Commission Regulation (EU) 2016/919 of 27 May 2016 on the technical specification for interoperability relating to the 'control-command and signalling' subsystems of the rail system in the European Union (Text with EEA relevance)

COMMISSION REGULATION (EU) 2016/919

of 27 May 2016

on the technical specification for interoperability relating to the 'control-command and signalling' subsystems of the rail system in the European Union

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community[(1)], and in particular the second subparagraph of Article 6(1) thereof,

Whereas:

(1) Commission Decision 2012/88/EU[(2)] as amended by Commission Decisions 2012/696/EU[(3)] and (EU) 2015/14[(4)] laid down the technical specification for interoperability (TSI) relating to the 'control-command and signalling' (CCS) subsystems.

(2) Article 12 of Regulation (EC) No 881/2004 of the European Parliament and of the Council[(5)] requires the European Railway Agency (the Agency) to ensure that TSIs are adapted to technical progress, market trends and social requirements and to propose to the Commission the amendments to the TSIs which it considers necessary.

(3) On 10 December 2015, the Agency issued a recommendation relating to the CCS subsystems (ERA-REC-123-2015/REC). This Regulation is based on that recommendation.

(4) In accordance with Article 5(6) of Directive 2008/57/EC, technical aspects which are not covered by a TSI should be identified as 'open points' governed by national rules applicable in each Member State. Since there are no new open points in this Regulation, the national rules containing the conditions to be complied with for verifying interoperability pursuant to Article 17(2) of Directive 2008/57/EC, and the conformity assessment and verification procedures needed to apply those national rules, should already have been sent to the other Member States and the Commission.

(5) Class B systems significantly hamper the interoperability of locomotives and traction units but are necessary to ensure safe operations where Class A systems are not implemented. It is therefore important to avoid creating additional obstacles to interoperability by, for example, altering these Class B systems or by introducing new systems.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) 2016/919. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) A transparent plan for European Train Control System (ETCS) implementation and decommissioning of Class B systems should be required as it is an essential element to achieve the objectives of the Single European Railway Area. This is of particular importance when the relevant specific transmission module (STM) is not available on the market.

(7) In order to make testing principles more transparent and prepare the grounds for further harmonisation, it is necessary to lay down a requirement to publish engineering rules and the operational test scenarios.

(8) Since the implementation of provisions in point 6.1.2.3 of the Annex related to the transparent management of information on verification of trackside ETCS and GSM-R requires effective cooperation of Infrastructure Managers, the Agency should establish suitable collaboration measures to collect information and define common templates to facilitate information-sharing, addressing issues of confidentiality and intellectual property rights.

(9) Even a successful certification process cannot always exclude that, when an on-board CCS subsystem interacts with a trackside CCS subsystem, one of the subsystems repeatedly fails to function or perform as intended under certain conditions. This may be due to deficiencies in the specifications, different interpretations, design errors or equipment being installed incorrectly. A more coordinated way to perform compatibility tests should be introduced in order to help operators to take appropriate decisions.

(10) In order to adapt to the needs of the rail sector, a new version of the ETCS (Release 2 of Baseline 3) should be introduced. This version is fully backwards-compatible as demonstrated in the report ‘baseline compatibility assessment’, published by the Agency, showing the compatibility checks carried out by the Agency and the sector for the ETCS Baseline 3 (Release 2 and Maintenance Release 1) and the ETCS Baseline 2 set out in the Annex of this Regulation.

(11) The Commission should make eligible in the next CEF work programme with an ERTMS priority, actions aiming at mitigating possible incompatibilities or shortcomings of existing Baseline-2-compliant trackside implementations with on-board equipment compliant with Baseline 3.

(12) Considering the fact that European Rail Traffic Management System (ERTMS) is a complex software-based system and taking into account the change control management system, set up and managed by the Agency, collecting the feedback from the implementations of products and systems and logging the findings in the database of change requests, the Commission should request periodically to the Agency to report an assessment of the criticality of findings in the change requests database, to register critical errors in the list of TSI deficiencies according to Article 7 of Directive 2008/57/EC and to provide technical opinions to correct these errors.

(13) Trackside and on-board investments should be protected by guaranteeing backward compatibility and stability of the ERTMS specifications as indicated in the Agency report on ‘ERTMS Longer Term Perspective’ (ERA-REP-150).

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(14) The Agency should publish as early as possible a technical document specifying additional information to be displayed in the driver-machine interface in order to improve the drivers' ergonomics.

(15) Article 47 of Regulation (EU) No 1315/2013[(6)] provides for the adoption of the work plan of the ERTMS European Coordinator. The work plan will set out the implementation rules for ETCS trackside installations. Until that work plan is applicable, the ERTMS European Deployment Plan set out in Decision 2012/88/EU should continue to be applied.

(16) Commission Decision 2012/88/EU should therefore be repealed.

(17) The 'rolling stock — locomotives and passenger rolling stock' subsystem and the 'trackside control-command and signalling' and 'on-board control-command and signalling' subsystems share common interfaces. Therefore, Commission Regulation (EU) No 1302/2014[(7)] should be amended to take into account the modifications introduced by this Regulation.

(18) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 29(1) of Directive 2008/57/EC,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

The technical specification for interoperability (TSI) relating to the control-command and signalling (CCS) subsystems of the rail system in the European Union, as set out in the Annex, is hereby adopted.

Article 2

Scope

[[F1]1 The TSI shall apply to all new, upgraded or renewed 'trackside control-command and signalling' and ''on-board control-command and signalling subsystems of the rail system as defined in points 2.3 and 2.4 of Annex II to Directive (EU) 2016/797 of the European Parliament and of the Council[(8)]. Section 7.2.1a of the Annex shall apply to all changes to an existing On-Board subsystem.**]**

[[F2]2 The TSI shall not apply to existing 'trackside control-command and signalling' and 'on-board control-command and signalling' subsystems of the rail system already placed in service on all or part of any Member State's railway network on the day this Regulation enters into force, except when

a the subsystem is subject to renewal or upgrading in accordance with Section 7 of the Annex to this Regulation; or

b the area of use is extended in accordance with Article 54(3) of Directive (EU) 2016/797, in which case the provisions of Section 7.4.2.4 of the Annex to this Regulation shall apply.**]**

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) 2016/919. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F3]3 . . . . . .

4 The technical and geographical scope of the TSI is set out in points 1.1 and 1.2 of the Annex.

Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 amending Commission Regulations (EU) No 321/2013, (EU) No 1299/2014, (EU) No 1301/2014, (EU) No 1302/2014, (EU) No 1303/2014 and (EU) 2016/919 and Commission Implementing Decision 2011/665/EU as regards the alignment with Directive (EU) 2016/797 of the European Parliament and of the Council and the implementation of specific objectives set out in Commission Delegated Decision (EU) 2017/1474 (Text with EEA relevance).

F2 Substituted by Commission Implementing Regulation (EU) 2020/387 of 9 March 2020 amending Regulations (EU) No 321/2013, (EU) No 1302/2014 and (EU) 2016/919 as regards the extension of the area of use and transition phases (Text with EEA relevance).

F3 Deleted by Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 amending Commission Regulations (EU) No 321/2013, (EU) No 1299/2014, (EU) No 1301/2014, (EU) No 1302/2014, (EU) No 1303/2014 and (EU) 2016/919 and Commission Implementing Decision 2011/665/EU as regards the alignment with Directive (EU) 2016/797 of the European Parliament and of the Council and the implementation of specific objectives set out in Commission Delegated Decision (EU) 2017/1474 (Text with EEA relevance).

Article 3

Open points and specific cases

1 Within six months of the entry into force of this Regulation, each Member State shall send to the other Member States and the Commission a list of bodies designated in accordance with **[**[F1]Article 14 of Directive (EU) 2016/797**]** to carry out the conformity assessment and verification procedures in respect of:

a the open points specified in Annex G;

b the specific cases set out in point 7.6.2 of the Annex;

2 If a Member State has already sent this information pursuant to previous Commission Decisions, it shall be considered to have met this obligation.

Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 amending Commission Regulations (EU) No 321/2013, (EU) No 1299/2014, (EU) No 1301/2014, (EU) No 1302/2014, (EU) No 1303/2014 and (EU) 2016/919 and Commission Implementing Decision 2011/665/EU as regards the alignment with Directive (EU) 2016/797 of the European Parliament and of the Council and the implementation of specific objectives set out in Commission Delegated Decision (EU) 2017/1474 (Text with EEA relevance).

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Article 4

Projects at an advanced stage of development

In accordance with Article 9(3) of Directive 2008/57/EC, each Member State shall communicate to the Commission a list of projects being implemented within its territory and are at an advanced stage of development. This list shall be sent within one year of the entry into force of this Regulation.

[F3]Article 5

[[F3]Notification of information on verification of trackside ETCS and GSM-R]

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Textual Amendments

F3 Deleted by Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 amending Commission Regulations (EU) No 321/2013, (EU) No 1299/2014, (EU) No 1301/2014, (EU) No 1302/2014, (EU) No 1303/2014 and (EU) 2016/919 and Commission Implementing Decision 2011/665/EU as regards the alignment with Directive (EU) 2016/797 of the European Parliament and of the Council and the implementation of specific objectives set out in Commission Delegated Decision (EU) 2017/1474 (Text with EEA relevance).

Article 6

Implementation

1 Suppliers and applicants for authorisation for placing in service shall ensure that all equipment referred to in Article 2.1 and intended to be used on the networks referred to in Article 2(3) complies with the TSI set out in the Annex of this Regulation.

2 Notified bodies shall ensure that certificates based on the TSI set out in the Annex of this Regulation, specifically on the provisions set out in point 6, are issued within their responsibilities in accordance with **[**[F1]Articles 10 and 15 of Directive (EU) 2016/797**]**.

3 National safety authorities shall, within their responsibilities according to **[**[F1]Article 16 of Directive (EU) 2016/798 of the European Parliament and of the Council**]**[9] of the European Parliament and of the Council[10], ensure that all equipment referred to in Article 2 and placed in service in their territory complies with the TSI set out in the Annex of this Regulation.

4 Member States shall draw up a national implementation plan, describing their actions to comply with this TSI, in accordance with Section 7 of the Annex, setting out the steps to be followed for the implementation of fully interoperable ‘control-command and signalling’ subsystems.

5 Member States shall send their national implementation plan to the other Member States and the Commission within one year of entry into force of this Regulation.