

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

OPINION

ERA/OPI/2024-2

OF THE EUROPEAN UNION AGENCY FOR RAILWAYS

for

SLOVENIA

regarding

one hundred sixteen (116) notified draft national rules setting
requirements on several operational aspects

Disclaimer:

The present document is a non-legally binding opinion of the European Union Agency for Railways. It does not represent the view of other EU institutions and bodies, and is without prejudice to the decision-making processes foreseen by the applicable EU legislation. Furthermore, a binding interpretation of EU law is the sole competence of the Court of Justice of the European Union.

1. General Context

In line with article 25 (3) of Regulation (EU) 2016/796, this opinion covers the examination of one hundred sixteen (116) draft national rules of Slovenia by the European Union Agency for Railways (the Agency or ERA) leading to a negative assessment.

Slovenia notified these draft rules in the Single Rules Database (SRD) on 11 and 12 May 2023. The Agency assessed them and reached the conclusion (also recorded in the SRD) that the notified draft rules contain requirements which according to the Agency's opinion:

- do not meet the scope of notification of a national rule in the field of safety, according to Article 8 of Directive (EU) 2016/798 on railway safety,
- are not in line with the EU legal framework, mainly Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 establishing common safety methods on safety management system requirements (CSM-SMS)¹.

Moreover, the majority of the negatively assessed draft one hundred sixteen (116) rules have been incorrectly notified – without proper reference to the type of the rule and its scope under Appendix I of Regulation (EU) 2019/773 (TSI OPE).

In agreement with the Member State, the timeframe for the Agency's assessment of the notified rules was extended twice, on 26 May 2023 until 30 September 2023 and then on 22 September 2023 until 31 October 2023.

The Agency shared its negative assessment with Slovenia on 31 October 2023.

Considering the high number of notified rules, the Member State had the 2-months timeframe for submitting their position extended to 29 February 2024. Between 26 and 27 February 2024, Slovenia notified the Agency via SRD its rejection of the Agency's negative assessment of one hundred sixteen (116) draft national rules.

This opinion is addressed to Slovenia with a copy to the European Commission.

It is uploaded on the Single Rules Database (SRD) and on the Agency's website.

2. Legal Background

Article 25 (2) and (3) of Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/20041 (Agency Regulation) sets out the following:

“2. Where, after the examination referred to in paragraph 1, the Agency considers that the draft national rules enable the essential requirements for railway interoperability to be fulfilled, the CSMS and TSIs in force to be respected and the CSTs to be achieved, and that they would not result in arbitrary discrimination or a disguised restriction on rail transport operations between Member States, the Agency shall inform the Commission and the Member State concerned of its positive assessment. In that case, the Commission may validate the rules in the IT system referred to in Article 27.

Where the Agency within 2 months of receipt of the draft national rule or within the extended time period agreed in accordance with paragraph 1 does not inform the Commission and the Member State concerned of its assessment, the Member State may proceed with the introduction of the rule without prejudice to Article 26.

3. 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

¹ The draft rules have been listed in the table under chapter 3 of this opinion. Detailed information and reference to legal acts are included in the table under chapter 3 of this opinion.

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 opinion is issued pursuant to Article 25 (3 a) of the Regulation (EU) 2016/796.

This opinion points out the fact that the draft national rules of Slovenia do not meet the scope of the assessment or contradict already harmonised EU legislation, according to the analysis and the Annex to this opinion.

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

- Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety,
- Commission implementing Regulation (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union and repealing Decision 2012/757/EU,
- Commission delegated Regulation (EU) 2018/762 of 8 March 2018 establishing common safety methods on safety management system requirements pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulations (EU) No 1158/2010 and (EU) No 1169/2010,
- Commission Regulation (EU) No 1078/2012 of 16 November 2012 on a common safety method for monitoring to be applied by railway undertakings, infrastructure managers after receiving a safety certificate or safety authorisation and by entities in charge of maintenance,
- Commission Delegated Regulation (EU) 2018/761 of 16 February 2018 establishing common safety methods for supervision by national safety authorities after the issue of a single safety certificate or a safety authorisation pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 1077/2012,
- Commission Implementing Regulation (EU) 2015/1136 of 13 July 2015 amending Implementing Regulation (EU) No 402/2013 on the common safety method for risk evaluation and assessment.

3. Analysis

The negatively assessed one hundred sixteen (116) notified draft rules are provisions contained in one draft legal document “Prometni pravilnik” (Traffic Regulation). The majority of the rules were notified as type 4 rules with the scope defined as ‘Other NSR’.

In chapter 3 of the opinion the Agency provides an overview of the rules, categorised in two groups according to the Agency’s assessment.

A table containing the notified content² of the negatively assessed rules, the Agency’s analysis and position on them is provided in Annex 2 of this opinion.

As a general remark it must be stressed that in case of revision of some of the notified rules, where the Agency indicated such a possibility, all relevant remarks stated in the Agency position should be considered.

No	Category	Rule ID	General position of the Agency
1	Rules out of scope of the assessment of national rules under Article 8 of Directive (EU) 2016/798	SI-SA-488-1-D SI-SA-492-1-D SI-SA-494-1-D SI-SA-500-1-D SI-SA-501-1-D SI-SA-505-1-D SI-SA-506-1-D SI-SA-510-1-D SI-SA-511-1-D SI-SA-513-1-D SI-SA-515-1-D SI-SA-518-1-D SI-SA-519-1-D SI-SA-523-1-D SI-SA-594-1-D SI-SA-639-1-D SI-SA-727-1-D SI-SA-754-1-D	<p>The Agency’s initial assessment of the draft rules in the SRD is herewith confirmed.</p> <p><u>Justification:</u></p> <p>In relation to the Agency’s initial negative assessment, clarifications were asked by Slovenia for some of its draft rules.</p> <p>Slovenia had the opportunity to provide such clarifications or additional arguments or its position in relation to the Agency’s assessment. Slovenia’s position on the Agency’s negative assessment did not contain additional information and/or valid arguments against the Agency’s initial assessment in SRD.</p> <p>In relation to Slovenia’s response on the safety critical tasks, Slovenia pointed out (translation by the Agency):</p> <p><i>“This provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.”</i></p> <p>As regards Slovenia’s point on “The operator and the carriers employ persons to carry out safety-critical tasks” the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency’s view Slovenia’s additional information/position does not change the Agency’s initial assessment.</p> <p><u>General Agency’s comment on Slovenia’s draft rules:</u></p>

² The content of the rules in English was provided by the Member State in SRD (automatic translation). For the purpose of this opinion, in some of the rules the Agency edited the content of those rules by including the correct acronyms: SMS for safety management system (SI: SVU - sistem varnega upravljanja) and OVKN (SI: osebje ali oseba, ki opravlja varnostno kritične naloge) for staff performing safety critical-tasks.

No	Category	Rule ID		General position of the Agency
				<p>Elements of definitions, description of the organisation of railway traffic (including interfaces), or provisions on the development of network timetable, cannot be considered as a national rule under Article 8 Directive (EU) 2016/798 (RSD) and Appendix I to Regulation (EU) 2019/773 (TSI OPE).</p> <p>Therefore, such provisions do not require notification under Article 8 of Directive (EU) 2016/798 (RSD) and do not need to be assessed as a national rule relevant for safety certification process.</p> <p>As per definition of a national rule (Article 3 (8) of Directive (EU) 2016/798), these are “<i>all binding rules adopted in a Member State, irrespective of the body issuing them, which contain railway safety or technical requirements, other than those laid down by Union or international rules, and which are applicable within that Member State to railway undertakings, infrastructure managers or third parties</i>”.</p> <p>In other words, only rules purely setting up such requirements (operational context) shall be notified for the Agency's assessment in the Single Rules Database (Safety).</p> <p>For infrastructure out of scope of Directive (EU) 2016/798:</p> <p>In case such infrastructure is covered by the notified draft rules, then such infrastructure can be excluded from the scope of Directive (EU) 2016/798. This is because according to Article 10(3)(b) RSD, these rules are not part of the national rules to be taken into account as defined in Article 8 of RSD.</p> <p>In case such infrastructure falls within the RSD's scope, the requirements for SMS apply, as prescribed in Commission Delegated Regulation (EU) 2018/762.</p>
2	<p>Rules in areas already regulated in EU legal framework, including Regulation (EU) 2019/773 and Regulation (EU) 2018/762</p>	<p>SI-SA-489-1-D SI-SA-491-1-D SI-SA-493-1-D SI-SA-495-1-D SI-SA-496-1-D SI-SA-508-1-D SI-SA-524-1-D SI-SA-525-1-D SI-SA-528-1-D SI-SA-543-1-D SI-SA-544-1-D SI-SA-549-1-D SI-SA-563-1-D SI-SA-564-1-D SI-SA-568-1-D SI-SA-569-1-D SI-SA-585-1-D SI-SA-587-1-D SI-SA-589-1-D SI-SA-590-1-D SI-SA-596-1-D</p>	<p>SI-SA-681-1-D SI-SA-683-1-D SI-SA-685-1-D SI-SA-686-1-D SI-SA-691-1-D SI-SA-692-1-D SI-SA-693-1-D SI-SA-695-1-D SI-SA-722-1-D SI-SA-725-1-D SI-SA-726-1-D SI-SA-728-1-D SI-SA-730-1-D SI-SA-731-1-D SI-SA-732-1-D SI-SA-733-1-D SI-SA-734-1-D SI-SA-735-1-D SI-SA-739-1-D SI-SA-740-1-D SI-SA-741-1-D</p>	<p>The Agency's initial assessment of the draft rules in the SRD is herewith confirmed.</p> <p><u>Justification:</u></p> <p>In relation to the Agency's initial negative assessment, clarifications were asked by Slovenia for some of its draft rules.</p> <p>Slovenia had the opportunity to provide such clarifications or additional arguments or its position in relation to the Agency's assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>In relation to Slovenia's response on the safety critical tasks, Slovenia pointed out (translation by the Agency):</p> <p><i>“This provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.”</i></p> <p>As regards Slovenia's point on “<i>The operator and the carriers employ persons to carry out safety-critical tasks</i>” the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the</p>

No	Category	Rule ID		General position of the Agency
		SI-SA-597-1-D	SI-SA-742-1-D	<p>competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p> <p><u>General Agency's comment on Slovenia's draft rules:</u></p> <p>Concerning Slovenia's argumentation in relation to these rules, the Agency stresses that Commission Implementing Regulation (EU) 2019/773 (TSI OPE) is directly applicable. This means that its provisions shall not be duplicated or further supplemented in the national law.</p> <p>It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including TSI OPE and Commission Delegated Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.</p> <p>Moreover, identification and allocation of roles and responsibilities to staff, including staff performing safety-critical tasks, is a responsibility of the RU (or IM for their staff) and should be a part of the SMS of the RU/IM, according to requirement 2.3.1 of Annex I/II of CSM SMS. This means that the legislator shall refrain from adopting rules directly assigning responsibilities to the driver or other safety-critical staff.</p> <p>Based on the context, the activities and the assessment of the associated risks, the IM and RU must make arrangements in their SMSs to appropriately inform and provide the appropriate documentation to the affected staff in line with the requirements of Annex I/II of CSM SMS.</p> <p>In cases the notified rules partially cover aspects that could be assessed under areas for national rules or open points (e.g. additional information for the operational use of national signalling system, maximum speeds in degraded mode or elements allowed under communication aspects) listed in Appendix I of TSI OPE, the content of such rules needs to be thoroughly revised for compliance with EU legal framework.</p>
		SI-SA-601-1-D	SI-SA-743-1-D	
		SI-SA-603-1-D	SI-SA-744-1-D	
		SI-SA-605-1-D	SI-SA-745-1-D	
		SI-SA-606-1-D	SI-SA-746-1-D	
		SI-SA-608-1-D	SI-SA-749-1-D	
		SI-SA-609-1-D	SI-SA-750-1-D	
		SI-SA-612-1-D	SI-SA-751-1-D	
		SI-SA-614-1-D	SI-SA-752-1-D	
		SI-SA-637-1-D	SI-SA-753-1-D	
		SI-SA-638-1-D	SI-SA-755-1-D	
		SI-SA-644-1-D	SI-SA-756-1-D	
		SI-SA-650-1-D	SI-SA-757-1-D	
		SI-SA-651-1-D	SI-SA-758-1-D	
		SI-SA-653-1-D	SI-SA-759-1-D	
		SI-SA-655-1-D	SI-SA-760-1-D	
		SI-SA-656-1-D	SI-SA-761-1-D	
		SI-SA-658-1-D	SI-SA-762-1-D	
		SI-SA-659-1-D	SI-SA-763-1-D	
		SI-SA-661-1-D	SI-SA-764-1-D	
		SI-SA-662-1-D	SI-SA-765-1-D	
		SI-SA-666-1-D	SI-SA-766-1-D	
		SI-SA-667-1-D		
		SI-SA-669-1-D		
		SI-SA-672-1-D		
		SI-SA-674-1-D		
		SI-SA-676-1-D		
		SI-SA-678-1-D		
		SI-SA-680-1-D		

4. The opinion

The Agency considers that the provisions in one hundred sixteen (116) draft national safety rules of Slovenia are either not compliant with relevant EU legal requirements or do not meet the scope of notification of a national rule in the field of safety, according to Article 8 of Directive (EU) 2016/798 on railway safety, as described in part 3 Analysis of this opinion.

For this reason, in accordance with Article 25 (3) of Regulation (EU) 2016/796, the Agency with this opinion confirms its negative assessment.

This opinion is addressed to Slovenia, with a copy to the European Commission (DG Move).

Valenciennes, 21/03/2024

Signed

Josef DOPPELBAUER
Executive Director

Annex 1

Impact Note

Regarding one hundred sixteen (116) notified draft national rules setting requirements on several operational aspects

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

1. Context and assessment of impacts
1.1. The national rule in object
<p>In line with article 25 (3) of Regulation (EU) 2016/796, this opinion covers the examination of one hundred sixteen (116) draft national rules notified by Slovenia in the Single Rules Database (SRD) on 11 and 12 May 2023.</p> <p>The Agency assessed them and reached the conclusion (also recorded in the SRD) that the notified draft rules contain requirements which according to the Agency’s opinion:</p> <ul style="list-style-type: none"> do not meet the scope of notification of a national rule in the field of safety, according to Article 8 of Directive (EU) 2016/798 on railway safety, are not in line with the EU legal framework, mainly Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 establishing common safety methods on safety management system requirements (CSM-SMS). <p>Moreover, the majority of the negatively assessed draft rules have been incorrectly notified, without proper reference to the type of the rule and its scope under Appendix I of Regulation (EU) 2019/773 (TSI OPE).</p>
6. 1.2. Analysis performed
<p>The Agency shared its negative assessment with Slovenia on 31 October 2023. Between 26 and 27 February 2024, Slovenia notified the Agency via SRD its rejection of the Agency’s negative assessment of the draft national rules.</p> <p>The negatively assessed one hundred sixteen (116) notified draft rules are provisions contained in one draft legal document “Prometni pravilnik” (Traffic Regulation).</p> <p>In chapter 3 of this opinion the Agency provides an overview of the rules, divided in two categories according to the Agency’s assessment. In particular, various rules are:</p> <ul style="list-style-type: none"> <u>out of scope of the assessment of national rules</u> according to Article 8 of Directive (EU) 2016/798. Such provisions do not require notification under Article 8 of Directive (EU) 2016/798 and do not need to be assessed as a national rule relevant for safety certification process. <u>covering areas already regulated in EU legal framework, including Regulation (EU) 2019/773 and Regulation (EU) 2018/762</u>. TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the SMS of RU/IM to develop their processes and procedures on the basis of the requirements specified in EU law, including TSI OPE and Regulation (EU) 2018/762 CSM-SMS. A national rule should not prescribe additional requirements for the SMS of the operator as such requirements have been defined in Regulation (EU) 2018/762 establishing common safety methods on safety management system requirements.
7. 1.3. Assessment of impacts
<p>The one hundred sixteen (116) draft national safety rules of Slovenia are not compliant with relevant EU legal requirements or do not meet the scope of notification of a national rule in the field of safety (according to Article 8 of Directive EU 2016/798 on railway safety).</p> <p>They fall within the scope of the Light Impact Assessment ‘Revision of the Common Safety Methods on Conformity Assessment and the Common Safety Methods on Supervision’ performed by the Agency in February 2017 and of the Full Impact Assessment on the TSI OPE Revision carried out in 2018. The impacts were therefore already adequately assessed and it is confirmed that the adoption of the draft rules would</p>

compromise uniformity of application of well-established EU requirements on SMS and increase the risk of low transparency of the national rules framework that stakeholders have to comply within Slovenia.

In particular the rules negatively assessed do not fall under the RSD or in an area for national rules, or they duplicate or are not in line with requirements and/or procedures to be addressed in the companies' Safety Management System. It is for the SMS of RU/IM to develop their processes and procedures on the basis of the requirements specified in EU law, including TSI OPE Regulation (EU) 2019/773. A national rule should not prescribe additional requirements for the safety management systems of railway undertakings and infrastructure managers since such requirements have been defined in Regulation (EU) 2018/762.

Interoperability and coherence of the EU legal framework across the Union risk to be weakened by duplicating or further supplementing, in the national law, requirements already covered (in a harmonised way) at European level, going against the policy goal of reducing national rules and creating unnecessary burden on stakeholders (including unnecessary efforts to ensure the enforcement of the additional national rules on top of all other existing oversight requirements pertaining to EU law), with no (or doubtful) benefit.

Moreover, for the notified rules the appropriate notification and assessment process should be followed.

8. 1.4. Stakeholders affected

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

2. Preferred option

9. 2.1. Recommendation

No alternative options are to be assessed and it is confirmed a negative assessment of the draft rules in question notified by Slovenia.

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English
1	SI-SA-488-1-D	<p>Article 3 (Braking Distance)</p> <p>(1) The stopping distance is a fictitious standardised distance on the basis of which the signalling installations on a particular line or section of line are regulated.</p> <p>(2) The basic stopping distance on railway lines in the Republic of Slovenia shall be 1000 m.</p> <p>(3) For a braking distance of 1000 metres the following conditions shall be met:</p> <ol style="list-style-type: none"> import and cover signals must be placed not more than 500 m (in exceptional cases this distance may be increased by not more than 30%) and at least 100 m before the first import switch or before the place they cover; the distance between the import or cover signal and the signal for a moving landmark shall be at least 50 m; the distance between the main signals which pre-signal the signals of the next main signal shall be not more than 3000 m and not less than 1000 m; the pre-signals shall be placed not more than 1500 m and not less than 1000 m before the main signal whose signals they pre-signal; where the prescribed visibility distance cannot be achieved due to local conditions, the minimum distance between the main signals which pre-signal the signals of the following main signal, or between the main signal and the pre-signal, may be reduced by a maximum of 5 %, i.e. to a minimum distance of 950 m. If the minimum distance between the main signal and the pre-signal cannot be achieved due to local conditions, the minimum distance between the two signals may be reduced by a maximum of 5 %, i.e. to a minimum distance of 950 m. <p>(4) Notwithstanding paragraph 2 of this Article, on individual lines, sections of lines or stations where the conditions for a stopping distance of 1000 m are not met, the stopping distance shall be 700 m. A summary of the braking distances by line and the deviations from the 1000 m braking distance on existing lines shall be indicated by the infrastructure manager in the register of infrastructure. This information, which must be validated, shall be communicated to the operator, who shall publish it in the route statement. For a braking distance of 700 m the following conditions must be met:</p> <ol style="list-style-type: none"> import and cover signals must be placed at a maximum distance of 500 m (in exceptional cases this distance may be increased by a maximum of 30 %) and at least 100 m before the first import point or the point they cover; the distance between the import or cover signal and the signal for a moving landmark shall be at least 50 m; the distance between the main signals which pre-signal the signals of the next main signal shall be not more than 3000 m and not less than 700 m; the pre-signals shall be placed not more than 1050 m and not less than 700 m before the main signal whose signals they pre-signal; where the prescribed visibility distance cannot be achieved due to local conditions, the minimum distance between the main signals which pre-signal the signals of the following main signal, or between the main signal and the pre-signal, may be reduced by a maximum of 5 %, i.e. to a minimum distance of 665 m. If the minimum distance between the main signal and the pre-signal cannot be achieved due to local conditions, it shall be permitted to reduce the minimum distance between the main signals which pre-signal the signals of the following main signal by a maximum of 5 %, i.e. to a minimum of 665 m. <p>(5) The headway shall be a minimum of 50 m from the point where the running path ends when the train enters. The headway for one running path shall not be used for another running path at the same time.</p> <p>(6) Traffic vehicles must stop at a distance of not more than 400 m.</p>	Type 4 Other NSR	The rule contains technical requirements for infrastructure in regard to distances between signals. The notified provision contains elements of definitions and description of the infrastructure that cannot be categorized under a national rule in the field of safety according to the Directive and Appendix I to Regulation (EU) 2019/773 (TSI OPE). Therefore, this is not a rule requiring notification under Article 8 of Directive (EU) 2016/798 and does not need to be assessed as a national rule relevant for safety certification process.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons performing safety-critical tasks (SSCPs), whose qualifications vary from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common understanding between the Operator and all operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.
2	SI-SA-489-1-D	<p>Article 4 (rules governing rail transport)</p> <p>(1) Railway stations must have station rules of procedure, other organisational units of the operator and the carrier in which they carry out the work of the OSCN [OVKN] must draw up rules of procedure.</p> <p>(2) The provisions of the station rules of procedure applicable to the operator's and the carrier's OOCs [OVKN] shall be communicated by the operator to the carrier and shall be specified by the carrier in the Driver's Handbook and/or the Route Manual for the driver and in the SVU for the other OOCs [OVKN].</p> <p>(3) Provisions in the station rules which also apply to the work of other organisational units of the operator and the carrier must be entered by them in their SGEI [SMS].</p> <p>(4) At border stations, the provisions of inter-state agreements and treaties and the content of the coordinated instructions for the management and operation of traffic on the border line issued by both operators must also be observed.</p> <p>(5) The presence of a person authorised to supervise or the presence of the competent manager shall not relieve the employee of his responsibility in the performance of his work.</p>	Type 4 Other NSR	<ol style="list-style-type: none"> The rule contains requirements for the organisation of railway traffic in a level of detail that should be regulated by the infrastructure manager in its safety management system. The draft rule prescribes what internal procedures for railway stations the infrastructure manager should have and what type of information should be communicated to the railway undertaking. It also refers in paragraph 5 to the responsibilities of staff which is for the SMS of the RU as identification of roles and responsibilities of staff is a part of the SMS of the RU according to requirement 2.3.1 of Annex I of Regulation (EU) 2018/762. The national rule refers to the information that needs to be included in the Rule Book and Route Book. TSI OPE Regulation (EU) 2019/773, amended by Regulation (EU) 2023/1693, point 4.2.1.2, 4.2.1.2.1 and 4.2.1.2.2 contain provisions on this. More detailed and specific regulation of this topic is for the SMS of the railway companies, according to their role in the railway system. Paragraph 4 on rules for border stations is out of scope of the assessment under Article 8 of Directive (EU) 2016/798. 	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. We consider that the finding that the national rule refers to the OPE TSIs, namely clauses 4.2.1.2, 4.2.1.2.1 and 4.2.1.2.2, which contain provisions to this effect, is not entirely correct. In fact, the specific norm is only general and mainly descriptive in nature. It therefore does not create an obligation but rather an instruction. Such norms refer to the further application of the OPE TSI in the quoted part. The operator and the carriers employ persons performing safety-critical tasks (SSCPs) whose qualifications vary from the lowest to the highest. We perceive that the removal of such national provisions could have a safety critical component. Due to the differences in the articulation of the text of the OPE TSI and the national rule, such descriptive and informative texts are better and ensure the implementation of the OPE TSI as well as better understanding. The OPE TSI only refers to the driver documentation, the national rule (which is not, due to the absence of a commitment) is broader.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMS on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation. Based on the risk assessment and operational context, the IM and RU should develop appropriate procedures in their SMS on the provision of information internally and externally, development and transmission of rule books and route books (not only for train drivers as the 2023 amendment to TSI OPE - through Regulation (EU) 2023/1693 - makes those points broader).
3	SI-SA-491-1-D	<p>Article 6 (Posts)</p> <p>(1) The duty stations at which the OVKN carries out its work on a permanent or temporary basis are: splitting points, loading points, stopping points, level crossings at which traffic is protected by an NPr guard, and the work station of the working party when the OVKN requires information on the running of trains and rolling stock.</p> <p>(2) Each service point shall have at least an extract from the network timetable for the section concerned. In the event that the OVKN is involved in securing the running paths using SV devices at that service point, such service point shall also have an instruction manual for the use of that device.</p>	Type 4 Other NSR	This rule is a detailed operational rule prescribing elements regarding where staff performing safety critical tasks should be positioned and what sort of documentation they should be equipped with. This level of details is for SMS of the IM/ RU (CSM-SMS Regulation (EU) 2018/762 Annex I and II requirement 2.3 and 4.2). It is therefore an exclusive task of the RU and IM to decide on the deeper content of safety-related and safety-critical tasks, as this is highly dependent on each company's operational context as well as specific and tailored made risk evaluation and assessment. The Member State has no right to substitute the operator's obligation and right to define the requirements. Moreover, TSI OPE Regulation (EU) 2019/773, amended by Regulation (EU) 2023/1693 in points 4.2.1.3 and 4.2.1.4 of 2019 version, deleted and replaced with new content of point 4.2.1.2.1 and 4.2.1.2.2 obliges the RU and IM to provide their staff executing safety-critical tasks with information comprising the Rule Book and Route Book. The more detailed provisions on this should be covered in the SMS of the RU/IM.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ contractors, whose grades vary from the lowest to the highest. We perceive that a different articulation of the provision, which would have similar content, would not be sufficiently well understood in practice, which in turn increases the risk for the safe operation of rail transport. As the rule does not present concrete commitments, but only gives examples of places and minimum requirements, and its nature is mainly general and instructive, we consider that a national rule should be adopted at national level. We would like to point out that since it is a general and descriptive norm without specific commitments, this does not in any way affect the scope of the assessment of the safety management system, which is however carried out at the level of detail set out in Regulation (EU) 2018/762 on the Common Safety Management Method (CSM-SMS), Annex I and II.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMS on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
4	SI-SA-492-1-D	<p>Article 7 (trains and their purpose)</p> <p>(1) A train is a group of railway traction units and/or traction units assembled and coupled together according to the regulations and identified by the numerical code of the assigned path.</p> <p>(2) Depending on their purpose, trains are passenger trains, freight trains and service trains for the needs of the operator:</p> <ol style="list-style-type: none"> passenger trains: <ol style="list-style-type: none"> trains with tilting technology, the technical design of which reduces the lateral accelerations acting on the passenger; multiple units; wagon passenger trains consisting of one or more locomotives and passenger coaches; locomotive trains, which are either multiple units when running empty or locomotives of passenger trains; experimental trains; freight trains: <ol style="list-style-type: none"> trains for the carriage of freight running to the order of the carrier; trial trains; and locomotive trains which are locomotives of freight trains; service trains for the needs of the operator: <ol style="list-style-type: none"> special purpose motor vehicles when running as a train; gauging trains; experimental trains; working trains; intervention trains. 	Type 4 Other NSR	The notified provision contains elements of definitions and description of the organisation of railway traffic that cannot be categorized under a national rule in the field of safety according to the Directive and Appendix I to Regulation (EU) 2019/773 (TSI OPE). Therefore, this is not a rule requiring notification under Article 8 of Directive (EU) 2016/798 and does not need to be assessed as a national rule relevant for safety certification process. As per definition of a national rule (Article 3 (8) of Directive (EU) 2016/798) those are all binding rules adopted in a Member State, irrespective of the body issuing them, which contain railway safety or technical requirements, other than those laid down by Union or international rules, and which are applicable within that Member State to railway undertakings, infrastructure managers or third parties. Therefore, only rules purely setting up such requirements (operational context) should be notified for the Agency's assessment in Single Rules Database (Safety). Nevertheless, it has to be stressed that the term 'train' is defined in Appendix J of TSI OPE Regulation (EU) 2019/773, amended by Regulation (EU) 2023/1693. The Member State must avoid duplicating or differently defining elements already harmonised on the European level.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ contractors, whose grades vary from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMS on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation. Definitions do not fall within the scope of a national rule in the field of safety, under Article 8 of Directive (EU) 2016/798.
5	SI-SA-493-1-D	<p>Article 8 (Scheduling, handover and takeover of the service)</p> <p>The provisions for the scheduling, handover and acceptance of the service shall be laid down by the operator and the carrier in their respective SGEIs [SMS].</p>	Type 4 Other NSR	The arrangement of work schedule is the responsibility of the RU/IM. This should be for the SMS and national rules should not put additional requirements on what should be regulated in the SMS other than elements already provided in the European framework, mainly Directive (EU) 2016/798 and Regulation (EU) 2018/762. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMS on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English
6	SI-SA-494-1-D	<p>Article 9 (Transport Manager's Service Badge)</p> <p>The service insignia of the transport manager to be worn while on duty shall be a red cap with an emblem.</p>	Type 4 Other NSR	<p>The national rule should not prescribe the equipment and clothing of the RU and IM staff. The rule refers to signallers of the IM. As such, it cannot be categorized under a national rule in the field of safety according to the Directive and Appendix I to Regulation (EU) 2019/773 (TSI OPE). Therefore, this is not a rule requiring notification under Article 8 of Directive 2016/798 and the notified provision does not contain any operational value to be assessed as a national rule relevant for safety certification process.</p> <p>As per definition of a national rule (Article 3 (8) of Directive (EU) 2016/798) those are all binding rules adopted in a Member State, irrespective of the body issuing them, which contain railway safety or technical requirements, other than those laid down by Union or international rules, and which are applicable within that Member State to railway undertakings, infrastructure managers or third parties.</p> <p>Therefore, only rules purely setting up such requirements (operational context) should be notified for the Agency's assessment in Single Rules Database (Safety).</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ contractors, whose grades vary from the lowest to the highest. We perceive that a different articulation of the provision, which would have similar content, would not be sufficiently well understood in practice, which in turn increases the risk for the safe operation of rail transport. We consider that a national rule should be adopted at national level. We stress that the provision in no way affects the scope of the assessment of the safety management system, which is carried out at the level of detail set out in Regulation (EU) 2018/762 on the Common Safety Management Method (CSM-SMS), Annex I and II.</p>	<p>The Agency upholds their first assessment.</p> <p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p> <p>As per definition of a national rule (Article 3 (8) of Directive (EU) 2016/798) those are all binding rules adopted in a Member State, irrespective of the body issuing them, which contain railway safety or technical requirements, other than those laid down by Union or international rules, and which are applicable within that Member State to railway undertakings, infrastructure managers or third parties.</p>
7	SI-SA-495-1-D	<p>II. STATION RULES OF PROCEDURE, TECHNOLOGICAL WORK PROCESS AND INDUSTRIAL TRACK RULES OF PROCEDURE</p> <p>Article 10 (Station Rules)</p> <p>(1) For each station, the operator must draw up a station rules of procedure as a document or computer file which lays down the detailed procedures and obligations of the operator and the carrier and their mutual cooperation in the operation of the railway service.</p> <p>(2) The provisions of the station rules applicable to the operator's and the carrier's OOCs [OVKN] must be communicated by the operator to the carrier, who shall specify them in the Driver's Handbook and the Route Manual respectively for the driver and in the rules of procedure for the other OOCs [OVKN]. The information relating to the timetables of individual trains must be coordinated between the operator and the carrier before the entry into force of the network timetable.</p> <p>(3) The operator shall draw up the station timetable in the same form for all stations.</p> <p>(4) The timetable shall be divided into a first part and a second part.</p> <p>Part One shall contain provisions of a permanent nature and shall be divided into the following chapters:</p> <p>(a) technical facilities and equipment of the station and industrial tracks;</p> <p>(b) the organisation and management of train traffic and movements;</p> <p>(c) specific conditions and instructions for the operation of traffic and individual works on the station, industrial tracks or sections of line, which are dictated by the specific conditions at that station or between stations and relate to the procedures and practices of the operator and the carrier;</p> <p>(d) the organisation and operation of traffic by workstation on the station and by permanently occupied service to adjacent stations;</p> <p>(e) the provision of services on the open line;</p> <p>(f) special provisions for electrified lines;</p> <p>(g) annexes - a layout plan of the own station and drawings of adjacent stations and services to adjacent stations, a manual for the handling of signalling equipment, which must contain chapter by chapter instructions for all equipment located in the station and in adjacent inter-station sections, a manual for the handling of electrical switches, a diagram of the electrical isolation in the station and services to adjacent stations, the rules of procedure for each permanently occupied service, and other annexes according to the specificity of the station.</p> <p>The second part must contain provisions relating to the current timetable of the network; it must be drawn up for each working period and be divided into the following chapters:</p> <p>(a) traffic engineering;</p> <p>(b) performance of other works;</p> <p>(c) the estimated time and track on which the movement is to be carried out for each operator and the measures required for this work.</p> <p>(5) The Railway Undertaking may provide that, at smaller stations where the organisation of work is not substantially altered by the entry into force of the new timetable, instead of drawing up Part 2 of the timetable, only an order shall be drawn up announcing the changes and extending the validity of Part 2 of the timetable for one more timetable period.</p> <p>(6) The operator shall publish the timetable on its website in an electronic form accessible to the operator.</p> <p>(7) The extent to which and the manner in which the operator and the carrier shall make the station rules or rules of procedure, or amendments thereto, known to the OCOGN [OVKN], which shall be verifiable, shall be laid down in their SGEI [SMS].</p>	Type 4 Other NSR	<p>Article 10 of the draft legal document specifies requirements for station documentation - documentation of the IM as well as what parts of these documents should be communicated to railway undertakings that should include them in the Rule Book and Route Book for drivers and other safety-critical staff.</p> <p>Regarding requirements for the Rule and the Route Book, points 4.2.1.2.1 and 4.2.1.2.2 of Regulation (EU) 2019/773 (TSI OPE), amended by Regulation (EU) 2023/1693 (in point 4.2.1.2.1 and 4.2.1.2.2 of the amended Regulation), the Rule Book and the Route Book are the responsibility of the IM/RU respectively. Therefore, the rule is negatively assessed.</p> <p>Moreover, the documentation of the IM/RU, including its formats, is the responsibility of the company according to its SMS (requirement 4.5 of Annex I/II of Regulation (EU) 2018/762 CSM-SMS).</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ contractors, whose grades vary from the lowest to the highest. We perceive that a different articulation of the provision, which would have similar content, would not be sufficiently well understood in practice, which in turn increases the risk for the safe operation of rail transport. It is a general definition which does not create specific obligations and its nature is primarily general. We believe that a national rule should be adopted at national level. We would like to point out that since it is a general and descriptive norm without specific commitments, this does not in any way affect the scope of the assessment of the safety management system, which is carried out at the level of detail set out in Regulation (EU) 2018/762 on the Common Safety Management Method (CSM-SMS), Annexes I and II.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p> <p>Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.</p>
8	SI-SA-496-1-D	<p>Article 11 (technological process of the station)</p> <p>(1) The technological work process is the document which defines the organisation of work at the station for the implementation of the network timetable.</p> <p>(2) The operator shall draw up a technological work process for a station in the following cases:</p> <p>☐ if the movement is carried out by a permanent movement team;</p> <p>☐ where several operators are involved in the assembly and dismantling of trains at the station.</p> <p>The provisions of the SST relating to the work of the staff of each operator shall be communicated by the operator to the operator.</p> <p>(3) The operator shall publish the stations for which the operator must draw up an operator's technological work programme if he carries out the assembly and dismantling of trains at that station. The operator's technological process shall be drawn up by the operator on the basis of the information given in Part 2 of the station operating rules and provided to him by the operator for the time and the tracks on which he will move. The operator shall coordinate the technological process of each carrier with the technological processes of other carriers, validate and return it to the carrier. The provisions relating to the driver shall be published by the carrier in the Driver's Handbook and/or in the Route Manual and those relating to the other staff of the carrier in the Rules of Procedure. The contents of the harmonised technological processes of the individual carriers, which must be known to the operator's OPEVs [OVKN], shall be entered in the technological process of the station.</p> <p>(4) The station work process shall contain the work to be carried out at the station and a graphical representation of the preparatory, main and final work on the trains.</p>	Type 4 Other NSR	<p>The draft rule regulates an interface between IM and RU in regard to procedures on operating in stations. Topics related to interfaces cannot be regulated in national rules as this is to be managed by the SMS of IM/RU.</p> <p>Regarding requirements for the Rule and the Route Book, points 4.2.1.2.1 and 4.2.1.2.2 of Regulation (EU) 2019/773 (TSI OPE), amended by Regulation (EU) 2023/1693 (in point 4.2.1.2.1 and 4.2.1.2.2 of the amended Regulation), the Rule Book and the Route Book are the responsibility of the IM/RU respectively. Therefore, the rule is negatively assessed.</p> <p>Moreover, the documentation of the IM/RU, including its formats, is the responsibility of the company according to its SMS (requirement 4.5 of Annex I/II of Regulation (EU) 2018/762 CSM-SMS).</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ contractors, whose grades vary from the lowest to the highest. We perceive that a different articulation of the provision, which would have similar content, would not be sufficiently well understood in practice, which in turn increases the risk for the safe operation of rail transport. It is a general definition which does not create specific obligations and its nature is primarily general. We believe that a national rule should be adopted at national level. We would like to point out that since it is a general and descriptive norm without specific commitments, this does not in any way affect the scope of the assessment of the safety management system, which is carried out at the level of detail set out in Regulation (EU) 2018/762 on the Common Safety Management Method (CSM-SMS), Annexes I and II.</p>	<p>The Agency upholds their first assessment.</p> <p>The MS's position on ERA's negative assessment does not contain additional information and/or valid arguments to reconsider the Agency's initial assessment in SRD on each of the rules. Regarding the wording "employ persons who perform safety-critical tasks", the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system that ensures that there is an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation.</p> <p>Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not prescribe additional requirements for the SMS than already defined in the EU law.</p>
9	SI-SA-500-1-D	<p>Article 15 (trackside markings)</p> <p>Track-side markings shall be provided to indicate the location of the track and the gradient of the track.</p>	Type 3 Other NSR	<p>The notified provision contains description for the national signalling system, however it cannot be categorized under a national rule in the field of safety according to the Directive and Appendix I to Regulation (EU) 2019/773 (TSI OPE). The description of the technical requirements (e.g. distances between signals, specifications for their design or placement) are relevant for the infrastructure manager who should then provide appropriate information to the railway undertaking. Therefore, this is not a rule requiring notification under Article 8 of Directive (EU) 2016/798 and the notified provision does not contain any operational value to be assessed as a national rule relevant for safety certification process.</p> <p>As per definition of a national rule (Article 3 (8) of Directive (EU) 2016/798) those are all binding rules adopted in a Member State, irrespective of the body issuing them, which contain railway safety or technical requirements, other than those laid down by Union or international rules, and which are applicable within that Member State to railway undertakings, infrastructure managers or third parties.</p> <p>Therefore, only rules purely setting up such requirements (operational context) should be notified for the Agency's assessment in Single Rules Database (Safety).</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ contractors, whose grades vary from the lowest to the highest. We perceive that a different articulation of the provision, which would have similar content, would not be sufficiently well understood in practice, which in turn increases the risk for the safe operation of rail transport. We consider that a national rule should be adopted at national level. We stress that the provision in no way affects the scope of the assessment of the safety management system, which is carried out at the level of detail set out in Regulation (EU) 2018/762 on the Common Safety Management Method (CSM-SMS), Annex I and II.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>
10	SI-SA-501-1-D	<p>Article 16 (Station facilities)</p> <p>The station installations shall be:</p> <ol style="list-style-type: none"> 1. station signal installations; 2. tracks; 3. points; 4. traffic protection devices at level crossings at the station; 5. station communication equipment; 6. stable electric traction equipment. 	Type 4 Other NSR	<p>The notified provision contains description for the infrastructure, however it cannot be categorized under a national rule in the field of safety according to the Directive and Appendix I to Regulation (EU) 2019/773 (TSI OPE). The description of the technical requirements (e.g. distances between signals, specifications for their design or placement) are relevant for the infrastructure manager who should then provide appropriate information to the railway undertaking. Therefore, this is not a rule requiring notification under Article 8 of Directive (EU) 2016/798 and the notified provision does not contain any operational value to be assessed as a national rule relevant for safety certification process.</p> <p>As per definition of a national rule (Article 3 (8) of Directive (EU) 2016/798) those are all binding rules adopted in a Member State, irrespective of the body issuing them, which contain railway safety or technical requirements, other than those laid down by Union or international rules, and which are applicable within that Member State to railway undertakings, infrastructure managers or third parties.</p> <p>Therefore, only rules purely setting up such requirements (operational context) should be notified for the Agency's assessment in Single Rules Database (Safety).</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases a significant risk to the safe operation of rail transport. As the rule does not present concrete commitments, but only gives examples of places, practices and minimum requirements, we are of the opinion that the provision should be enforced at national level without notification in the SRD, as it is not a substantive safety regulation under both the Directive and the Regulation.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>
11	SI-SA-505-1-D	<p>Article 18 (tracks at stations)</p> <p>(1) Tracks at stations shall be divided into main tracks and sidings.</p> <p>(2) Main tracks are tracks which are intended for the entry, exit or carriage of trains and must be so incorporated in a signalling installation that the entry, exit or carriage of trains is possible by use of the signalling installation, and are:</p> <ol style="list-style-type: none"> 1. main carriage tracks which are an extension of the line track at the station; 2. irregular main line tracks which are an extension of the line track at the station, but where trains are entering at an angle and leaving at a deviation or vice versa; and 3. other main tracks. <p>(3) Sidings are tracks intended for loading and unloading wagons, for assembling and disassembling trains, for connecting track groups with each other or track groups with industrial tracks, etc.</p> <p>(4) Lateral tracks connecting a group of sidings to each other or sidings to industrial tracks are connecting (continuous) tracks.</p> <p>(5) Blind tracks are main or sidings which are connected to the adjacent track on one side only. Blind tracks shall be terminated by a prescribed track end.</p> <p>(6) Several tracks of the same use (import, export, shunting, loading and unloading) form a track group.</p>	Type 4 Other NSR	<p>The notified provision contains description for the infrastructure, however it cannot be categorized under a national rule in the field of safety according to the Directive and Appendix I to Regulation (EU) 2019/773 (TSI OPE). The description of the technical requirements (e.g. distances between signals, specifications for their design or placement) are relevant for the infrastructure manager who should then provide appropriate information to the railway undertaking. Therefore, this is not a rule requiring notification under Article 8 of Directive (EU) 2016/798 and the notified provision does not contain any operational value to be assessed as a national rule relevant for safety certification process.</p> <p>As per definition of a national rule (Article 3 (8) of Directive (EU) 2016/798) those are all binding rules adopted in a Member State, irrespective of the body issuing them, which contain railway safety or technical requirements, other than those laid down by Union or international rules, and which are applicable within that Member State to railway undertakings, infrastructure managers or third parties.</p> <p>Therefore, only rules purely setting up such requirements (operational context) should be notified for the Agency's assessment in Single Rules Database (Safety).</p>	MS rejected ERA's negative assessment	<p>This provision has been established in rail transport for decades. The operator and the carriers employ contractors, whose grades vary from the lowest to the highest. We perceive that a different articulation of the provision, which would have similar content, would not be sufficiently well understood in practice, which in turn increases the risk for the safe operation of rail transport. We consider that a national rule should be adopted at national level. We stress that the provision in no way affects the scope of the assessment of the safety management system, which is carried out at the level of detail set out in Regulation (EU) 2018/762 on the Common Safety Management Method (CSM-SMS), Annex I and II.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English
12	SI-SA-506-1-D	<p>Article 19 (points and positions of points)</p> <p>(1) Switches are devices which enable vehicles or trains to pass from one track to another without stopping. (2) Switches shall be moved from a central position or manually on site. (3) Switches may be in a regular, correct and precise position. A turnout is:</p> <p>1. in the regular position when no traffic or movement is passing over it; for points moved manually on site or remotely by wire, the regular position shall be defined in the station operating rules in such a way as to ensure greater safety in relation to the track situation;</p> <p>2. in the correct position when positioned for the intended journey (in either the overtravel or the yaw position);</p> <p>3. in the exact position when the spur fits snugly to the associated base rail and the last phase of switching is completed.</p>	Type 4 Other NSR	<p>The notified provision contains description for the infrastructure, however it cannot be categorized under a national rule in the field of safety according to the Directive and Appendix I to Regulation (EU) 2019/773 (TSI OPE). The description of the technical requirements (e.g. distances between signals, specifications for their design or placement) are relevant for the infrastructure manager who should then provide appropriate information to the railway undertaking. Therefore, this is not a rule requiring notification under Article 8 of Directive (EU) 2016/798 and the notified provision does not contain any operational value to be assessed as a national rule relevant for safety certification process.</p> <p>As per definition of a national rule (Article 3 (8) of Directive (EU) 2016/798) those are all binding rules adopted in a Member State, irrespective of the body issuing them, which contain railway safety or technical requirements, other than those laid down by Union or international rules, and which are applicable within that Member State to railway undertakings, infrastructure managers or third parties.</p> <p>Therefore, only rules purely setting up such requirements (operational context) should be notified for the Agency's assessment in Single Rules Database (Safety).</p>	MS rejected ERA's negative assessment	<p>This provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule. We stress that the provision in no way affects the scope of the assessment of the safety management system, which is carried out at the level of detail set out in Regulation (EU) 2018/762 on the Common Safety Management Method (CSM-SMS), Annex I and II.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>
13	SI-SA-508-1-D	<p>Article 21 (Troubleshooting of station and line installations)</p> <p>(1) If a fault or malfunction is observed in a station or line installation, the line traffic manager or traffic controller must be informed and must take all steps to ensure safe operation or to prohibit all journeys. The track supervisor or the traffic manager shall inform the competent maintenance staff of the fault or malfunction.</p> <p>(2) Before any work is started on a device which affects its operation, the device maintainer must enter the time of the start of the work in the traffic log or at the same time inform the line manager, the traffic controller or the traffic controller of the adjacent stations by means of a phonogram. On completion of the work, the maintenance engineer shall enter in the traffic log of one of the adjacent stations, or by phonogram, that the installation is ready for regular operation or indicate the conditions for ensuring safe operation.</p> <p>(3) Where work is carried out by a team of maintainers, the entry or announcement of the start and end of the work shall be made by one of the team of maintainers. If several groups are working on the same or different installations, one of the maintainers of each group shall sign in or give notice by phonogram of the commencement and termination of the work of his group.</p> <p>(4) If a particular element affecting traffic safety has to be taken out of service, this must be done with the permission of the line manager or the traffic manager. If the intervals between trains are insufficient, the provisions for authorising the closure of the track or line, ordering the SV and/or TC device to be switched off and prescribing measures to ensure safe traffic shall be complied with.</p> <p>(5) At remotely controlled stations or remotely controlled service points, points which are unsecured due to failure shall be inspected by the driver and secured by means of an ambulance lock on the order of the line traffic controller or the traffic controller of the adjacent occupied station.</p>	Type 4 Other NSR	<p>The rule contains detailed regulation of handling disturbances and failures in station and track installations. Detailed information for IM's staff in regard to malfunctions of the equipment, and in general elements for degraded operations should be described in IM's SMS as part of its operational procedures.</p> <p>Moreover, paragraph 5 prescribes additional responsibilities for train drivers concerning inspecting and securing switches at remotely controlled stations. The roles and responsibilities of the RU staff should be regulated on the level of the SMS according to requirement 2.3.1 of Annex I of Regulation (EU) 2018/762 (CSM SMS). A national rule must not prescribe that.</p>	MS rejected ERA's negative assessment	<p>This provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p> <p>Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.</p>
14	SI-SA-510-1-D	<p>IV. MARKING OF LINES, TRACKS, POINTS, SIGNALS AND OTHER INSTALLATIONS</p> <p>Article 23 (General on the marking of lines, tracks, points, signals and other installations)</p> <p>For the purpose of communication between the CCNs [OVKNJ] in the operation of traffic, lines, tracks, points, signals and other installations shall be identified by a number, letter or letter and number. Letters with a canopy shall not be used for the marking of tracks, points and signals.</p>	Type 4 Other NSR	<p>The notified provision contains description for the infrastructure, however it cannot be categorized under a national rule in the field of safety according to the Directive and Appendix I to Regulation (EU) 2019/773 (TSI OPE). The description of the technical requirements (e.g. distances between signals, specifications for their design or placement) are relevant for the infrastructure manager who should then provide appropriate information to the railway undertaking. Therefore, this is not a rule requiring notification under Article 8 of Directive (EU) 2016/798 and the notified provision does not contain any operational value to be assessed as a national rule relevant for safety certification process.</p> <p>As per definition of a national rule (Article 3 (8) of Directive (EU) 2016/798) those are all binding rules adopted in a Member State, irrespective of the body issuing them, which contain railway safety or technical requirements, other than those laid down by Union or international rules, and which are applicable within that Member State to railway undertakings, infrastructure managers or third parties.</p> <p>Therefore, only rules purely setting up such requirements (operational context) should be notified for the Agency's assessment in Single Rules Database (Safety).</p>	MS rejected ERA's negative assessment	<p>This provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule. We stress that the provision in no way affects the scope of the assessment of the safety management system, which is carried out at the level of detail set out in Regulation (EU) 2018/762 on the Common Safety Management Method (CSM-SMS), Annex I and II.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>
15	SI-SA-511-1-D	<p>Article 24 (route marking)</p> <p>(1) Within the territory of the Republic of Slovenia, lines are divided into main lines and regional lines, named and marked with numbers and/or letters and numbers.</p> <p>(2) The Regulation governing and determining the categorisation, classification and marking of lines shall apply to the naming of lines.</p> <p>(3) Double-track lines with the possibility of two-way traffic shall be designated according to the line number published in the Regulation governing and determining the categorisation of lines, the letter D being added in front of the number for the line which is the right-hand track and the letter L for the line which is the left-hand track (e.g., L10, D10) for the line which is the left-hand track (e.g., L10, D10).</p> <p>(4) Where one or more lines run parallel to a double-track line, they shall be designated by adding one hundred to the line number published in the regulation governing and determining the categorisation of lines (e.g. first line 10, next line 110, 210, ...).</p> <p>(5) At each station and service point, the area in the direction from the beginning of the line is the "A" side of the service point and the area in the opposite direction (from the direction from the end of the line) is the "B" side of the service point. At split stations and where two or more lines are parallel, the "A" and "B" sides of the station shall be determined by the direction of the line from which the other line is split.</p> <p>(6) At Ljubljana station, the "A" side is determined by the direction of the d.m.-Dobova-Ljubljana line.</p>	Type 3 Other NSR	<p>The notified provision contains description for the infrastructure, however it cannot be categorized under a national rule in the field of safety according to the Directive and Appendix I to Regulation (EU) 2019/773 (TSI OPE). The description of the technical requirements (e.g. distances between signals, specifications for their design or placement) are relevant for the infrastructure manager who should then provide appropriate information to the railway undertaking. Therefore, this is not a rule requiring notification under Article 8 of Directive (EU) 2016/798 and the notified provision does not contain any operational value to be assessed as a national rule relevant for safety certification process.</p> <p>As per definition of a national rule (Article 3 (8) of Directive (EU) 2016/798) those are all binding rules adopted in a Member State, irrespective of the body issuing them, which contain railway safety or technical requirements, other than those laid down by Union or international rules, and which are applicable within that Member State to railway undertakings, infrastructure managers or third parties.</p> <p>Therefore, only rules purely setting up such requirements (operational context) should be notified for the Agency's assessment in Single Rules Database (Safety).</p>	MS rejected ERA's negative assessment	<p>This provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule. We stress that the provision in no way affects the scope of the assessment of the safety management system, which is carried out at the level of detail set out in Regulation (EU) 2018/762 on the Common Safety Management Method (CSM-SMS), Annex I and II.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>
16	SI-SA-513-1-D	<p>Article 25 (marking of line sections)</p> <p>(1) Inter-stop sections shall be identified by the consecutive numbers of the inter-stop section from the starting point of the route, incremented by one for each inter-stop section.</p> <p>(2) Spatial sections on an interstation section shall be identified by a minimum two-digit number, where the first number (in the place of ten) is the sequence number of the interstation section from the starting point of the route and incremented by one for each interstation section. The second number (in place of one) is the sequential APB position within the inter-stop section, with even numbers on the odd or adjacent track and odd numbers on the right or regular track.</p> <p>(3) For the purpose of announcing passenger trains, the tracks at the stops of a double-track line shall be marked in such a way that track 1 is always the right or regular track from the beginning to the end of the line.</p>	Type 3 Other NSR	<p>The notified provision contains description for the infrastructure, however it cannot be categorized under a national rule in the field of safety according to the Directive and Appendix I to Regulation (EU) 2019/773 (TSI OPE). The description of the technical requirements (e.g. distances between signals, specifications for their design or placement) are relevant for the infrastructure manager who should then provide appropriate information to the railway undertaking. Therefore, this is not a rule requiring notification under Article 8 of Directive (EU) 2016/798 and the notified provision does not contain any operational value to be assessed as a national rule relevant for safety certification process.</p> <p>As per definition of a national rule (Article 3 (8) of Directive (EU) 2016/798) those are all binding rules adopted in a Member State, irrespective of the body issuing them, which contain railway safety or technical requirements, other than those laid down by Union or international rules, and which are applicable within that Member State to railway undertakings, infrastructure managers or third parties.</p> <p>Therefore, only rules purely setting up such requirements (operational context) should be notified for the Agency's assessment in Single Rules Database (Safety).</p>	MS rejected ERA's negative assessment	<p>This provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule. We stress that the provision in no way affects the scope of the assessment of the safety management system, which is carried out at the level of detail set out in Regulation (EU) 2018/762 on the Common Safety Management Method (CSM-SMS), Annex I and II.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>
17	SI-SA-515-1-D	<p>Article 26 (Track marking)</p> <p>(1) Tracks at stations shall be marked with consecutive numbers from 1 to 99, so that the first track in front of the station building is numbered 1, and the following tracks 2, 3 ... to the furthest track.</p> <p>(2) If there are also tracks to the left or right of or behind the station building, the tracks in front of the station building shall be marked first in sequence, then the tracks on the "A" side of the station, then the tracks on the "B" side of the station and then the tracks behind the station building. The tracks behind the station building shall be marked with the numbers ascending in the opposite direction to the tracks in front of the station building.</p> <p>(3) The part of the track between two points, a point and a track end or a point and a boundary signal (split track) shall be marked as a track section. The part of the track forming a common signal clearance section with two or more adjacent points shall not be considered as a track section but as a switching area. Tracks consisting of two or more track sections shall be marked by marking each track section separately.</p> <p>(4) Track sections shall be marked:</p> <p>1. a track section which is also a basic track (not divided into several track sections) shall be marked according to the track marking rule;</p> <p>2. other track sections shall be preceded by consecutive numbers from 1 onwards in front of the basic track number, ascending in the direction from the 'A' side of the station towards the 'B' side of the station (101, 201, 1, 301 or 112, 212, 12, 312, 412, etc.), with tracks 1 to 9 preceded by a 0 in front of the track number;</p> <p>picture in the attached document</p> <p>the line track shall be identified as the first or last track section of the main line;</p> <p>the line track to the split line shall be identified as the next track section of the track from which the line track is split or continued;</p> <p>a dead-end track continuing from a track section to a track terminus shall be taken as the next track section; all subsequent dead-end tracks which branch off from the basic track or track section shall be marked as independent tracks according to the track marking rule;</p> <p>at larger stations where several tracks form track groups, the tracks of each group shall be marked according to the track marking rule, with the first track of the first track group on the 'A' side of the station being marked with the next track number (the tracks of each group should be separated from the station tracks or the tracks of the second group by a few reserved numbers), and then onwards in the sequence for the following track groups.</p> <p>picture in the attached document</p>	Type 3 Other NSR	<p>The notified provision contains description for the infrastructure, however it cannot be categorized under a national rule in the field of safety according to the Directive and Appendix I to Regulation (EU) 2019/773 (TSI OPE). The description of the technical requirements (e.g. distances between signals, specifications for their design or placement) are relevant for the infrastructure manager who should then provide appropriate information to the railway undertaking. Therefore, this is not a rule requiring notification under Article 8 of Directive (EU) 2016/798 and the notified provision does not contain any operational value to be assessed as a national rule relevant for safety certification process.</p> <p>As per definition of a national rule (Article 3 (8) of Directive (EU) 2016/798) those are all binding rules adopted in a Member State, irrespective of the body issuing them, which contain railway safety or technical requirements, other than those laid down by Union or international rules, and which are applicable within that Member State to railway undertakings, infrastructure managers or third parties.</p> <p>Therefore, only rules purely setting up such requirements (operational context) should be notified for the Agency's assessment in Single Rules Database (Safety).</p>	MS rejected ERA's negative assessment	<p>This provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule. We stress that the provision in no way affects the scope of the assessment of the safety management system, which is carried out at the level of detail set out in Regulation (EU) 2018/762 on the Common Safety Management Method (CSM-SMS), Annex I and II.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English
18	SI-SA-518-1-D	<p>Article 27 (marking of points)</p> <p>(1) Switches at stations, service points and on the open line shall be marked with consecutive numbers (1 - 999), with number 1 for the first switch in the direction from the beginning to the end of the line and then the others in sequence.</p> <p>(2) At larger stations where several tracks form groups of tracks or industrial tracks, the points in each group shall be marked with a three-digit number in sequence, so that the first point in the first group is marked with the number 101, the first point in the second group with the number 201, and so on.</p> <p>(3) If an additional points is retrofitted to a station, it shall be identified by the number of the nearest point and the addition of the lower case letter "n".</p> <p>(4) Crossing points shall have, in addition to the number, the lower case letters "ab" for the pair of points of the point nearest to the beginning of the line and the lower case letters "cd" for the other pair, so that the letters "ac" indicate running to the main point and the letters "bd" indicate running to the side point.</p>	Type 3 Other NSR	<p>The notified provision contains description for the infrastructure, however it cannot be categorized under a national rule in the field of safety according to the Directive and Appendix I to Regulation (EU) 2019/773 (TSI OPE). The description of the technical requirements (e.g. distances between signals, specifications for their design or placement) are relevant for the infrastructure manager who should then provide appropriate information to the railway undertaking. Therefore, this is not a rule requiring notification under Article 8 of Directive (EU) 2016/798 and the notified provision does not contain any operational value to be assessed as a national rule relevant for safety certification process.</p> <p>As per definition of a national rule (Article 3 (8) of Directive (EU) 2016/798) those are all binding rules adopted in a Member State, irrespective of the body issuing them, which contain railway safety or technical requirements, other than those laid down by Union or international rules, and which are applicable within that Member State to railway undertakings, infrastructure managers or third parties.</p> <p>Therefore, only rules purely setting up such requirements (operational context) should be notified for the Agency's assessment in Single Rules Database (Safety).</p>	MS rejected ERA's negative assessment	<p>This provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule. We stress that the provision in no way affects the scope of the assessment of the safety management system, which is carried out at the level of detail set out in Regulation (EU) 2018/762 on the Common Safety Management Method (CSM-SMS), Annex I and II.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>
19	SI-SA-519-1-D	<p>Article 28 (Signal marking)</p> <p>(1) Main signals shall be marked with letters, numbers or letters and numbers. Depending on their location, main signals shall be marked as follows:</p> <p>1. import signals on the 'A' side of the station shall be identified by the letter 'A', and import signals on the 'B' side of the station by the letter 'B', to which shall be added a number, as follows:</p> <p>(a) at the station and at the splitting station on a single-track line with "A1", "A2", ..., "B1", "B2", ...;</p> <p>b) on the right-of-way of a double-track line with "A1", "B1";</p> <p>c) along the non-straight track of a double-track line with "A2", "B2";</p> <p>(c) in the case of two-way traffic with:</p> <p>- "A1" import signals along the right-hand track on the Dobova-Zidani Most section and import signals along the left-hand track on the Zidani Most-Ljubljana and Ljubljana-Sežana sections and on the Zidani Most-Maribor section;</p> <p>- "A2" import signals along the left-hand track on the Dobova-Zidani Most section and import signals along the right-hand track on the Zidani Most-Ljubljana section and on the Ljubljana-Sežana line and on the Zidani Most-Maribor section;</p> <p>- "B1" import signals along the left-hand track on the Dobova-Zidani Most section and import signals along the right-hand track on the Zidani Most-Ljubljana section and on the Ljubljana-Sežana and Zidani Most-Maribor sections;</p> <p>- "B2" import signals along the right-hand track on the Dobova-Zidani Most section and import signals along the left-hand track on the Zidani Most-Ljubljana section and on the Ljubljana-Sežana section and on the Zidani Most-Maribor section;</p> <p>on the connecting line at the splitting station with "A3", "B3", "A4", "B4" ...;</p> <p>2. exit signals shall be marked:</p> <p>a) track exit signals with the number of the basic track and the number 2 for the direction towards the end of the line and the number 1 for the direction towards the beginning of the line;</p> <p>a group exit signal shall be identified by the letter 'S', the number of the basic track along which it is installed and the number 2 for the direction to the end of the line and the number 1 for the direction to the beginning of the line;</p> <p>(b) at stations with a triangular track connection, exit signals signalling journeys to the split line only shall be identified by the track number and the number 3 (split line);</p> <p>3. cover signals shall be marked:</p> <p>(a) a station critical signal with the letter 'K' followed by the number of the basic track to which it applies and the number 2 for the end-of-track direction or the number 1 for the beginning-of-track direction;</p> <p>a line critical signal in the same way as the import signal, but preceded by the capital letter K (e.g. KA1, KB1, etc.);</p>	Type 3 Other NSR	<p>The notified provision contains description for the infrastructure, however it cannot be categorized under a national rule in the field of safety according to the Directive and Appendix I to Regulation (EU) 2019/773 (TSI OPE). The description of the technical requirements (e.g. distances between signals, specifications for their design or placement) are relevant for the infrastructure manager who should then provide appropriate information to the railway undertaking. Therefore, this is not a rule requiring notification under Article 8 of Directive (EU) 2016/798 and the notified provision does not contain any operational value to be assessed as a national rule relevant for safety certification process.</p> <p>As per definition of a national rule (Article 3 (8) of Directive (EU) 2016/798) those are all binding rules adopted in a Member State, irrespective of the body issuing them, which contain railway safety or technical requirements, other than those laid down by Union or international rules, and which are applicable within that Member State to railway undertakings, infrastructure managers or third parties.</p> <p>Therefore, only rules purely setting up such requirements (operational context) should be notified for the Agency's assessment in Single Rules Database (Safety).</p>	MS rejected ERA's negative assessment	<p>This provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule. We stress that the provision in no way affects the scope of the assessment of the safety management system, which is carried out at the level of detail set out in Regulation (EU) 2018/762 on the Common Safety Management Method (CSM-SMS), Annex I and II.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>
	519 part 2	<p>4. space and pre-import signals which are not critical shall be identified by a minimum three-digit number, where the first number (in place of the hundred) is the sequence number of the inter-station section to which the signal belongs, starting from the starting point of the route and increased by one for each inter-station section. The second number (in the tens place) is the sequential APB position within the interstation section, with even numbers on the odd or adjacent track and odd numbers on the right or regular track. The third number (in place of the 1) is the number 1 for the direction towards the beginning of the line and the number 2 for the direction towards the end of the line;</p> <p>5. the presignal shall be identified by the letter 'P' and the designation of the main signal whose signals it presignals (PA1, PA2, etc.);</p> <p>6. the presignalling repeater shall be identified by the letters 'PP' and the designation of the main signal for which it repeats the presignalling (PPA1, PPA2...);</p> <p>7. boundary track signals shall be identified by the capital letter 'M', the number of the basic track or track section and the number 1 for the direction to the beginning of the line or the number 2 for the direction to the end of the line;</p> <p>8. movement signals shall be marked:</p> <p>(a) Moving signals shall be identified by the designation of the switch they protect and the capital letter:</p> <p>- 'V', indicating that the signal is before the top of the switch;</p> <p>- 'L' to indicate that the signal is at the left-hand end of the points;</p> <p>- 'D', meaning that the signal is at the right-hand end of the points;</p> <p>the left and right legs of a single switch shall be determined from the direction of the top of the switch;</p> <p>the movement signals in front of crossing points shall be identified by the number of the point and the letter of the corresponding part of the point in front of which the movement signal is to be mounted;</p> <p>(c) to the extent that it is not possible to mark a movement signal according to the above system (e.g. a movement signal in front of or behind a turnout), it shall be marked with the designation of the element it covers and the number 1 for the direction towards the beginning of the line or the number 2 for the direction towards the end of the line;</p> <p>9. control signals at level crossings shall be identified by the capital letters 'KS' and the number 1 for the end-of-track direction or the number 2 for the beginning-of-track direction;</p> <p>10. auxiliary control signals shall be identified by the capital letters 'PKS' and the number 1 for the end-of-track direction or the number 2 for the beginning-of-track direction.</p> <p>(2) Where the main signal is used as a cover signal and a space signal at the same time, it shall be marked as prescribed for cover signals.</p>	Type 3 Other NSR	<p>The notified provision contains description for the infrastructure, however it cannot be categorized under a national rule in the field of safety according to the Directive and Appendix I to Regulation (EU) 2019/773 (TSI OPE). The description of the technical requirements (e.g. distances between signals, specifications for their design or placement) are relevant for the infrastructure manager who should then provide appropriate information to the railway undertaking. Therefore, this is not a rule requiring notification under Article 8 of Directive (EU) 2016/798 and the notified provision does not contain any operational value to be assessed as a national rule relevant for safety certification process.</p> <p>As per definition of a national rule (Article 3 (8) of Directive (EU) 2016/798) those are all binding rules adopted in a Member State, irrespective of the body issuing them, which contain railway safety or technical requirements, other than those laid down by Union or international rules, and which are applicable within that Member State to railway undertakings, infrastructure managers or third parties.</p> <p>Therefore, only rules purely setting up such requirements (operational context) should be notified for the Agency's assessment in Single Rules Database (Safety).</p>	MS rejected ERA's negative assessment	<p>This provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule. We stress that the provision in no way affects the scope of the assessment of the safety management system, which is carried out at the level of detail set out in Regulation (EU) 2018/762 on the Common Safety Management Method (CSM-SMS), Annex I and II.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>
20	SI-SA-523-1-D	<p>Article 29 (marking of other installations)</p> <p>(1) Switches shall be identified by the capital letter "R" and a sequential number, number 1 being the first switch in the direction from the beginning to the end of the line and then the others in sequence.</p> <p>(2) Level crossings shall be identified by the letter designation "NPr" and a kilometre designation to one decimal place rounded down to 0,049 and up from 0,050.</p> <p>(3) Electric locks shall be identified by the letter code "EK" and the switch code to which it applies.</p>	Type 3 Other NSR	<p>The notified provision contains description for the infrastructure, however it cannot be categorized under a national rule in the field of safety according to the Directive and Appendix I to Regulation (EU) 2019/773 (TSI OPE). The description of the technical requirements (e.g. distances between signals, specifications for their design or placement) are relevant for the infrastructure manager who should then provide appropriate information to the railway undertaking. Therefore, this is not a rule requiring notification under Article 8 of Directive (EU) 2016/798 and the notified provision does not contain any operational value to be assessed as a national rule relevant for safety certification process.</p> <p>As per definition of a national rule (Article 3 (8) of Directive (EU) 2016/798) those are all binding rules adopted in a Member State, irrespective of the body issuing them, which contain railway safety or technical requirements, other than those laid down by Union or international rules, and which are applicable within that Member State to railway undertakings, infrastructure managers or third parties.</p> <p>Therefore, only rules purely setting up such requirements (operational context) should be notified for the Agency's assessment in Single Rules Database (Safety).</p>	MS rejected ERA's negative assessment	<p>This provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule. We stress that the provision in no way affects the scope of the assessment of the safety management system, which is carried out at the level of detail set out in Regulation (EU) 2018/762 on the Common Safety Management Method (CSM-SMS), Annex I and II.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>
21	SI-SA-524-1-D	<p>V. HANDLING OF ROLLING STOCK</p> <p>Article 30 (conditions for the operation of rolling stock)</p> <p>(1) Only rolling stock which has a valid authorisation to place the rolling stock on the market may be operated on the railway system.</p> <p>(2) The load on/into the rolling stock must be loaded and secured in accordance with the regulations governing the loading of wagons in rail freight traffic.</p> <p>(3) The carrier and the operator shall prescribe in the SSA [SMS] all the necessary contents, procedures and personnel to ensure that the conditions for the operation of the rolling stock are met.</p>	Type 4 Other NSR	<p>The draft rule contains high level requirements and principles that have already been expressed in TSI OPE Regulation (EU) 2019/773 (TSI OPE), amended by Regulation (EU) 2023/1693.</p> <p>Paragraph 1 refers to route compatibility of the vehicle which is already covered in point 4.2.2.5.1 of TSI OPE.</p> <p>Paragraph 2 refers to safety of load which is already covered on the level of Fundamental Operational Principle (FOP) in Appendix B1 - FOP 3, as well as point 4.2.2.4.1 of TSI OPE.</p> <p>Paragraph 3 refers to the responsibility of RU/IM to cover relevant procedures in their SMS which can already be found in European Legislation - article 4 of Directive (EU) 2016/798, requirements for SMS covered in Regulation (EU) 2018/762 CSM-SMS and TSI OPE.</p>	MS rejected ERA's negative assessment	<p>This provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p> <p>Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMS on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.</p>

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English
22	SI-SA-525-1-D	<p>Article 31 (conditions for placing rolling stock on trains)</p> <p>(1) A rolling stock may be placed on board a train if it has a valid authorisation to place the rolling stock on the market and is in good order. (2) A rolling stock in good working order is a rolling stock which meets the conditions for operation and which also meets the following conditions:</p> <ol style="list-style-type: none"> the vehicle is free from defects or damage; the vehicle is equipped with the prescribed equipment; the vehicle is marked with the prescribed labels when loaded; it meets the technical and structural conditions for the carriage of the goods in question. <p>(3) In order to ensure that all the above conditions are met, the carrier must carry out an inspection of the trains, which he carries out as a check on the technical condition and equipment of the vehicles. (4) The supervision of the technical condition and equipment of the vehicles on board shall be carried out by the carrier's OPEVs [OVKN], who are professionally qualified to do so. (5) In order to verify the prescribed conditions, the inspection of the train must establish that:</p> <ol style="list-style-type: none"> whether the wagons meet the operating and roadworthiness conditions; whether the conditions for the carriage of an emergency consignment are fulfilled when it is loaded on/in the wagon; the wagons are marked with the prescribed danger labels, according to the dangerous goods loaded; no dangerous goods are leaking or escaping from the wagon (leakage of liquids, gas leakage, etc.); that the outlets, doors, hatches and the conditions laid down in the third paragraph of this Article are fulfilled. <p>(6) A rolling stock which is subject to defects or damage which do not endanger the safety of traffic but meet the conditions for operation must be marked with an appropriate sticker and transported under the conditions laid down by the carrier. (7) A rolling stock which is subject to defects or damage likely to endanger the safety of traffic, although complying with the conditions of operation, may not be placed on board a train. (8) The carrier must keep records:</p> <ol style="list-style-type: none"> of all inspections of trains; and of the wagons oiled in accordance with the second paragraph of this Article. <p>(9) All records must contain at least the following information:</p> <ol style="list-style-type: none"> the place of inspection, the date and time, the train number, the name and surname of the employee who carried out the inspection; a record of the wagons oiled, indicating the type of defect, the type of action and the conditions of carriage, if any. <p>(10) The inspection of the train must be carried out before the operator is notified by the carrier that the train is ready to run. (11) A train composed of vehicles in accordance with the provisions of the first and second paragraphs of this Article, and which has previously been inspected as to the technical condition and equipment of the vehicles, may start running if it has sufficient dead weight, according to the maximum authorised speed laid down in the timetable of each train, or the maximum speed laid down by the operator, according to the available dead weight in the train. (12) If anyone observes an irregularity in a train which may endanger the safety of traffic, he must ensure that the train is stopped as soon as possible. (13) The operator and the transporter shall prescribe in the SST [SMS] all the necessary content, procedures and staff to ensure that the conditions for placing rolling stock on trains are met.</p>	Type 4 Other NSR	The draft rule contains provisions already regulated on European level in TSI OPE Regulation (EU) 2019/773 (TSI OPE), amended by Regulation (EU) 2023/1693: - train composition (point 4.2.2.5.2 of TSI OPE); - checks and tests before departure (point 4.2.3.3.1 of TSI OPE). The detailed procedures for train composition and tests and check before departure should be regulated in the SMS of the operator. Additionally, for checks and tests before departure point 4.2.3.3.1 of TSI OPE, including braking, TSI OPE gave a possibility to define acceptable means of compliance (AMOC). Such an AMOC was delivered by the Agency in 2021. The RU can use the content of this AMOC to define their own operational procedures. The AMOC defines good practices also by referring to available standards, which the actors of the railway sector can use in their safety management systems as evidence that their operational procedures comply with high-level requirements set out in EU legislation (in this case the TSI OPE and Regulation (EU) 2018/762 CSM-SMS). As AMOCs are non-binding opinions issued by the Agency to define ways of establishing compliance with the essential requirements, the RUs are free to decide whether to apply the AMOC/part of the AMOC, or not. Nevertheless, the RUs are responsible for managing their operational risks. AMOCs should be accepted throughout the EU by Member States and National Safety Authorities as examples of good practice.	MS rejected ERA's negative assessment	This provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
23	SI-SA-528-1-D	<p>Article 34 (equipment for mobile workers)</p> <p>(1) In order to carry out a move, each worker of a moving team shall carry:</p> <ol style="list-style-type: none"> a mouth whistle; a signal flag during the day and a hand lamp with a white light at night. <p>(2) Movement team workers shall carry portable means of communication with them while working. (3) Other necessary equipment of the moving workers shall be prescribed by the operator and the carrier in their GTCs [SMS], according to the needs and the nature of the work.</p>	Type 4 Other NSR	The notified rule contains additional requirements for equipment the IM/RU staff should be equipped with to carry out moving operations. Even though the rule does not fall under any of the areas for national rules or open points listed in Appendix I of Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693, it has to be stressed that such rule constitutes a breach on interoperability. Moreover, this is a matter of interface between the RU and IM that should be regulated in the SMS. The rules are already covered by EU law (see Annex I point 4 and 5 of Regulation (EU) 2018/762).	MS rejected ERA's negative assessment	This provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule. We stress that the provision in no way affects the scope of the assessment of the safety management system, which is carried out at the level of detail set out in Regulation (EU) 2018/762 on the Common Safety Management Method (CSM-SMS), Annex I and II.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
24	SI-SA-543-1-D	<p>Article 39 (stapling and unstapling)</p> <p>(1) Coupling is the work of coupling the rolling stock and of coupling all lines and devices on the rolling stock. (2) Uncoupling is the uncoupling of railway vehicles and the uncoupling of all lines and appliances on railway vehicles. (3) The coupling and uncoupling devices (couplers) for railway vehicles are:</p> <ol style="list-style-type: none"> automatic; semi-automatic; auxiliary; spindles; toga. <p>(4) Automatic or semi-automatic couplers shall be fitted to individual sets of motorcycles and shall enable vehicles of the same type to be coupled. The method of coupling shall be prescribed by the operator in the Driver's Handbook. (5) The auxiliary coupler is designed for coupling vehicles with automatic or semi-automatic couplers to towing vehicles with spindle couplers. The method of coupling shall be prescribed by the operator in the Driver's Handbook. (6) Spindle couplers are fitted to passenger and freight wagons and locomotives and allow vehicles with spindle couplers to be coupled to each other. The manner in which the spindle couplings are to be handled shall be prescribed by the operator and the carrier in their SGEs [SMS]. (7) A rigid coupler is designed for coupling special-purpose vehicles or trailers. The method of designating the OEVs [OVKN] qualified to handle the rigid coupler shall be prescribed by the operator and the carrier in their SSAs [SMS]. (8) The method of determining coupling by load only, and the height difference between the axes of opposing buffers, shall be prescribed by the Operator and the Railway Undertaking in their GTCs [SMS]. (9) More detailed provisions on coupling of vehicles shall be laid down by the operator and the haulier in their GTCs [SMS].</p>	Type 4 Other NSR	When the rule refers to actions performed on the main network, this should be treated as operational rule. Coupling and uncoupling of vehicles is not a part of shunting, but train preparation - see definition of train preparation in Appendix J of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693. Details of the process should be covered in the SMS of the RU - see also requirement 5.1 of Annex I of Regulation (EU) 2018/762. The rule also refers to the information to be provided in the Rule Book which is for the SMS of the operator - TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693, point 4.2.1.2.1 contain provisions on this. More detailed and specific regulation of this topic is for the SMS of the railway companies, according to their role in the railway system. This is assessed negatively.	MS rejected ERA's negative assessment	This provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
25	SI-SA-544-1-D	<p>Article 40 (vehicle coupling and uncoupling operations)</p> <p>(1) The coupling and uncoupling of vehicles shall be carried out by OVKN who are professionally qualified to carry out this work. (2) The tasks involved in coupling and uncoupling vehicles, the procedure and requirements for coupling and uncoupling the main power line, and the personnel carrying out this work shall be prescribed by the Railway Undertaking in its SGE [SMS]. (3) The operations involved in the joining and unjoining of grommets, bellows, and the procedure, requirements and personnel carrying out these operations shall be prescribed by the carrier in its GTC [SMS].</p>	Type 4 Other NSR	When the rule refers to actions performed on the main network, this should be treated as operational rule. Coupling and uncoupling of vehicles is not a part of shunting, but train preparation - see definition of train preparation in Appendix J of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693. Details of the process should be covered in the SMS of the RU - see also requirement 5.1 of Annex I of Regulation (EU) 2018/762.	MS rejected ERA's negative assessment	This provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English
26	SI-SA-549-1-D	<p>Article 45 (checking and observing moving vehicle paths)</p> <p>(1) Workers are required to check and observe the established movement paths when moving. The checking and observation of the moving carriageway shall be carried out by means of the signal signs of the signals for securing the moving carriageway or of the cross-arm signals. It shall be the responsibility of the switchman and the shift supervisor to check the established moving path.</p> <p>(2) The worker laying the moving guideways shall check the correctness of the laid guideway:</p> <ol style="list-style-type: none"> 1. on the monitor of the electronic SV device; 2. on a monitor or on a panoramic image of the computer-controlled alignment of the SV electric relay; 3. on the installation table of the SV electrical relay; 4. electromechanical SV devices on the levers of the hydrofoils, or 5. on the spot, following the vertebral signals. <p>(3) The movement leader shall check the moving traffic lane as far as he can see the established moving traffic lane. He shall check the correctness of the established running path:</p> <ol style="list-style-type: none"> 1. by the signal signs of the signals used to secure moving carriageways; 2. by means of switch signals, which are set up on site or remotely via a wire. <p>(4) The driver shall check and observe the running line when the towing vehicle or special purpose motor vehicle is at the head of the combination.</p> <p>(5) The operator and the carrier shall lay down more detailed provisions on the tasks, observation and scheduling of the OVKN during movement in their SSAs [SMS].</p> <p>(6) At all level crossings, traffic must be secured before each vehicle passes over it. Level crossings where traffic is not protected by level crossing protection devices may only be entered after the mover, sent by the supervisor, has physically protected the traffic at the level crossing in advance. The mover shall physically protect the traffic at the level crossing by stopping the road users:</p> <ol style="list-style-type: none"> 1. during the day, with your arm outstretched towards road users; 2. at night, waving a red signal light across the road. <p>(7) If the movement across a level crossing is prolonged, the movement shall be stopped immediately and the vehicles shall be allowed to proceed, for emergency vehicles and at least every 10 minutes for other road vehicles.</p>	Type 4 Other NSR	Even though the rule seems to be related to shunting, the focus of the rule is mostly on prescribing roles and responsibilities of staff. This is for the SMS of the RU as identification of roles and responsibilities of staff is a part of the SMS of the RU according to requirement 2.3.1 of Annex I of Regulation (EU) 2018/762. This is negatively assessed.	MS rejected ERA's negative assessment	This provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.
27	SI-SA-557-1-D	<p>Article 53 (movement with a moving rope or winch)</p> <p>The owner or operator of the industrial track shall lay down in the industrial track rules and regulations the provisions and areas for safe movement by means of a moving rope or winch.</p>	Type 4 Other NSR	<p>In case the notified provisions are for network excluded from the scope of the Directive (EU) 2016/798, it cannot be categorized under a national rule in the field of safety according to the Directive and Appendix I to Regulation (EU) 2019/773 (TSI OPE). Therefore, this is not a rule requiring notification under Article 8 of Directive (EU) 2016/798 and the notified provision does not contain any operational value to be assessed as a national rule relevant for safety certification process.</p> <p>Therefore, only rules purely setting up such requirements (operational context) for the railway network covered by Directive (EU) 2016/798 should be notified for the Agency's assessment in Single Rules Database (Safety).</p> <p>In case the rule applies for network within the scope of Directive (EU) 2016/798, this should be equivalent to requirements for the SMS of the IM which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762.</p>	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. For infrastructure out of scope of Directive (EU) 2016/798: In case such infrastructure is covered by the notified draft rules, then such infrastructure can be excluded from the scope of Directive (EU) 2016/798. This is because according to Article 10(3)(b) RSD, these rules are not part of the national rules to be taken into account as defined in Article 8 of RSD. In case such infrastructure falls within the RSD's scope, the requirements for SMS apply, as prescribed in Commission Delegated Regulation (EU) 2018/762.
28	SI-SA-558-1-D	<p>Article 54 (movement by motorised (electric) rail pusher)</p> <p>The owner or manager of the industrial track shall lay down the provisions and areas for the safe movement of the powered (electric) rail pusher in the industrial track rules.</p>	Type 4 Other NSR	<p>In case the notified provisions are for network excluded from the scope of the Directive (EU) 2016/798, it cannot be categorized under a national rule in the field of safety according to the Directive and Appendix I to Regulation (EU) 2019/773 (TSI OPE). Therefore, this is not a rule requiring notification under Article 8 of Directive (EU) 2016/798 and the notified provision does not contain any operational value to be assessed as a national rule relevant for safety certification process.</p> <p>Therefore, only rules purely setting up such requirements (operational context) for the railway network covered by Directive (EU) 2016/798 should be notified for the Agency's assessment in Single Rules Database (Safety).</p> <p>In case the rule applies for network within the scope of Directive (EU) 2016/798, this should be equivalent to requirements for the SMS of the IM which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762.</p>	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. For infrastructure out of scope of Directive (EU) 2016/798: In case such infrastructure is covered by the notified draft rules, then such infrastructure can be excluded from the scope of Directive (EU) 2016/798. This is because according to Article 10(3)(b) RSD, these rules are not part of the national rules to be taken into account as defined in Article 8 of RSD. In case such infrastructure falls within the RSD's scope, the requirements for SMS apply, as prescribed in Commission Delegated Regulation (EU) 2018/762.
29	SI-SA-559-1-D	<p>Article 55 (movement by road vehicles)</p> <p>The owner or operator of the industrial track shall lay down the provisions and areas for safe movement of road vehicles in the industrial track rules.</p>	Type 4 Other NSR	<p>In case the notified provisions are for network excluded from the scope of the Directive (EU) 2016/798, it cannot be categorized under a national rule in the field of safety according to the Directive and Appendix I to Regulation (EU) 2019/773 (TSI OPE). Therefore, this is not a rule requiring notification under Article 8 of Directive (EU) 2016/798 and the notified provision does not contain any operational value to be assessed as a national rule relevant for safety certification process.</p> <p>Therefore, only rules purely setting up such requirements (operational context) for the railway network covered by Directive (EU) 2016/798 should be notified for the Agency's assessment in Single Rules Database (Safety).</p> <p>In case the rule applies for network within the scope of Directive (EU) 2016/798, this should be equivalent to requirements for the SMS of the IM which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762.</p>	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. For infrastructure out of scope of Directive (EU) 2016/798: In case such infrastructure is covered by the notified draft rules, then such infrastructure can be excluded from the scope of Directive (EU) 2016/798. This is because according to Article 10(3)(b) RSD, these rules are not part of the national rules to be taken into account as defined in Article 8 of RSD. In case such infrastructure falls within the RSD's scope, the requirements for SMS apply, as prescribed in Commission Delegated Regulation (EU) 2018/762.
30	SI-SA-560-1-D	<p>Article 56 (move with a laptop or turntable)</p> <p>The owner or manager of the industrial track shall lay down provisions for the safe movement of the transmission or turning gear in the industrial track rules.</p>	Type 4 Other NSR	<p>In case the notified provisions are for network excluded from the scope of the Directive (EU) 2016/798, it cannot be categorized under a national rule in the field of safety according to the Directive and Appendix I to Regulation (EU) 2019/773 (TSI OPE). Therefore, this is not a rule requiring notification under Article 8 of Directive (EU) 2016/798 and the notified provision does not contain any operational value to be assessed as a national rule relevant for safety certification process.</p> <p>Therefore, only rules purely setting up such requirements (operational context) for the railway network covered by Directive (EU) 2016/798 should be notified for the Agency's assessment in Single Rules Database (Safety).</p> <p>In case the rule applies for network within the scope of Directive (EU) 2016/798, this should be equivalent to requirements for the SMS of the IM which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762.</p>	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. For infrastructure out of scope of Directive (EU) 2016/798: In case such infrastructure is covered by the notified draft rules, then such infrastructure can be excluded from the scope of Directive (EU) 2016/798. This is because according to Article 10(3)(b) RSD, these rules are not part of the national rules to be taken into account as defined in Article 8 of RSD. In case such infrastructure falls within the RSD's scope, the requirements for SMS apply, as prescribed in Commission Delegated Regulation (EU) 2018/762.

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English																					
31	SI-SA-563-1-D	<p>Article 59</p> <p>(1) Before the arrival of a train, the movement on the running and passing path of the train must be stopped in time to prevent the train from slowing down or stopping before the main signal.</p> <p>(2) An order to secure the path of a train at stations where signallers are involved in securing the train paths shall also constitute an order to stop the movement of the train.</p> <p>(3) The order to stop movement is also an order to clear the overtaking path of the running path of the train, and an order to secure vehicles against self-movement.</p> <p>(4) When securing the running path for an emergency consignment train, additional precautions must be taken for the carriage of emergency consignments.</p> <p>(5) During the movement, inspection of vehicles or trains, testing of brakes or rectification of faults on vehicles in a train, a safe working area must be provided for workers to carry out their work. The safe working area depends on the speed of the train or vehicles running on the adjacent track at the time of the work and the required minimum inter-track axle distance shown in the table:</p> <table border="1"> <tr> <td>Speed in km/h from</td> <td>Speed in km/h to</td> <td>Minimum inter-track axle distance required in mm</td> </tr> <tr> <td></td> <td>50</td> <td>4525</td> </tr> <tr> <td>51</td> <td>70</td> <td>4625</td> </tr> <tr> <td>71</td> <td>90</td> <td>4725</td> </tr> <tr> <td>91</td> <td>120</td> <td>4825</td> </tr> <tr> <td>121</td> <td>140</td> <td>4925</td> </tr> <tr> <td>141</td> <td>160</td> <td>5025</td> </tr> </table> <p>(6) Where the required minimum track centre distances shown in the table referred to in the preceding paragraph of this Article are provided, or where access between tracks is physically prevented to the danger zone of an adjacent track, the workers shall be deemed to be working in a safe working area.</p> <p>(7) If the required minimum track centre distances shown in the table referred to in paragraph 5 of this Article are not provided, the employee who will be working in the danger area shall require the employee laying the tracks to inform him of journeys on the adjacent track. Before laying a running path on the adjacent track, the track-laying worker shall inform the worker who requested the notification of the intended running on the adjacent track and obtain an acknowledgement of receipt of the notification. On completion of the work in the danger area, the worker who requested the notification shall inform the track-laying worker that the work in the danger area has been completed and that the notification has ceased. The operator shall prescribe in the station operating rules the procedures and personnel involved in ensuring safe working in the danger area.</p>	Speed in km/h from	Speed in km/h to	Minimum inter-track axle distance required in mm		50	4525	51	70	4625	71	90	4725	91	120	4825	121	140	4925	141	160	5025	Type 4 Other NSR	<p>The rule seems to be covering both shunting and operations on the main lines.</p> <p>Paragraphs 1-4 refer to securing train path which should be covered by the SMS processes of the IM and RU - see requirement 5.1 of Annex I/II of Regulation (EU) 2018/762.</p> <p>Paragraphs 5-7 refer mostly to ensuring that workers can perform their activities safely and rules on occupational health and safety cannot be categorised as a national rule in the field of safety according to the Directive and Appendix I to Regulation (EU) 2019/773 (TSI OPE). Therefore, this is not a rule requiring notification under Article 8 of Directive (EU) 2016/798 and the notified provision does not contain any operational value to be assessed as a national rule relevant for safety certification process. Only rules purely setting up such requirements (operational context) for the railway network covered by Directive (EU) 2016/798 should be notified for the Agency's assessment in Single Rules Database (Safety).</p> <p>The rule is negatively assessed as a whole.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>
Speed in km/h from	Speed in km/h to	Minimum inter-track axle distance required in mm																										
	50	4525																										
51	70	4625																										
71	90	4725																										
91	120	4825																										
121	140	4925																										
141	160	5025																										
32	SI-SA-564-1-D	<p>Article 60</p> <p>(special measures when moving)</p> <p>(1) Special attention is required when moving with:</p> <ol style="list-style-type: none"> wagons loaded with dangerous goods; carriages marked with labels for breakables; wagons loaded with live animals; wagons loaded with road vehicles; carriages with attendants; wagons, loaded tanks and with carriages bearing the "Move with caution" sticker. <p>(2) All wagons referred to in the preceding paragraph of this Article which are marked with hazard stickers must also be marked with "Caution" stickers - triangular in shape with the top downwards, red with an exclamation mark.</p> <p>(3) When moving, before moving the wagons, the movers must make sure that the wagons are marked with one of the hazard stickers. They shall inform each other of such wagons.</p> <p>(4) When moving wagons loaded with explosive substances, a buffer wagon must be placed between such wagon and each tractor unit. The guard wagon shall not be loaded with any dangerous substance.</p>	Type 4 Other NSR	<p>The rule prescribes additional labelling for wagons with e.g. dangerous goods.</p> <p>Paragraph 4 refers to train composition when dangerous goods are transported. For transport of dangerous goods, the mandatory requirements have already been specified in RID. When considering Appendix I of TSI OPE TSI OPE Regulation (EU) 2019/773 (TSI OPE), amended by Regulation (EU) 2023/1693, train composition is not an area for national rules. Train composition principles are listed in TSI OPE point 4.2.2.5.2. It is up to the RUs to define how to implement these principles in their own SMS by applying appropriate risk assessment methods.</p> <p>The rule also prescribes roles and responsibilities of staff. This is for the SMS of the RU as identification of roles and responsibilities of staff is a part of the SMS of the RU according to requirement 2.3.1 of Annex I of Regulation (EU) 2018/762.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p> <p>Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.</p>																					
33	SI-SA-568-1-D	<p>Article 61</p> <p>(precautions after the move is complete)</p> <p>(1) After the movement is completed, it must be ensured that the stopped vehicles on the track do not extend any part or load of theirs beyond the dividing line or section boundary into the profile of the adjacent track. If this is not possible, the movement leader shall inform the line traffic controller or the traffic manager.</p> <p>(2) When a group of wagons leaks, it must be taken into account that the stopped wagons may become dislodged due to the release of tension in the buffer springs.</p> <p>(3) If, after stopping the vehicles, the moving traffic does not immediately resume, the abandoned vehicles must be secured against self-movement.</p> <p>(4) Where a movement requires the energisation of overhead contact line which is not regularly energised, it shall also be de-energised at the end of the movement. The operator or the line traffic manager shall inform the SNEV dispatcher before switching the voltage on and off.</p>	Type 4 Other NSR	<p>The scope of the rule refers to interface between RU and IM that should be regulated in the SMS - the rules are already covered by EU law (see Annex I point 4 and 5 of Regulation (EU) 2018/762). This is for the detailed assessment of the RU according to their operational needs and the results of the risk assessment.</p> <p>Moreover, concerning actions to be taken in case of leaks this is also to be covered by the SMS of RU and IM.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p> <p>Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.</p>																					
34	SI-SA-569-1-D	<p>Article 62</p> <p>(personal safety when moving)</p> <p>(1) To ensure personal safety during a move, workers are prohibited from:</p> <ol style="list-style-type: none"> staying or walking on or immediately adjacent to the track; crawl under or between vehicles on a train ready to depart to clear a disturbance, unless adequate protection (notification, signal sign, etc.) has first been provided; climb on the roof of a vehicle or on the load of an open carriage if the overhead line is not de-energised; stay between the loading ramp and the track on which the movement is being made; staying on the side (side) steps when driving next to ramps, buildings, railings, pillars (poles), entrance gates, at the entrance to drawbridges, tunnels, as well as leaning out or opening the side (side) doors of carriages; staying on the side (side) steps of the vehicle at speeds exceeding 20 km/h; splice and unplug the main power line unless it has first been verified with the driver or at stable heating installations that the main power line is switched off; step upright in the track between vehicles when the vehicles are moving and when they are separated by less than one wagon length; crossing the track in the area of vertebral spurs, hearts and crossings; sit or stand on a bumper, tow hook or stapler; stand on the steps of two moving vehicles at the same time; crossing the track immediately in front of, behind or between moving trains or trains; jumping on or off vehicles when they are moving fast (more than 5 km/h); enter between vehicles for the purpose of restraining them if they are moving at a speed greater than 5 km/h; uncouple carriages as they move down the carriage steps; <p>(2) Coupling or uncoupling of a locomotive may be carried out by one worker only. A worker coupling or uncoupling a locomotive may give the signal 'Slightly Forward' or 'Slightly Reverse' by means of a mouth whistle or by means of communication.</p>	Type 4 Other NSR	<p>The rule refers mostly to ensuring that workers can perform their activities safely. Rules on occupational health and safety cannot be categorised as a national rule in the field of safety according to the Directive and Appendix I to Regulation (EU) 2019/773 (TSI OPE). Therefore, this is not a rule requiring notification under Article 8 of Directive (EU) 2016/798 and the notified provision does not contain any operational value to be assessed as a national rule relevant for safety certification process. Only rules purely setting up such requirements (operational context) for the railway network covered by Directive (EU) 2016/798 should be notified for the Agency's assessment in Single Rules Database (Safety).</p> <p>Operational details regarding the way tasks should be performed is a matter to be regulated by the RU in its SMS according to the results of the risk assessment.</p> <p>The rule is negatively assessed as a whole.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p> <p>Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.</p>																					

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English
35	SI-SA-585-1-D	<p>IX. TRAIN MARKING Article 77 (general on train marking)</p> <p>(2) The number by which a train is identified may be no more than five digits and may consist only of Arabic numerals. The pool of numbers for the designation of trains in international and internal traffic shall be from 1 to 99999.</p> <p>(3) International traffic is that traffic in which trains cross the national frontier of one or more countries. Train traffic which only goes as far as the frontier or first major stations of neighbouring countries, or where a train makes part of its journey in the territory of a neighbouring country and crosses again into the territory of its own country, is low-frequency traffic.</p> <p>(4) Internal traffic is traffic where trains run within national borders.</p> <p>(5) Only one train may be marked with the same number on the territory of the Republic of Slovenia in any one day.</p> <p>(6) Pairs of trains shall be identified by two consecutive numbers, the pair number being the smaller.</p> <p>(7) The train number must read:</p> <ol style="list-style-type: none"> whether it is an international or local train; type of train (passenger, freight); and the train's direction of travel. 	Type 4 Other NSR	This rule falls under point 4.2.3.2 of TSI OPE (Train running number) and provides more details regarding the construction of train running number and how the trains should be marked according to the type of the train. This should be regulated by the IM for its network.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMS on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
36	SI-SA-587-1-D	<p>Article 78 (setting the direction of travel)</p> <p>(1) The direction of travel of a train is determined by the evenness or oddness of its number.</p> <p>(2) Trains running from west or north in an east or south direction are identified by odd numbers. In the opposite direction, trains shall be identified by even numbers. The whole train path shall be taken into account when determining the even or odd number.</p> <p>(3) The running of trains on two or more lines results in trains of the same direction on certain sections of lines, one with an even number and the other with an odd number.</p> <p>(4) For international emergency trains, the direction of travel is not indicated by the train number.</p>	Type 4 Other NSR	This rule falls under point 4.2.3.2 of TSI OPE (Train running number). This rule provides more details regarding the construction of train running number and how the trains should be marked according to the type of the train. This should be regulated by the IM for its network.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMS on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
37	SI-SA-589-1-D	<p>Article 79 (marking of passenger trains)</p> <p>(1) Passenger trains are assigned numbers from 1 to 39999 from the train identification number pool, taking into account the type and importance of the train in international or domestic traffic.</p> <p>(2) In local cross-border traffic, local trains are identified by numbers from the internal traffic pool of one or other operator as mutually agreed.</p> <p>(3) Depending on the type and importance of the train, it depends on how many city numbers will be assigned to each train.</p> <p>(4) The detailed marking of passenger trains shall be published by the operator in its SGEI [SMS].</p>	Type 4 Other NSR	This rule falls under point 4.2.3.2 of TSI OPE (Train running number). This rule provides more details regarding the construction of train running number and how the trains should be marked according to the type of the train. This should be regulated by the IM for its network.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMS on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
38	SI-SA-590-1-D	<p>Article 80 (marking of freight and service trains)</p> <p>(1) Freight trains in international and domestic traffic are identified by five-digit numbers. The numbering pools are defined separately for the marking of freight trains in international traffic and in domestic traffic.</p> <p>(2) Freight trains in international traffic are identified by numbers 40000 to 49999 for each type of train in each country.</p> <p>(3) The numbers of freight and service trains shall show:</p> <ol style="list-style-type: none"> being an international or domestic train; the train's direction of travel; type of train. <p>(4) Inland freight and service trains shall be identified by numbers 50000 to 99999.</p> <p>(5) The detailed marking of freight and service trains shall be published by the operator in its SGEI [SMS].</p>	Type 4 Other NSR	This rule falls under point 4.2.3.2 of TSI OPE (Train running number). This rule provides more details regarding the construction of train running number and how the trains should be marked according to the type of the train. This should be regulated by the IM for its network.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMS on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
39	SI-SA-594-1-D	<p>Article 83 (provisions for the enforcement of the network timetable)</p> <p>(1) In order to ensure a smooth transition to the new network timetable, the operator shall draw up and publish Provisions for the implementation of the network timetable, which shall specify the organisation of traffic and the conduct of the OCNs [OVKN] in such a way that no traffic bottlenecks are created during the transition to the new network timetable, and shall deliver them to the undertakings. The Network Statement shall be used by the carrier and the managing body to provide evidence to the OCCN [OVKN] of the changes relevant to the changeover to the new network timetable.</p> <p>(2) By the Network Timetable Enforcement Provisions, the Operator shall revoke the documents of the current Network Timetable and shall enforce the documents of the new Network Timetable.</p>	Type 4 Other NSR	The rule refers to the regulation of network timetable and not train timetable. Therefore, this is not a rule requiring notification under Article 8 of Directive (EU) 2016/798 and the notified provision does not contain any operational value to be assessed as a national rule relevant for safety certification process. As per definition of a national rule (Article 3 (8) of Directive (EU) 2016/798) those are all binding rules adopted in a Member State, irrespective of the body issuing them, which contain railway safety or technical requirements, other than those laid down by Union or international rules, and which are applicable within that Member State to railway undertakings, infrastructure managers or third parties. Therefore, only rules purely setting up such requirements (operational context) should be notified for the Agency's assessment in Single Rules Database (Safety).	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule. We stress that the provision in no way affects the scope of the assessment of the safety management system, which is carried out at the level of detail set out in Regulation (EU) 2018/762 on the Common Safety Management Method (CSM-SMS), Annex I and II.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.
40	SI-SA-596-1-D	<p>Article 84 (extract from the network timetables for station staff and line guards)</p> <p>(1) An extract from the network timetables must be produced by the operator for its OVKN.</p> <p>(2) The carrier shall produce an extract from the network timetable for the use of the carrier's staff only. The extract shall contain the information required by the carrier's OCNs [OVKN] in the course of their work, but shall not contain the network timetable data of another carrier.</p>	Type 4 Other NSR	Regarding requirements for the Rule Book have been provided in point 4.2.1.2.1 of Regulation (EU) 2019/773 (TSI OPE), as amended by Regulation (EU) 2023/1693, the Rule Book is the responsibility of the IM/RU respectively. Therefore, the rule is negatively assessed. Moreover, the documentation of the IM/RU, including its formats, is the responsibility of the company according to its SMS (requirement 4.5 of Annex I/II of Regulation (EU) 2018/762 CSM-SMS).	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMS on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
41	SI-SA-597-1-D	<p>Article 85 (Route instructions)</p> <p>(1) A route manual is a document which must be held by the driver and is drawn up by the operator on the basis of information provided by the controller.</p> <p>(2) The information necessary for the preparation of the Route Manual shall be prescribed by the Controller in his SGEI [SMS] in accordance with the provisions of the TSI governing Traffic Operation and Management.</p>	Type 4 Other NSR	Requirements for Route Book have been provided in point 4.2.1.2.2 of TSI OPE Regulation (EU) 2019/773 (TSI OPE), as amended by Regulation (EU) 2023/1693, which is a regulation directly applicable for the operators. The operators are responsible for covering the aspects related to the Route Book in their SMS. National rule should not duplicate elements already regulated on the European level and national provisions obliging the operators to apply TSI OPE are unnecessary. As such the draft rule is negatively assessed.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMS on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English
42	SI-SA-601-1-D	<p>XI. TRANSPORT OPERATIONS Article 88 (traffic operations)</p> <p>(1) In order to ensure the efficiency of rail transport, the operator must organise the transport operation.</p> <p>(2) For the operational planning of train traffic and the performance of its task, the transport operation must obtain from the carriers information on the planned runs of exceptional trains, cancellations of regular trains and special features of trains (classification of exceptional consignments, carriage of dangerous goods, deviations from the planned composition, excess train length and other special features).</p> <p>(3) The organisation of the work of the Traffic Operations Section shall be laid down in the Traffic Operations Section Rules of Procedure.</p> <p>(4) The traffic management of trains on individual lines shall be prescribed by the Railway Undertaking in its SGEU [SMS].</p>	Type 4 Other NSR	General rule regarding the planning and organisation of train traffic (point 4.2.3.4.1 of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693). Such details should be included in the SMS of the IM. The requirements for the SMS of the IM have been prescribed in Regulation (EU) 2018/762 - see requirement 5.1.3 of Annex II.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
43	SI-SA-603-1-D	<p>XII. TRAIN TRAFFIC INFORMATION Article 89 (general provisions)</p> <p>(1) The staff of stations and service points on the intended train path must be informed of the train's movements (announce or cancel the train): 1. with the network timetable documents when the new network timetable comes into force, or with a timetable order for changes to the network timetable while it is in force; 2. notification of changes to train services.</p> <p>(2) The detailed rules for train traffic information and the staff responsible for its implementation shall be laid down by the Controller in its SGEI [SMS].</p>	Type 4 Other NSR	This rule cannot be assessed under any of the areas for national rules or open points listed in Appendix I to TSI OPE. Such details should be included in the SMS of the IM. The requirements for the SMS of the IM have been prescribed in Regulation (EU) 2018/762.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
44	SI-SA-605-1-D	<p>XIII. TRAINCARDS Article 90 (supporting documents)</p> <p>(1) The accompanying documents of a train are: 1. A train running order issued by the operator; 2. A train composition and braking report issued by the carrier; 3. A general order issued by the operator.</p> <p>(2) More detailed rules regarding the necessity of accompanying documents on board a train and the procedure for the surrender of accompanying documents, including the place of surrender and the place of storage, and the parties involved, shall be prescribed by the carrier and the managing entity in their SGE [SMS].</p>	Type 4 Other NSR	Regarding requirements for the Rule Book have been provided in point 4.2.1.2.1 of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693, the Rule Book is the responsibility of the IM/RU respectively. The details should be regulated in the IM and RU SMS. Therefore, the rule is negatively assessed. Moreover, the documentation of the IM/RU, including its formats, is the responsibility of the company according to its SMS (requirement 4.5 of Annex I/II of Regulation (EU) 2018/762 CSM-SMS).	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
45	SI-SA-606-1-D	<p>Article 91 (Train driving task)</p> <p>(1) A train running order is a document issued by an authorised person of the operator (transport manager or line manager) and collected at a designated place by an authorised person of the carrier. The train may not be given permission to run and may not leave the departure station without a Train Running Order. The train running order may be transmitted electronically to the driver. The train running order shall inform the driver of: - use of the timetable for each train; - the station to which the train is allowed to run; - the number of the sign under which the emergency consignment is being carried on the train;</p> <p>(2) If it is not possible to collect a Running Order at a remotely controlled station, it shall be replaced by a phonogram from the line or traffic engineer informing the driver of the content referred to in paragraph 1, but only up to the first occupied station. The first occupied station shall be issued with a Train Running Order by the traffic controller for the entire journey and the messages relating to the train running shall be valid only from that station onwards.</p> <p>(3) More detailed provisions on the Train Running Order, special features of the train relating to extraordinary consignments, hazardous goods and other special features and the points of acceptance by the authorised person of the carrier shall be prescribed by the operator and the carrier in their SGEU [SMS].</p>	Type 4 Other NSR	The rule provides requirements for driver's rule and route knowledge which falls under Rule Book or Route Book. Regarding requirements for the Rule and the Route Book, points 4.2.1.2.1 and 4.2.1.2.2.1 of Regulation (EU) 2019/773 (TSI OPE), amended by Regulation (EU) 2023/1693 (in point 4.2.1.2.1 and 4.2.1.2.2 of the amended Regulation), the Rule Book and the Route Book are the responsibility of the IM/RU respectively. Therefore, the rule is negatively assessed. Moreover, the documentation of the IM/RU, including its formats, is the responsibility of the company according to its SMS (requirement 4.5 of Annex I/II of Regulation (EU) 2018/762 CSM-SMS).	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
46	SI-SA-608-1-D	<p>Article 92 (handheld notebook for driver)</p> <p>More detailed rules concerning the production, handling, keeping and storage of the driver's handbook shall be laid down by the haulier in its SSA [SMS].</p>	Type 4 Other NSR	Requirements for the Rule Book have been provided in point 4.2.1.2.1 of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693. This includes the documentation prepared by the RU. It is for RU to regulate in their SMS. The details should be regulated in the IM and RU SMS. Therefore, the rule is negatively assessed.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
47	SI-SA-609-1-D	<p>Article 93 (Train composition and braking report)</p> <p>(1) The train composition and braking report is a document of the carrier which must contain at least the following information: - train composition; - braking of the carriages in the train formation; - the type of brake and the braking mass of the towing vehicles; - braking effect; - special features for shipments on board (emergency shipments, dangerous goods); - brake tests carried out.</p> <p>(2) The more detailed provisions of the train composition and braking report shall be prescribed by the carrier in the SST [SMS].</p>	Type 4 Other NSR	Tests and checks before departure were regulated in point 4.2.3.3.1 of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693. This includes the documentation prepared by the RU. It is for RU to regulate in their SMS. This is also a topic for an AMOC (Acceptable Means of Compliance) according to point 4.4.3 of TSI OPE. The AMOC on checks and tests before departure including braking was delivered by the Agency in December 2021. It contains international brake sheet that can be used by the RUs. Train composition principles are listed in TSI OPE point 4.2.2.5.2. It is up to the RUs to define how to implement these principles in their own SMS by applying appropriate risk assessment methods.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
48	SI-SA-612-1-D	<p>XIV. NUMBER AND DISTRIBUTION OF WORKERS ON TRAINS Article 95 (driving on a towing vehicle)</p> <p>(1) In addition to the driver and assistant driver, persons authorised in writing by the carrier may be on board the tractor unit during the journey. No more than the number of persons written in the driver's cab may be accommodated in the cab of the tractor unit.</p> <p>(2) Persons in the cab shall not obstruct the driver and assistant in the performance of their duties.</p>	Type 4 Other NSR	This kind of rule should be designed in SMS as directly linked to safety of operations. The number of people in train driver's cab should be subjected to prior risk assessment (CSM-SMS Regulation (EU) 2018/762 requirement 3.1.1.1). National rule cannot prescribe the number of people in the driver's cab - this is up to the RU to decide taking into consideration risk measures and technical aspects of the rolling stock used.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English
49	SI-SA-614-1-D	<p>Article 96 (number of workers on trains)</p> <p>(1) If the conditions for a traction unit to run in single file are met and the line is equipped with means of communication for evidential communication, trains may only run with a driver.</p> <p>(2) Where a tractor does not meet the conditions for single occupancy, the vehicle must be occupied by an assistant driver in addition to the driver.</p> <p>(3) The following conditions must be met for passenger trains to be operated with a driver only, without train crew:</p> <ol style="list-style-type: none"> Rolling stock intended for the carriage of passengers must be equipped with a working public address system to inform passengers; external doors for the entry and exit of passengers must be closed from a central position and the status of the doors (open - closed) must be monitored; <p>3. the driver must be able to monitor the entry and exit of passengers from the driver's seat, either directly or by means of technical devices installed on the train or at a stopping point for the entry and exit of passengers;</p> <p>4. the driver must be prevented from controlling the traction on the tractor if all passenger access doors are not closed and centrally locked, except in an emergency;</p> <p>5. in the event of a fire or technical fault on the train that could endanger the safety of passengers or the train, the driver must be alerted by means of the alarms on the driver's cab console;</p> <p>6. trains intended to carry passengers must meet the technical requirements laid down in the Technical Specification for Interoperability with regard to Persons with Reduced Mobility;</p> <p>7. the timetable of each train must indicate that only the driver is on the passenger train, with no train crew.</p> <p>(4) A multiple unit meeting the design characteristics referred to in the preceding paragraph must have a placard on the market authorisation showing that it can only run with a driver.</p> <p>(5) Where the conditions for running a passenger train with only a driver and no train crew are not fulfilled, the passenger train must be accompanied by at least one OVON [OVKN] of the carrier.</p> <p>(6) If a trailer is added to the train which is not included in the main brake line, the train must be accompanied by at least one OVON of the carrier.</p> <p>(7) The necessary number of staff on board the train and their distribution, according to the characteristics of the infrastructure, the characteristics of the train and the necessary number of staff in the shunting group and the communication between the driver and the assistant driver, shall be specified by the undertaking in its SGE [SMS].</p>	Type 4 Other NSR	<p>Paragraphs 1-2 require second driver if conditions for single driver are not met. The number of drivers to operate the train is for the SMS of the RU and should result from the outcomes of risk assessment. This kind of rule should be designed in SMS as directly linked to the safety of operations. The number of people in train driver's cab should be subjected to prior risk assessment (CSM-SMS Regulation (EU) 2018/762 requirement 3.1.1.1).</p> <p>Paragraph 3 contains conditions for driving a passenger train without a train crew.</p> <p>This rule indicated in a general way when an accompanying staff is needed in a train and what aspects the RU should take into consideration while staffing the train. The rule doesn't describe the requirements for this staff in terms of competence.</p> <p>This rule is linked to TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693 point 4.6 and Appendix F. It is the role of RU to fully decide when the accompanying staff is needed in a train. See CSM-SMS Regulation (EU) 2018/762 requirements 2.3.1; 2.3.4; 3.1.1. and 5.1.6.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p> <p>Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.</p>
50	SI-SA-637-1-D	<p>XVI. TRAIN TRAFFIC Article 99 (train traffic management)</p> <p>(1) Trains follow each other on the same track and in the same direction within the track section spacing. Depending on the equipment of the lines with track-side and station-side signalling installations, trains shall follow each other in sequence in:</p> <ol style="list-style-type: none"> spatial spacing - on lines with automatic line block (APB) or inter-station dependency (ISD) (spatial section); the departure interval - on lines with departure lines (departure section); station spacing - between two adjacent stations (inter-station section). <p>(2) The track section must be clear before a train enters it. Only one train may be on a track section at any one time, except when a train standing on the open track needs assistance (another locomotive or train) and when trains are running on closed track (working trains).</p> <p>(3) The track section clearance shall be determined:</p> <ol style="list-style-type: none"> on line sections with APB or MO devices - by the space section status annunciators on the signalling device, the detected space section clearance at the SV relay devices is confirmed by the signal sign for traffic clearance on the main signal; on inter-station sections - by agreement between the transport managers. <p>(4) Train traffic shall be regulated according to the presence of signalling equipment:</p> <ul style="list-style-type: none"> on sections of lines with APB - automatically, with the trains themselves changing the signal signs of the space signals; on sections of lines with MO installations - with the station signal installations of two adjacent stations in dependence; <p>on inter-station sections of lines - by agreement between traffic managers; traffic is also regulated by agreement on lines with APB or MO installations, in the event of failures of these installations.</p> <p>(5) At locally controlled stations designated by the operator and at remotely controlled stations, there must be sealed ambulance locks in lockers marked "K" with instructions for their installation, a switch lever with instructions for switching switches, and a Notebook of machine guns and phonograms. At stations where the APR is switched off daily, the lockers marked "K" shall contain sealed ambulance locks with instructions for their fitting and the Machine Gun and Phonograph Notebook. If the APR is permanently switched on at a station, the points in the train path shall be secured with locks and the keys to the points shall be kept locked in the traffic office of that station.</p> <p>(6) If, at a station where the main signals are handled by a traffic controller from another station or by a line traffic controller, the latter has no indication of the correct and accurate position of the points, he shall order the driver of a train stopped before the main signal to inspect and secure the points whose position cannot be controlled for the run to the specified track and shall permit him by phonogram to pass the import signal to the first import point.</p> <p>(7) After stopping before the first switch, the driver shall inspect the switches and check that there is no object between the base rail and the point or that the switch is not damaged.</p> <p>(8) In the event of a switch having to be moved, the driver shall use the switch lever. After using the switch lever and fitting the ambulance lock, the driver shall return the lever and the ambulance lock key to the locker and lock the locker.</p> <p>(9) More detailed procedures relating to the management of train traffic in normal, degraded and emergency conditions, concerning points and their securing, phonograms and the train's onward movement, shall be prescribed by the Controller and the Railway Undertaking in their SGEI [SMS].</p>	Type 4 Other NSR	<p>Partially the rule provides description of traffic management under class B system.</p> <p>Paragraphs 6-8 are assessed negatively as they put additional responsibilities on the staff of the IM and RU (driver). This should be regulated in the SMS of the operator as identification of roles and responsibilities of staff is a part of the SMS of the RU according to requirement 2.3.1 of Annex I of Regulation (EU) 2018/762.</p> <p>Paragraph 9 sets additional requirements for the SMS which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762.</p> <p>The whole rule is assessed negatively even if some descriptions do not meet the scope of the notification of a national rule.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p> <p>Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.</p>
51	SI-SA-638-1-D	<p>Article 100 (remote traffic management)</p> <p>(1) Traffic shall be controlled remotely by a line traffic controller from a traffic control centre or by a traffic controller from another busy station, who shall operate signals, points, switches, turnouts and traffic protection devices at level crossings at an unoccupied station from his station.</p> <p>(2) Track insurance at remotely controlled stations is carried out by a line operator with remote traffic management equipment from a traffic control centre or by a line operator with remote traffic management equipment from another occupied station.</p> <p>(3) A station box at a remote-controlled station may also be handled locally - local handling.</p> <p>(4) Local handling of a station signal box shall be authorised and revoked by the line traffic controller or the traffic controller of another occupied station who remotely controls traffic at such station.</p> <p>(5) At remote-controlled stations equipped with a local positioner, it may be operated by a qualified employee of the carrier. The handling of the local control panel shall be authorised by the linemaster or by the linemaster of another busy station from which he remotely controls the traffic at such station.</p> <p>(6) If the local or local behaviour is not recorded by the SV device itself, it shall be recorded by the transport operator or an employee of the transport undertaking in the machine-gun and phonograph notebook.</p> <p>(7) If it is not possible to give permission to drive at a remotely controlled station by means of a signal for permitted driving, but the running path is protected at least by the installation of a moving carriageway, permission to drive shall be given orally by the line traffic controller by means of telecommunication, or directly orally by means of telecommunication by the line traffic controller handling the signal, or by means of a phonogram by means of telecommunication:</p> <p>'Train No is permitted to pass signal (signal mark). Pass the station with caution at a maximum speed of 20 km/h.' (Last name of the line traffic controller.)</p> <p>(8) If there are automatic traffic protection devices on the running path at a level crossing which are dependent on the main signals, and permission to run is given in accordance with the preceding paragraph, the line manager or the traffic manager shall also inform the driver of the behaviour to be adopted when running over such a level crossing.</p> <p>(9) If it becomes necessary to occupy a remotely controlled station, the local handling of the station box at that station shall be carried out by the occupying transport operator. The procedure for changing from remote control to local control of a station signal box shall be prescribed in the station signal box handling instruction.</p> <p>(10) The driver shall be informed of the local traffic management at the remote-controlled station. This notification means that the driver is subject to all the provisions laid down for stations regularly occupied by a mobile operator.</p> <p>(11) At remote-controlled stations, trains and vehicles must be secured against self-movement.</p> <p>(12) Knowledge of the more detailed rules concerning the handling of the central installation of remote and locally controlled stations shall be prescribed by the operator in his SMS.</p>	Type 4 Other NSR	<p>This rule cannot be categorized under any of the areas for national rules or open points in Appendix I of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693. Moreover, the rule covers a large number of operational details that should be covered in the SMS of the IM and not in the national legislation.</p> <p>The rule should be thoroughly revised as some parts of the rule may be relevant for communications or national signalling system. Nevertheless, the rule cannot prescribe:</p> <ul style="list-style-type: none"> details to be covered by the SMS of the IM (see also requirement 5.1.3 of Annex II of Regulation (EU) 2018/762); identification of roles and responsibilities of staff as this is a part of the SMS of the RU/IM according to requirement 2.3.1 of Annex II of Regulation (EU) 2018/762; <p>in general additional requirements for the SMS which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p> <p>Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.</p>
52	SI-SA-639-1-D	<p>Article 101 (train meetings)</p> <p>Meeting means:</p> <ol style="list-style-type: none"> crossing - two trains from opposite directions meeting at stations on single-track lines; meeting - two trains from opposite directions meeting at stations or on the open track of a double-track line, each running on its own track; <p>3. overtaking - the meeting of two or more trains from the same direction at stations or on the open line of a double-track line, when the train in front of the train in front continues its journey and their order is reversed;</p> <p>4. catching up - the meeting of two or more trains of the same direction at stations on a single-track or double-track line, from which the lead train leaves first before the trains in front and the running order remains unchanged.</p>	Type 4 Other NSR	<p>Article 101 of the draft legal document contains definitions. Definitions are not rules. Therefore they cannot be validated as a standalone national rule.</p> <p>This is not a rule requiring notification under Article 8 of Directive 2016/798 and the notified provision does not contain any operational value to be assessed as a national rule relevant for safety certification process.</p> <p>The notified provision cannot be categorized under a national rule in the field of safety according to the Directive and Appendix I to Regulation (EU) 2019/773 (TSI OPE).</p> <p>As per definition of a national rule (Article 3 (8) of Directive (EU) 2016/798) those are all binding rules adopted in a Member State, irrespective of the body issuing them, which contain railway safety or technical requirements, other than those laid down by Union or international rules, and which are applicable within that Member State to railway undertakings, infrastructure managers or third parties.</p> <p>Therefore, only rules purely setting up such requirements (operational context) should be notified for the Agency's assessment in Single Rules Database (Safety).</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule. We stress that the provision in no way affects the scope of the assessment of the safety management system, which is carried out at the level of detail set out in Regulation (EU) 2018/762 on the Common Safety Management Method (CSM-SMS), Annex I and II.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English
53	SI-SA-644-1-D	<p>Article 104 (train departure message - announcement, train departure announcement - pre-departure message)</p> <p>(1) An announcement is a message to the staff of the next occupied station and service points about the departure or carriage of a train or a line vehicle.</p> <p>(2) The signalling of trains or line vehicles (train or line vehicle departure message) is also mandatory when trains pass from remotely controlled stations, where the traffic is remotely controlled by a line operator, to stations where the traffic is remotely or locally controlled by a line operator, and vice versa.</p> <p>(3) A pre-call is a message to the staff of the next occupied station and to the service points about the intended departure or carriage of a train or a line vehicle. The pre-arrival message must be given at least 5 minutes before the scheduled departure or carriage. If it is necessary to give an announcement to station staff, it shall be given before the formation of the running or moving path.</p> <p>(4) More detailed provisions on audio, lecture and phonograms shall be laid down by the Controller in his/her GTC [SMS].</p>	Type 4 Other NSR	Common operational rule 2 in Appendix B2 of Regulation (EU) 2019/773 (TSI OPE) regulates departure of train. Any additional information regarding train departure should be regulated in the SMS of IM (see also requirement 5.1 of Annex II of Regulation (EU) 2018/762).	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
54	SI-SA-650-1-D	<p>Article 106 (traffic of missed trains)</p> <p>(1) Train movements must be managed in such a way that delays are not caused or that any delays are minimised as far as possible. The driver, the line manager and the train dispatcher must be kept informed of train movements via the information system of the managing entity.</p> <p>(2) If access to the information system of the managing entity is not possible or is not functioning and it is established that a passenger train will be delayed for 5 minutes or more or a freight train for 15 minutes or more, the transport manager of the station at which the delay occurs shall immediately, and at the latest by the time of departure of the train according to the timetable of the network, report the delay of such train. Traffic managers shall inform each other of train delays in the direction of the train. The same shall apply if it is found that an already announced delay has increased or decreased by 5 minutes or more.</p> <p>(3) A delay of 5 minutes for a passenger train, or an increase or decrease in delays, must also be evidenced by informing the staff at the service points up to the next station in the train's direction of travel.</p> <p>(4) Priorities for the regulation of train movements in the event of delays shall be set by the operator in its SGEI [SMS].</p>	Type 4 Other NSR	The rule cannot be categorised under any of areas for national rules or open points specified in Appendix I of TSI OPE. The details for the organisation of traffic should be regulated in the SMS of the IM. According to point 4.2.3.4.1 IM is responsible for determining procedures and means for operational measures to maintain the highest possible performance of the infrastructure in case of delays or incidents, whether actual or anticipated and the provision of information to RU in such cases. The details need to be regulated in the SMS of the IM - see also requirement 5.1.3 of Annex II of Regulation (EU) 2018/762.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
55	SI-SA-651-1-D	<p>Article 107 (intervals of consecutive trains)</p> <p>(1) Before authorisation is given to run a train in sequence, in addition to the time required for the front train to pass through the first space section, an interval shall be taken into account such that the train in sequence does not reduce speed or stop before main signals or at stations and service points where it has no fixed stop (intervals for trains in sequence).</p> <p>(2) The prescribed intervals at which consecutive trains may be spaced apart shall be prescribed in the station operating rules.</p>	Type 4 Other NSR	The rule cannot be categorised under any of areas for national rules or open points specified in Appendix I of TSI OPE. The details for the organisation of traffic should be regulated in the SMS of the IM. According to point 4.2.3.4.1 IM is responsible for determining procedures and means for operational measures to maintain the highest possible performance of the infrastructure in case of delays or incidents, whether actual or anticipated and the provision of information to RU in such cases. The details need to be regulated in the SMS of the IM - see also requirement 5.1.3 of Annex II of Regulation (EU) 2018/762.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
56	SI-SA-653-1-D	<p>XVII. TRAIN TRAFFIC CONTROL WHEN THE CONTROL EQUIPMENT IS NOT WORKING</p> <p>Article 108 (handling of the station box on lines where traffic is managed remotely)</p> <p>(1) If the line or remotely controlled traffic controller detects any abnormality in the operation of the SV equipment at a remotely controlled station, he shall immediately inform the competent SV maintenance engineer and take all measures to safeguard the traffic.</p> <p>(2) If it is necessary to occupy a remotely controlled station, it shall be occupied by a traffic controller who shall take over the local traffic management of that station on the orders of the line or traffic controller remotely managing the traffic at that station. The phonogram for the authorisation of local handling shall be prescribed by the Controller in its SGEI [SMS].</p> <p>(3) Local traffic management at remote-controlled stations with a traffic controller must be notified to the drivers. The notification shall be made by a Train Running Order, a General Order or a phonogram.</p> <p>(4) Drivers who have been informed of the failure of the remote control equipment and who have not yet travelled through those stations shall be informed of the reintroduction of remote train control.</p> <p>(5) After the fault has been rectified, the competent maintenance engineer shall inform the line or traffic manager that the remote traffic management equipment is working properly again, or prescribe restricted operation.</p>	Type 4 Other NSR	This is a part of IM procedure for dealing with failures of the traffic control devices on the network. Degraded operations are regulated in point 4.2.3.6 of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693. Appendix B2 rule 17 deals with failures of trackside equipment. More detailed information and procedures should be regulated in the SMS of the IM/RIU.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
57	SI-SA-655-1-D	<p>Article 109 (handling of train entry/exit on lines with APB or MO installations)</p> <p>More detailed provisions in the case of malfunctioning of SV installations and inoperative exit or cover signals shall be laid down by the Controller in its SVU [SMS].</p>	Type 4 Other NSR	Degraded operations are regulated in point 4.2.3.6 of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693. Appendix B2 rule 17 deals with failures of trackside equipment. More detailed information and procedures should be regulated in the SMS of the IM/RIU. The rule sets additional requirements for the SMS which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
58	SI-SA-656-1-D	<p>Article 110 (handling of train entry/exit at a remote-controlled station)</p> <p>(1) If it is necessary to change points on site at a remotely controlled station, the driver shall do so on the orders of the line or stationmaster remotely controlling the traffic at that station.</p> <p>(2) Where the main signal at a remotely controlled station displays the signal sign 'Stop' or is unlit, the train shall not enter or leave the station until the driver has received permission to proceed from the traffic controller or line traffic controller operating the signal-control device at that station.</p> <p>(3) If, at the time of failure of the main or main signals at a remote-controlled station, there are two trains which are to cross at the remote-controlled station on the inter-station sections, the traffic controller operating the signalling device at the remote-controlled station or the line traffic controller shall proceed as follows: 1. if both signals used to give permission to proceed at an entry are inoperative: a) stop the train at the main signals of a remote-controlled station with the signal sign "Stop"; b) give permission to the driver of one train stopped before an import signal with the signal sign "Caution" or with a phonogram to proceed to a track on which the running path is already laid, if he has control of the points; 2. if he has no control over the points, order the driver to inspect and place the points on clear track, to fit ambulance locks to the points and to give him permission to run the train to the first phonograph-controlled entry point; 3. if an ambulance lock is to be fitted to the points or points, additionally indicate with the following text: "Install ambulance lock(s) on switch(es) No" 4. the driver informs the traffic manager or the line traffic manager by phonogram of the switch repositioning and the possible installation of ambulance locks: "Switch(es) No. on track No. erected and secured." a) the traffic officer or the line conductor then gives permission to proceed to the station by means of a phonogram; b) the driver informs the traffic manager or the line manager that he has stopped within the separating lines at a remote-controlled station; c) then, following the same procedure, the traffic controller handling the signalling device or the line traffic controller gives permission for the train to proceed from the opposite direction; d) after the second train has stopped at the remote-controlled station, command the drivers of both trains by phonogram to lay the running path for the exit of each of their trains; e) when the drivers have secured the running path for the exit of each of their trains and have informed the traffic manager or the line manager, the latter shall give permission to run the trains for the exit by means of a phonogram.</p>	Type 4 Other NSR	This rule cannot be categorized under any of the areas for national rules or open points in Appendix I of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693. Moreover, the rule covers a large number of operational details that should be covered in the SMS of the IM and not in the national legislation. The rule should be thoroughly revised as some parts of the rule may be relevant for communications or national signalling system. Nevertheless, the rule cannot prescribe: - details to be covered by the SMS of the IM (see also requirement 5.1.3 of Annex II of Regulation (EU) 2018/762), - identification of roles and responsibilities of staff as this is a part of the SMS of the RU/IM according to requirement 2.3.1 of Annex II of Regulation (EU) 2018/762, - in general additional requirements for the SMS which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762. This is a part of IM procedure for dealing with failures of the traffic control devices on the network. Degraded operations are regulated in point 4.2.3.6 of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693. Appendix B2 rule 17 deals with failures of trackside equipment. More detailed information and procedures should be regulated in the SMS of the IM/RIU. Regarding aspects related to safety communications, the rule will need to be revised following the entry into force of Commission Implementing Regulation (EU) 2023/1693.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English
	656 part 2	<p>5. If one signal is inoperative to give permission to proceed at an entry:</p> <p>a) give permission to run to the train to which he can give it by means of the signal signals of the main signal;</p> <p>b) give permission to the second train to enter the station in the manner prescribed in the previous point, after having ascertained that the first train has stopped;</p> <p>c) give permission for the train to run by means of the exit or cover signals or, if this is not possible, in the manner described in the previous point.</p> <p>(4) If at a remotely controlled station the traffic controller or line traffic controller has no control over the position of the points, he shall order the first train by phonograph to stop before the first import point, to place the points on the specified track in the correct and precise position and to place ambulance locks on the points over which trains are to pass towards the point. The driver shall inform the traffic manager or the line traffic manager that the positioning and fitting of the ambulance locks has been completed.</p> <p>(5) A running path secured in accordance with the preceding paragraph of this Article shall be valid for the running of all subsequent trains until the signalling device is in good working order.</p> <p>(6) More detailed provisions concerning the procedures for importing or exporting a train at a remotely controlled station shall be laid down by the Controller in its SGE [SMS].</p>					
59	SI-SA-658-1-D	<p>Article 111 (traffic management of trains on an open line in the event of malfunctions of APB equipment)</p> <p>(1) The driver of a train which stops before an unlighted space signal shall immediately inform the line or next station traffic controller who is in local or remote control of traffic at that station. The driver of a train which stops before a space signal indicating a 'Stop' signal shall wait 3 minutes for the signal sign for permitted running to be displayed. If, after 3 minutes, the signal sign for permitted running is not displayed on the space signal, he shall inform the line or next station traffic controller who is in local or remote control of traffic at that station.</p> <p>(2) After a train has been notified to stop in front of an unlit space signal or a space signal showing the signal sign 'Stop', it must be established that there is no train, track vehicle or detached part of a train on the space section covered by the space signal, that there is no failure of the traffic protection devices at a level crossing on the line, or that the APB has not been incorrectly switched to its default state, before the right of way is given.</p> <p>(3) Permission to run a train which stops before a space signal shall be given to the driver by the line or next station traffic controller who is in local or remote control of the traffic at that station. Permission shall be given to the driver of the first train in the direction of travel as far as the arrival signal of his own station or, if the next station is remotely controlled, to the arrival signal of the next station. Permission may be given to the driver of a train in sequence when the preceding train has fully and completely entered its own or the next remote-controlled station.</p> <p>(4) The driver of the first train stopped on the line shall be given permission to pass the main signal by means of a phonograph: "Running is permitted for train No from the space signal No to the import signal of station (name of station)."</p> <p>(5) The driver of the next train in the sequence which has stopped on the line may be given permission to drive only when the preceding train has entered its own or the next station fully and completely. The driver of such a train shall be given permission to drive by means of a phonograph: "The preceding train number has arrived at station from the space signal from the space signal to the import signal of station (station name) is permitted."</p> <p>(6) If the line traffic controller or the traffic controller in local or remote control of traffic at that station is informed that a space signal, after which there is a level crossing with automatic traffic protection devices, displays the signal sign 'Stop' or is unlit or displays the signal sign 'Caution', he shall give the driver permission by phonograph to pass such signal and shall state in the phonograph that traffic at the level crossing is not protected.</p> <p>(7) On routes with APB, where it is possible to activate the 'Caution' signal sign on the space signals, this signal sign may be used on the space signal if it can be established that the space segment covered by the space signal is clear.</p> <p>(8) More detailed provisions concerning the authorisation to run a train in the event of a malfunction of the track-side SV equipment and the driver's actions shall be laid down by the Controller and the Railway Undertaking in their respective SMS.</p>	Type 4 Other NSR	<p>This rule cannot be categorized under any of the areas for national rules or open points in Appendix I of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693. Moreover, the rule covers a large number of operational details that should be covered in the SMS of the IM and not in the national legislation. The rule should be thoroughly revised as some parts of the rule may be relevant for communications or national signalling system. Nevertheless, the rule cannot prescribe:</p> <ul style="list-style-type: none"> - details to be covered by the SMS of the IM (see also requirement 5.1.3 of Annex II of Regulation (EU) 2018/762), - identification of roles and responsibilities of staff as this is a part of the SMS of the RU/IM according to requirement 2.3.1 of Annex II of Regulation (EU) 2018/762, <p>- in general additional requirements for the SMS which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762.</p> <p>This is a part of IM procedure for dealing with failures of the traffic control devices on the network. Degraded operations are regulated in point 4.2.3.6 of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693. Appendix B2 rule 12 deals with anomalies in lineside signalling. More detailed information and procedures should be regulated in the SMS of the IM/RIU.</p> <p>Regarding aspects related to safety communications, the rule will need to be revised following the entry into force of Commission Implementing Regulation (EU) 2023/1693.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.</p>
60	SI-SA-659-1-D	<p>Article 112 (train traffic management during APB failures)</p> <p>(1) During APB failures, consecutive trains run only within the station spacing, regardless of whether the failure is on one or more space sections. If, due to a fault on an APB device, it is not possible to obtain consent in the opposite direction, trains in that direction shall also run at the station interval.</p> <p>(2) The line or traffic manager shall only give permission for a train to run on an APB line within the station spacing if he/she is satisfied that the inter-station section is free.</p> <p>(3) A traffic controller or line conductor who will give permission for the first train in line to run in the station spacing at the time of a failure of the APB equipment may request permission from the next station traffic controller or line conductor only after he has received a sign-off for the last train to depart in the station spacing.</p> <p>(4) The next station promoter or the line traffic controller may give permission for the first train to depart in the station spacing or in the opposite direction if all trains have arrived from the same direction and if he has given an opt-out by arrangement for the last train departing in the space spacing.</p> <p>(5) The driver of a train that will be running in the station gauge at the time of a failure of the APB equipment shall be informed by a Train Running Order, a General Order or a phonogram: 1. to run within the station spacing; 2. that space signals do not apply;</p> <p>3. that the overtaking signal shall be observed as indicating the 'Wait Standing' signal sign, except on APB routes with advance signals; and 4. on the handling of level crossings where level crossing protection will not be included.</p> <p>(6) If the APB is out of order between two stations, the traffic controller or the line conductor shall give permission to move from the station within the station interval and inform the driver of the invalid space signals by means of a General Order, a Train Running Order or a phonogram which reads: "Between and, drive within the station spacing, space signals do not apply. Treat the overpass signal as if it were indicating a 'Wait Standing' signal."</p> <p>(7) If an APB with pre-signals is out of order between two stations, the traffic controller or the line conductor shall give permission to move from the station within the station interval and inform the driver of the invalid space signals by means of a General Order, a Train Running Order or a phonogram which reads: "Between and, drive within the station spacing, space signals do not apply."</p> <p>(8) Drivers who have been informed of APBs and who have not yet travelled the interstation section on which the APBs have failed shall be informed of the reintroduction of space-spaced train movements.</p>	Type 4 Other NSR	<p>This rule cannot be categorized under any of the areas for national rules or open points in Appendix I of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693. Moreover, the rule covers a large number of operational details that should be covered in the SMS of the IM and not in the national legislation. The rule should be thoroughly revised as some parts of the rule may be relevant for communications or national signalling system. Nevertheless, the rule cannot prescribe:</p> <ul style="list-style-type: none"> - details to be covered by the SMS of the IM (see also requirement 5.1.3 of Annex II of Regulation (EU) 2018/762), - identification of roles and responsibilities of staff as this is a part of the SMS of the RU/IM according to requirement 2.3.1 of Annex II of Regulation (EU) 2018/762, <p>- in general additional requirements for the SMS which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762.</p> <p>This is a part of IM procedure for dealing with failures of the traffic control devices on the network. Degraded operations are regulated in point 4.2.3.6 of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693. Appendix B2 rule 17 deals with failures of trackside equipment. More detailed information and procedures should be regulated in the SMS of the IM/RIU.</p> <p>Regarding aspects related to safety communications, the rule will need to be revised following the entry into force of Commission Implementing Regulation (EU) 2023/1693.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.</p>
61	SI-SA-661-1-D	<p>XVIII. OPERATION OF TRAFFIC ON THE ROUTE WHERE A TRAFFIC MANAGER, NPMR WATCHER, OR PROGRESS TRAFFIC MANAGER IS WORKING</p> <p>Article 113 (interruption of the work of a transport operator or NPr guard)</p> <p>(1) If there is no need for the work of a traffic controller or NPr guard at a locally controlled station or service point on a particular day, period or time of day, the work may be suspended.</p> <p>(2) The operator shall, in accordance with the applicable network timetable, designate the stations or service points at which the traffic controller or the NPr guard shall suspend work.</p> <p>(3) In order for a traffic controller to interrupt work, the following must be at that station: 1. main transport tracks are free, unless a train on that track will also be the first to depart during the interruption; 2. switches are positioned and secured to allow travel on the main line; 3. vehicles insured against self-movement; 4. enabling a communication link to be established between two adjacent occupied stations.</p> <p>(4) In addition to the conditions set out in the preceding paragraph of this Article, the following conditions must be met in order for a traffic manager to interrupt work where trains are running during the interruption: - the train's path on the main line is secured; - that there is no crossing ordered or scheduled by the network at that station; - that at stations where work is interrupted by a traffic controller and signals are not in use, they are switched off.</p> <p>(5) The following shall be laid down for the interruption of the work of a transport operator: 1. the start and end time of the interruption; 2. the validity or invalidity of signals.</p> <p>(6) If a station is regularly unoccupied and is occupied for the running of a specific train, this must be stated in the station operating schedule and network timetable documents.</p>	Type 4 Other NSR	<p>The rule provides way of proceeding with suspension of work performed by the IM staff on locally managed stations.</p> <p>This rule cannot be categorized under any of the areas for national rules or open points in Appendix I of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693. Moreover, the rule covers a large number of operational details that should be covered in the SMS of the IM and not in the national legislation. The rule should be thoroughly revised as some parts of the rule may be relevant for communications or national signalling system. Nevertheless, the rule cannot prescribe:</p> <ul style="list-style-type: none"> - details to be covered by the SMS of the IM (see also requirement 5.1.3 of Annex II of Regulation (EU) 2018/762), - identification of roles and responsibilities of staff as this is a part of the SMS of the RU/IM according to requirement 2.3.1 of Annex II of Regulation (EU) 2018/762, <p>- in general additional requirements for the SMS which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.</p>
	661 part 2	<p>(7) The NPr warden may suspend work: 1. if the network timetable does not foresee any trains running during the disruption; 2. at a level crossing where road traffic at the level crossing is physically prevented when the guard stops working.</p> <p>(8) The details of the start and end of the interruption of the work of the traffic controller or the NPr guard must be specified in the Provisions for the enforcement of the network timetable.</p> <p>(9) The timetable of each train running during a stoppage of a traffic controller shall include a stoppage symbol next to the station name.</p> <p>(10) If the operator orders the suspension of the work of a transport operator during the validity of the network timetable or changes the duration of the suspension of work, it must publish the change at least 14 days before the change takes effect. In the event that the change is not published within the specified period before coming into effect, the drivers shall be informed by means of a Train Running Order, General Order or phonogram within 14 days of the change coming into effect.</p> <p>(11) At stations and service points from which the operation of traffic protection devices at a level crossing is remotely monitored, the work of regulating train movements shall not be interrupted if trains are running during the interruption, unless the operation of the level crossing is dependent on the main signal.</p> <p>(12) The driver of a train about to depart on a line where a traffic controller is interrupting work shall be informed of: - stations where the driver is interrupting work; - the main signals that do not apply; - that the maximum speed for stations where the traffic controller has interrupted work and where the main signals are not in use is 50 km/h; - stops before all level crossings with traffic protection devices at level crossings, except those whose traffic protection devices are controlled by control signals.</p> <p>(15) On lines where no trains are running during a traffic signalman's work stoppage, signals and signals at switches adapted for lighting shall not be illuminated during the work stoppage.</p> <p>(16) During a stoppage of a traffic controller, trains run within the station spacing between two adjacent busy stations. Trains and rolling stock shall be controlled from adjacent occupied stations.</p> <p>(17) The manner in which trains are to be run during the interruption of the work of a traffic controller or an NPr guard and the tasks to be performed by the r before the interruption of the work shall be prescribed by the operator in its SGE [SMS].</p>	Type 4 Other NSR				

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English
62	SI-SA-662-1-D	<p>Article 114 (Interruption of the work of a line traffic controller)</p> <p>(1) If there is no need for the work of a track traffic controller on a section of track or on a route on a particular day, period or time of day, the work may be suspended.</p> <p>(2) The Railway Undertaking shall, in accordance with the applicable network timetable, designate the section of the line or track on which the Track Traffic Controller shall suspend work.</p> <p>(3) In order for a line traffic controller to be able to suspend work, the following shall be required:</p> <ol style="list-style-type: none"> 1.vehicles at stations secured against self-movement 2.trains or track vehicles are not allowed to run on a section of track or on a route where train traffic is managed by a track traffic controller. 4) The time of the start and end of the interruption of the work of a line traffic controller shall be determined. (5) The details of the start and end of the interruption of the work of a line operator must be specified in the Provisions for the implementation of the Network Timetable. (6) If the Railway Undertaking orders the suspension of the work of a route traffic controller during the validity of the network timetable or changes the duration of the suspension, it must publish the change at least 14 days before the change comes into effect. In the event that the change is not published within the specified period before it comes into effect, the drivers shall be informed of the change by means of a Train Running Order, General Order or phonogram 14 days after the change comes into effect. (7) The tasks to be carried out by a line operator before the interruption of work shall be prescribed by the operator in its SGE [SMS]. 	Type 4 Other NSR	<p>The rule provides way of proceeding with suspension of work performed by the IM staff on locally managed stations.</p> <p>This rule cannot be categorized under any of the areas for national rules or open points in Appendix I of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693. Moreover, the rule covers a large number of operational details that should be covered in the SMS of the IM and not in the national legislation. The rule should be thoroughly revised as some parts of the rule may be relevant for communications or national signalling system. Nevertheless, the rule cannot prescribe:</p> <ul style="list-style-type: none"> - details to be covered by the SMS of the IM (see also requirement 5.1.3 of Annex II of Regulation (EU) 2018/762), - identification of roles and responsibilities of staff as this is a part of the SMS of the RU/IM according to requirement 2.3.1 of Annex II of Regulation (EU) 2018/762, <p>- in general additional requirements for the SMS which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p> <p>Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.</p>
63	SI-SA-666-1-D	<p>Article 116 (start of work of a traffic controller, NPr guard or line traffic controller after an interruption)</p> <p>(1) A train conductor, NPr guard or line conductor must start work in advance of the start of work in sufficient time to enable him to carry out all the tasks necessary for the safe and orderly movement of trains. The time for starting the tasks must be specified in the work schedule and the time for starting the work of regulating train movements must be specified in the station rules or rules of procedure.</p> <p>(2) The tasks to be carried out by the traffic controller, the NPr guard or the line traffic controller after the interruption or at the start of the service shall be prescribed by the Railway Undertaking in its SGE [SMS].</p>	Type 4 Other NSR	<p>This rule cannot be categorized under any of the areas for national rules or open points in Appendix I of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693. Moreover, the rule covers a large number of operational details that should be covered in the SMS of the IM and not in the national legislation. Moreover, the rule cannot prescribe:</p> <ul style="list-style-type: none"> - details to be covered by the SMS of the IM (see also requirement 5.1.3 of Annex II of Regulation (EU) 2018/762), - identification of roles and responsibilities of staff as this is a part of the SMS of the RU/IM according to requirement 2.3.1 of Annex II of Regulation (EU) 2018/762, <p>- in general additional requirements for the SMS which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p> <p>Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.</p>
64	SI-SA-667-1-D	<p>XIX. RECEIVING TRAINS AT THE STATION, GIVING PERMISSION TO RUN Article 117 (train path)</p> <p>(1) A train path is the running path of a train for a journey from a line to a station, from a station to a line or through a station. It consists of a running path, a lateral protection (running path and overtaking path), an overtaking path (depending on the operating case) and a frontal protection.</p> <p>(2) A running path is that part of the running path along which a train runs from the beginning (starting signal) to the end of the running path (end of the running path). The running path is limited by signals at the beginning and, as the case may be, at the end of the running path.</p> <p>(3) The overtaking path of a running path is the area reserved for possible unwanted overtaking of the destination of the running path. At stations where the points in the overtaking path are moved manually on site, the points in the overtaking path of this train may be positioned for the intended arrival of a train from the opposite direction.</p> <p>(4) Lateral protection comprises switches and switch turnouts which physically prevent the path of travel or the overtaking path of a train from being compromised by other lateral (side) movements. Lateral protection shall be provided for each path of travel and overtaking path. Where it is not possible to provide lateral protection by means of switches or turnouts, lateral protection shall be provided by signals which, by means of signal signs, prohibit passing the signal towards the path of travel or the overtaking path.</p> <p>(5) Frontal protection is provided by a main signal showing the signal sign "Stop" and in the opposite direction to the end of the train path. A frontal threat would occur when, due to the activation of the 'Caution' signal outside the train path and the current points positions, it is possible for an opposing train to pass from the opposite direction in the direction of the established train path.</p> <p>(6) The path of the train must be secured in time to prevent the train from braking or stopping before the main signal. It is the responsibility of the line manager or the traffic manager to ensure that the train path is secured in time.</p> <p>(7) Track insurance for train import includes:</p> <ol style="list-style-type: none"> 1.a running path comprising the line track on the import side, the switching area on the import side and the station track or several tracks up to: <ol style="list-style-type: none"> a)the first boundary track signal showing the "No running" signal sign; b)the station's covering signal, if there is none; c)to the exit signal on the exit side, if there is none; (c) to a traffic signal on the exit side, if there is none; d)to the "Section boundary" signal marker on the exit side, if there is no such marker; e)to the dividing line on the exit side; 2.the flyway: <ol style="list-style-type: none"> a) track section or a switching area on the exit side of at least 50 m; b)there is no through path when a train enters a busy or dead track; 3.side protection: <ol style="list-style-type: none"> a)switches in the path of travel; b)switches in the route; 	Type 4 Other NSR	<p>This rule cannot be categorized under any of the areas for national rules or open points in Appendix I of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693. Moreover, the rule covers a large number of operational details that should be covered in the SMS of the IM and not in the national legislation. The rule should be thoroughly revised as some parts of the rule may be relevant for communications or national signalling system. Nevertheless, the rule cannot prescribe:</p> <ul style="list-style-type: none"> - details to be covered by the SMS of the IM (see also requirement 5.1.3 of Annex II of Regulation (EU) 2018/762), <p>- in general additional requirements for the SMS which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p> <p>Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.</p>
	667 part 2	<p>4. frontal protection:</p> <p>a)the "Caution" signal must not be activated on the import signal from the opposite direction, where the current points positions would allow an opposing train to proceed from the opposite direction in the direction of the established running path;</p> <p>b)the "Caution" signal must not be activated on the station cover signal from the opposite direction, where the current points positions would allow an opposing train to proceed from the opposite direction in the direction of the established running path;</p> <p>(8) The insurance of the path for the exit of a train shall comprise:</p> <ol style="list-style-type: none"> 1.a running path comprising the track sections and the switching area on the outbound side and the line track on the outbound side; 2.lateral protection to switches in the path of travel; <p>3.ensuring that the inter-station section is clear or, in the case of line sections, that the block conditions are ensured (clearance of the first space section in the direction of train movement, direction of departure consent, etc.);</p> <p>4.frontal protection:</p> <p>a)the "Caution" signal must not be activated at the exit signal of the next station in the direction of exit;</p> <p>b)the "Caution" signal must not be activated at traffic signals from the opposite direction.</p> <p>(9) Track insurance for the carriage of a train includes track insurance for the import and export of the train.</p> <p>(10) On each train running path, traffic shall be protected at level crossings. If this cannot be ensured, drivers shall be informed that traffic at the level crossing is not protected.</p> <p>(11) The procedure for securing the running path of a train and the handling of a signalling device shall be prescribed in a signalling device instruction for each station and each service point.</p> <p>(12) The insured running path must not be changed until the train has completed its scheduled journey. If, for reasons of traffic safety, the already secured running path has to be changed, the OCN (OV/KV) responsible for securing the running path may do so. In doing so, he must first ensure that the main signal shows the signal sign 'Stop', make sure that the train is stationary in front of the main signal for which the running path is protected, and then clear the running path.</p>	Type 4 Other NSR				
65	SI-SA-669-1-D	<p>Article 118 (command to secure the train path)</p> <p>(1) The command to secure the path of a train depends on the type of signalling device used to secure the station.</p> <p>(2) At a station with an electronic or electro-relay signalling device, the order to secure the path of the train shall not be given. The track protection shall be carried out by the line operator or the traffic controller.</p> <p>(3) At stations with electromechanical signalling devices, the traffic manager shall order the signaller to secure the train path using these devices. At the same time as ordering the train path to be secured, he shall also order the handling of the main signals.</p> <p>(4) At stations with mechanical signalling devices, the traffic manager shall order the signaller with phonographs to secure the train's path.</p> <p>(5) The promoter shall inform the switchman of deviations from the train timetable (delays, early departures, meetings). Immediately before or during giving the order to secure the train path, he shall also inform by means of a phonogram of:</p> <ol style="list-style-type: none"> 1.modification of the import track; 2.entering a busy track, unless specified in the network timetable; 3.entering a dead-end track, unless specified in the network timetable; 4.an exceptional stop or exceptional train service; 5.the designation of an import track for emergency trains. <p>(6) The Creator shall acknowledge receipt of the phonogram and knowledge of its contents.</p> <p>(7) The phonograms for securing the running path for import, export and transport, and the methods and procedures for securing the running paths of trains according to the type of SV installation, shall be prescribed by the Controller in its SMS.</p>	Type 4 Other NSR	<p>This rule contains detailed information regarding how the IM staff should perform their tasks. This rule cannot be categorized under any of the areas for national rules or open points in Appendix I of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693. The rule covers a large number of operational details that should be covered in the SMS of the IM and not in the national legislation. Moreover, the rule cannot prescribe:</p> <ul style="list-style-type: none"> - details to be covered by the SMS of the IM (see also requirement 5.1.3 of Annex II of Regulation (EU) 2018/762), - identification of roles and responsibilities of staff as this is a part of the SMS of the RU/IM according to requirement 2.3.1 of Annex II of Regulation (EU) 2018/762, <p>- in general additional requirements for the SMS which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p> <p>Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.</p>

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English
66	SI-SA-672-1-D	<p>Article 119 (keys for switch locks, hand levers for manual switching of switches and ambulance locks)</p> <p>(1) Switch locks shall also be used to secure switches in the correct and accurate position. Switches may be fitted with one or two locks, depending on whether they are locked in both directions (in both the up and down directions) or in the up and down directions only.</p> <p>(2) A duplicate of each key shall also be provided for each combination lock.</p> <p>(3) If a duplicate key is used because the original key has been lost, the keycard is unsecured. An ambulatory lock must be fitted to such a switch for the train to pass over it.</p> <p>(4) Duplicate keys must be kept in the room where the transport operator is located. They shall be stored in such a way that their use is immediately apparent and shall therefore be sealed individually by the SV Facilities staff.</p> <p>(5) When switches fitted with locks are placed behind the running path of a train, they must be locked. They shall be locked in their regular position when not in use or moving. The keys of locked points must be under the control of the transport manager, and at an unoccupied station the keys must be locked in the transport office.</p> <p>(6) In order to distinguish keys from each other, the key holder shall bear the following markings:</p> <ol style="list-style-type: none"> 1. the number of the switch to which the key belongs; 2. a '+' sign for the key that locks the switch into the break; 3. a '-' sign for the key that locks the switch in the deflector; 4. the name and designation of the industrial track, if the switch is on an industrial track. <p>(7) To make the difference between keys of the same lock even more obvious, the key holder shall be moulded into the following shape: picture-see attached legal document</p> <p>(8) The keys of the locked points over which a train is running towards a point must be kept under the control of the traffic controller at all times until the train has been run. For switches with locks, a track-specific indication of their positions on the running path shall be made.</p> <p>(9) At stations with electrically or hydraulically operated points, the levers for manually moving these points must be stored in the area where the traffic controller is located and sealed. Any use of the levers of the switching gear shall be recorded by the traffic controller. When switches on the running path of a train are to be moved by levers, the correct and accurate position of the switch on the SV device shall be established after the switch has been moved by lever. If the control cannot be verified in this way, the points shall be considered as unsecured. After the switch has been moved, the operator shall have control of the lever. The method of use of the levers of electric or hydraulic actuators shall be prescribed in the instruction manual for the handling of the station signal control device. The place where sealed levers are kept shall be specified in the station operating rules.</p> <p>(10) The haulier shall carry out an on-the-spot inspection of unsecured switches and record this in the Phonograph Record Book for Switches. In switching areas where there is no signalman, a special book or a Machine Gun and Phonograph Record Book shall be installed in a telephone or special cabinet for the purpose of recording the inspection of switches.</p>	Type 4 Other NSR	<p>This rule cannot be categorized under any of the areas for national rules or open points in Appendix I of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693. The rule covers a large number of operational details that should be covered in the SMS of the IM and not in the national legislation. Moreover, the rule cannot prescribe:</p> <ul style="list-style-type: none"> - details to be covered by the SMS of the IM (see also requirement 5.1.3 of Annex II of Regulation (EU) 2018/762), - identification of roles and responsibilities of staff as this is a part of the SMS of the RU/IM according to requirement 2.3.1 of Annex II of Regulation (EU) 2018/762, <p>- in general additional requirements for the SMS which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p> <p>Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.</p>
67	SI-SA-674-1-D	<p>Article 120 (simultaneous train arrivals and departures)</p> <p>(1) Two or more trains may enter, leave or pass simultaneously at a station only if their paths do not cross or touch. An importing or carrying train shall not endanger passengers when alighting from or boarding the train.</p> <p>(2) The meeting of a train with a passenger train standing at a station or stop on a double-track or parallel line is permitted without special conditions at stations and stops with platforms where underpasses or overpasses are provided. At stations where there are no underpasses or overpasses, a train may only meet if the passenger train is standing on the track nearest to the station building.</p> <p>(3) At stops on a double-track or parallel line where there are no off-level accesses to the platforms and the passenger train has a stop, the meeting of trains on the inter-station section is not permitted, except:</p> <ol style="list-style-type: none"> 1. if the approach to the platforms is only from one side of the line and the passenger train is standing on the track closer to the approach to the platforms; 2. if the main signal can be used to ensure that the train stops before the stop to protect passengers at the stop; 3. if access to the platform is via a protected level crossing, but in the track gauge the crossing is prevented by a fence. <p>(4) Procedures for stopping trains before signals to protect passengers shall be laid down in the station operating rules.</p>	Type 4 Other NSR	<p>This rule cannot be categorized under any of the areas for national rules or open points in Appendix I of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693. The rule covers a large number of operational details that should be covered in the SMS of the IM and not in the national legislation. Moreover, the rule cannot prescribe:</p> <ul style="list-style-type: none"> - details to be covered by the SMS of the IM (see also requirement 5.1.3 of Annex II of Regulation (EU) 2018/762), - identification of roles and responsibilities of staff as this is a part of the SMS of the RU/IM according to requirement 2.3.1 of Annex II of Regulation (EU) 2018/762, <p>- in general additional requirements for the SMS which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762.</p> <p>Additionally, according to point 4.2.4.2 of TSI OPE the procedures for ensuring passenger safety should be covered within the SMS. Additional information for this area is covered in dedicated AMOC (Acceptable Means of Compliance) that was issued by the Agency, according to point 4.4.3 of TSI OPE.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p> <p>Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.</p>
68	SI-SA-676-1-D	<p>Article 121 (preparations to receive the train)</p> <p>(1) When a train enters a station, the traffic officer must position himself in such a position that he can observe the train entering the station. In doing so, he shall pay particular attention to any irregularities in the train and, if necessary, warn passengers and other persons of the approaching train.</p> <p>(2) In order to accept a train in which an emergency consignment is included, the conditions laid down for the carriage of that consignment must be complied with.</p> <p>(3) The station operating timetable must specify the order in which trains are to be received at the station when trains arrive at the same time.</p> <p>(4) At stations without front platforms or off-level platform accesses, passenger trains with a stop at such a station must be accepted on a platform track.</p> <p>(5) At stations without front platforms or off-level platform accesses, when two or more trains are entering simultaneously, it must be observed that the train arriving after the passenger train from which passengers are alighting and boarding enters on the track furthest from the station building. The station operating rules must lay down additional measures for the safety of passengers in such cases. The path designated for the passage of passengers over the tracks must be clear. The path and platforms must be illuminated at night before the arrival of the train.</p>	Type 4 Other NSR	<p>This rule cannot be categorized under any of the areas for national rules or open points in Appendix I of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693. The rule covers a large number of operational details that should be covered in the SMS of the IM and not in the national legislation. Moreover, the rule cannot prescribe:</p> <ul style="list-style-type: none"> - details to be covered by the SMS of the IM (see also requirement 5.1.3 of Annex II of Regulation (EU) 2018/762), - identification of roles and responsibilities of staff as this is a part of the SMS of the RU/IM according to requirement 2.3.1 of Annex II of Regulation (EU) 2018/762, <p>- in general additional requirements for the SMS which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p> <p>Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.</p>
69	SI-SA-678-1-D	<p>Article 122 (handling of main signals)</p> <p>(1) Main signals shall display regular signal signals when no trains are scheduled to run.</p> <p>(2) Depending on the way traffic is managed on the line or section of line and on the equipment of stations and service points with SV devices, the main signals may be handled by:</p> <ol style="list-style-type: none"> 1. the route traffic controller; 2. traffic; 3. the ticket collector on the orders of the transport manager. <p>(3) An OSCN [OVKN] entrusted with the handling of main signals may set up a signal to indicate a signal sign for permitted running or order the signal to be set up to indicate a signal sign for permitted running only when he is satisfied that the running path is secured and that all conditions for the unimpeded and safe entry, carriage or exit of the train are met.</p> <p>(4) At stations with signal installations which, after the train has passed the main signals, do not themselves change the signal sign to indicate a signal sign for prohibited running, these signals shall be set up to indicate a signal sign for prohibited running by the signalman or the traffic officer.</p> <p>(5) The procedures for handling and the method of securing import, export and cover signals shall be prescribed by the Operator in its SMS.</p>	Type 4 Other NSR	<p>This rule cannot be categorized under any of the areas for national rules or open points in Appendix I of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693. The rule covers a large number of operational details that should be covered in the SMS of the IM and not in the national legislation. Moreover, the rule cannot prescribe:</p> <ul style="list-style-type: none"> - details to be covered by the SMS of the IM (see also requirement 5.1.3 of Annex II of Regulation (EU) 2018/762), - identification of roles and responsibilities of staff as this is a part of the SMS of the RU/IM according to requirement 2.3.1 of Annex II of Regulation (EU) 2018/762, <p>- in general additional requirements for the SMS which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>
70	SI-SA-680-1-D	<p>Article 123 (handling of import signals when changing the import track)</p> <p>(1) The driver shall be informed of the running of a train on a track other than the regular import track (change of import track) by means of the signal signs of the import or station overhead signal.</p> <p>(2) The operator shall prescribe in its SGE [SMS] how to deal with a change of the import track.</p>	Type 4 Other NSR	<p>Paragraph 1 may be classified as additional information for signalling system, however this is more of a statement that a signalling rule.</p> <p>Paragraph 2 sets additional requirements for the SMS which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762.</p> <p>This rule needs to be revised and renotified under appropriate type and scope.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>
71	SI-SA-681-1-D	<p>Article 124 (handling of import signals for the entry of a train on a busy or dead track)</p> <p>The procedures for dealing with train entries on an occupied or dead-end track and the method of informing the drivers shall be prescribed by the Controller and the Railway Undertaking in their SGE [SMS].</p>	Type 4 Other NSR	<p>The rule sets additional requirements for the SMS which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English
72	SI-SA-683-1-D	<p>Article 125 (handling of main signals for exceptional stopping of a train)</p> <p>(1) An exceptional stoppage of a train at a station shall be announced to the driver by means of the signal signals of the main signals, by a Train Running Order, by a General Order or by a phonogram.</p> <p>(2) The signal signs of the main signals shall be used to inform the driver of an exceptional stop where the signal sign 'Stop' on the main signal is pre-signalled by the signal sign of the preceding main signal or pre-signal.</p> <p>(3) An exceptional stop at a station where the signal sign "Stop" on the main signal cannot be pre-signalled by the signal sign of the previous main signal or by the signal sign of the pre-signal, or at a station without exit signals, shall be evidenced to the driver:</p> <p>(4) Where the driver is informed of an exceptional stop, the procedure for securing the train path and handling the import signal shall be the same as for the import of a train making a timetabled stop at a station.</p> <p>(5) If an exceptional stop cannot be notified to the driver at a station where the signal sign "Stop" on the exit signal cannot be pre-signalled by the signal sign of the previous main signal or at a station without exit signals, the train must be stopped before the import signal. When a train is stopped before an import signal, permission to proceed may be given by placing an import signal to indicate that it is permitted to proceed. Stopping before the import signal of a station with no or no pre-signalling of the exit signals shall indicate to the driver that he can expect an exceptional stop at the station. At stations without exit signals, the signalman on the import side shall also give the train the hand signal 'Slow' and the traffic signalman the hand signal 'Stop'.</p> <p>(6) The stopping of a train before an import signal shall be ascertained by the traffic officer in person or by the signalman. After stopping before a visual import signal or a traffic light import signal which does not have a built-in import isolator and which displays the signal sign 'Stop', the driver shall give the signal sign 'Watch' twice in succession.</p>	Type 4 Other NSR	<p>The rule describes the actions in case of exceptional stops.</p> <p>Degraded operations are regulated in point 4.2.3.6 of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693.</p> <p>Additionally rule 11 of appendix B2 provides information regarding authorisation to pass signal showing a stop aspect/indication.</p> <p>The rule covers a large number of operational details that should be covered in the SMS of the IM/RU and not in the national legislation. Moreover, the rule cannot prescribe:</p> <ul style="list-style-type: none"> - details to be covered by the SMS of the IM (see also requirement 5.1.3 of Annex I/II of Regulation (EU) 2018/762), - identification of roles and responsibilities of staff as this is a part of the SMS of the RU/IM according to requirement 2.3.1 of Annex II of Regulation (EU) 2018/762, - in general additional requirements for the SMS which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762. 	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>
73	SI-SA-685-1-D	<p>Article 126 (inoperability or invalidity of main signals)</p> <p>(1) When the main signal is defective or knocked out, it is useless. In addition, the exit or cover signal shall also be inoperative when a train exits on to the wrong track of a double-track line and the signal has not been reorganised to show the signal indications for the right-of-way.</p> <p>(2) A driver may pass an inoperative or invalid main signal only if he has been authorised to pass it by a Train Running Order, a General Order or a phonogram. The content of the notification shall be prescribed by the Controller and the Railway Undertaking in their SGEI [SMS].</p> <p>(3) A signal shall not be valid when it is marked "Signal disregarded". In addition:</p> <ol style="list-style-type: none"> space signals when trains are running at station spacing on lines with APB, except for the space cover signal; the main signals of stations during the interruption of the traffic controller's work, except at stations equipped with Automatic Traffic Regulation (APR) devices. <p>(4) Where space signals do not apply on routes with APB, pre-import, import, pre-cover and cover signals apply.</p>	Type 4 Other NSR	<p>This rule can be assessed positively as additional information for national signalling system, depending on the specificity of the network.</p> <p>However, paragraphs 2 is assessed negatively as it sets additional requirements for the SMS which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762.</p> <p>This needs revision and renotification under proper type and scope.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>This provision requires revision as it could be partially assessed positively (paragraph 1,3,4), under appropriate type and scope, when paragraph 2 needs to be removed.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p> <p>Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.</p>
74	SI-SA-686-1-D	<p>Article 127 (handling of useless signals)</p> <p>(1) The driver shall be informed of the inoperability of a signal before the train approaches the inoperative signal.</p> <p>(2) At the same time as the train is permitted to pass the inoperative signal, the driver shall also be informed of the speed through the signal area if it is less than the speed limit prescribed in the timetable of the train. If the driver is not informed of the lower speed, he may drive at the prescribed speed limit, up to a maximum of 50 km/h.</p> <p>(3) Permission may be given by means of communication to the driver to pass an inoperative main signal when the train is running on a clear section in front of the inoperative signal or when already stationary in front of the signal, by means of a phonogram:</p> <p>"Incoming (outbound, clearance, cover) signal (signal code) is inoperative, passing is permitted for train No"</p> <p>(4) If there are automatic traffic protection devices on the running path at a level crossing, which are dependent on the main signals, the track traffic controller or, in the case of an unprotected level crossing, the traffic controller must also inform the driver of the behaviour to be followed when driving over such a level crossing.</p> <p>(5) When the moving or limit track signals on the running path of a train are out of order or out of use, the main signals shall only show the signal sign "Stop" or "Caution". In this case, the driver must be informed before the 'Caution' signal is activated or before the train is given permission to pass the main signal that the track-side signals are out of service. The passage of a train past such a signal shall be authorised by a phonogram:</p> <p>"Moving/rail boundary signal (signal marking) inoperative, passage permitted for train No"</p> <p>(6) The procedures and method of giving permission for a train to pass an inoperative main signal shall be prescribed by the Controller and the Railway Undertaking in their SGEI [SMS].</p>	Type 4 Other NSR	<p>This rule can be partially positively assessed in regard to different defined maximum speeds in degraded mode (paragraph 2), under an area for national rules listed Appendix I of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693.</p> <p>Paragraph 3 contains reference to communication terminology. Regarding aspects related to safety communications, the rule will need to be revised following the entry into force of Commission Implementing Regulation (EU) 2023/1693.</p> <p>Paragraph 6 is assessed negatively as it sets additional requirements for the SMS which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762.</p> <p>The rule should be revised and renotified in line with EU legal framework as the rule covers several aspects. Only elements relevant for operational use of the signalling system or other elements directly listed in Appendix I of TSI OPE can be prescribed in national rule.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>This provision requires revision as it could be partially assessed positively (paragraph 1,3,4), under appropriate type and scope, when paragraph 6 needs to be removed.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p> <p>Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.</p>
75	SI-SA-691-1-D	<p>Article 128 (waiting for trains after the switch)</p> <p>The manner and place of waiting for trains after the switch shall be prescribed by the operator in its SGEI [SMS].</p>	Type 4 Other NSR	<p>The rule sets additional requirements for the SMS which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>
76	SI-SA-692-1-D	<p>Article 129 (receiving trains at the station)</p> <p>(1) The line conductor or traffic manager must ensure that the train has entered the station in its entirety and that it has stopped within the import and export dividing line or within the "Section Boundary" signal markings.</p> <p>(2) On lines with remote traffic management or lines with APB or MO, the track traffic officer or the traffic manager shall determine by means of a signalling device or by other technical means that the train is complete and fully imported.</p> <p>(3) At stations where there are no "Section Boundary" signal markings and the traffic officer cannot personally ascertain that the train has entered and stopped entirely within the track gauge separators, he shall be informed by other OVKN.</p> <p>(4) At stations where the driver or signalman cannot be sure that the train has stopped before the dividing line on the outbound side, the driver shall give:</p> <ol style="list-style-type: none"> the signal sign 'Train stopped, clear of the dividing line' as soon as the head of the train stops in front of the exit dividing line; the signal sign "Danger, brake" if the head of the train crosses the dividing line on the exit side. <p>(5) A list of stations at which the driver informs the traffic controller by means of a signal sign that the head of a train has stopped before or passed a dividing line on the outbound side shall be published in the Route Manual. Such notification shall also be prescribed in the Station Operating Rules.</p> <p>(6) On lines with APB or MO, where these devices are not working (defective or out of order), the local traffic manager or other DTMO [OVKN] shall verify on the spot or by technical means that the train has been imported in one piece. In the event of station signal installations not functioning, the traffic manager or other OVCN [OVKN] shall verify on the spot or by technical means that the train has stopped within the 'Section Boundary' signal markings.</p> <p>(7) At a remotely controlled station, in the event of a failure of the track occupancy devices, APBs or MOs, the integrity of arriving trains shall be established by technical means or in person. The integrity of a train arriving at such a station shall be determined in person by the driver or other OPEV on the instructions of the line manager or the traffic manager.</p> <p>(8) The line or traffic manager shall instruct the driver of a train already stationary to identify the final signal in the form of a phonogram, namely:</p> <ol style="list-style-type: none"> on the train that is about to overtake it; <p>"Find out if the train you are about to overtake has a stop signal and tell me!";</p> <ol style="list-style-type: none"> on a train coming from the opposite direction; <p>"Find out whether the train coming from the opposite direction has a stop signal and tell me what you find!"</p> <p>(9) The driver who determines the integrity of a train shall inform the line or phonogram operator of the determination:</p> <ol style="list-style-type: none"> for the train that overtook it: <p>"The train that overtook me has - no stop signal";</p> <ol style="list-style-type: none"> for a train from the opposite direction: <p>"On the train coming from the opposite direction - there is no stop signal."</p>	Type 4 Other NSR	<p>This rule cannot be categorized under any of the areas for national rules or open points in Appendix I of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693. The rule covers a large number of operational details that should be covered in the SMS of the IM/RU and not in the national legislation.</p> <p>Moreover, the rule cannot prescribe:</p> <ul style="list-style-type: none"> - elements already regulated on EU level e.g. requirements for route book, common operational rules of Appendix B2 (5 and 17), degraded operations, - details to be covered by the SMS of the IM (see also requirement 5.1.3 of Annex II of Regulation (EU) 2018/762), - identification of roles and responsibilities of staff as this is a part of the SMS of the RU/IM according to requirement 2.3.1 of Annex II of Regulation (EU) 2018/762, - in general additional requirements for the SMS which cannot be allowed as a national rule. The requirements for the SMS have been prescribed in Regulation (EU) 2018/762. <p>Regarding aspects related to safety communications, the rule will need to be revised following the entry into force of Commission Implementing Regulation (EU) 2023/1693.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English
	692 part 2	<p>(10) If a train is stationary at a remotely controlled station and it is necessary to establish the integrity of the train, the train from the opposite direction shall be stopped and the driver of the train from the opposite direction shall be instructed to establish the integrity of the stationary train at the station by means of a phonogram: "Find out if the train at (station name) has a stop signal and let me know!"</p> <p>(11) The driver of a train ordered to establish the integrity of a train on a double-track line shall, if necessary, reduce speed or stop the train in such a way that he can see reliably if a stop signal is fitted. On a single-track line, the driver shall stop the train and determine whether the train is fitted with a stop signal. He shall communicate his finding to the line traffic controller or to the traffic controller by means of a phonogram: "There is - no stop signal installed on a train stopped at (station name)."</p> <p>(12) The manner in which the line conductor or conductor as the case may be ensures that the train has entered and stopped within the separating lines shall be prescribed in the station rules of procedure or in the rules of procedure.</p> <p>(13) If a train arrives at a station without the prescribed final signal, the traffic manager shall immediately determine whether the train is in one piece, and: 1. if he finds that a train is not complete, he must not sign it off but must immediately inform the upstream stationmaster or the linemaster and the staff of all service points on the interchange section; 2. if he finds that the train is whole, declare the train whole, inform the staff of all service points on the interchange section and order the driver to give the prescribed final signal.</p> <p>(14) If a train passes through a station without the prescribed final signal, it shall not be signed off, but the line or next local station traffic controller and the staff of the service points up to that station shall be informed. The conductor of the next local station or the line conductor shall stop such a train even if it is not scheduled to stop at that station. In the case of such a train, it must be ascertained whether the train is complete.</p> <p>(15) If a train has arrived at or passed through a station or service point without one or more buffers, the traffic controller or the employee at the service point shall, if he has not been informed, immediately inform the traffic controller of the preceding station or the line traffic controller and state which of the buffers is missing.</p> <p>(16) The driver of a train in sequence following a train with a missing buffer as first driver, or the driver of a train coming from the opposite direction, shall be ordered by General Order or phonogram to increase his attention and to drive through the visibility of the track so as to be able to stop in time in front of the missing buffer. If he finds the bumper, he must remove it from the track and inform the line or traffic controller. The same action must be taken when the DVKN discovers at a station or service point that another part of a wagon or load has fallen from the train during a journey which could endanger the running of trains.</p> <p>(17) If a bumper on a vehicle in the middle of the train is found to be missing, the train must stop and the vehicle must be removed from the train.</p> <p>(18) If one or both rear bumpers on the rear vehicle of a train are missing, the train may be authorised to run. The traffic managers of the following stations and the staff of the following service points must be informed that one or both rear bumpers on the rear carriage are missing.</p>	Type 4 Other NSR				
77	SI-SA-693-1-D	<p>Article 130 (exceptional stopping of a train which is not scheduled to stop at a station)</p> <p>(1) A train not scheduled to stop at a station must be stopped by the line conductor in the following cases: a) on a single-track line, if a train from the opposite direction has not yet arrived at the station; b) if he has not received a departure notice for the train in front or if he has not yet received a licence for that train; c) if a Train Running Order or General Order needs to be given to the train; d) in the event of serious accidents, incidents or accidents that could jeopardise the train's continued operation; e) if he receives a message that the train is without a final signal; f) if the lights go out at the head of the train; g) if a deficiency on a train is noticed or reported to him that would endanger the continued operation of that train or another train.</p> <p>(2) When a train is exceptionally stopped at a station, the driver shall be informed of the cause of the stoppage by the line conductor or the traffic manager.</p> <p>(3) The driver shall stop a train which, according to the timetable of each train, does not have a stop at a locally controlled station: 1. if the transport operator does not have the prescribed service badge; 2. if the driver is not expecting a train as prescribed, except on lines equipped with APB or MO; 3. if there is a disturbance on the train or on the line that endangers train traffic; 4. if the emergency or its prevention requires it.</p>	Type 4 Other NSR	<p>The rule describes the actions in case of exceptional stops.</p> <p>Degraded operations are regulated in point 4.2.3.6 of TSI OPE Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693.</p> <p>This rule is for the IM and RU to regulate in their SMS. The rule contains a description of responsibilities of IM/RU staff. This should be regulated according to requirement 2.3, 4.2 and 5.1 of Regulation (EU) 2018/76.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>
78	SI-SA-695-1-D	<p>Article 131 (informing drivers)</p> <p>(1) Drivers shall be informed of the conduct of the operation on the line and during the journey to the station by means of the timetable of each train, the Route Manual, signal signs, the Train Running Order, the General Order or a phonogram.</p> <p>(2) Drivers shall be informed of special measures by means of a Train Running Order, a General Order or a phonogram, in particular: 1. an exceptional train stop; 2. driving on the wrong track; 3. entering a busy or dead-end track, unless this is foreseen in the timetable or signalled by a signal sign; 4. entering a track on which there is no overtaking path, if such a journey is not signalled by a signal sign; 5. driving slowly or at reduced speed; 6. driving on a clear track; 7. the maximum speed of an intervention or work train; 8. signals are inoperable or invalid; 9. adding a trailer to locomotive trains; 10. the method and route of train pushing and the method of returning unattached freight; 11. changes in the occupancy of stations or service points where a transport operator or NPr guard is interrupting work; 12. moving past a Moving Milestone signal; 13. the train's journey to a specific point on the open line; 14. how to deal with the failure of traffic protection devices at level crossings; 15. the placement of the emergency consignment on the train and the necessary precautions to be taken; 16. temporary installation of transmission signals for electric traction; 17. the point on the line where the train in need of assistance is located; 18. exceptional on-route ASNs.</p> <p>(3) Drivers must be informed of changed track conditions of a permanent nature for a period of 14 (fourteen) days by means of a Train Running Order or a General Order. Drivers must be informed of changes to elements of the network timetable during its validity by a Train Running Order or General Order for a period of 14 days after the changes have taken effect, provided that the change has not been published at least 14 days before it comes into force.</p> <p>(4) The Train Running Order or General Order must be completed in duplicate. The driver must acknowledge receipt of the nut on the copy of the General Order left at the station. Where there are several traction units on a train, the TAD or General Order shall be handed to the driver of the leading locomotive and the driver of the leading locomotive shall inform the drivers of the other locomotives of its contents. At a station where there is a change of head locomotive, the driver shall hand the TAD and all General Orders to the driver of the new head locomotive. If the TAD or General Order is issued by the line traffic controller in the CVP or by the traffic controller at stations designated by the Railway Undertaking, the TAD or General Order shall be issued in a single copy, signed by the line traffic controller or the traffic controller, and sent by facsimile machine or e-mail to the station or a designated place where it shall be collected by an employee of the Railway Undertaking. The driver must acknowledge receipt of the General Order by means of communication. The procedure for notification or communication between the driver of the lead locomotive and the staff of other traction units shall be laid down by the carrier in its GTC [SMS].</p>	Type 4 Other NSR	<p>This rule is for the IM or/and RU to regulate in their SMS.</p> <p>Par. 1-4 refer to Route Book, Rule Book and exchange of information about train running that have been already regulated on European level. Regarding requirements for the Rule and the Route Book, points 4.2.1.2.1 and 4.2.1.2.2 of Regulation (EU) 2019/773 (TSI OPE), amended by Regulation (EU) 2023/1693 (in point 4.2.1.2.1 and 4.2.1.2.2 of the amended Regulation), the Rule Book and the Route Book are the responsibility of the IM/RU respectively. Therefore, the rule is negatively assessed.</p> <p>Moreover, the documentation of the IM/RU, including its formats, is the responsibility of the company according to its SMS (requirement 4.5 of Annex I/II of Regulation (EU) 2018/762 CSM-SMS).</p> <p>Par. 4, 5, 16 put additional responsibility on the driver which cannot be allowed under national rule. This is for the SMS of the RU as identification of roles and responsibilities of staff is a part of the SMS of the RU according to requirement 2.3.1 of Annex I of Regulation (EU) 2018/762.</p> <p>The rule provides detailed procedures on handling IM documentation.</p> <p>Regarding aspects related to safety communications, the rule will need to be revised following the entry into force of Commission Implementing Regulation (EU) 2023/1693.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>
	695 part 2	<p>(5) In the case where the driver of the lead locomotive is informed of the handling of the locomotive main switch or pantograph and there are several traction units on the train, he shall inform the staff of the other traction units on the train by way of evidence. The procedure for evidential notification shall be prescribed by the operator in its SST [SMS]. If the operator fails to provide evidential notification as referred to in this paragraph, there may be only one locomotive on the train.</p> <p>(6) Notices on the Train Running Order or General Order must be legibly and legibly displayed. The names of stations and service points must be printed as they appear in the timetable of each train or in the chart.</p> <p>(7) Where there is insufficient space on the form to enter all the notices, the notices must be printed on separate, pre-prepared annexes.</p> <p>(8) The delivery of Running Orders, General Orders and Composition and Braking Reports to the driver shall be prescribed for each station in the Station Operating Rules or the Rules of Procedure.</p> <p>(9) If the driver rejects the written documents because they are illegible, new ones must be issued.</p> <p>(10) To avoid trains stopping at stations where they are not scheduled to stop, Train Running Orders or General Orders must be handed out at the trains' departure stations or, at the latest, at those stations where the trains are scheduled to stop for the last time before that.</p> <p>(11) The driver of a train running to a specified point on an open line, or the driver of a returning train, must also be given a Train Running Order or a General Order by the traffic controller or the line traffic controller for the return journey.</p> <p>(12) Where the line manager or traffic manager requires the driver to be informed by written order, he must verify that the required information has been given. If he is unable to verify that the required information has been given, he must act as if the driver had not been informed.</p> <p>(13) A traffic controller or a line conductor may, while the train is running, give not more than two phonograms at the same time by means of communication relating to the driver's behaviour while the train is running.</p> <p>(14) If the phonogram relates to the handling of an inter-substation section, the driver must be informed before permission is given to proceed to that inter-substation section.</p> <p>(15) If the phonogram relates to a station, the driver must be informed before permission is given to proceed to the station.</p> <p>(16) The driver must record conversations, irrespective of the type of means of communication, on the Driver's Notebook form if he is informed by the line conductor, train dispatcher or traffic controller, as the case may be, prior to the transmission of the phonogram, that the conversations are not to be recorded.</p> <p>(17) Each phonogram must be repeated by the driver to check that it has been correctly received.</p> <p>(18) The driver or the traffic manager shall give the phonogram directly orally to the driver by means of communication.</p> <p>(19) If the conversations are not recorded, the general announcements to the driver must be recorded in the traffic log by the line manager or the traffic manager, as the case may be.</p>	Type 4 Other NSR				

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English
79	SI-SA-722-1-D	<p>Article 132 (driving licence)</p> <p>(1) A movement authorisation is the authorisation of an operator to start or continue a train operation prescribed by these Regulations and/or the Regulations governing signalling.</p> <p>(2) If the length of the train exceeds the maximum permissible length laid down in the Route Manual and the Rules of Procedure, the operator must obtain the approval of the Railway Undertaking.</p> <p>(3) When the train is ready to run, the OVKN or the traffic controller that the train is ready to depart. If the train is carrying an emergency consignment, if the train is carrying dangerous goods or if there are other special features on the train, the carrier's OVKN must inform the traffic manager or the line manager, who must inform the driver of the train, to that effect.</p> <p>(4) The driver shall not depart from the station unless the same information on the emergency consignment, the carriage of dangerous goods and/or other specific features of the train as entered in the Train Assembly and Braking Report is entered in the Train Running Order.</p> <p>(5) A train may leave a station when it has been given permission to run and the conditions for the safe running of the train have been met. Permission to run shall be given in the manner prescribed by the rules governing signalling. The authorisation to run shall remain valid until revoked by a signal sign prohibiting running. If a movement is being made at a service point or a train is returning to a previous station after stopping at a service point, the driver shall obtain a running licence after giving the signal that the train is ready to depart.</p> <p>(6) A driving licence may be issued by the line or traffic manager only if the following conditions are met:</p> <ol style="list-style-type: none"> 1.that the carriageway is protected; 2.that he has received notification from the OVKN carrier that the train is ready for departure, if it is an outbound stop or a stop where the train composition or the classification of the traction units in the train is changed; 3.passenger trains stopping at stations will not meet other trains at stations where there is no safe passenger access to the platforms; 4.passenger trains are guaranteed connections and waiting times at connecting stations; 5.that the conditions of the operator's authorisation for the carriage of an emergency consignment have been met, if the train carries an emergency consignment; 6.no restriction on the use of electricity on electrified lines for trains with electric traction; 7.the train has been given a Train Running Order and/or a General Order. <p>(7) A licence to drive shall be given by means of a phonogram, the text of which shall read: "Riding for train No allowed."</p> <p>(8) An order for exceptional transport shall be given in accordance with the provisions of the Regulations governing signalling.</p> <p>(9) The driver may decide to depart a train with a train crew when he has received from the train crew the signal "Ready to depart" and has been given permission to run; for trains without a train crew, when he is satisfied that the work on the train is complete and has been given permission to run.</p> <p>(10) If the driver is given permission to run a train by the signal sign "Permission to depart" or verbally, he must drive until the next main signal at that station in such a way that, if there are switches on the running path until the first main signal, he does not exceed the speed limit prescribed for that station.</p> <p>(11) A passenger train whose timetable for a particular train is publicly published shall not depart earlier than the time scheduled in the publicly published timetable for that particular train.</p> <p>(12) After giving permission for a train to run, the operator must observe the train from his own station and, if irregularities are found, take all reasonable steps to stop the train as soon as possible.</p> <p>(13) The procedure for the evidential handover of the train to the Controller, indicating the NOCNs [OVKN] involved in the handover, shall be prescribed by the Railway Undertaking in its SST [SMS].</p> <p>(14) If it is not possible to inform the service points of the early running of a train, the operator shall prescribe in its SST [SMS] the procedure and content of the notification to the drivers.</p>	Type 4 Other NSR	This rule deals with train departure (rule 2 of appendix B2). Informing the IM of the train's operational status was regulated in point 4.2.3.3.2 of TSI OPE Regulation (EU) 2019/773 (TSI OPE), amended by Regulation (EU) 2023/1693. The details should be prescribed in the SMS of the IM/RU. The rule also prescribes additional responsibilities on the RU staff. The rule also contains elements for route compatibility and train composition which is for the SMS.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
80	SI-SA-725-1-D	<p>XXI. TRAFFIC PROTECTION WITH TRACK GUARDS</p> <p>Article 135 (track guards)</p> <p>(1) A track warden is an employee who carries out track inspection, secures traffic at level crossings or protects work teams working on the line, work sites.</p> <p>(2) A line guard post must be designated at vulnerable points on the line if it is not possible to ensure safe rail traffic in any other way. The line guard duty station must be connected by means of a communication link to adjacent stations or to a traffic control centre.</p>	Type 4 Other NSR	Description of the post and its task for IM's staff. Roles and responsibilities of staff should be defined and allocated in the SMS according to requirement 2.3.1 of Annex II of Regulation (EU) 2018/762.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.
81	SI-SA-726-1-D	<p>Article 136 (track detour)</p> <p>(1) A track walker is a track warden who walks along the track, determines the condition of the track, the track lane and carries out minor work on the track.</p> <p>(2) The track-side commuter must be informed of train movements by means of an extract from the timetable. He must be informed of changes in train traffic and the running of line vehicles by the traffic manager or the line traffic controller.</p> <p>(3) The track inspection may be carried out by a special purpose motor vehicle or a towing vehicle instead of a track walker.</p>	Type 4 Other NSR	Description of the post and its task for IM's staff. Roles and responsibilities of staff should be defined and allocated in the SMS according to requirement 2.3.1 of Annex II of Regulation (EU) 2018/762.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.
82	SI-SA-727-1-D	<p>Article 137 (securing traffic at a level crossing)</p> <p>(1) Traffic at a level crossing may be protected by automatic level crossing protection devices, or traffic at a level crossing may be protected by an OVKN.</p> <p>(2) Automatic level crossing protection devices automatically protect the traffic at level crossings before the train is moved, and their operation is checked remotely by the line operator at his workstation or by the driver from the train by means of control signal signs.</p> <p>(3) The operation of a level crossing protected by automatic level crossing protection devices for incomplete journeys in the area of the level crossing shall be prescribed by a level crossing operating manual, which shall also be an annex to the station operating rules. The practices and procedures prescribed by the station rules of procedure and relating to the staff of the carrier shall be prescribed by the carrier in its SGEI [SMS].</p> <p>(4) The NPr warden or other OVKN shall protect the traffic at the level crossing by closing the gates, mechanically or by using a switch at the level crossing. He shall secure the level crossing traffic by:</p> <ul style="list-style-type: none"> ▫if the level crossing is located at a station on the train's running path, immediately before the traffic controller or the line conductor gives the go-ahead; <ul style="list-style-type: none"> ▫if the level crossing is on an open line: <ul style="list-style-type: none"> a)earlier, when the line or station agent at the station before the level crossing gives the go-ahead: <ul style="list-style-type: none"> -if he operates the device to close the gates remotely, regardless of the speed of the trains; -for trains with speeds above 100 km/h; b)no later than 3 minutes before the train is due to pass, if it operates a barrier closing device at the level crossing itself for trains with speeds up to 100 km/h. <p>(5) Level crossings at which traffic is protected by a level crossing guard may be equipped with a track-side AS device which stops the train if the gates at the level crossing are not closed. The NPr guard shall close the gates in time to ensure that the gates are closed before the train reaches the point where the track-side part of the AS device is fitted.</p> <p>(6) If the train is not present at the scheduled time, the level crossing guard may not open the gates until the train is present or until the track traffic officer or the traffic manager gives him permission to stop securing traffic at the level crossing.</p> <p>(7) Traffic at a level crossing shall be protected until the last vehicle of the train for which traffic is protected has passed the level crossing area.</p> <p>(8) The operator shall prescribe in the station operating rules the procedure and conditions under which an employee who closes the barriers remotely by means of wire lines and the level crossing is not visible from the point of operation shall establish that the traffic protection at the level crossing is no longer necessary.</p>	Type 4 Other NSR	The notified provision contains description for the national signalling system and work organisation, however it cannot be categorized under a national rule in the field of safety according to the Directive and Appendix I to Regulation (EU) 2019/773 (TSI OPE). Therefore, this is not a rule requiring notification under Article 8 of Directive (EU) 2016/798 and the notified provision does not contain any operational value to be assessed as a national rule relevant for safety certification process. It is mostly for IM. As per definition of a national rule (Article 3 (8) of Directive (EU) 2016/798) those are all binding rules adopted in a Member State, irrespective of the body issuing them, which contain railway safety or technical requirements, other than those laid down by Union or international rules, and which are applicable within that Member State to railway undertakings, infrastructure managers or third parties. Therefore, only rules purely setting up such requirements (operational context) should be notified for the Agency's assessment in Single Rules Database (Safety).	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule. We stress that the provision in no way affects the scope of the assessment of the safety management system, which is carried out at the level of detail set out in Regulation (EU) 2018/762 on the Common Safety Management Method (CSM-SMS), Annex I and II.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English
83	SI-SA-728-1-D	<p>Article 138 (actions to be taken when the traffic protection devices at a level crossing are defective)</p> <p>(1) If it is found that the traffic protection devices at a level crossing are defective, the line traffic controller or the traffic controller of the adjacent stations and the maintenance engineer of the SV devices must be informed immediately. Until the fault is rectified, the drivers must be informed of the failure of the level crossing traffic protection device or traffic protection must be provided by the level crossing guard. When an emergency occurs on these devices which does not affect the safety of traffic, only the maintenance of the SV equipment shall be informed.</p> <p>(2) The driver must report the failure of a traffic protection device at a level crossing, of which he has not been informed, to the line conductor or the traffic manager.</p> <p>(3) In the event of a failure of a traffic protection device at a level crossing where traffic is protected by a level crossing guard, the level crossing guard shall immediately inform the line traffic controller or the traffic controller of the adjacent stations by means of a phonogram and physically stop the road traffic at the level crossing. The line or station traffic controller shall inform the maintenance engineer of the SV installations of the malfunction.</p> <p>(4) If the driver reports that traffic at a level crossing guarded by a level crossing guard is not guarded, traffic at the level crossing shall be deemed not to be guarded until the cause is rectified or the level crossing is occupied by another guard.</p> <p>(5) The level crossing guard shall physically stop road traffic at the level crossing as follows: 1. during the day, with arm raised and outstretched, palm facing oncoming traffic; 2. at night, by waving a red hand-signal lamp horizontally towards an approaching vehicle.</p> <p>(6) The driver must stop the train before a level crossing without a specific request: 1. if the control signal shows the signal sign: 'Stop before level crossing'; 2. when the journey time from the point of activation to the level crossing is more than 4 minutes.</p> <p>(7) After stopping before a level crossing, the driver shall give the signal sign "Watch" and, if the level crossing is clear, carefully drive the lead vehicle over the level crossing and then proceed at regular speed.</p>	Type 4 Other NSR	<p>This rule deals with failures of level crossing protection devices.</p> <p>According to appendix I there can be additional information regarding failures of level crossing (open point). However, the rule needs to be in line with appendix B2 rule 7.</p> <p>Par 2, 5-7 provide additional obligations for the driver - this cannot be accepted. This is for the SMS of the RU as identification of roles and responsibilities of staff is a part of the SMS of the RU according to requirement 2.3.1 of Annex I of Regulation (EU) 2018/762.</p> <p>Rule needs to be revised in a way that it does not assign responsibilities to RU staff.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>This provision requires revision as it could be partially assessed positively when complementary to the specific open point in Appendix I of Regulation (EU) 2019/773 and when revised in a way not contradicting requirements for SMS in Annex I of Regulation (EU) 2018/762.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>
84	SI-SA-730-1-D	<p>XXII. WORK OF STAFF ON BOARD Article 140 (work of train preparation staff)</p> <p>Before informing the traffic manager or the line manager that the train is ready for departure, the operator's OVKN must take stock of the train and ensure that it is correctly assembled.</p>	Type 4 Other NSR	<p>This rule defines responsibility of RU staff regarding train preparation before departure. This is included in point 4.2.3.3.1 of TSI OPE Regulation 2019/773 - tests and checks before departure.</p> <p>Identification of roles and responsibilities of staff is a part of the SMS of the RU according to requirement 2.3.1 of Annex I of Regulation (EU) 2018/762.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>
85	SI-SA-731-1-D	<p>Article 141 (train ride)</p> <p>(1) When driving, the driver shall observe and act in accordance with the signal signals and the signals of station and service personnel. During any stops on the line, the driver shall give the necessary orders.</p> <p>(2) When a train stops before the main signal indicating the signal sign 'Stop', the driver shall, not later than after a period of three minutes, enquire by means of communication as to the reasons for stopping the train and the period of time for which it is expected to stand before the main signal.</p> <p>(3) If, when a train is passing the main signal or the signal marking "Position of the automatic stop device", the automatic stop device stops the train, the driver must inform the line traffic controller or the traffic manager of the stopping of the train for the purpose of activating the automatic stop device, and obtain from him a licence to proceed with the conditions for continuing the journey.</p> <p>(4) The driver must inform the traffic manager or line manager of the incident while the train is in motion and also inform in writing the authorised employee of his organisational unit.</p> <p>(5) If there is no irregular-track entry signal at the station, the driver shall stop the train at the level of the irregular-track entry signal when running on the irregular-track.</p> <p>(6) After the train has stopped before the signal, the driver may resume driving: 1. when given permission to proceed by the signal sign of the main signal; or 2. when given permission to proceed by a traffic light indicating the "Permission to depart" signal sign; or 3. when the line traffic officer or traffic controller informs him of the inoperability of the signal and gives him permission to drive by means of a phonogram; or 4. when informed by a traffic controller of permission to enter a station from an irregular track where there is no import signal.</p> <p>(7) If the driver is informed of the inoperability of the signal and of the permission to proceed before he reaches the signal, he need not stop the train.</p>	Type 4 Other NSR	<p>This rule contains obligations for the driver while driving a train. This is for the SMS of the RU as identification of roles and responsibilities of staff is a part of the SMS of the RU according to requirement 2.3.1 of Annex I of Regulation (EU) 2018/762.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>
86	SI-SA-732-1-D	<p>Article 142 (train stop at station and stopping point)</p> <p>(1) A train must stop at a station in such a way that it does not interfere with the import, carriage or export of another train. In determining the stopping point, consideration shall be given to the safety of traffic and passengers and to the work to be done on the train.</p> <p>(2) The places where passenger trains must stop at the latest must be marked at stations and stopping points with the signal sign "Stopping point".</p> <p>(3) Depending on the type of SV equipment in the station, freight trains must stop head-on in front of an exit or cover track signal, a movement signal, a boundary track signal, the boundary of an isolated section or at the first dividing line on the exit side.</p> <p>(4) Locomotive trains must normally stop in front of a transport office.</p> <p>(5) When a passenger train is stopped for the boarding or alighting of passengers, the driver shall not move it until he has received the signal "Ready to depart" from the train dispatcher nearest to him.</p> <p>(6) Depending on the configuration of the stations on a single-track line, when the exit or station cover signal is remote from the point where the passenger train stops, the train is delayed and a cross-train is waiting, the driver may move the train to an exit or station cover signal which does not yet permit running when: 1. receive the "Ready to depart" signal from the train dispatcher nearest to him; and 2. the time of the train's scheduled departure has passed, and 3. sees the tell-tale signs of an exit or station cover signal.</p> <p>(7) When a train stops at a station at which it is not scheduled to stop, the driver must, if he has not been informed of the cause of the stop, report immediately by means of communication, but otherwise not later than after 3 minutes, to the traffic controller or the route traffic controller for the purpose of receiving notifications. If the driver himself stops the train, the procedure is the same.</p> <p>(8) When a train is stopped at a station or service point, the train must be stopped.</p>	Type 4 Other NSR	<p>This rule contains regulations for the train operators within stations. Elements of the rule referring to the passenger trains fall under TSI OPE Regulation 2019/773 point 4.2.2.4.2. Safety of passengers. Additional information for this area is covered in dedicated AMOC according to point 4.4.3 that was issued by the Agency.</p> <p>Paragraphs 6 and 7 contain additional responsibilities for train driver. This is for the SMS of the RU as identification of roles and responsibilities of staff is a part of the SMS of the RU according to requirement 2.3.1 of Annex I of Regulation (EU) 2018/762.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>
87	SI-SA-733-1-D	<p>XXIII. DRIVING MANOEUVRES Article 143 (handling of an exceptional stop on an open line)</p> <p>(1) A driver shall stop a train as soon as he notices anything on the train, on the track or on the overhead contact line which may endanger the continued operation of his train or another train.</p> <p>(2) If a train is exceptionally stopped on an open track and cannot resume its journey within 3 minutes, the driver must immediately inform the line or direction traffic controller. He must also state the kilometre position of the head of the train.</p> <p>(3) If the driver finds that he cannot clear an obstruction to the train, he must request an auxiliary locomotive and then follow the instructions of the line manager or traffic controller. The train must not be moved until the auxiliary locomotive arrives.</p> <p>(4) If the driver notices any abnormality that endangers the running of trains, he must immediately inform the line manager or the traffic manager. If he is unable to inform the line or traffic manager, or if he is informed that a train has already left on a different track, he must warn the driver of an approaching train by switching the main lights on and off, by switching on the red lights and by signalling "Danger, brake".</p> <p>(5) A train that is stopped exceptionally on an open track must be immediately secured against self-movement.</p> <p>(6) On receipt of a notification that a train has made an unscheduled stop on an open track, the line or traffic controller shall, depending on the type of signalling device, disable the installation of the exit siding or display a warning of unauthorised installation of the exit siding. The obstruction or warning may be removed only when the train arrives at the next station.</p>	Type 4 Other NSR	<p>Additional responsibilities for the driver should not be allowed as a part of a national rule. This is for the SMS of the RU as identification of roles and responsibilities of staff is a part of the SMS of the RU according to requirement 2.3.1 of Annex I of Regulation (EU) 2018/762. The principles have been already regulated in TSI OPE Regulation 2019/773 Appendix B2 rule 14.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p> <p>Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.</p>

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English
88	SI-SA-734-1-D	<p>Article 144 (resuming or withdrawing a train from an open track)</p> <p>(1) Trains without train crews must not run in sections or back to the station, but the driver must request an auxiliary locomotive.</p> <p>(2) In the event of an exceptional stoppage of a train on an open line due to a defect on the train or on the line, the driver must decide, in agreement with the traffic manager or the route traffic manager, whether the train shall continue its journey in whole or in parts to the next station or whether it shall be withdrawn back to the previous station.</p> <p>(3) If the train continues to run in sections to the next station, the driver shall inform the line or next station traffic controller of the partial running before continuing.</p> <p>(4) The part of the train remaining on the open track must be protected by an OVKN.</p> <p>(5) The final signal of a train running in sections must remain on that part of the train which remains on the line.</p> <p>(6) The line or traffic attendant may not give a sign-off until after the arrival of the last part of the train.</p> <p>(7) If the driver decides to reverse the train back to the previous station, he must obtain permission from the line or stationmaster of the previous station to reverse the train to the previous station. The line or fore-station traffic manager may give permission to proceed to the fore-station only after he has informed the staff of all service points of the train's intended withdrawal. Before giving permission to proceed, he must ensure that the carriageway and the traffic at level crossings are secured. In the event of traffic at a level crossing not being secured, the traffic manager or the line manager must inform the driver.</p>	Type 4 Other NSR	Additional responsibilities for the driver should not be allowed as a part of a national rule. This is for the SMS of the RU as identification of roles and responsibilities of staff is a part of the SMS of the RU according to requirement 2.3.1 of Annex I of Regulation (EU) 2018/762. This principles have been already regulated in TSI OPE appendix B2. Elements of degraded operations and common operational rules referring to degraded operations have already been incorporated in TSI OPE, mainly Appendix B2 like rule 10, 13 or 14. The IMs and RUs are obliged to establish their own operational procedures regarding degraded operations and emergency management.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
89	SI-SA-735-1-D	<p>XXIV. TRAIN TRAFFIC CONTROL DURING MAINTENANCE WORK ON THE LINE AND AT STATIONS</p> <p>Article 145 (track or line closure)</p> <p>(1) The withdrawal of a line or station track from use is called a line closure or track closure. Track closure is the closure of a single-track line or both tracks of a double-track line.</p> <p>(2) Imprisonment may be expected or unexpected.</p> <p>(3) An anticipated closure of a line or track is where the line or station track has to be taken out of service for planned works. An anticipated closure shall be authorised by the operator by issuing a track or line closure order. The order shall specify the organisation and conditions under which the track or track closure is to be implemented.</p> <p>(4) An unexpected closure of a line or track is where a line or station track is taken out of service because it has suddenly become unserviceable or an emergency on the line or station track causes the line or track to be closed.</p> <p>(5) Expected closure of the line and main tracks shall be authorised by the Railway Undertaking upon written request. The request must be made in time to allow the operator to draw up a monthly closure plan. The procedure for authorising closures and for issuing a track or line closure order shall be laid down by the Railway Undertaking in its SGEI [SMS].</p> <p>(6) When an electrified line or track is closed, it must be determined whether or not to de-energise the overhead contact line.</p> <p>(7) The operator must issue and give notice of the closure order at least 5 days before the closure is due to commence:</p> <ol style="list-style-type: none"> the stations on the route affected by the closure and specified in the Order; the line or train dispatcher on the section where the closure is to be implemented; the competent maintenance staff; the contractor; carriers holding a safety certificate for such a route and SNEV dispatcher for closures on electrified lines. <p>(8) The records of line and/or track closures kept by the Railway Undertaking shall be accessible to the Traffic Manager or the Route Traffic Manager, as the case may be.</p> <p>(9) An anticipated closure of the line or track may not be initiated without the permission of the line or track supervisor. The competent maintenance agent must, in agreement with the traffic manager of one of the adjacent stations, enter the time of commencement of the track or track closure in the traffic log or, from an open track, simultaneously inform the track or adjacent station traffic manager, or both, by means of a phonogram. The time of commencement of the track or track closure entered in the traffic log shall be immediately communicated by the traffic controller of that station by phonogram to the line traffic controller, the traffic controller of the adjacent station and all traffic controllers of his own station. If the competent maintenance engineer announces the time of commencement of a track or track closure from an open line, the traffic managers of the adjacent stations shall record the commencement of the closure in the traffic logs. The end of the track or track closure must be recorded in the station logbook by the competent maintenance staff or announced by phonogram to the traffic controller or line manager. The competent maintenance officer must also inform that all vehicles and objects have been removed from the line or track, that the line or track is fit for traffic, and prescribe the speed and other conditions for safe traffic.</p>	Type 4 Other NSR	The rule prescribes what actions have to be taken to ensure track closure. This is detailed information for the IM that cannot be assessed under any of the areas for national rules or open points listed in Appendix I of Regulation 2019/773. This should be regulated in the SMS of the IM. The rule needs to be revised in case some elements could be considered as operations during works, but this cannot cover details of preparatory aspects. Appendix I refers to operational aspects and only this can be notified as a rule.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation. The rule needs to be revised in case some elements could be considered as operations during works, but this cannot cover details of preparatory aspects. Appendix I of TSI OPE refers to operational aspects and only this can be notified as a rule.
	735 part 2	<p>(10) When closing a line or track, the competent maintenance engineer shall secure the work areas on the open line or track in accordance with the provisions of the Signalling Regulations. There may be several positions of work on a single space section, which must be secured in accordance with the provisions of the Signalling Regulations governing each of them.</p> <p>(11) The traffic controller must also inform the signaller by phonogram of the start and end of the line closure. During the track closure, the line conductor(s) or the conductors of the adjacent stations shall, depending on the type of signalling device, prevent the exit carriageway from being placed on the closed track or display a warning about the unauthorised placing of the exit carriageway. The barrier or warning shall not be removed until the closure is complete. Movement towards the closed track during the closure shall only be permitted up to the "Moving threshold" signal.</p> <p>(12) The consent for the imminent commencement of an anticipated track or line closure shall be given by the line traffic manager or traffic manager, as the case may be, on the basis of a track closure order.</p> <p>(13) The track or line closure order must specify the measures to be taken during the closure. If the duration of the expected closure is prolonged, the continuation of the closure shall be considered as an unexpected closure.</p>	Type 4 Other NSR				
90	SI-SA-739-1-D	<p>Article 149 (workgroup security)</p> <p>(1) A working party working in such a way that workers or their tools are permanently or occasionally located in the track clearance profile shall always be protected by an OVKN. The Controller shall specify in its SMS which OVKNs may carry out the task of protecting the working party, depending on the type and manner of work. A working party working on a closed track of a double-track line or on a closed track at a station and running on the adjacent track shall be protected by an OVKN. Exceptions shall be determined by the operator in his SGEI [SMS].</p> <p>(2) If the OVKN is not suitable due to terrain conditions (sharp curves, tunnels, bridges, landslides, embankments), poor visibility conditions (fog, snow) or noise (proximity to the road, use of motorised machinery, etc.),... cannot warn the working party in time that a train is coming, or that the time from the OVKN's warning that a train is coming is not sufficient to allow the workers and their tools to withdraw safely until the train arrives, the OVKN must inform the line or traffic manager of the working party's work before the work starts and request notification of all journeys. The request must specify the place and time of commencement and termination of the planned work of the working party. In this case, the place of work shall be the service place. Notwithstanding the conditions described above, a post must be created in the following cases:</p> <ol style="list-style-type: none"> when motorised machinery is used for work on the track carrying the traffic; when motorised machinery is used for work on a closed track at a station and rail traffic is running on the adjacent track, and there is no safety line between the running track and the closed track to mark the danger area; when construction or track-side machinery is being used on a closed track and its work extends into, or may inadvertently extend into, the clearance profile of the adjacent overhead contact line on which the railway traffic is moving; in other cases prescribed by the controller in its SAI [SMS]. <p>(3) The maximum number of work groups for which journey information is required for each post of traffic and/or line conductor shall be determined by the Controller in its SGEI [SMS].</p> <p>(4) The location of the work on the route must be marked in accordance with the regulations governing signalling. Exceptions may be made and shall be specified by the Controller in his SMS.</p> <p>(5) The procedures for security, notification and recording of Working Groups shall be laid down by the Operator in its SMS.</p>	Type 4 Other NSR	The rule regulates organisation of works and health and safety arrangements for track workers. The rule cannot be assessed under any of the areas for national rules or open points listed in Appendix I of Regulation 2019/773. Roles and responsibilities of staff, including track workers should be identified in the SMS of the IM according to requirement 2.3 of Annex II to Regulation (EU) 2018/762.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.
91	SI-SA-740-1-D	<p>XXV. SPECIAL PROVISIONS FOR ELECTRIFIED LINES</p> <p>Article 150 (general provisions on electrified lines)</p> <p>(1) On electrified lines, a special direct telephone connection shall be provided between the remote control centre of the stable electric traction equipment and the stations or traffic control centres.</p> <p>(2) The following shall be prominently displayed at the station, normally in the transport operator's compartment:</p> <ol style="list-style-type: none"> the switching diagram of the overhead contact line network of the station, including: <ol style="list-style-type: none"> switches with corresponding numbers; colour-coded overhead lines and power supply via switches; separation points; section insulators; a list of the OSCNs [OVKN] authorised to handle overhead contact line switches; first aid instructions for persons electrocuted. <p>(3) Instructions for administering first aid to persons electrocuted shall be prominently displayed in all places where passengers and users of railway services are present.</p> <p>(4) It is forbidden to park or stop electric traction vehicles with the pantograph raised under isolators or section insulators of the overhead contact line. If an EMU with a lowered pantograph is located under the intermediate span of a point of separation or has one pantograph under the span of a point of separation or section insulator, the driver shall not raise the pantograph until he has received permission from the SNEV dispatcher.</p>	Type 4 Other NSR	Special conditions/ safety measures on electrified lines. This level of detail should be regulated in the SMS of the IM. The rule cannot be assessed under any of the areas for national rules or open points listed in Appendix I of Regulation 2019/773.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English
92	SI-SA-741-1-D	<p>Article 151 (safety measures when loading and unloading wagons)</p> <p>(1) The following provisions shall apply to the movement, loading and unloading of wagons on electrified lines, in addition to the provisions of the Regulation on safety measures against excessive contact voltage on electrified lines:</p> <p>1. on sidings intended for loading and unloading open wagons where there is a running line, the overhead contact line voltage shall only be switched on when the electric multiple unit is moving;</p> <p>2. the overhead contact line may only be switched on or off by a designated and authorised employee; before switching on, he must ensure that the moving staff has been informed and that the workers loading or unloading open wagons have withdrawn.</p> <p>(2) If closed wagons are unloaded or loaded on a live track, the loading or unloading point must be guarded by an authorised employee of the operator or carrier.</p> <p>(3) When unloading and loading, it is forbidden to place long objects upright and for workers to climb on the roof of the wagon. Loading and unloading of open wagons under the overhead contact line shall only be permitted if the overhead contact line is de-energised at the time and the contact lines are earthed.</p> <p>(4) The throwing of coupling or lashing devices over the load shall only be permitted if the overhead line is de-energised and the overhead line is earthed.</p> <p>(5) More detailed instructions for working when loading or unloading wagons on electrified loading and unloading tracks and the method of working in winter, relating to the height of snow and exceeding the loading profile, shall be laid down in the station rules and the carrier's SGE [SMS].</p> <p>(6) If an irregularity is observed on a wagon or a shifting of the load that allows contact with the overhead contact line, the train must stop immediately. The irregularity on the wagon or load shall not be repaired until the overhead contact line has been de-energised and the overhead contact line has been earthed. If it is necessary to climb on to the rolling stock, de-energisation and earthing of the overhead contact line must be requested and carried out beforehand.</p>	Type 4 Other NSR	<p>Additional information for electrified lines. Mostly about health and safety of workers during loading and unloading of wagons.</p> <p>The rule cannot be assessed under any of the areas for national rules or open points listed in Appendix I of Regulation 2019/773.</p> <p>Safety measures on voltage is a risk that should be a part of IM/RU SMS.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>
93	SI-SA-742-1-D	<p>Article 152 (faults on electric traction equipment)</p> <p>(1) The OCNs [OVKN] on electrified lines are obliged to immediately inform the line operator, the traffic controller or the SNEV dispatcher of any fault they observe on the overhead contact line network. In the message, they must specify the line section, the kilometre position and, if possible, the numbers of the overhead contact line poles on both sides of the site.</p> <p>(2) If the overhead contact line network is mechanically damaged at a certain point but is capable of being electrically towed, the drivers of trains with electric traction units must be informed by means of a General Order, a Driving Order or a phonogram. The General Order, Driving Order or phonogram shall state the kilometre location of the fault, the possible need to lower the pantograph and reduce speed and whether the location is marked with pantograph handling signals.</p>	Type 4 Other NSR	<p>Paragraph 1 contains tasks of the IM staff. This is for the SMS of the RU as identification of roles and responsibilities of staff is a part of the SMS of the RU according to requirement 2.3.1 of Annex II of Regulation (EU) 2018/762.</p> <p>Paragraph 2 regulates the way the driver is informed by the IM about the failure of catenary. This falls under rule 17 of appendix B2 as well as point 4.2.3.6 Degraded operations of Regulation 2019/773.</p> <p>The rule cannot be assessed under any of the areas for national rules or open points listed in Appendix I of Regulation 2019/773.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>
94	SI-SA-743-1-D	<p>Article 153 (voltage failure in the overhead contact line of the track at the station)</p> <p>(1) Where it is necessary to accept a train with an electric multiple unit at a station whose overhead line is de-energised, the driver shall be informed by General Order, Running Order or phonogram, as a rule, before the train departs from the adjacent station. The General Order, Running Order or phonogram shall specify the point from which the overhead contact line is de-energised and how the train is to enter the station.</p> <p>(2) If the driver is informed that the overhead contact line of the track at the station is de-energised, the line or traffic engineer shall secure the overhead contact line in such a way that the train does not have to reduce speed or stop at the import signal and can enter the station with kinetic energy.</p> <p>(3) If it has not been possible to inform the driver of the power failure, the train shall be stopped at the import signal and he shall be informed that the overhead contact line of the track or station is de-energised and that he must import to the station with the pantograph lowered or wait for an auxiliary locomotive.</p> <p>(4) If a train has to leave from a station where the overhead contact line is de-energised, the train must be pushed by a diesel multiple unit to a place where the overhead contact line is energised. The pantograph of the electric traction unit shall be lowered until the electric traction unit comes under the live overhead line. In this case, the following provisions shall apply for the train to continue running:</p> <p>1. if the electric multiple unit maintains the prescribed working pressure in the main brake line, the train is pushed by the unattached bogie to a point where the overhead line is live; at this point the bogie lags behind the train and returns to the station and the train continues without stopping;</p> <p>2. if the electric traction unit has no working pressure in the main brake line or cannot maintain it, the train shall be pushed by the coupled trailer connected to the main brake line to the point where the overhead contact line is energised. There the train shall stop, the electric multiple unit shall bring the train's main brake line to the prescribed working pressure, after which the multiple unit shall be uncoupling and returned to the station. Before the train can continue its journey, it must be subjected to a partial brake test.</p> <p>(5) In such cases, the line manager or the traffic manager must inform the driver of the manner in which the train is to be driven by means of a General Order, a Driving Order or a phonogram.</p>	Type 4 Other NSR	<p>The rule cannot be assessed under any of the areas for national rules or open points listed in Appendix I of TSI OPE Regulation 2019/773. The rule defines procedure for accept a train with an electric multiple unit at a station whose overhead line is de-energised. This level of detailed procedure should be for the SMS of RU and IM.</p> <p>Moreover, paragraph 4 point 1 prescribes the need to perform the brake test before the train may be allowed to continue its journey. Braking of the train (point 4.2.2.6 of TSI OPE) as well as tests and checks before departure, including brakes (point 4.2.3.3.1) is the sole responsibility of the RU. Appropriate procedures should be prescribed in the SMS of the RU according to its operational needs and the results of risk assessment process.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>
95	SI-SA-744-1-D	<p>Article 154 (voltage failure in the overhead contact line)</p> <p>(1) When the driver, while the train is running on an open line, finds that the overhead contact line is de-energised, he shall stop the train and inform the line conductor or the traffic controller of the train stop and the de-energisation.</p> <p>(2) The line operator or the traffic manager must inform the SNEV dispatcher of the overhead contact line failure. The SNEV dispatcher shall decide whether the train may pass the point of failure with the pantograph lowered or whether the failure must first be rectified and only then be allowed to run.</p> <p>(3) When the line or traffic controller receives a message about a voltage failure in the overhead contact line, he or she shall decide, in agreement with the SNEV dispatcher, whether to:</p> <ul style="list-style-type: none"> ▫ the train is waiting for the voltage to be switched back on; ▫ the train waits for the auxiliary locomotive; ▫ accept the train at the station by agreement with the driver, if the gradient of the track allows it. 	Type 4 Other NSR	<p>This rule falls under rule 17 of appendix B2 as well as point 4.2.3.6 Degraded operations of Regulation 2019/773. This should be regulated in the SMS of the IM/RU.</p> <p>This rule contains obligations for the driver. This is for the SMS of the RU as identification of roles and responsibilities of staff is a part of the SMS of the RU according to requirement 2.3.1 of Annex I of Regulation (EU) 2018/762.</p>	MS rejected ERA's negative assessment	<p>The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.</p>	<p>The Agency upholds their first assessment.</p> <p>Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD.</p> <p>As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.</p>

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English
96	SI-SA-745-1-D	<p>Article 155 (overhead line power supply from substation stopped)</p> <p>If a fault occurs in the substation such that the overhead lines cannot be satisfactorily energised, making traffic impossible or difficult, the SNEV dispatcher shall notify the traffic operation with a phonogram containing the information:</p> <ul style="list-style-type: none"> ▣interstation section; ▣the estimated time of onset and duration of the disruption; ▣track naming on double-track lines; ▣train restrictions; ▣possible de-energisation of another section. 	Type 4 Other NSR	This falls under rule 17 of appendix B2 as well as point 4.2.3.6 Degraded operations f Regulation 2019/773. This should be regulated in the SMS of the IM/RU. Regarding aspects related to safety communications, the rule will need to be revised following the entry into force of Commission Implementing Regulation (EU) 2023/1693.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.
97	SI-SA-746-1-D	<p>Article 156 (requirement to switch off the voltage in the event of a hazard – emergency)</p> <p>(1) Where the safety of persons, train movements or installations is endangered on an electrified line, a person who observes this shall request the line conductor, the SNEV dispatcher or the traffic controller to de-energise the overhead contact line of that section. The request shall state why the switching off is requested and by whom.</p> <p>(2) The de-energisation shall be confirmed by a phonogram to the person who requested it.</p> <p>(3) Reducing the voltage shall require:</p> <ol style="list-style-type: none"> 1.a traffic controller who has requested that the voltage be switched off to prevent the danger once the cause has passed; 2.the PPA maintenance engineer in all cases of failure on the rolling stock network, after the failure has been rectified. 	Type 4 Other NSR	This falls under rule 17 of appendix B2 as well as point 4.2.3.6 Degraded operations f Regulation 2019/773. This should be regulated in the SMS of the IM/RU. In case of emergency this should be managed accordingly to the SMS procedures of IM and RU (requirement 5.5 of Annex I/II to Regulation (EU) 2018/762).	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
98	SI-SA-748-1-D	<p>Article 158 (inspection and maintenance of the overhead contact line network and de-icing of overhead contact lines)</p> <p>(1) The inspection and maintenance of the overhead contact line network may commence when authorised by the route traffic manager or the route traffic manager, as the case may be.</p> <p>(2) If the inspection is only of electrical installations by a special installation inspection vehicle, no track or track closure is required.</p> <p>(3) If there is ice on the overhead contact line which prevents the electric traction units from being energised, the line traffic controller or the SNEV dispatcher must be informed immediately. If necessary, trains shall be held until the obstruction is removed.</p>	Type 4 Other NSR	This is for the SMS of the RU/IM. This rule should be a part of SMS procedure for degraded operations according to point section 4.2.3.6 of TSI OPE Regulation 2019/773 and requirement 5 of Regulation (EU) 2018/762.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
99	SI-SA-749-1-D	<p>XXVI. SPECIFIC TYPES OF TRANSPORT Article 159 (trains running to a specific point on an open line)</p> <p>(1) The provisions for the running of a train to a specified point on an open line apply to trains running to a specified point on an open line and returning to the station from which they departed, and to line vehicles running to a specified point on an open line, whether they started their journey at a station or were derailed on an open line and whether they are returning to a station or to a point of derailment or whether they are derailed at the point which they have reached.</p> <p>(2) The running of trains to points on the open line and the organisation of traffic of other trains during the time when trains are held there must be provided for in the network timetable and in the timetable of the individual train, and the procedures must be defined in the station operating rules. Procedures relating to the staff of the operator shall be defined in the rules of procedure and procedures for the driver not defined in this Regulation shall be defined in the Driver's Handbook and/or the Route Manual.</p> <p>(3) In order to drive a train or a line vehicle to a specific point on an open line, the line or stationmaster of the station sending the train or line vehicle to a specific point on an open line must request permission from the next station or line master, if that station is occupied by a line or stationmaster.</p> <p>(4) If the line or next-station traffic controller is unable to permit the train or vehicle to proceed to a specified point on the open line, he shall refuse permission.</p> <p>(5) A train or a rolling stock which has returned from a specified position on an open line or a rolling stock which has been derailed on the line shall be notified to the authorising traffic controller in the form of a sign-off.</p> <p>(6) Where a train is being dispatched to a station which is remotely controlled from the station which is dispatching the train and the traffic there is not being conducted by the line conductor, or to a station at which the conductor has stopped work, or where there is no station which would be involved in the running of such a train, the authorisation and signing out shall not be given.</p> <p>(7) In the case of servicing of industrial tracks or lines which are being split on an open line and the conditions laid down by the law governing rail safety are fulfilled, train movements on an open line may be carried out while the industrial track or line is being serviced, provided that the train or mobile unit carrying out the servicing can be withdrawn to the industrial track or line in such a way that the track section and the splitting point are kept clear and lateral protection is ensured.</p> <p>(8) Where the conditions of the preceding paragraph are not met, train movements shall not be permitted while the industrial track or line is being serviced.</p> <p>(9) The operator shall prescribe in the station operating rules and inform the carrier of the procedures for servicing a particular industrial track or line with a view to ensuring the safe operation of rail traffic. The provisions to be observed by the driver in his work shall be specified by the operator in the Driver's Handbook and/or the Route Manual and by the operator in the operator's SGEI [SMS] for other staff of the operator.</p> <p>(10) The operator shall prescribe the procedures for loading bay servicing in the station operating rules of the adjacent station or both adjacent stations and shall inform the haulier thereof. The provisions to be observed by the driver in his work shall be specified by the carrier in the Driver's Handbook and/or the Route Manual and by the carrier in the SVU [SMS] of the carrier in respect of the other staff of the carrier.</p> <p>(11) The procedures and method of communication and phonograms for the movement of a train or a line vehicle to a specific point on an open line shall be prescribed by the Controller and the Railway Undertaking in their SGEU [SMS].</p>	Type 4 Other NSR	This rule is for the IM/RU to regulate in their SMS. The rule contains elements of degraded operations and train authorization as well as requirements for the Rule Book and the Route Book as prescribed by Regulation 2019/773 and Regulation 2018/762.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
100	SI-SA-750-1-D	<p>Article 160 (informing the driver of the train's progress to a specific point on an open track)</p> <p>(1) The driver of a train running to a specific point on an open line shall be informed at the station from which the train is running to the specific point on the open line of the special driving conditions for departure and return to the station.</p> <p>(2) On a single-track line and on the right-of-way of a double-track line, permission shall be given to proceed to a specified point under the same conditions as for proceeding to the next station.</p> <p>(3) For the return to the station from a specific point on a single-track line, the driver shall be informed by a Train Running Order, a General Order or a phonogram:</p> <ol style="list-style-type: none"> 1.that space signals on a route with APB are not illuminated or show the signal sign "Stop", that they are not valid; 2.to observe the signal signs of the import and pre-entry signal(s); and 3.on the behaviour at level crossings with automatic traffic protection devices. <p>(4) For a train returning to a station from a specified position on an irregular track, the driver shall be informed by a Train Running Order, a General Order or a phonogram:</p> <ol style="list-style-type: none"> 1.the method of entry into the station (agreement by means of communication or signal signalling of an entry signal from an irregular track); 2.on the operation of automatic traffic protection devices at level crossings. <p>(5) The driver of a train which is to run on an irregular track to a specific point on an open line shall be informed by a Running Order, a General Order or a phonogram:</p> <ol style="list-style-type: none"> 1.if the export signal is unusable; 2.on the operation of automatic traffic protection devices at level crossings; 3.passing an exit signal if it shows a "Stop" signal. <p>(6) For a train returning to a station from a specified position on the right-of-way, the driver shall be informed by a Running Order, General Order or phonogram:</p> <ol style="list-style-type: none"> 1.that space signals of a line with APB on the right track are not valid; 2.that he must obey the overtaking signal as if he were indicating the "Expect stop" signal; 3.to obey the signals of the import signal; and 4.on the operation of automatic traffic protection devices at level crossings. <p>(7) If a train makes an incomplete journey in the area of a level crossing where traffic is protected by automatic devices due to a stop on an open track, the provisions of the instruction for the handling of automatic devices for traffic protection at the level crossing must be observed. In such a case, the line or traffic controller must inform the driver by means of a phonogram or a General Order of the necessary action to be taken when crossing the level crossing in question.</p>	Type 4 Other NSR	There are elements in the rule concerning driving conditions, departure, return to station that should be regulated in the SMS of the IM/RU according to Regulation 2019/773 and Regulation 2018/762. Aspects related purely to communication elements may be positively assessed after revision of the rule. Nevertheless, regarding aspects related to safety communications, the rule will need to be revised following the entry into force of Commission Implementing Regulation (EU) 2023/1693. Rule needs to be then renotified under proper type and scope.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. The MS's position on ERA's negative assessment does not contain additional information and/or valid arguments to reconsider the Agency's initial assessment in SRD on each of the rules. Regarding the wording "employ persons who perform safety-critical tasks", the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system that ensures that there is an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. The Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not prescribe additional requirements for the SMS than already defined in the EU law.

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English
	750 part 2	<p>(8) Before an auxiliary locomotive or an intervention train departs to assist a train on an open line, the driver of the auxiliary locomotive or intervention train shall be informed by a Running Order, a General Order or a phonogram, depending on where the train is going:</p> <ol style="list-style-type: none"> 1. on a single-track line in the opposite direction of the given permission: <ol style="list-style-type: none"> a) the kilometre position of the head of a stopped train in need of assistance; b) the export or cover signal is useless; c) that the space signals on the line with APB are unlit or show the signal sign "Stop" and are not applicable to the train; (q) the state of automatic traffic protection devices at level crossings and driving behaviour; <p>2. on a single-track line in the direction of the licence or on the right-hand track of a double-track line:</p> <ol style="list-style-type: none"> a) the kilometre position of the conclusion of the stopped train in need of assistance; b) the exit signal is inoperative, except on an APB route if the space segment after the exit signal is clear; c) on how to behave when passing a space signal covering a train; (q) the state of automatic traffic protection devices at level crossings and driving behaviour; <p>3. on a non-straight double-track line:</p> <ol style="list-style-type: none"> a) the kilometre position of the head of a stopped train in need of assistance; b) the export signal is useless; c) the state of automatic traffic protection devices at level crossings and driving behaviour; <p>4. on a single-track line without MO or APB:</p> <ol style="list-style-type: none"> a) the kilometre position of the head of a stopped train in need of assistance; b) the state of automatic traffic protection devices at level crossings and driving behaviour. <p>(9) In the event that the kilometre position of a stopped train cannot be determined due to degraded conditions, the driver shall be informed to drive on the track visibility on that clear section.</p> <p>(10) On an APB line, when an auxiliary locomotive or an intervention train is to be given permission to proceed to a joint or head of a train on a single-track line or on the right-of-way of a double-track line, the text of the message to the driver of the intervention locomotive or train about the kilometre position of the joint or head of the train shall be specified in the General Order or phonogram, which shall read:</p> <p>"From the space signal No., indicating the signal sign "Stop", drive carefully along the track visibility to the standing point of the joint (head) of the train at km"</p> <p>(11) The driver of an auxiliary locomotive or an intervention train shall also be informed of the procedure to be followed when proceeding from the line to the next station or returning to the station. In doing so, the auxiliary may pull, push or push the train for which assistance has been requested. The same treatment as that prescribed for the running of an intervention locomotive must also be followed when the locomotive is returning to pick up the remainder of the train left on the line.</p>	Type 4 Other NSR				
101	SI-SA-751-1-D	<p>Article 161 (pushing trains)</p> <ol style="list-style-type: none"> (1) The lines or sections of lines where trains are pushed are specified in the Station Timetable and the Route Manual. (2) A train being pushed shall not include wagons coupled with rigid couplings, groups of wagons loaded with long flexible loads or a trailer. (3) The method of pushing and returning the goods must be specified in the Station Operating Rules and the Route Manual. Drivers of trains to be pushed must be informed by a Train Running Order, a General Order or a phonogram if pushing is not specified in the Network Timetable. 	Type 4 Other NSR	Additional requirements for the information in the route book should be prescribed in the SMS of the RU considering the information received from the IM according to Regulation 2019/773 and Regulation 2018/762. Requirements for pushed trains. This should also fall under requirements for train composition (point 4.2.2.5.2 of TSI OPE).	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment. Concerning the argumentation of the Member State, the Agency stresses that TSI OPE Regulation (EU) 2019/773 is directly applicable. This means that its provisions should not be duplicated or further supplemented in the national law. It is for the RU/IM to develop their respective SMSs on the basis of the requirements specified in EU law, including Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 (CSM-SMS). A national rule shall not introduce additional requirements for the SMS other than those set out in EU legislation.
102	SI-SA-752-1-D	<p>Article 162 (running a working train)</p> <ol style="list-style-type: none"> (1) A work train runs on a line between two stations, either on a closed track or on a running track at intervals between two other trains. (2) Two or more working trains may run on a closed line or track, and only one working train per inter-stop section may run on the overhead contact line at intervals between two trains. (3) When several working trains run one after the other, each working train must be authorised by the traffic manager or the line manager. (4) Each working train must be given a maximum speed and a position to which it may run, taking into account a safety distance of at least 400 m to the train in front. (5) The departure of each working train from a station onto a closed line or track shall be announced by the traffic manager or linemaster by phonogram to the staff of the service points to the next station and to the traffic manager of that station, if that station is occupied by a traffic manager. (6) Sequential working trains run on the visibility of the line. A consecutive work train may leave the station after 5 minutes from the preceding work train. (7) After a work train has stopped on a closed track or track within the prescribed kilometre, the works manager within the worksite may, if necessary, order the further movement of the work train by evidence. (8) Before a working train starts on its return journey, the driver shall obtain permission to drive with a phonogram from the traffic controller of the station or line towards which he is to depart. (9) The stationmaster or the linemaster may give the driver of a work train withdrawing from a closed track or track permission to proceed only when he is satisfied that there are no other trains or vehicles on the line ahead of the work train withdrawing. (10) If a working train is being derailed, the provisions applicable to the derailed train must be complied with. (11) The procedure and safety requirements for movement on a closed line or track, and the obligations of the contractor, shall be laid down by the Railway Undertaking in its SSA [SMS]. 	Type 4 Other NSR	If this rule deals with the maintenance of the infrastructure, this should be regulated in the SMS of the IM. The rule cannot be assessed under any of the areas for national rules or open points listed in Appendix I of Regulation 2019/773.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.
103	SI-SA-753-1-D	<p>Article 163 (intervention train running)</p> <ol style="list-style-type: none"> (1) An intervention train is a train that is introduced for the purpose of providing assistance, clearing obstacles or removing snow on the line. (2) An intervention train is introduced to the place where assistance is needed according to the timetable of the individual train. (3) An intervention train must stop at a station situated before the place at risk, where the driver is given a Driving Order, a General Order or a phonogram giving the kilometre position, from which he must drive with caution and at a speed within the visibility of the line to the place at risk or to the head or tail of the train which has requested assistance. (4) If a double-decker is deployed to assist, it shall travel by road to the nearest station or to the nearest point on the route where the double-decker can be tracked. The derailment may only be carried out with the permission of the route traffic manager or the traffic controller. 	Type 4 Other NSR	The rule seems to be related with operations of the IM assistance trains after emergency or during degraded operations. This should be regulated in the SMS of the IM according to requirement 5 of Regulation 2018/762. The rule cannot be assessed under any of the areas for national rules or open points listed in Appendix I of Regulation 2019/773.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.
104	SI-SA-754-1-D	<p>XXVII. DRIVING OF SPECIAL PURPOSE MOTOR VEHICLES</p> <p>Article 164 (general provisions)</p> <ol style="list-style-type: none"> (1) Special purpose motor vehicles may run as a train or as a line vehicle. (2) If a special purpose motor vehicle is running as a train, it shall be subject to all the provisions applicable to a train, except that the motor vehicle shall not be required to be fitted with an auto-stop device on the line vehicle. (3) A special purpose motor vehicle may be operated by the driver of the special purpose motor vehicle if the vehicle is equipped with AS equipment. If the AS device is not fitted or is not working, the special purpose motor vehicle must be occupied by an additional worker and the maximum speed may be 80 km/h. (4) Special purpose motor vehicles are used as line vehicles in cases where they are held between two stations for a long period of time for work, and as a rule they run within the station spacing. (5) Special purpose motor vehicles which meet the conditions for running on APB routes and which are marked as being permitted to run in the space gap are permitted to run in the space gap. If a special purpose motor vehicle does not comply with the conditions for driving within the space interval or if it is towing trailers which do not comply with these conditions, such vehicles may only drive within the station interval. The driver of a special purpose motor vehicle shall indicate to the route traffic officer or traffic controller whether or not the vehicle may be driven within the space allowance. (6) Drills, screwdrivers, grinders are not track vehicles. (7) Every special purpose motor vehicle shall have on its sides lettering showing: the kerb weight of the vehicle, the actual braking mass, the type of brakes, the maximum permissible speed and an indication that the vehicle may be used as a train on lines with APB or MO facilities. (8) Only one track vehicle per inter-unit section may run on the overhead contact line at intervals between two trains, except on lines with APB. (9) Track-side vehicles shall be licensed in accordance with the provisions of the regulations governing signalling. (10) If the track vehicle is in the vicinity of a level crossing within the activation points of automatic level crossing protection devices, the driver of the track vehicle shall ensure that the level crossing is protected from traffic before each level crossing is carried. 	Type 4 Other NSR	The rule provides requirements for vehicles that are not within the scope of the assessment of national rules in the field of safety, according to Article 8 of Directive (EU) 2016/798. Therefore, parts of the rule referring to technical requirements cannot be assessed. Elements of the rule related with operation with the use of the described special vehicles should be regulated in the SMS of the operator. The rule cannot be assessed under any of the areas for national rules or open points listed in Appendix I of Regulation 2019/773.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. The rule provides requirements for vehicles that are not within the scope of the assessment of national rules in the field of safety, according to Article 8 of Directive (EU) 2016/798. Therefore, parts of the rule referring to technical requirements cannot be assessed. Elements of the rule related with operation with the use of the described special vehicles should be regulated in the SMS of the operator. The rule cannot be assessed under any of the areas for national rules or open points listed in Appendix I of Regulation 2019/773. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English
105	SI-SA-755-1-D	<p>Article 165 (driving a track vehicle on the track)</p> <p>(1) The driver of a track-side vehicle must obtain the approval of the line manager for any movement of the track-side vehicle or its placing on the track at a station or on an open line. The track superintendent may authorise the movement of a track-side vehicle through a station by means of communication or verbally, and shall inform the signaller thereof. A journey to an adjacent station or to a specific point on an open line or from an open line to a station or to a specific point on an open line shall only be authorised by the traffic manager or the line conductor after he has obtained the permission of the line conductor or the traffic manager.</p> <p>(2) The traffic manager or the line traffic manager shall inform the staff of the service points on the next inter-stop section and the signaller at his station of any intended movement of a line vehicle.</p> <p>(3) The departure of a track vehicle from a station or an open line shall be announced by the line conductor or traffic manager by means of a phonograph to the staff of the service points up to the next station and to the traffic conductor or track conductor.</p> <p>(4) The driver of a track-side vehicle must give the estimated time of departure from an open line to the route traffic controller or the route traffic controller, and on a double-track line he must also state the track on which the track-side vehicle will be travelling and request permission to drive. Before departing, he must complete a Track Vehicle Pass.</p> <p>(5) When a rail vehicle arrives at a station, it must be signed out.</p> <p>(6) In the event of a track vehicle departing the track outside the clear gauge or arriving at a remotely controlled station, the driver of the track vehicle must inform the traffic controller or the track traffic controller who gave him permission to drive of the withdrawal.</p> <p>(7) While vehicles are on the line between two stations, the line traffic officer or the traffic manager, as the case may be, shall, depending on the type of signalling device, prevent the installation of an exit path or display a warning of the unauthorised installation of an exit path.</p> <p>(8) The traffic controller or the line conductor may only give permission for a train to run after the acceptance of a sign-out for a line vehicle or a message that the vehicle has been withdrawn from the line.</p> <p>(9) In exceptional cases, as determined by the Controller with the aim of ensuring fire protection, a track-side vehicle may follow a train in the same direction 5 minutes after the departure of the train in front, provided that the staff of the next service points are informed of the intended movement of the track-side vehicle, that its maximum speed does not exceed the maximum speed of the train in front and that the driver regulates his movement so that he can stop before the joint of the train in front, should the train in front of him stop on the open track. The driver of a track-side vehicle shall, when driving over a level crossing with automatic traffic protection devices, act as if the traffic at the level crossing were unprotected.</p> <p>(10) Several separate line vehicles running at a distance of at least 400 metres between two stations on a closed track may also run simultaneously. Each vehicle must have its own pass. If the distance between the worksite and the station is too short and does not allow the running of the line vehicles at a distance of 400 m, the first vehicle shall be driven to the worksite and all subsequent line vehicles shall be driven in agreement with the works manager and at a speed according to the visibility of the line.</p> <p>(11) When several separate line vehicles are running simultaneously, only the first line vehicle may pass without stopping over a level crossing at which traffic is protected by automatic devices, provided that it meets the conditions for running at a wide gap. Subsequent line vehicles shall stop before the level crossing and may proceed when the level crossing is protected. For each level crossing, the drivers of the line vehicles shall be informed separately by means of a General Order, a Pass or a phonogram of the way in which the traffic at such level crossing is to be secured.</p> <p>(12) The departure of the first line vehicle from a station shall be announced by the line conductor or the line conductor by means of a phonograph to the staff of the service points to the next station and to the conductor of the next station or to the line conductor, specifying the number of line vehicles running simultaneously at a minimum interval of 400 metres. After stopping a line vehicle on a closed track or track within the prescribed kilometre, the works manager within the worksite may, if necessary, order further movement of the line vehicle by evidence.</p> <p>(13) The time of arrival of the last line vehicle at the next station or the return to the station from which the group of line vehicles departed shall be communicated by phonogram to the line traffic controller or station traffic controller and to the service points which have been informed of the simultaneous journey.</p> <p>(14) The procedures and means of communication for the operation of a track-side vehicle on the line, as well as the procedures and safety requirements for movement on a closed line or track and the obligations of the works contractor, shall be laid down by the Controller in its SGE [SMS].</p>	Type 4 Other NSR	Elements of the rule related with operation with the use of the described special vehicles should be regulated in the SMS of the operator. The rule cannot be assessed under any of the areas for national rules or open points listed in Appendix I of Regulation 2019/773.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.
106	SI-SA-756-1-D	<p>Article 166 (speed of line vehicles)</p> <p>(1) A track-side vehicle must not exceed the maximum permissible line speed.</p> <p>(2) The speed of a line-running vehicle is specifically limited in the following cases:</p> <p>1. to 30 km/h:</p> <p>a) when driving over switches;</p> <p>b) consecutive runs of line vehicles between two stations;</p> <p>c) when towing or being towed by trailers that are not equipped with air brakes;</p> <p>2. to 20 km/h - when there is an OVRN on the step of the vehicle;</p> <p>3. at 10 km/h - when travelling over switches in a deviation for line vehicles with trailers loaded with objects on two or more trailers and for line vehicles pushing trailers coupled with a rigid coupling.</p>	Type 4 Other NSR	This rule requires additional clarification to be finally assessed. In case the rule is related with operation with the use of the described special vehicles, this should be regulated in the SMS of the operator (IM). The rule cannot be assessed under any of the areas for national rules or open points listed in Appendix I of Regulation 2019/773.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. This rule requires clarification regarding its type, scope, purpose and application. The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.
107	SI-SA-757-1-D	<p>Article 167 (passes and recording of journeys by line vehicles)</p> <p>(1) In order to drive a track-side vehicle, the traffic controller of the station which is the point of departure for the track-side vehicle must complete a pass and issue it to the driver of the track-side vehicle. It shall not be necessary to issue a pass for the operation of a track-laying vehicle within a station.</p> <p>(2) To drive a track-side vehicle from a remote-controlled station or an open line, the driver of the track-side vehicle shall complete a pass as instructed by the line traffic controller or the traffic controller from whom he/she will be authorised to drive.</p> <p>(3) The driver of a track-side vehicle shall record on the pass all placing of the track-side vehicle on the track on the open line, driving, holding and withdrawing from the track.</p> <p>(4) The pass may be valid for journeys over several interstation sections, but not beyond the next occupied station. For each journey to the next interstation section, a pass must be given, after authorisation has been obtained from the route traffic manager or traffic controller.</p> <p>(5) All phonograms of the running of line vehicles given by means of communication shall be recorded by the staff of the service points on the appropriate forms of the traffic service.</p> <p>(6) The operator must enter the information on the running of the line vehicles in the logbook.</p>	Type 4 Other NSR	Elements of the rule related with operation with the use of the described special vehicles should be regulated in the SMS of the operator. The rule cannot be assessed under any of the areas for national rules or open points listed in Appendix I of Regulation 2019/773.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.
108	SI-SA-758-1-D	<p>Article 168 (work as a line driver)</p> <p>(1) If a track-side vehicle is unable to complete its journey within the time specified in the pass, the driver of the track-side vehicle shall, before the time for completing the journey has elapsed, inform the line traffic officer(s) and then comply with their instructions.</p> <p>(2) Track-side vehicles must be under the control, under the responsibility of the driver of the track-side vehicle, while working on the line or station.</p> <p>(3) The driver of the track-side vehicle and the track-side vehicle shall be equipped with the signalling devices prescribed in the signalling regulations.</p>	Type 4 Other NSR	This rule contains obligations for the driver. This is for the SMS of the RU as identification of roles and responsibilities of staff is a part of the SMS of the RU according to requirement 2.3.1 of Annex I of Regulation (EU) 2018/762. If the IM is operating a vehicle, this rule needs to be in the SMS of the IM.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.
109	SI-SA-759-1-D	<p>Article 169 (securing and securing the vehicles after the journey)</p> <p>(1) When a line vehicle is garaged at a station, it must be secured against self-movement and locked.</p> <p>(2) When a track vehicle ends its journey on an open track, it shall be withdrawn from the track at least 2 m from the outer rail and secured in accordance with the provisions of the preceding paragraph.</p>	Type 4 Other NSR	The rule prescribes requirements on vehicle securing against self-movement. Aspects related to train braking are for the SMS of the operator. If the IM is operating a vehicle, this rule needs to be in the SMS of the IM. The rule cannot be assessed under any of the areas for national rules or open points listed in Appendix I of Regulation 2019/773.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English
110	SI-SA-760-1-D	<p>XXVIII. ORGANISATION OF TRAFFIC DURING THE WINTER PERIOD Article 170 (winter traffic)</p> <p>(1) In order to ensure the normal operation of rail traffic and to eliminate disruptions to facilities during the winter period, the operator must organise a central operational headquarters and the organisational units of the operator must organise operational headquarters. The operational staffs for securing rail traffic during the winter period must be composed of representatives of the operator and the carrier.</p> <p>(2) The winter period runs from 15 November to 15 March and in winter conditions. Winter conditions are when snow clings to the track or when the track is snow-covered or icy.</p> <p>(3) Before the onset of the winter period, the operator and the carrier shall ensure the smooth operation of the facilities and the operator shall draw up a plan for securing rail traffic during the winter period.</p> <p>(4) The plan for securing rail traffic during the winter period must include the following points:</p> <ol style="list-style-type: none"> 1.a list of the members of the Central Operations Staff and their telephone numbers; 2.a list of workers involved in the organisation, control, use and monitoring of the machinery; <p>3.a list of stations at which traffic managers are obliged to enter data on weather conditions and the amount of snowfall that has fallen;</p> <p>4.organising snow clearance work:</p> <ol style="list-style-type: none"> a)organising snow clearance according to the different stages of mobilisation, depending on the amount of snow that has fallen; b)how workers are informed and how they report to work; c)the number, type and storage location of tools and materials; <p>(c) a list of the installations and facilities, with the names of those responsible for their maintenance and protection;</p> <ol style="list-style-type: none"> d)organising snow clearance at stations and on the line; e)inspection of station tracks on which snow-removing machinery is allowed to be transported; f)a list of tracks and switches that are a priority for traffic operations (cleaning priority); g)measures for the inspection of tunnels before the carriage of consignments for which inspection is required; h)demarcation of snow removal obligations between the operator and the haulier; i)maintenance and preparation for the smooth operation of signalling equipment and the communication network; j)protection of workers at work; k)other specific features, depending on the activity for which the winter rail security plan is drawn up. <p>(5) The plan for securing rail traffic during the winter period must be drawn up for two stages of mobilisation, namely:</p> <ol style="list-style-type: none"> 1.Level - up to 20 cm of snow; 2.Level - over 20 cm of snow. <p>(6) The content of the winter rail security plan must be communicated to the staff of the operator and the carriers at the onset of winter conditions or by 15 November at the latest.</p>	Type 4 Other NSR	Majority of the rule should be covered in the SMS of the RU/IM according to requirement 5 of Regulation 2018/762. Elements of the rule fall under contingency arrangements for degraded operations - point 4.2.3.6.3 of Regulation 2019/773. The rule cannot be assessed under any of the areas for national rules or open points listed in Appendix I of Regulation 2019/773.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.
111	SI-SA-761-1-D	<p>XXIX. ORGANISATION OF TRAFFIC IN SPECIAL SITUATIONS Article 171 (check-out clerk)</p> <p>(1) A signalling office is a service point from which the running of successive trains on an open line is controlled within the signing-off interval. The boundary between the two check-out sections is a space signal. There may be more than one signalling point on an open line.</p> <p>(2) At the signal box, the signalman shall control the running of consecutive trains between the station and the signal box, between the signal boxes, or between the signal box and the station. Signalling staff must hand over their duties in writing.</p> <p>(3) The signaller controls the running of consecutive trains:</p> <ol style="list-style-type: none"> 1.by the installation of a space signal for permitted running, in conjunction with a track-side signalling device, or 2.by giving a clearance signal after the train in front has been signed off. <p>(4) The signaller must have a copy of the network timetable at his workplace.</p> <p>(5) A train may only be signed off when it has passed completely and entirely through the signing-off point and the main signal which authorised the train to proceed shows the signal sign "Stop".</p> <p>(6) If a train does not carry the prescribed signal sign "Train Termination", the signaller must inform the next station's traffic controller and the staff of all service points up to that station. He must not give the sign-off until he has received the sign-off from the next station's traffic controller.</p> <p>(7) Deregistrants must record the carriage of the train or rolling stock in their deregistration log.</p> <p>(8) If the work of the signaller at the signalling point is interrupted, trains on that part of the line run only within the station spacing between the two adjacent busy stations. In this case, the drivers shall be informed by a Train Running Order, a General Order or a phonogram that the space signals of the signalling office are invalid and that the trains are running within the station spacing.</p> <p>(9) The speed of the train must not exceed 50 km/h at the signalling points where the signaller stops work, unless these are equipped with automatic transport mode devices.</p> <p>(10) If the space signal of a signal box becomes inoperative, the signal box attendant shall immediately inform the traffic controller of the preceding station so that he can inform the drivers.</p> <p>(11) If traffic is operated at a turnout interval, the turnouts shall be so arranged that:</p> <ol style="list-style-type: none"> 1.the departure points shall be equipped with space signals, the signal signs of which shall be pre-signalled; 2.traffic on a line with APBs shall be spaced on the right-hand track according to the space signals and in the opposite direction at the departure interval; 3.traffic on lines without APBs shall be operated in both directions at the sign-off interval and the signing-off offices shall be equipped with telephones; evidence of communication with the signing-off offices shall be ensured; <p>(12) The space signals of departure points shall be marked according to the system of marking import signals, with the addition of the lower case letter "o" (e.g. A1o, B1o ...).</p>	Type 4 Other NSR	This rule does not seem to be in relation with degraded operations. Moreover, it duplicates other rules that have been already negatively assessed. Par. 1-4, 7 - arrangement of the work of IM staff should be regulated on the level of the SMS of the IM. The rule cannot be assessed under any of the areas for national rules or open points listed in Appendix I. Par 5 - train authorisation -negative assessment Par 6 - failure of the rear end signal - negative assessment Par. 8 refers to communication elements and should be revised Par. 9 may be accepted under maximum speeds in degraded mode including running on sight Par. 10 - COR 12 - assessed negatively Overall, the rule is assessed negatively. There are elements that may be renotified after revision of the rule.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.
112	SI-SA-762-1-D	<p>Article 172 (train held up at a station due to adverse weather conditions)</p> <p>If the line or traffic manager assesses that the safe running of the train is endangered by weather conditions, he shall keep the train at the station until the weather conditions improve or until he receives a message from the line that there is no danger to the train's running.</p>	Type 4 Other NSR	This rule is an element of degraded operations and contingency measures (point 4.2.3.6.3 of TSI OPE Regulation 2019/773). This should be for the SMS of IM and RU to regulate as a part of interface RU-IM.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.
113	SI-SA-763-1-D	<p>Article 173 (transport of passengers, luggage and goods during interruption of rail services)</p> <p>The procedures and method of transport of passengers, luggage and goods in the event of interruption of rail services shall be laid down by the Railway Undertaking in its SGEI [SMS] and shall be notified to the carriers.</p>	Type 4 Other NSR	This rule is a generic requirement for SMS that is already covered on EU level under TSI OPE Regulation 2019/773 points 4.2.2.4.1 Safety of load and 4.2.2.4.2 Safety of passengers, as well as requirement 5.1, 5.5 of Annex I to Regulation (EU) 2018/762.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTs), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.

No	Rule ID	Rule Content in English	Notified as	ERA assessment result	Member States' (MS) position on ERA's negative assessment	MS position EN	ERA's final opinion in English
114	SI-SA-764-1-D	<p>Article 174 (avalanche beacons)</p> <p>(1) When the avalanche beacon network is interrupted, the rotating red lights or flashing red lights indicating the signal sign "Stop, obstruction on the line" shall be switched on automatically and, at the station, the siren in the station building and the audible and light signals in the avalanche safety device shall be switched on automatically.</p> <p>(2) When avalanche detectors are activated:</p> <ol style="list-style-type: none"> 1. stop a train that is on a section where the avalanche beacons have been activated; 2. immediately change the signal signs of exit, import, area or cover signals which permit traffic to proceed in the direction from which the activation of avalanche beacons is reported to the "Stop" signal sign; 3. activate the APB base position if the train is located on an inter-station section where the avalanche beacons have been activated; 4. inform the traffic controller of the next station or the line traffic controller. <p>(3) If the driver is not informed that avalanche beacons are activated on a particular section, he shall, as soon as he sees the signal sign "Stop, obstruction on track", take all possible steps to bring the train to a halt as soon as possible. After the train has stopped and the traffic manager or the line manager has given permission for the train to proceed, the driver shall proceed on the section where the avalanche beacons have been activated, taking care to stop in front of any obstacle, keeping an eye on the track on which he is travelling, on the slope with the avalanche beacon network and, on a double-track line, on the adjacent track. If it observes an avalanche or an obstacle on the track, it shall stop in front of that point and immediately inform the traffic manager or the line traffic manager of the situation. If no further movement is possible, the driver shall return the train to the station after obtaining permission to proceed.</p> <p>(4) The procedure for withdrawing a train back to the station is as follows:</p> <ol style="list-style-type: none"> 1. for multiple units, the driver changes cab, for a wagon passenger train the first wagon in the direction of travel is occupied by the operator's OVKN, and for a freight train, if there is no train crew, the operator's OVKN or the auxiliary locomotive is requested; 2. on sections where red lights are flashing, the driver shall drive or run the train with caution, so that he can stop before any obstacle, and on sections where avalanche beacons are not activated, he shall drive at a regular speed, or, if the train is running, according to the provisions for a running train; 3. if there are level crossings on that part of the line, the driver must stop the train in front of the level crossing and act as if traffic at the level crossing is not protected; 4. before the train is withdrawn back to the station, the driver must obtain permission to drive from the line or traffic manager. <p>(5) If there is no train or track vehicle between two stations at the moment the avalanche beacons are activated, the line must be inspected. The following shall be used to inspect the track:</p> <ul style="list-style-type: none"> • a rolling stock or locomotive; • if the first train to arrive at the station is a multiple unit, the track inspection shall be carried out with that train. <p>(6) The driver of a train going on a track inspection must be informed of the track behaviour by means of a General Order or a phonogram with the following content: "Between stations and from km to km (the kilometre position of the section where the avalanche is reported, plus the braking distance on both sides), the signals of the avalanche beacons indicated the danger of avalanches or rockslides. Drive carefully on this section so that you can stop before any obstacle."</p> <p>(7) The driver of a train shall observe the track on which the train is running, the slope with the avalanche beacon network and, on a double-track line, the adjacent track and report any obstruction and the situation on the track to the traffic controller or the line traffic controller.</p> <p>(8) If a train passes a section where avalanche beacons are activated and there are no obstacles to the safe passage of trains on the section, it shall continue to the next station.</p> <p>(9) After notification that the section where the avalanche beacons are activated is free from obstructions, traffic may proceed in both directions and at a spaced interval, provided that any train which is to pass that section is informed by an order of the same content as the train which has inspected the line.</p> <p>(10) Train drivers of trains that are to run into a section where avalanche beacons are activated shall be informed until the avalanche beacons are restored to their basic state.</p>	Type 4 Other NSR	Paragraphs 3-7 contains additional responsibility for the driver which cannot be accepted. This rule describes operations when a risk of avalanche is detected. This is a part of the degraded operations (point 4.2.3.6 of Regulation 2019/773). This specific case may also be classified under rule 14 of appendix B2 of Regulation 2019/773. This should be regulated in the SMS of the IM/RU.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.
115	SI-SA-765-1-D	<p>Article 175 (train breaking)</p> <p>If vehicles move from a station or from an open track or if a train breaks, the line traffic officer(s) must be informed, who must also inform the staff at the service points. The line traffic officer(s) must stop all trains moving towards unattended vehicles on the endangered parts of the line or station. Vehicles moving uncontrolled must be directed to the track where they are likely to stop or cause the least damage. The NPr guard shall secure the traffic at level crossings and then use all available means to stop these vehicles.</p>	Type 4 Other NSR	This rule refers to emergency situations. The detailed information is for the RU/IM SMS according to requirement 5.5 of Annex I/II to Regulation (EU) 2018/762.	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.
116	SI-SA-766-1-D	<p>XXX. TRANSPORT SERVICE FORMS</p> <p>Article 176 (forms management)</p> <p>(1) For each train, information must be kept on the tracking, movements and events relating to its running.</p> <p>(2) Traffic data of trains and line vehicles at stations and service points shall be entered in the traffic log.</p> <p>(3) The forms of the traffic service shall be computerised in the prescribed form and content or manually filled in by filling in the blanks on the printed paper (individual sheets or sheets bound in a book or stapled in a block with numbered pages).</p> <p>(4) All computer print-outs whose text is printed on several pages shall have the pages numbered and, on the last page after the last entry, the additional word "End".</p> <p>(5) All traffic service forms must have a letter code with a capital "T" (traffic) and a number.</p> <p>(6) Forms to be completed in multiple copies shall be completed by photocopying or computer printout in a specified number of copies.</p> <p>(7) The general order must be given to the driver in evidence. The contents of the warrant may not be altered or amended. If the content is not appropriate, a new order must be written.</p> <p>(8) When entering control numbers in logbooks, notebooks and forms, it shall be observed that:</p> <ul style="list-style-type: none"> • the number is arbitrary and the numbers are not consecutive; • the number does not match the last number of the train number; • the independent number 0 to 9 is not used; • the number given is not greater than two digits; • the same numbers are not often used. <p>(9) Where both phonogram numbers are to be entered in one heading, they shall be entered in fractional form. The number of the phonogram received or transmitted shall be entered in the numerator and the number of the acknowledgement of receipt of the phonogram in the denominator.</p> <p>(10) Dates shall be entered in the manual forms by entering the day, month and year in order. The day and month should be written as a two-digit number and the year as a whole number (for example: 1 January 2020 should be written 01.01.2020). Time data shall be entered in hours and minutes in two-digit numbers by separating the minutes from the hour with a full stop (for example: 01.01; 07.03; 11.23).</p> <p>(11) The data in the computer printouts may not be manually corrected or corrected, but a new computer printout must be made with the correct data.</p> <p>(12) In manually completed forms, data already entered may be corrected by crossing out the data to be corrected with a thin line so that the data entered are still legible and the correct data are entered above or below the data crossed out. The worker making the correction shall certify the correction by signing in the margin of the same line. The erasure of the data entered is prohibited. If the form is completed in several copies, the data must be corrected on all copies.</p> <p>(13) The leg of the places on the route shall be shown in kilometres and metres on the forms, with kilometres and metres separated by a full stop. If the number of kilometres or metres is less than 100, they must be preceded by the appropriate number of zeros, so that together with the number of kilometres or metres they form a three-digit number (e.g.: 2nd kilometre of track and 50th metre = 002,050).</p> <p>(14) Signal designators shall be displayed in their full designation on the forms.</p> <p>(15) The use and filing of forms by workstation and the manner in which each form is to be completed shall be prescribed by the operator or the carrier, as the case may be, in its SSA [SMS].</p>	Type 4 Other NSR	This rule refers to data recording regarding IMs documentation. This level of detail should be regulated in the SMS of the IM and cannot be assessed under any of the areas for national rules or open points listed in Appendix I. This topic is covered by point 4.2.3.5 of TSI OPE Regulation 2019/773. The documentation of the IM/RU, including its formats, recording and storage, is the responsibility of the company according to its SMS (requirement 4.5 of Annex I/II of Regulation (EU) 2018/762 CSM-SMS).	MS rejected ERA's negative assessment	The provision has been established in rail transport for decades. The operator and the carriers employ persons to carry out safety-critical tasks (SCTS), whose grading varies from the lowest to the highest. We perceive that a different articulation of the provision, which would have a similar content in practice in the performance of safety-critical tasks and would not be sufficiently well understood, which in turn increases the risk for the safe operation of rail transport. Given that there was a common view among the Operator and all the operators and the Ministry that the content of the Traffic Regulation should not be split, we insist on the proposal for a national rule.	The Agency upholds their first assessment. Slovenia's position on the Agency's negative assessment did not contain additional information and/or valid arguments against the Agency's initial assessment in SRD. As regards Slovenia's point on "The operator and the carriers employ persons to carry out safety-critical tasks" the Agency considers that the safety management systems (SMS) of railway undertakings (RU) and/or infrastructure managers (IM) must contain provisions for their competence management system ensuring an appropriate articulation between the competence needs and the risks to be managed, in line with the context of the organisation. To this extent, in the Agency's view Slovenia's additional information/position does not change the Agency's initial assessment.