>The Agency's examination:</p> <p>The roles and responsibilities defined in national legislation should be in line with Directive (EU) 2016/797, Commission Implementing Regulation (EU) 2018/545. The requirements should be part of cross border agreements and not notified as national rules for vehicle authorisation as defined in article 13.2 and 14 of directive (EU) 2016/797. The Agency considers that such rule constitutes a transposition measure of Directive (EU) 2016/797. Transposition national legislation must be notified by the Netherlands to the Commission via its dedicated IT application, THEMIS. The Agency did not evaluate whether the Dutch rules transpose correctly Directive (EU) 2016/797.</p> <p>The Agency understands also that the national rule applies to TSI and non TSI Vehicles. For non TSI vehicles, it is reminded that for extensions of area of use, TSIs provisions apply.</p> <p>Some of the rules notified are:</p> <ul style="list-style-type: none"> - description of the infrastructure, they should be part of the Register of Infrastructure (RINF). 	

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency's assessment status
		<p>3°, where 3 kV DC is present, it is blocked under 1.500 V DC overhead contact line;</p> <p><u>8.2.1.1-Specific requirements for power supply</u> Annex 9 to Article 14 (2) Railway vehicles as referred to in Article 14 (2) shall comply with the following requirements for the sections listed below. Venlo — German border The railway vehicle: A. has electrical traction, 1° suitable for 15 kV AC power supply; 2° not suitable for 1.500 V DC power supply; and 3°, where 3 kV DC is present, it is blocked under 1.500 V DC overhead contact line</p> <p><u>9.6-Recording device</u> Annex 9 to Article 14 (2) Railway vehicles as referred to in Article 14 (2) shall comply with the following requirements for the sections listed below. Valburg-Zevenaar — German border The railway vehicle: D. is equipped with an automatic trip record recording at least the data listed in Annex 4</p> <p><u>12.1.2.2-Other GSM-R requirements</u> Annex 9 to Article 14 (2)</p>	<p>- In relation to already notified in different RDD parameters already applicable on the Dutch network, the revision of the rules should consider the assessment performed in relation to these parameters (e.g article 8 is notified in parameter 3.3.4, article 7(4) in parameter 3.2.5, article 10, article 13 notified in parameters 8.4 etc.)</p> <p>Regarding cross border stations: Venlo, Valburg, benefit from the concept of extension of area of use makes maybe part of a sub network in the Netherlands allowing applicants to ask a simplified extension of area of use limited to the Netherlands-cross border station (e.g NL-Venlo). It is reminded that cross border matters fall also in the scope of , the Commission Implementing Regulation (EU) 2018/545 is (in particular it Article 12).</p>	

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency's assessment status
		<p>Railway vehicles as referred to in Article 14 (2) shall comply with the following requirements for the sections listed below.</p> <p>Venlo — German border</p> <p>The railway vehicle:</p> <p>B. is equipped with GSM-R SIM card voice capable of roaming with GSM-R NL;</p> <hr/> <p><u>12.2.3-Transitions</u></p> <p>Annex 9 to Article 14 (2)</p> <p>Railway vehicles as referred to in Article 14 (2) shall comply with the following requirements for the sections listed below.</p> <p>Venlo — German border</p> <p>The railway vehicle:</p> <p>d. if the vehicle has ERTMS:</p> <p>e. (1) meets the requirement that the STM transition to ATB can be passed;"</p> <hr/> <p><u>12.2.5.8-Specification of condition of use where ETCS on-board does not implement all functions, interfaces and performances</u></p> <p>Annex 9 to Article 14 (2)</p> <p>Railway vehicles as referred to in Article 14 (2) shall comply with the following requirements for the sections listed below.</p> <p>Valburg-Zevenaar — German border</p> <p>The railway vehicle:</p>		

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency's assessment status
		<p>C. is equipped with ETCS on-board equipment that complies with the requirements of section 2 of Annex 3.</p> <p><u>12.2.5.8-Specification of condition of use where ETCS on-board does not implement all functions, interfaces and performances</u></p> <p>Annex 9 to Article 14 (2)</p> <p>Railway vehicles as referred to in Article 14 (2) shall comply with the following requirements for the sections listed below.</p> <p>Venlo — German border</p> <p>The railway vehicle:</p> <p>d. if the vehicle has ERTMS:</p> <p>e. 2° meets the compatibility requirement defined in index 4 SUBSET-026 "System Requirements Specification" and the NI test procedure from ESC Annex 3, Chapter 2, Requirement 2.7."</p>		
RST CCS	Rule related to vehicle authorisation process: extension of area of use	<p><u>1.1-General documentation</u></p> <p>Article 16</p> <p>Article 16. Extension of the area of use of HSL-South</p> <p>A railway vehicle, for which an extension of the area of use is requested for the sections Barendu-Belgian border and Hoofddorp-Rotterdam West, and authorised on other parts of the main line railway infrastructure, shall comply with the requirements set out in Annex 11.</p>	<p>The national rules relate to vehicle authorisation process and extension of area of use. Therefore, there shall be assessed under the light of correct transposition of Directive (EU) 2016/797 in conjunction with the Commission Implementing Regulation (EU) 2018/545.</p> <p>The Netherlands' justification:</p> <p>High Speed Line – South is not a cross border track, it is also used for inland traffic between Amsterdam, Rotterdam and Breda. These rules are applicable for vehicles that already have an authorisation for the Netherlands for running on</p>	Negatively assessed, national rule should be modified

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency's assessment status
			<p>conventional track. In practice this were non-TSI-conform OTMs, inspection vehicles and coaches. However, in future these rules remain necessary also for TSI-conform vehicles.</p> <p>Following technical exchanges with the Agency, the Netherlands indicated that the rule will be reformulated and should be aligned with existing provisions on extension of area of use defined in TSIs.</p> <p>The Agency's examination:</p> <p>Article 16 relates to the extension of area of use from Mainline (conventional network) to High Speed Line-South, it refers to Annex 11:</p> <ul style="list-style-type: none"> - Annex 11.1.a relates to train detection system (axle counter). It refers to article 10 and annex 7 already notified in parameter 8.4.2.2.1(ID59791) and positively assessed. The rule applies already to vehicles in operation on the conventional network. - Annex 11.1.b relates to train detection system influenced by 25 kV AC power supp rules. It refers to article 13 already notified in parameters 8.4.2.1.4(ID59795), 8.4.2.1.5 (ID 59796) and positively assessed. The rule applies already to vehicles in operation on the conventional network. - Annex 11.2, 11.3: rules apply to non TSI compliant vehicle: For non TSI compliant vehicle, extension of area of use of vehicles provisions are defined in TSIs (.eg 7.1.4 of LOC&PAS for RST subsystem) and the Commission Implementing Regulation (EU) 2018/545. 	

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency's assessment status
RST CCS	Rules relates to documentation, testing	<p><u>1.4-National requirement for testing</u></p> <p>No rule notified</p>	<p>The Agency's examination:</p> <p>National rules under parameter 1.4 are relevant under the fourth railway package when they cover strictly rules for organisation of on-track testing in MS network(s), the rules should address the national procedural requirements for tests on the network as per Article 19 of the Commission Implementing Regulation (EU) 2018/545.</p> <p>The national rules should provide information on what has to be done/ delivered by an applicant to use a vehicle for tests on the network(s) of a MS.</p> <p>The Netherlands' justification:</p> <p>The Netherlands indicated that a proposal of rule for parameter 1.4 will be proposed.</p>	Negatively assessed, national rule should be modified
RST	Rules related to compatibility with network / legacy system	<p><u>3.2.1-Running safety and dynamics</u></p> <p>Article 07:1, 2</p> <p>Article 7. Running characteristics</p> <p>1. For wheels with a diameter lower than 730 mm, the applicant has to deliver vehicle specifications for simulation research on dynamic behaviour or comparison with already authorised rolling stock. The infrastructure manager will assess this information based on criteria where vehicles can safely hit the frog/nose of 1:9 and 1:10 crossings and double slip switches, respectively 180 and 200 mm from theoretical point.</p>	<p>The national rule relates to clauses 4.2.3.4.2 and 6.2.3.4 of the LOC&PAS TSI.</p> <p>The Netherlands' justification:</p> <p>The Netherlands explained that national rule relates to small wheel diameter and concern crossing and switching as shown through RINF map, almost all the Netherlands network is concerned by the rule. The main issue with small wheel, is risk of derailment. EN14363 does not cover the situation of the Netherlands network (i.e crossing and switching). The Netherlands indicated that in short term, the proposed rule is kept as it is because it requires specific tools, simulation and competences that are available in infrastructure manager side only.</p> <p>The Netherlands agreed to work on a revised rule to simplify the approach taking into account ERA assessment below. A</p>	Negatively assessed, national rule should be modified

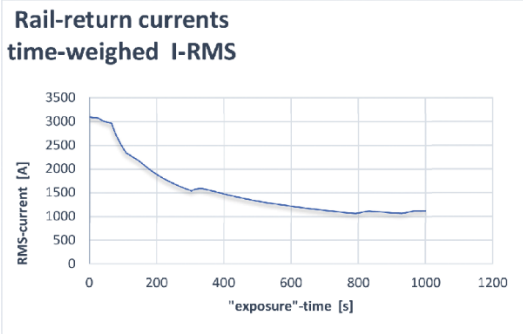
Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency's assessment status
			<p>change request should be introduced in the TSI or EN standard to cover the issue of small wheel diameter.</p> <p>The Agency's examination:</p> <p>Such a national rule can be accepted when the conformity assessment procedure defined in the rule is made transparent and transferred to the applicant and designated bodies. The entity assessing the conformity of the rule should not be the infrastructure manager, but demonstration should be done by Applicants and verified by a conformity assessment body.</p> <p>Such a procedure is already regulated at EU level in regulation (EU) 2016/796 and Directive (EU) 2016/797.</p>	
RST	Rules related to compatibility with network / legacy system	<p><u>3.2.5-Minimum horizontal curve radius, vertical concave curve radius, convex curve radius</u></p> <p>Article 07:3, 4, 5</p> <p>Article 7. Running characteristics</p> <p>3.A fixed formation of railway vehicles is capable of passing a horizontal arc with a radius of 190 m and larger in S-curves without enclosed straight position</p> <p>4.A railway vehicle shall be capable of passing a vertical arc with a radius of 2.000 m and greater</p> <p>5.A railway vehicle intended to be coupled at a marshalling yard shall be capable of passing a vertical peak arc of at least 250 m and a vertical descent arc of at least 300 m.</p>	<p>The national rule relates to clauses: 4.2.2.2.3, 4.2.3.1 and 4.2.3.6 of LOC&PAS TSI.</p> <p>The Netherlands' justification:</p> <p>The Netherlands indicated that the requirements are relevant for On Track Machine but also for long vehicles.</p> <ul style="list-style-type: none"> • Article 7 (3)S-curves: This information is not a requirement in TSI LOC&PAS and TSI WAG and not a parameter in RINF. TSI INF describes in table 43 and 44 for S-curve 190 m: 6 m and 3.01 m, where Ris takes into account 0 m. Following discussion with the Agency (see Agency examination below); the Netherlands will check EN 16839 referred in LOC&PAS TSI 1302/2014 that replaced the annex A of TSI L&P 2011 where Scurve 190 m was covered and will confirm if the rule is maintained or not. 	Negatively assessed, national rule should be repealed

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency's assessment status
			<ul style="list-style-type: none"> • Article 7 (4) Vertical radius mainline: This information is not a requirement in TSI LOC&PAS and TSI WAG and not a parameter in RINF. TSI INF describes: the radius of vertical curves (except for humps in marshalling yards) shall be at least 500 m on a crest or 900 m in a hollow. After technical discussion with the Agency, the Netherlands indicated that rule can be skipped but should be confirmed. • Article 7 (5): Vertical radius for shunting: this a parameter in ERATV and RINF. TSI INF describes: For humps in marshalling yards the radius of vertical curves shall be at least 250 m on a crest or 300 m in a hollow. Requirement can be skipped when information in RINF for sidings is OK. After technical discussion with the Agency, the Netherlands indicated that rule can be skipped but should be confirmed. <p>The Agency's examination:</p> <ul style="list-style-type: none"> • Article 7(3): the rule is covered by clause 4.2.3.6 of LOC&PAS that requires that the minimum curve radius to be negotiated shall be 150 m for all units. In addition, concerning buffers and screw couplings, the clause 4.2.2.2.3 (b) of LOC&PAS refers to clauses 5, 6 of EN16839-2017, verification of S curves of 190m without straight intermediate element is covered by annex A that is mandatory. • Articles 7(4), Art 7(5): not accepted should be repealed, vertical radius capability of vehicle is covered by TSI LOC&PAS 4.2.3.1 that refers to EN 15273-2, it is also a basic design characteristic of the vehicle defined in table 	

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency's assessment status
			<p>17: Minimum vertical convex curve radius capability, Minimum vertical concave curve radius capability. Applicant when defining the reference profile of the vehicle has also to determine the vertical radius capability that will be then mentioned in ERATV. In addition, table 7 of LOC&PAS indicates the link between clause 4.2.3.1 of LOC&PAS and clause 4.2.3.5 Minimum radius of vertical curve of TSI INF. After authorisation, at route compatibility check, railway undertaking checks the compatibility of the vehicle with the intended route (OPE 4.2.2.5 and annex D). The vertical radius is an item to be checked only for siding. There is no need to perform such check for mainline. Finally, RINF contains parameter 1.2.2.0.3.3 Minimum radius of vertical curve (Concern siding). In addition, RINF provides also the gradient profile.</p>	
RST	Rules related to compatibility with network / legacy system	<p><u>8.2.2.1-Pantograph overall design</u> Article 12 Article 12. Pantograph 1.500 V DC power supply The pantographs installed on railway vehicles using 1.500 V DC power supply shall meet the following requirements: a. the current collection of each pantograph with a stationary railway vehicle is limited by the installation so that the temperature of the overhead contact line does not exceed 150 °C, as measured in accordance with EN 50367: 2018;</p>	<p>The national rules relate to clauses 4.2.8.2.5, 4.2.8.2.9.2, 4.2.8.2.9.7 of LOC&PAS TSI. The Netherlands' justification: Article 12(a): the Netherlands indicated that for example a pantograph with one carbon contact strip may be able to collect 300 A, but will exceed the temperature of 150°C, the requirement should remain and cannot be informative. After technical discussion, it was agreed that the revised TSI LOC&PAS should cover the rule via clauses 4.2.8.2.5 > 6.1.3.7 > annex J-1 [24.5] = EN 50367:2020 section 7.2. Article 12(b): the Netherlands indicated that the requirement comes from length of neutral sections and that trains shall be able to move from one section to an adjacent</p>	Negatively assessed, national rule should be modified

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency's assessment status
		<p>b. the maximum distance from the head of the railway vehicle to the last pantograph of the trainset shall not exceed 400 m;</p> <p>c. the maximum height of a pantograph is limited to 5.860 mm, measured from the top of the heads of the rails, where the limit can be achieved by means of a rod;</p> <p>d. the pantograph heads to be installed shall have a type of geometry in accordance with the specifications in clause 4.2.8.2.9.2.2 of LOC & PAS TSI.</p>	<p>one (which is fed from a different phase or system) without bridging the neutral section (see EN50367 clause 5.2.7). The maximum train length 400 m is not explicitly specified in the TSI LOC&PAS.</p> <p>Article 12(c): the Netherlands indicated that the requirement is related to sections without catenary on bridges and on border tracks (change from 3kV (BE) to 1,5kV in NL). It was a specific case in TSI LOC&PAS 2011, but wrongly seen as a non-permanent situation and withdrawn in TSI LOC&PAS and therefore reformulated in RIS.</p> <p>Article 12(d): the Netherlands indicated that the requirement is in RIS2020 because only 1950 mm is allowed on 1500 V DC network. Requirement can be skipped if information in RINF. After discussion with the Agency, it was agreed that the rule should be withdrawn as information is available in RINF.</p> <p>The Agency's examination:</p> <p>Article 12(a): TSI LOC&PAS clause 4.2.8.2.5(2) mentions that limit values of the maximum current at standstill are specified in clause 4.2.5 of the TSI Energy. TSI ENE 4.2.5(3) requires that the OCL shall be designed taking into account the temperature limits in accordance with EN 50119:2009, clause 5.1.2. Following discussion with the Netherlands and the ongoing amendment of TSI LOC&PAS, the Dutch national rule is accepted until TSI 2022 is adopted. NR should be withdrawn when TSI 2022 package will be adopted.</p>	

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency's assessment status
			<p>Article 12(b): This rule relates to clauses 4.2.8.2.9.7 of LOC&PAS TSI and is accepted, as linked to technical compatibility with existing network and limit to train above 400m.</p> <p>Article 12(c): Rule accepted as it impacts mainly vehicle gauge and concern mainly western part of the Netherlands, NR was a specific case in TSI LOC&PAS 2011: "7.3.2.15 Specific case the Netherlands ('T') For unrestricted access to the 1 500 V DC Dutch network, the maximum height of pantograph shall be limited to 5 860 mm". National rule accepted pending that TSI 2022 that should contain the specific case is adopted.</p> <p>Article 12(d): not accepted, the requirement is an information of existing catenary network in Netherland, it cannot prevent the access of TSI compliant rolling stock to the national network. Vehicle having a 1600mm pantograph may have restricted operation. Requirement can be accepted as "not mandatory" just to inform applicant about the technical characteristics of existing network. Please, note that TSI ENE clause 7.2.3.2 indicates that new lines with speed greater than 250 km/h shall accommodate both pantographs as specified in the LOC & PAS TSI points 4.2.8.2.9.2.1 (1 600 mm) and 4.2.8.2.9.2.2 (1 950 mm). If this is not possible, the OCL shall be designed for use by at least a pantograph with the head geometry specified in the LOC & PAS TSI point 4.2.8.2.9.2.1 (1 600 mm). Such information should be in RINF.</p>	
RST	Rules not covered above	<u>8.3.4-Earthing</u>	The national rule relates to clause 4.2.8.4 of LOC&PAS TSI.	Negatively assessed,

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency's assessment status																		
	(e.g. potential TSI deficiency)	<p>Article 4. Earthing</p> <p>When sizing the safety earthing circuit of a railway vehicle, in accordance with clause 6.2.2 of EN 50153, the time-weighted RMS value of external return flows shall comply with the figure below:</p>  <table border="1"> <caption>Rail-return currents time-weighted I-RMS</caption> <thead> <tr> <th>exposure-time [s]</th> <th>RMS-current [A]</th> </tr> </thead> <tbody> <tr><td>0</td><td>3000</td></tr> <tr><td>100</td><td>2500</td></tr> <tr><td>200</td><td>2000</td></tr> <tr><td>300</td><td>1800</td></tr> <tr><td>400</td><td>1600</td></tr> <tr><td>600</td><td>1400</td></tr> <tr><td>800</td><td>1200</td></tr> <tr><td>1000</td><td>1000</td></tr> </tbody> </table>	exposure-time [s]	RMS-current [A]	0	3000	100	2500	200	2000	300	1800	400	1600	600	1400	800	1200	1000	1000	<p>The Netherlands' justification:</p> <p>The Netherlands indicated that the rule applies mainly to aluminium coaches, EN 50153 is not enough clear for the worst case to be considered (aluminium coaches with a parallel route for currents in the rail). The Netherlands considers that for DC, RMS graphic in EN is not specific enough. Ideally this should be covered in a new version of EN50153, where the TSI LOC&PAS can then refer to. This is not the case for TSI 2022, a change request should be introduced.</p> <p>The Agency's examination:</p> <p>The requirement is covered by clause 4.2.8.4 of TSI LOC&PAS that refers to EN 50153 which contains requirements on the design of rolling stock in such way that direct or indirect contact with train staff and passengers is prevented, both in normal cases and in cases of equipment failure. In addition, EN 50153:2014 clause 6.2.2 provides requirements regarding protective bonding rating including currents flowing in the running rail which may affect the rating of the bonding connection. Clause 6.2 refers also to clause 6.3 that refers to guidance IEC/TS 60479-1 that covers RMS.</p> <p>Similar specific case was already discussed in 2008 where NL agree to remove the need: <i>"ERA assumes this request has been withdrawn, due to the NL supplied text: "We realise that the new TSI version 0.6 contains a general principle. The original Dutch specification is far more detailed. We regard the Dutch regulation as a way to show conformity with the</i></p>	national rule should be repealed
exposure-time [s]	RMS-current [A]																					
0	3000																					
100	2500																					
200	2000																					
300	1800																					
400	1600																					
600	1400																					
800	1200																					
1000	1000																					

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency's assessment status
			<i>essential requirement. Therefore, we withdraw our request for specific case"</i>	
RST CCS		<u>9.6-Recording device</u> Article 03: 3 Article 3. Control and command and signalling 3. The on-board equipment referred to in the first paragraph shall include recording equipment which, in addition to point 4.2.9.6 of the Loc & Pas TSI, shall record at least the information specified in Annex 4.	The national rule relates to clause 4.2.9.6 of LOC&PAS TSI. The Netherlands' justification: This article is maintained in RIS 2020, it prescribes more information than TSI OPE, this is necessary for incident research in the Netherlands. The Agency's examination: The national rule relates to information to be recorded. Such requirement(s) should be covered by national safety rules notified in accordance with appendix I of OPE TSI and it should be limited to additional information on top of information defined in clause 4.2.3.5.2 of OPE TSI. Applicant applying TSI LOC&PAS knows that: <ul style="list-style-type: none"> • For design of recording device, requirements are in TSI LOC&PAS clause 4.2.9.6 and • As mentioned, 4.2.9.6(1), information to be recorded are in TSI OPE clause 4.2.3.5.2 and national safety rule notified in accordance with appendix I of OPE TSI. Note that clarification should be given in TSI 2022 as follows: " Note. The data to be recorded are defined in clause 4.2.3.5 of OPE TSI and in the related notified national safety rule(s) notified in accordance with appendix I of OPE TSI"	Negatively assessed, national rule should be modified
CCS	ETCS and GSMR	<u>12.2.1-National on-board signalling systems</u> Article 3. Control and command and signalling	The national rules refer to clauses 4.2.6.1 (ETCS and Class B train protection) of CCS TSI.	Negatively assessed, national rule

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency's assessment status
		<p>1. A locomotive, trainset, driving coach or special railway vehicle incorporates, as an on-board control-command and signalling equipment, a system that:</p> <p>a. has the train control function ATB:</p> <p>1°. ATBEG;</p> <p>2°. STM ATB; or</p> <p>3°. ATBNG, if the railway vehicle is operated on sections equipped with ATBNG; and</p> <p>b. has the train control function ETCS, if the railway vehicle is required to be equipped in accordance with CCS TSI 7.4.2</p>	<p>The Netherlands' justification:</p> <p>This Dutch rule will be revised so that vehicles equipped with ETCS if operating on ETCS lines are not required to be equipped with class B system.</p> <p>The Agency's examination:</p> <p>The rule will be revised to indicate that vehicle equipped with ETCS, if operating in ETCS lines only, are not required to be equipped with class B system.</p>	should be modified
CCS	ETCS and GSMR	<p><u>12.2.5.7-Other ETCS requirements (related to existing not interoperable networks)</u></p> <p>Annex 3, Chapter 2</p> <p>Annex 3 to Article 3 (2) (b) and (c)</p> <p>Chapter 2.ERTMS</p> <p>The Reeksen Specifications # 1, # 2 and # 3 are the series referred to in Table A.2 of Annex A of CCS TSI.)</p> <p>2.6.Requirements for ERTMS installation of Reeksen Specifications # 1, # 2 and # 3</p> <p>2.Railway vehicles, which are controlled remotely by radio equipment and run under ERTMS over the infrastructure, shall be configured for active ERTMS supervision. The configuration of the NP mode application is not allowed for this purpose.</p> <p>3.If the infrastructure orders an ERTMS level transition to the Dutch Class B system (NID_STM = 1), the movement of</p>	<p>The national rules refer to clauses 4.2.6 (On Board interfaces internal to CCS) of CCS TSI.</p> <p>The Netherlands' justification:</p> <p>Rules 2,3 and 4 are independent</p> <p>The rule 2 is to cover vehicle integration and is for cases where radio control usage implies power off ETCS OB. It is required for operation with radio remote control shunting function with the ERTMS mode supported by the infrastructure. NTR is needed to cover the situation until vehicles have CR1346 included. This NTR doesn't ask for an ERTMS onboard change. It's a requirement for the integration of CCS and RST.</p> <p>Rule 3 aims to cover integration of ERTMS with Class B through the "non harmonised" interface and requires this configuration to act as if the harmonised ERTMS -Class B interface would have been implemented.</p>	Negatively assessed, national rule should be repealed

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency's assessment status
		<p>trains must be monitored by the Dutch ATB system. Manual transitions during train movement are not permitted.4.In order to avoid unsafe operational situations, any ERTMS related conditions and operational limitations of the ERTMS vehicle should be assessed on a case-by-case basis.</p> <p>Note : Item 3 is there to cover the ""non harmonised"" integration of ERTMS with Class B. More specific: the ""standalone Class B alongside ERTMS"". The NTR aims to require this configuration to act (at transitions) as if the harmonised ERTMS -Class B interface would have been implemented.</p>	<p>The Agency's examination:</p> <p>Rule 2: CR1346 aims to define an interface to inform train when radio remote control can be used. Given that it is classified as an enhancement, imposing this function to existing vehicles would be an exported constraint.</p> <p>Rule 3: This rule is covered by the EC verification procedure carried out by subsystem Nobo as defined in table 6.2 of TSI CCS " Check that separate class B equipment connected on-board using (partly) non TSI compliant interfaces creates no additional requirements for the CCS trackside subsystem due to transitions. Also check that ETCS functions are not affected".</p> <p>Rule 4: The ERTMS related conditions and operational limitations, if any, shall be assessed by the relevant Conformity assessment body and presented to the vehicle authorising entity according to the Commission Implementing Regulation (EU) 2018/545. This is not a technical rule for the vehicle.</p>	
CCS	ETCS and GSMR	<p><u>12.2.5.7-Other ETCS requirements (related to existing not interoperable networks)</u></p> <p>NTR title:</p> <p>Annex 3, Chapter 2</p> <p>Annex 3 to Article 3 (2) (b) and (c)</p> <p>Chapter 2.ERTMS</p> <p>The Reeksen Specifications # 1, # 2 and # 3 are the series referred to in Table A.2 of Annex A of CCS TSI.)</p> <p>2.6.Requirements for ERTMS installation of Reeksen Specifications # 1, # 2 and # 3</p>	<p>The national rules refer to clauses 4.2.2 (On board ETCS functionality) of CCS TSI.</p> <p>The Netherlands justification:</p> <p>Rule 1: NTR aims to require realistic braking curves instead of "too long" or "too short" ones.</p> <p>Rule 4: Agree with ERA statement but was a gap in previous EU regulations</p> <p>Agency examination:</p> <p>Rule 1: For set of Specifications # 2 and # 3 with the harmonised braking curves, it is considered covered by the EC Verification procedure carried out by a NoBo according</p>	Negatively assessed, national rule should be modified

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency's assessment status
		<p>see full details in description</p> <p>Description: Annex 3, Chapter 2 Annex 3 to Article 3 (2) (b) and (c) Chapter 2.ERTMS</p> <p>The Reeksen Specifications # 1, # 2 and # 3 are the series referred to in Table A.2 of Annex A of CCS TSI.)</p> <p>2.6.Requirements for ERTMS installation of Reeksen Specifications # 1, # 2 and # 3</p> <p>1.ERTMS operating braking distances in railway vehicles shall not be less than the nominal emergency braking distances and shall not exceed the ECI distances resulting from the use of the harmonised brake curve model as defined in index 4 SUBSET-026 'System Requirements Specification' where:</p> <p>A. for the so-called Lambda trains (where ERTMS braking distances are determined on the basis of the braking rate), the following values are used for the K-factors:</p> <p>$KV = 0,9$ for the speed range from 0 km/h to 160 km/h $KV = 0,76$ for speed area above 160 km/h $KR = 1,0$ $Kt = 1,0$</p> <p>B. for the so-called Gamma trains (where ERTMS braking distances are determined on the basis of deceleration values) the following values are used: the confidence interval (M_NVEBCL) shall have the value '4' and the weighting factor (M_NVAVADH) shall be '1,0'.Nominal</p>	<p>to table 6.2 of TSI CCS check that parameters (e.g, braking parameters) are correctly configured and that they are within the allowed range.</p> <p>For set #1 vehicles, rule can be accepted.</p> <p>Rule 4: ERTMS related conditions and operational limitations, if any, shall be assessed by the relevant Conformity assessment body and presented to the vehicle authorising entity according to the Commission Implementing Regulation (EU) 2018/545. This is not a technical rule for the vehicle.</p>	

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency's assessment status
		<p>brake decelerations and brake/traction times shall be used in combination with K-factors, where for the determination of the required K-factors (Kdry_rst (V, M, EBCL)), the Monte-Carlo method is an accepted method.</p> <p>C. for the so-called Gamma and Lambda trains the following values are used:</p> <ul style="list-style-type: none"> the maximum deceleration values under reduced adhesion conditions (A_NVMAXREDADH1/2/3) shall have the default values from index 4 SUBSET-026 "System Requirements Specification" the service brake feedback function (Q_NVSBFBPERM), a service brake target brake (Q_NVSBTSMPerm) and a guidance curve (Q_NVGUIPERM) are not used (Q_NVSBFBPERM = NO, Q_NVSBTSMPerm = NO and Q_NVGUIPERM = NO) it is permissible to compensate for the inaccuracy in the speed measurement (Q_NVINHSMICPerm = YES). <p>D. for ERTMS equipment of Series Specifications # 1, the ECI distances resulting from the use of the harmonised brake curve model as defined in Series Specifications # 2 index 4 SUBSET-026 'System Requirements Specification' shall be used.</p> <p>4. In order to avoid unsafe operational situations, any ERTMS related conditions and operational limitations of the ERTMS vehicle should be assessed on a case-by-case basis.</p>		
CCS	ETCS and GSMR	<u>12.2.5.7-Other ETCS requirements (related to existing not interoperable networks)</u>	The national rules relate to clause 4.2.12 (ETCS DMI) of TSI CCS	Negatively assessed,

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency's assessment status
		<p>Annex 3, Chapter 2</p> <p>Annex 3 to Article 3 (2) (b) and (c)</p> <p>Chapter 2.ERTMS</p> <p>The Reeksen Specifications # 1, # 2 and # 3 are the series referred to in Table A.2 of Annex A of CCS TSI.)</p> <p>2.2.Requirements for ERTMS equipment in Series of Specifications # 2</p> <p>The railway vehicle complies with all the requirements set out in the document Index 6 ETCS Driver Machine Interface of the Series Specification # 2, including the display of the so-called planning information. This requirement does not apply if an ERTMS vehicle authorised in another Member State, before the entry into force of the CCS TSI, requests an extension of the area of use for the Netherlands.</p>	<p>The Netherlands' justification:</p> <p>Planning area is Mandatory for set #3. The aim of the NTR is to make the planning area also mandatory for B2 and B3MR1</p> <p>The Agency's examination:</p> <p>In principle selection of requirements amongst the different set of specifications is not allowed. CR 1107, introduced in set #3, removing the possibility to display or not the planning area on driver request, has been classified as enhancement. For set #2 vehicles, the use of this possibility should be under the SMS of the RU as this rule is considered as an exported constraint.</p>	<p>national rule should be repealed</p>

6. Annex 2 – Examination of national rules not notified in RDD leading to negative assessment

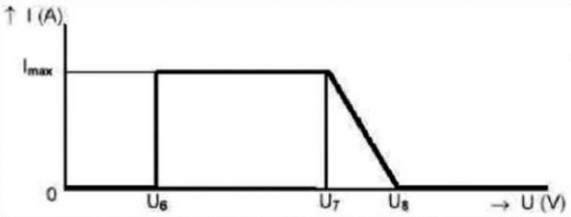
The table below presents the national rules **not** notified in RDD and referred in legal text: “Regeling van de Minister van Infrastructuur en Waterstaat, van 12 april 2020, nr. IENW/BSK-2019/250897, houdende vaststelling van regels betreffende het in de handel brengen, de indienstelling en het onderhoud van spoorvoertuigen op de hoofdspoorwegen (Regeling indienstelling spoorvoertuigen 2020)” where the evaluation performed by the Agency leads to a negative assessment.

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
RST CCS	Transposition of 4 th Railway package	Artikel 2. Reikwijdte Deze regeling is van toepassing op hoofdspoorwegen aangewezen op grond van <u>artikel 2 van de wet</u> , bevat de nationale voorschriften, bedoeld in artikel 13, tweede lid van de interoperabiliteitsrichtlijn, geeft procedurele regels omtrent indienstelling van spoorvoertuigen op de hoofdspoorweg en geeft nadere voorschriften met betrekking tot de controles, bedoeld in <u>artikel 26p, aanhef en onder c en d van de wet</u> , de tests, bedoeld in <u>artikel 26r van de wet</u> en het onderhoud, bedoeld in <u>artikel 36 van de wet</u> .	The national rule relates to transposition of 4 th Railway package. The Netherlands justification: The Netherlands confirmed that the article 2 should be withdrawn. The Agency’s examination: Article 13.2 of Directive (EU) 2016/797 indicates the possible national rules on top of TSIs for vehicle authorisation to place on the market a MS can notify. It is reminded that the fourth Railway package introduced a clear separation between authorisation for placing on the market (article 21 of Directive (EU) 2016/797 and the Commission Implementing Regulation EU) 2018/545) and other activities performed after authorisation (e.g checks before the use of vehicle (article 23 of Directive (EU) 2016/797), Entity in Charge of Maintenance, vehicle registration etc..). Note. The Agency considers that this national rule constitutes a transposition measure of Directive (EU) 2016/797. Transposition the relevant national legislation must be notified by a Member State to the Commission via its dedicated IT application, THEMIS.	Negatively assessed, national rule should be repealed
RST CCS	Extension of area of use	Artikel 15. Uitbreiding gebruiksgebied van niet-TSI-conforme spoorvoertuigen Onverminderd de <u>artikelen 3</u>	The national rule relates to clauses 7.1.4 of LOC&PAS TSI, 7.2.2.4 of WAG TSI, 7.4.2.4 of CCS TSI.	Negatively assessed,

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<p>tot en met 13, voldoet een in een andere lidstaat toegelaten spoorvoertuig waarvoor uitbreiding van het gebruiksgebied tot Nederland wordt gevraagd en dat niet volledig voldoet aan de TSI LOC&PAS aan: de toepassingsvoorwaarden, genoemd in punt 1 van paragraaf 7.1.4 van de bijlage bij TSI LOC&PAS de eisen, genoemd in <u>bijlage 10</u>.</p>	<p>Agency examination: The rules related to extension of area of use of non TSI compliant vehicles are fully covered by the Commission Implementing Regulation (EU) 2020/420:</p> <ul style="list-style-type: none"> - For Rolling Stock subsystem: see clause 7.1.4 of LOC&PAS 1302/2014 - For freight Wagon: see clause 7.2.2.4 of TSI WAG - For CCS Subsystem: see clause 7.4.2.4 of TSI CCS <p>The Netherlands' justification: The Netherlands indicated that annex 10 provides additional requirements on top of TSIs, some requirements of annex 10 can be removed but requires analysis.</p>	national rule should be repealed
RST	Extension of area of use	<p>Bijlage 10. behorende bij artikel 15 Radiobesturing Een systeem voor radiobesturing van een spoorvoertuig voldoet aan EN 50239, waarbij: het dodemansysteem in de radio heeft dezelfde systeemreacties als het dodemansysteem in het spoorvoertuig; de kantelbeveiliging initieert het uitschakelen van de aandrijving en het inzetten van een volle remming indien de zender langer dan 7,5 seconden in een hoek van 45° ten opzichte van de normale draagwijze wordt gehouden; elk commando dat gegeven wordt door de zender resulteert in de betreffende reactie van het spoorvoertuig binnen 0,5 seconden;</p>	<p>The national rule relates to clause 7.1.4 of LOC&PAS TSI. The Agency's examination: Extension of area of use provisions are defined in TSIs, the requirement relates to radio remote control covered by clause 4.2.9.3.6 of LOC&PAS TSI. The national rule requires more than what is prescribed in clause 7.1.4 of LOC&PAS. In addition, radio remote control is not related to technical compatibility between vehicle and an area of use and should not be verified for extension of area of use. The Netherlands' justification: See justification on article 15. The Netherlands indicated that the rule should be withdrawn but require checks with NSA NL.</p>	Negatively assessed, national rule should be repealed
RST	Extension of area of use	<p>Bijlage 10. behorende bij artikel 15 Ritregistratie</p>	<p>The national rule relates to clause 7.1.4 of LOC&PAS TSI. Agency examination:</p>	Negatively assessed, national rule

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<p>Spoorvoertuigen die sneller kunnen rijden dan 40 km/u, zijn voorzien van een systeem voor automatische ritregistratie dat voldoet aan de volgende goedkeuringseisen:</p> <ul style="list-style-type: none"> a. het oplossend vermogen van de registratie is voldoende groot om een zuivere analyse te kunnen maken van de te onderzoeken gebeurtenis; b. de registratie start uiterlijk bij het in beweging zetten van het voertuig; c. de opslagcapaciteit van de automatische ritregistratie bepaalt de inzetmogelijkheden van het spoorvoertuig na een gebeurtenis waarvoor de registratie wordt uitgelezen; d. na het tot stilstand komen van een spoorvoertuig worden nog 30 seconden gegevens geregistreerd, waarna de gegevens niet worden overschreven; en e. de automatische ritregistratie kan zonder verlies van informatie bijzondere omstandigheden doorstaan; de kans op verlies van informatie moet klein zijn. 	<p>Extension of area of use provisions are defined in TSIs, the requirement relates to recording device already required by clause 7.1.4(2) of LOC&PAS TSI that refer to clause 4.2.9.6. Recording device</p> <p>The Netherlands' justification: See justification on article 15. The Netherlands will cross check the TSI LOC&PAS clause 7.1.4(2) that refer to clause 4.2.9.6</p>	<p>should be repealed</p>
RST	Extension of area of use	<p>Bijlage 10. behorende bij artikel 15 Botsveiligheid Sporvoertuigen voldoen aan paragraaf 4.2.2.5. van TSI Loc&Pas</p>	<p>The national rule relates to clause 7.1.4 of LOC&PAS TSI.</p> <p>The Agency's examination: Extension of area of use provisions are defined in TSIs, the rule relates to clause 4.2.2.5 of LOC&PAS TSI, this requirement requires more than what is required in clause 7.1.4 of LOC&PAS, passive safety is not a parameter related</p>	<p>Negatively assessed, national rule should be repealed</p>

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
			to technical compatibility between vehicle and an area of use. The Netherlands' justification: See justification on article 15, The Netherlands will check.	
RST	Extension of area of use	Bijlage 10. behorende bij artikel 15 Loopeigenschappen De verhouding aslast – wioldiameter van een wielstel voldoet aan paragraaf 4.2.3.2.2 punt (3) van TSI Loc&Pas	The national rule relates to clause 7.1.4 of LOC&PAS TSI. The Agency's examination: Extension of area of use provisions are defined in TSIs, the rule relates to clause 4.2.3.2.2(3) of LOC&PAS. The Dutch, national rule introduces additional requirement compared to those in clause 7.1.4 of LOC&PAS. The Netherlands' justification: The Netherlands should provide justification on the need for the rule.	Negatively assessed, national rule should be repealed
RST	Extension of area of use	Bijlage 10. behorende bij artikel 15 Elektrische tractie 1.500V DC 1. Indien spoorvoertuigen geschikt zijn voor elektrische tractie van 1.500 V voldoen deze aan de volgende eisen: a. er is een voorziening voor de stroomafname aanwezig die over het gehele spanningsbereik stabiel is en waarbij de stroomafname voor een spoorvoertuig ten hoogste 4000 A is; b. door middel van een inrichting wordt bij overstroom de stroomtoevoer die door het spoorvoertuig zelf wordt veroorzaakt, automatisch en direct uitgeschakeld conform artikel 11.2 van EN 50388:2012.	The national rule relates to clause 7.1.4 of LOC&PAS TSI. The Agency's examination: Extension of area of use provisions are defined in TSIs. This nationalrule is already covered by provisions of 7.1.4(2) and 7.1.4(4) of LOC&PAS. The Netherlands justification: The Netherlands should provide justification on the need for the rule.	Negatively assessed, national rule should be repealed

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<p>2. Indien spoorvoertuigen als bedoeld in onderdeel 1 tevens voorzien zijn van een recuperatie-inrichting, zorgt deze ervoor dat de recuperatie van de stroom automatisch stopt indien de recuperatiespanning lager wordt dan U_6 als weergegeven in de volgende grafiek:</p>  <p>waarbij $U_6 = 1.200 \text{ V}$, $U_8 \leq 1.950 \text{ V}$, $I_{\max} = 4.000 \text{ A}$. De waarde U_7 wordt zodanig gekozen dat een stabiele recuperatieregeling wordt verkregen.</p>		
RST	Extension of area of use	<p>Bijlage 10. behorende bij artikel 15 Elektrische tractie 25kV AC</p> <p>1. Indien spoorvoertuigen zijn voorzien van een systeem van energievoorziening dat geschikt is voor 25 kV voldoet dit aan de volgende eisen:</p> <p>a. er is een voorziening van de stroomafname aanwezig die over het gehele spanningsbereik stabiel is en waarbij de stroomafname ten hoogste 500 A is;</p>	<p>The national rule relates to clause 7.1.4 of LOC&PAS TSI.</p> <p>The Agency's examination: Extension of area of use provisions are defined in TSIs. This national rule is already covered by provisions of 7.1.4(2) and 7.1.4(4) of LOC&PAS.</p> <p>The Netherlands' justification: See justification on article 15, The Netherlands will check.</p>	Negatively assessed, national rule should be repealed

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<p>b. de stroomafname wordt automatisch beperkt conform artikel 7.2 van EN 50388:2012;</p> <p>c. bij een overstroom die door het spoorvoertuig zelf wordt veroorzaakt, wordt de overstroom automatisch en direct uitgeschakeld conform artikel 11.2 van EN 50388:2012;</p> <p>d. de vermogensfactor voldoet aan artikel 6 van EN 50388:2012.</p> <p>2. Indien voertuigen als bedoeld in onderdeel 1 tevens zijn voorzien van een recuperatie-inrichting gelden de volgende eisen:</p> <p>a. de recuperatiestroom wordt begrensd tot maximaal 500 A;</p> <p>b. de inrichting zorgt ervoor dat de recuperatie van de stroom automatisch stopt indien de recuperatiespanning lager wordt dan 17,5 kV;</p> <p>c. de recuperatiespanning wordt begrensd tot maximaal 27,5 kV permanent en 29 kV gedurende maximaal 5 minuten.</p>		
RST	Extension of area of use	<p>Bijlage 10. behorende bij artikel 15 Stroomafnemer 1.500V DC Stroomafnemers geïnstalleerd op spoorvoertuigen en geschikt voor 1.500 V, voldoen aan de volgende eisen:</p> <p>a. het dynamisch gedrag van stroomafnemers bevindt zich in een bandbreedte tussen tenminste 4.800 mm en ten hoogste 5.750</p>	<p>The national rule relates to clause 7.1.4 of LOC&PAS TSI. The Agency's examination: Extension of area of use provisions are defined in TSIs. This national rule is already covered by provisions of 7.1.4(2) and 7.1.4(4) of LOC&PAS. The Netherlands justification: See justification on article 15. The Netherlands will check.</p>	Negatively assessed, national rule should be repealed

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<p>mm gemeten vanaf de bovenzijde van de koppen van de spoorstaven;</p> <p>b. het sleepstuk is vervaardigd van koolstof of gemetalliseerde koolstof als bedoeld in EN 50367:2012;</p> <p>c. de scheefstand van de stroomafnemer bedraagt ten hoogste 200 mm op een hoogte van 5.500 mm gemeten vanaf de bovenkant van de spoorstaaf;</p> <p>d. het type stroomafnemer voldoet aan de eisen gesteld in EN 50206;</p> <p>e. stroomafnemers van spoorvoertuigen in één treinsamenstelling mogen niet elektrisch via het voertuig doorgekoppeld worden;</p> <p>f. de opdruk van de rijdraad bedraagt ten hoogste 100 mm bij een voertuigsnelheid tot en met 140 km/uur;</p> <p>g. de opdruk van de rijdraad bedraagt ten hoogste 120 mm bij een voertuigsnelheid vanaf 140 km/uur tot en met 160 km/uur;</p> <p>h. de dynamische opdrukkracht bedraagt ten minste 40 N en ten hoogste 300 N</p>		
RST	Extension of area of use	<p>Bijlage 10. behorende bij artikel 15 Stroomafnemer 25kV AC</p> <p>1. Indien spoorvoertuigen zijn voorzien van een stroomafnemer welke geschikt is voor 25 kV en het spoorvoertuig wordt ingezet op sporen met een 25 kV energievoorziening, voldoet de stroomafnemer aan de volgende eisen:</p>	<p>The national rule relates to clause 7.1.4 of LOC&PAS TSI.</p> <p>The Agency's examination: Extension of area of use provisions are defined in TSIs, the rule is already covered by provisions of 7.1.4(2) and 7.1.4(4) of LOC&PAS.</p> <p>The Netherlands justification: See justification on article 15.</p>	Negatively assessed, national rule should be repealed

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<ul style="list-style-type: none"> a. het dynamisch gedrag van stroomafnemers bevindt zich in een bandbreedte tussen tenminste 4.800 mm en ten hoogste 5.800 mm gemeten vanaf de bovenzijde van de koppen van de spoorstaven; b. het sleepstuk is vervaardigd van koolstof of gemetalliseerde koolstof als bedoeld in EN 50367:2012; c. de scheefstand van de schuit van de stroomafnemer voldoet aan EN 50206, paragraaf 4.2; d. de stroomafnemer en alle elektrisch verbonden delen voldoen met betrekking tot de isolatieafstanden aan tabel A3 van EN 50124-1 en met betrekking tot de kruipwegafstanden aan tabel A7 van EN 50124-1 waarbij het elektrisch werkgebied van de stroomafnemer tussen 4.700 mm en 5.800 mm bedraagt, gemeten vanaf de bovenzijde van de koppen van de spoorstaven; e. de afstand tussen de sleepstukken bedraagt maximaal 650 mm inclusief de breedten van de koolstrippen; f. de afstand tussen opstaande stroomafnemers voldoet aan EN 50367:2012; g. de opdruk van de rijdraad bedraagt ten hoogste 100 mm bij een voertuigsnelheid tot en met 140 km/uur; h. de opdruk van de rijdraad bedraagt ten hoogste 120 mm bij een voertuigsnelheid vanaf 140 km/uur tot en met 160 km/uur; 	The Netherlands will check.	

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<p>i. de dynamische opdrukkkracht bedraagt ten minste 40 N, ten hoogste 200 N bij een snelheid van 160 km/u en ten hoogste 350 N bij een overgang naar starre ophanging.</p> <p>2. Indien een spoorvoertuig is voorzien van meerdere stroomafnemers zijn deze niet elektrisch via het spoorvoertuig doorverbonden.</p>		
RST	Extension of area of use	<p>Bijlage 10. behorende bij artikel 15 Elektrische veiligheid De impedantie tussen het spoorvoertuig en de spoorstaaf voldoet aan TSI Loc&Pas 4.2.8.4.</p>	<p>The national rule relates to clause 7.1.4 of LOC&PAS TSI. Agency examination: Extension of area of use provisions are defined in TSIs. The national rule relates to clause 4.2.8.4 of LOC&PAS which is not related to technical compatibility between vehicle and an area of use. The Dutch, national rule introduces additional requirement compared to those in clause 7.1.4 of LOC&PAS. The Netherlands justification: See justification on article 15. The Netherlands will check.</p>	Negatively assessed, national rule should be repealed
RST	Special vehicles such as OTM not TSI compliant	<p>Artikel 17. Spoormachines en rail-wegvoertuigen 1 Onverminderd de artikelen 3 tot en met 13, voldoen spoormachines in vervoersmodus, die niet voldoen aan TSI LOC&PAS en TSI WAG, aan: a. de eisen, genoemd in bijlage 12, onderdeel a; en b. EN 14033-1 en 14033-3. 2 Onverminderd de artikelen 3 tot en met 13, voldoen rail-wegvoertuigen in vervoersmodus, die niet voldoen aan TSI LOC&PAS, aan: a. de eisen, genoemd in bijlage 12, onderdeel b; en</p>	<p>The national rule relates to clause 7.1.1.3 of LOC&PAS TSI. The Agency's examination: The rules should be notified in RDD for special vehicles such as OTM when not applying the TSI as mentioned in 7.1.1.3 of LOC&PAS TSI. The Netherlands' justification: The Netherlands indicated that the rules will be notified for special vehicles such as OTM when not applying TSIs.</p>	National rule to be notified

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		b. EN 15746-1 en 15746-2.		
RST CCS	4 th Railway package : Vehicle register	<p>Artikel 18. Nationaal voertuigregister</p> <p>1 Het nationaal voertuigregister bevat ten aanzien van het spoorvoertuig de gegevens, bedoeld in artikel 47, derde lid, van de interoperabiliteitsrichtlijn.</p> <p>2 De aanvrager van een inschrijving in het nationaal voertuigregister, voegt bij de aanvraag de gegevens, bedoeld in aanhangsel 4 van de bijlage behorende bij beschikking 2007/756/EG.</p> <p>3 De minister wijzigt de inschrijving van een spoorvoertuig:</p> <p>a. op verzoek van de houder van het spoorvoertuig;</p> <p>b. indien het spoorvoertuig definitief buiten gebruik wordt gesteld;</p> <p>c. indien een voertuigvergunning als bedoeld in artikel 26k, tweede lid, van de wet is geschorst, ingetrokken of indien deze van rechtswege is vervallen; of</p> <p>d. indien informatie verkregen van onder meer het Europees Spoorwegbureau of van andere lidstaten daartoe aanleiding geeft.</p>	<p>The national rule relates to vehicles register.</p> <p>The Agency's examination:</p> <p>The national rule is not part of vehicle authorisation, registration of vehicle in the National Vehicle Register is to be performed after authorisation and is covered by Decision (EU) 2018/1614.</p> <p>Note. The Agency considers that this rule constitutes a transposition measure of Directive (EU) 2016/797. Transposition legislation must be notified by a Member State to the Commission via its dedicated IT application, THEMIS.</p> <p>The Netherlands' justification:</p> <p>The Netherlands indicated that the article 18 will be withdrawn.</p>	Negatively assessed, national rule should be repealed
RST CCS	4 th Railway package: conformity assessment	<p>Artikel 19. Conformiteitsbeoordeling nationale voorschriften</p> <p>1. De conformiteitsbeoordeling aan de hand van nationale voorschriften wordt toegepast als beschreven in artikel 14 en bijlage IV van de interoperabiliteitsrichtlijn.</p> <p>2. De aanvrager van de conformiteitsbeoordeling kiest een van de volgende modules of combinaties</p>	<p>The national rule relates to conformity assessment of national rules.</p> <p>The Agency's examination:</p> <ul style="list-style-type: none"> Point 1: Wrong reference to Article 14; it should instead be a reference to Article 15 of Directive (EU) 2016/797. NSA NL to check if the requirement is aligned with the Commission Implementing Regulation (EU) 2019/250. It is to be noted that the 	Negatively assessed, national rule should be modified

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<p>van modules, genoemd in bijlage I van besluit 2010/713:</p> <p>1.° SB en SD; 2.°SB en SF; of 3.° SH1.</p> <p>3. Het format van de door de aangewezen instantie verstrekte verklaringen komt overeen met RFU-STR-001 van NB-Rail, waarbij de benamingen van de verklaringen overeenkomen met de benamingen zoals voorgeschreven in de toegepaste modules.</p> <p>4. De verklaringen van de aangewezen instantie mogen deel uitmaken van de verklaringen van de aangemelde instantie en het dossier mag deel uitmaken van het dossier van de aangemelde instantie, waarbij de indeling van het dossier overeenkomt met RFU-STR-011 van NB-Rail.</p> <p>5. De geldigheidsduur van de door de aangewezen instantie verstrekte verklaringen wordt overeenkomstig RFU-STR-060 van NB-Rail vastgesteld.</p> <p>6. De te beoordelen eigenschappen van een spoorvoertuig in de ontwerp-, ontwikkel- en productiefase en de specifieke conformiteitsbeoordelingsprocedures die daarvoor gelden, zijn opgenomen in bijlage 13.</p>	<p>Commission Implementing Regulation (EU) 2019/250 is already applicable:</p> <ul style="list-style-type: none"> ○ for DeBo Intermediate Statement of Verification (annex IV) and ○ DeBo certificates of verification (annex V), <ul style="list-style-type: none"> ● Point 2: accepted, ● Point 3: It is to be noted that the Commission Implementing Regulation (EU) 2019/250 is also to be taken for Intermediate Statement of Verification (annex IV) and certificates of verification (annex V). Reference to Recommendation For Uses RFU should not be made in national legislation, RFUs are developed by NBRail. ● Point 4: NL to clarify the rule, it is reminded that provisions related to vehicle authorisation are covered by the Commission Implementing Regulation (EU)2018/545. The assessment of National Rules covered by a DeBo are different to the TSIs assessment covered by NoBo checks... NoBo and DeBo certificates and technical files cannot be mixed: the work performed by a DeBo cannot be included in the deliverables of NoBo. ● Point 5: there is no mention of which version of RFU the rule refers. ● Point 6: Annex 13 is to be aligned following cleaning up of national rule, aspects already covered by Article 19 should be simplified indicating that provisions for NoBo in legal texts are applicable for 	

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
			<p>DeBos mutatis mutandis (e.g directive, modules decision, TSIs)</p> <p>The Netherlands justification: The Netherlands indicated that:</p> <ul style="list-style-type: none"> • Point 1: will be withdrawn, • Point 3: should be withdrawn, • Point 4: allow DeBo certificate to be part of NoBo certificate...NL will review the rule, • Point 5: to reflect on the possible revision of the rule, • Point 6 will be aligned. 	
RST CCS	4 th Railway package: conformity assessment	<p>Artikel 20. Voertuigvergunningen</p> <p>1 Onverminderd het bepaalde in bijlage I bij uitvoeringsverordening (EU) 2018/545, wordt bij de aanvraag voor een voertuigvergunning als bedoeld in artikel 26k, tweede lid, van de wet in ieder geval het gebruiksgebied van het spoorvoertuig, waarvoor een voertuigvergunning wordt aangevraagd, opgenomen.</p> <p>2 Onverminderd het bepaalde in artikel 46, vierde lid, van uitvoeringsverordening (EU) 2018/545, vermeldt een voertuigvergunning als bedoeld in artikel 26k, tweede lid, van de wet:</p> <ol style="list-style-type: none"> a. het gebruiksgebied van het spoorvoertuig; b. de waarden van de parameters in de toepasselijke TSI's en, indien van toepassing in nationale voorschriften, om te controleren of het spoorvoertuig technisch compatibel is met het gebruiksgebied; 	<p>The national rule relates to conformity assessment of national rules.</p> <p>The Agency's examination:</p> <ul style="list-style-type: none"> - Article 20 (1): the rule duplicates the regulation 2018/545, definition of area of use by applicant is already covered by regulation 2018/545 point 3 of annex I content of application. - Article 20(2):the rule is already covered by article 48 of regulation 2018/545 (see paragraphs c and d)) - Article 20(3): the rule is already covered by article 31 of regulation 2018/545 that requires the submission of the application for authorisation through the one-stop shop <p>The Netherlands' justification: The Netherlands indicated that they will check. If everything is covered, the rule should be withdrawn.</p>	Negatively assessed, national rule should be repealed

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<p>c. de verenigbaarheid van het spoorvoertuig met de toepasselijke TSI's en nationale voorschriften en met de daarin opgenomen parameters;</p> <p>d. de voorwaarden voor en de beperkingen aan het gebruik van het spoorvoertuig.</p> <p>3 Een aanvraag voor een voertuigvergunning als bedoeld in artikel 26k, tweede lid, van de wet wordt ingediend via het éénloketsysteem, bedoeld in artikel 12 van de spoorwegbureauverordening.</p>		
RST CCS	4 th Railway package: exemption, temporary authorisation	<p>Artikel 21. Ontheffing en tijdelijke gebruiksvergunning</p> <p>1 De minister verleent slechts een ontheffing, als bedoeld in de artikelen 26f, eerste en tweede lid, 26k, vijfde lid, en 26q, vierde en zesde lid, van de wet of een tijdelijke vergunning als bedoeld in artikel 26r, eerste lid, van de wet, indien een veilig gebruik van de spoorvoertuigen en de compatibiliteit van de spoorvoertuigen met de hoofdspoorweginfrastructuur gewaarborgd zijn.</p> <p>2 Bij een aanvraag van een ontheffing als bedoeld in artikel 26q, vierde lid, van de wet, wordt in ieder geval bijgevoegd:</p> <ul style="list-style-type: none"> a. een beschrijving van de grensbaanvakken waarvoor de ontheffing wordt aangevraagd; b. een kopie van de geldende voertuigvergunning uit de aangrenzende lidstaat; en c. een verklaring van de op grond van artikel 26v, eerste lid, van de wet aangewezen instantie dat het spoorvoertuig compatibel is met het betreffende grensbaanvak. 	<p>The national rules relate to temporary authorisation.</p> <p>The Agency's examination:</p> <p>The Netherlands should clarify the rule, especially if it is aligned with article 46 of the Commission Implementing Regulation (EU) 2018/545.</p> <p>Note. The Agency considers that this national rule constitutes a transposition measure of Directive (EU) 2016/797. Transposition legislation must be notified by a Member State to the Commission via its dedicated IT application, THEMIS.</p> <p>The Netherlands' justification:</p> <p>The Netherlands indicated that national rule should be revised to limit the article 21 to temporary authorisation for testing.</p>	Negatively assessed, national rule should be modified

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<p>3 Bij een aanvraag van een ontheffing als bedoeld in de artikelen 26f, eerste en tweede lid, 26k, vijfde lid, en 26q, zesde lid, van de wet en van een tijdelijke gebruiksvergunning als bedoeld in artikel 26r, eerste lid, van de wet, wordt in ieder geval bijgevoegd:</p> <ul style="list-style-type: none"> a. de motivering voor de afwijking; b. informatie over de in te zetten spoorvoertuigen; c. informatie over het voorziene gebruik van de spoorvoertuigen; d. de omvang van afwijkingen; e. alle redelijk voorzienbare risico's; en f. de in te zetten risicobeheersmaatregelen. <p>4 De informatie, bedoeld in het tweede en derde lid, gaat vergezeld van een of meerdere verklaringen opgesteld door conformiteitsbeoordelingsinstanties als bedoeld in artikel 26u, eerste lid, en artikel 26v, eerste lid, van de wet, en beoordelingsinstanties die op grond van artikel 7 van uitvoeringsverordening (EU) 402/2013 zijn erkend of geaccrediteerd.</p>		
RST CCS	4 th Railway Package: checks before the use of vehicle	<p>Artikel 23. Controles</p> <p>1 De spoorwegonderneming voert de controles, bedoeld in artikel 26p, aanhef en onder c, van de wet, uit met inachtneming van de voor de uitvoering van de controles relevante informatie, waaronder in elk geval de relevante informatie uit het infrastructuurregister, bedoeld in artikel 26bb van de wet, en de toepasselijke TSI's.</p> <p>2 De spoorwegonderneming voert de controles, bedoeld in artikel 26p, aanhef en onder d, van de wet, uit</p>	<p>The national rules relate to temporary authorisation.</p> <p>The Agency's examination:</p> <p>The rule is not related to vehicle authorisation but relates to checks before the use of the vehicle that is covered by article 23 of Directive (EU) 2016/797, TSI OPE and CSM regulation.</p> <p>Note. The Agency considers that this national rule constitutes a transposition measure of Directive (EU) 2016/797. Transposition legislation must be notified by a</p>	Negatively assessed, national rule should be repealed

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		met inachtneming van het geldende veiligheidsbeheersysteem, bedoeld in artikel 23 van de Regeling interoperabiliteit en veiligheid spoorwegen, en punt 4.2.2.5 en aanhangsel D1 van de TSI OPE.	Member State to the Commission via its dedicated IT application, THEMIS. The Netherlands' justification: The Netherlands indicated that the rule should be withdrawn.	
RST CCS	4 th Railway Package: tests	<p>Artikel 24. Testritten</p> <p>1 Een spoorwegonderneming die van een hoofdspoorweg gebruik wil maken of gebruik wil laten maken voor het uitvoeren van een test als bedoeld in artikel 26r, eerste en tweede lid, van de wet, stemt het uitvoeren van de test voorafgaand af met de beheerder.</p> <p>2 De beheerder kan naar aanleiding van het verzoek in het belang van een veilig en ongestoord verkeer op de hoofdspoorweg, aanwijzingen geven.</p> <p>3 De spoorwegonderneming volgt de aanwijzingen, bedoeld in het tweede lid op.</p>	<p>The national rules relate to on track tests.</p> <p>The Agency's examination: Rules related to organisation of tests should be notified in RDD under the parameter 1.4, see Annex I assessment on parameter 1.4</p> <p>The Netherlands' justification: The Netherlands indicated that a proposal for parameter 1.4 will be delivered.</p>	Negatively assessed, national rule should be repealed
RST CCS	Entity in Charge of Maintenance	<p>§ 5. Onderhoud van spoorvoertuigen</p> <p>Artikel 25. Onderhoudssysteem Het onderhoudssysteem, bedoeld in artikel 36, eerste lid, van de wet, bevat de functies, bedoeld in artikel 14, derde lid, van de spoorwegveiligheidsrichtlijn.</p> <p>Artikel 26. Uitbesteding onderhoud</p> <p>1 Een met het onderhoud belaste entiteit als bedoeld in artikel 36, eerste lid, van de wet mag de functies, bedoeld in artikel 14, derde lid, onderdelen b, c en d, van de spoorwegveiligheidsrichtlijn, of onderdelen daarvan, uitbesteden.</p> <p>2 De met het onderhoud belaste entiteit draagt ervoor zorg dat de instantie waaraan een functie als bedoeld in het eerste lid is uitbesteed, de verplichtingen</p>	<p>The national rules relate to maintenance documentation and Entity in Charge of Maintenance</p> <p>The Agency's examination: Articles 25 to 29 are not to be checked at vehicle authorisation for placing on the market level. Requirements on the maintenance documentation are described in the TSIs. As example for rolling stock in the scope of TSI LOC&PAS: the documentation to be provided by the Applicant for the EC declaration of verification should contain the technical elements that are listed in this clause 4.2.12.3 of the TSI LOC&PAS. The Applicant is responsible for gathering this documentation in the technical file (including those that may be defined and provided by its subcontractors), this documentation is assessed by the</p>	Negatively assessed, national rule should be repealed

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<p>nakomt die op de met het onderhoud belaste entiteit rusten ten aanzien van die functie.</p> <p>Artikel 27. ECM-certificaat De minister verleent, op aanvraag, een ECM-certificaat aan de met het onderhoud belaste entiteit, bedoeld in artikel 36, vierde lid, van de wet, indien:</p> <ul style="list-style-type: none"> a. het onderhoudssysteem van de met het onderhoud belaste entiteit de veilige staat van het spoorvoertuig dat zij in onderhoud heeft, garandeert; b. de met het onderhoud belaste entiteit voldoet aan bijlage III bij de spoorwegveiligheidsrichtlijn en een toezichtstelsel heeft om te waarborgen dat te allen tijde wordt voldaan aan die bijlage III; c. de met het onderhoud belaste entiteit tot en met 15 juni 2020 voldoet aan de eisen, genoemd in bijlage III van verordening (EU) 445/2011 en vanaf 16 juni 2020 aan de eisen, genoemd in bijlage II van uitvoeringsverordening (EU) 2019/779; d. voor zover van toepassing, de met het onderhoud belaste entiteit er zorg voor draagt dat een door de met het onderhoud belaste entiteit ingeschakeld onderhoudsbedrijf de voor het onderhoudsbedrijf relevante delen van bijlage III bij de spoorwegveiligheidsrichtlijn naleeft. <p>Artikel 28. Certificaat uitbestede onderhoudsfuncties</p> <ul style="list-style-type: none"> a. NL 	<p>NoBo according to the clause 6.2.6 of the TSI: compilation; technical content not assessed. This documentation is in principle not related to a particular use of the rolling stock (the common use of the RST being defined by its category according to clause 4.1.3 of the TSI, and by its technical characteristics), but it may include hypothesis regarding its use. This documentation is not required to be the final documentation to be used by the Entity in Charge of Maintenance (ECM), which must take into account real operating and maintenance conditions in order to issue maintenance procedures or manuals that are directly applied by workers in charge of maintenance. The language to be used for the final documentation should be defined by the user (not in the scope of this TSI).</p> <p>In case the ECM deviates from the technical elements provided, it is under its own responsibility. Please refer also provisions applicable to the Commission Implementing Regulation (EU) 2019/779 and its application guide.</p> <p>Note. The Agency considers that this national rule constitutes a transposition measure of Directive (EU) 2016/797. Transposition legislation must be notified by a Member State to the Commission via its dedicated IT application, THEMIS.</p> <p>The Netherlands: The Netherlands indicated that the rule will be checked and revised with NSA NL.</p>	

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<p>2 De minister verleent vanaf 16 juni 2020 een certificaat als bedoeld in artikel 36, zesde lid, van de wet indien:</p> <ul style="list-style-type: none"> a. voor de functie van onderhoudsontwikkeling wordt voldaan aan de eisen, genoemd in bijlage II, onderdelen I en II, van uitvoeringsverordening (EU) 2019/779; b. voor de functie van beheer van de onderhoudsplanning wordt voldaan aan de eisen, genoemd in bijlage II, onderdelen I en III, van uitvoeringsverordening (EU) 2019/779; of c. voor de functie van uitvoering van het onderhoud wordt voldaan aan de eisen, genoemd in bijlage II, onderdelen I en IV, van uitvoeringsverordening (EU) 2019/779. <p>Artikel 29. Erkenning onderhoudswerkplaatsen Een erkenning als bedoeld in artikel 37, tweede lid, van de wet, wordt verleend indien wordt voldaan:</p> <ul style="list-style-type: none"> a. tot en met 15 juni 2020: aan de eisen, genoemd in bijlage I, onder 2, van verordening (EU) 445/2011; b. vanaf 16 juni 2020: aan de eisen, genoemd in artikel 10, tweede lid, of bijlage II, onderdeel I en IV, van uitvoeringsverordening (EU) 2019/779. 		
RST CCS	Standards	<p>Bijlage 1. behorende bij artikel 1 Versies van de CLC-normen, EN-normen, ProRail RLN-richtlijnen en RFU-aanbevelingen.</p> <p>Meer recente versies van de EN-normen mogen worden toegepast, mits op grond van de van toepassing zijnde TSI,</p>	<p>The rule relates to Standards mentioned in the national rules.</p> <p>The Agency's examination: Annex 1 is not referenced in any article except for Article 1 which relates to definition, other articles should refer to</p>	Negatively assessed, national rule should be modified

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		deze versies eveneens toegepast mogen worden met betrekking tot de te beoordelen karakteristieken.	<p>Annex 1. Annex 1 should be aligned with cleaning up of national rules on other articles. EN standards already mentioned in TSIs should not be duplicated in national rules.</p> <p>The Netherlands' justification: The Netherlands will cross check the annex 1, reference to it should be made in the articles similarly as what is done in TSIs.</p>	