Commission Regulation (EU) 2015/995 of 8 June 2015 amending Decision 2012/757/EU concerning the technical specification for interoperability relating to the 'operation and traffic management' subsystem of the rail system in the European Union (Text with EEA relevance)

COMMISSION REGULATION (EU) 2015/995

of 8 June 2015

amending Decision 2012/757/EU concerning the technical specification for interoperability relating to the 'operation and traffic management' subsystem 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 Article 6(1) thereof,

Whereas:

(1) Article 12 of Regulation (EC) No 881/2004 of the European Parliament and of the Council[(2)] requires the European Railway Agency (the Agency) to ensure that the technical specifications for interoperability (the 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.

(2) By Decision C(2010) 2576 of 29 April 2010, the Commission gave the Agency a mandate to develop and review the TSIs with a view to extending their scope to the whole rail system in the Union. Under the terms of that mandate, the Agency was requested to extend the scope of the TSI relating to the 'operation and traffic management' subsystem, to the whole rail system in the Union.

(3) Following the Commission's report on the profile and tasks of other train crew members[(3)], the Commission asked the Agency to identify the common safety-critical tasks of other crew members not related to vehicle design/rolling stock and to define the scope of Appendix J to Annex I to Commission Decision 2012/757/EU[(4)] (TSI OPE).

(4) On 18 December 2013 and on 18 July 2014, the Agency issued two recommendations on the amendments to the TSI relating to the 'operation and traffic management' subsystem (ERA-REC-100-2013/REC and ERA-REC-101-2014/REC).

(5) Decision 2012/757/EU should therefore be amended accordingly.

(6) The operation and traffic management TSI established by this Regulation does not deal with all essential requirements. In accordance with Article 5(6) of Directive 2008/57/

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EC, technical aspects which are not covered by it should be identified as 'open points' governed by national rules applicable in each Member State.

(7) Implementation, and conformity with the relevant points, of the TSI set out in the Annex, should be determined in accordance with an implementation plan that each Member State is required to update for the lines for which it is responsible.

(8) Rail traffic currently operates under national, bilateral, multinational or international agreements. It is important that these do not hinder current and future progress towards interoperability. The Member States should therefore notify such agreements to the Commission.

(9) Directive 2008/57/EC defines the 'operation and traffic management' subsystem as functional. Consequently, the compliance with the TSI on operation and traffic management is not assessed when authorising a vehicle to be brought into service but should be assessed when assessing the safety management systems of railway undertakings and infrastructure managers.

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

HAS ADOPTED THIS REGULATION:

Article 1

Decision 2012/757/EU is amended as follows:

(1) Articles 1, 2 and 3 are replaced by the following:

Article 1

Subject matter

The technical specification for interoperability (TSI) relating to the "operation and traffic management" subsystem of the rail system in the entire European Union, as set out in Annex I, is hereby adopted.

Article 2

Scope

1 The TSI set out in Annex I shall apply to the "operation and traffic management" subsystem of the rail system in the Union as defined in point 2.5 of Annex II to Directive 2008/57/EC.

2 The TSI shall apply to the following networks:

a the trans-European conventional rail system network as defined in Section 1.1 of Annex I to Directive 2008/57/EC;

b the trans-European high-speed rail system network (TEN) as defined in Section 2.1 of Annex I to Directive 2008/57/EC; and

c other parts of the network of the rail system in the Union.

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It excludes the cases referred to in Article 1(3) of Directive 2008/57/EC.

Article 3

Open points

1 With regard to the issues classified as "open points" referred to in Appendix I of Annex I, the conditions to be complied with for verifying the interoperability pursuant to Article 17(3) of Directive 2008/57/EC shall be as set out in the national rules applicable in the Member State where the operation takes place.

2 By 1 January 2016 at the latest each Member State shall inform the other Member States and the Commission of its relevant national rules.

Article 3a

Specific cases

1 With regard to specific cases referred to in point 7.3 of Annex I, the conditions to be met for the verification of interoperability pursuant to Article 17(3) of Directive 2008/57/EC shall be as set out in the national rules applicable in the Member State where the operation takes place.

2 By 1 January 2016 at the latest each Member State shall inform the other Member States and the Commission of its relevant national rules.

Article 3b

Notification of bilateral agreements

Member States shall notify the Commission of the following types of agreement by 1 January 2016 at the latest, provided they have not already done so under Commission Decision 2006/920/EC[(5)], Decision 2008/231/EC, Decision 2011/314/EU or this Decision:

(a) national agreements between the Member States and railway undertakings or infrastructure managers, agreed on a permanent or temporary basis and required by the very specific or local nature of the intended transport service;

(b) bilateral or multilateral agreements between railway undertakings, infrastructure managers or safety authorities which deliver significant levels of local or regional interoperability; and

(c) international agreements between one or more Member States and at least one third country, or between railway undertakings or infrastructure managers of Member States and at least one railway undertaking or infrastructure manager of a third country, which deliver significant levels of local or regional interoperability.

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Article 3c

Notification of rules related to the type of rear end signal

Member States shall notify the Commission of the rules defining the type of rear end signal, as described in points 4.2.2.1.3.2 and 4.2.2.1.3.3 of Annex I, by 1 January 2016 at the latest, provided they have not already been notified under Decisions 2006/920/EC, 2008/231/EC, 2011/314/EU or this Decision.

Article 3d

Implementation

1 The steps to be followed for the implementation of an interoperable operation and traffic management subsystem are set out in Section 7 of Annex I.

2 Member States shall prepare a national implementation plan, describing the actions they plan to take to comply with this Decision, in accordance with Section 7 of Annex I.

Member States shall notify their national implementation plans to the Commission by 1 July 2017 at the latest. Member States shall also notify possible updates to these national implementation plans.

3 The Commission shall publish the national implementation plans, and any subsequent revisions notified, on its website and inform Member States about them through the Committee referred to in Directive 2008/57/EC.

4 Member States that have already sent their updated implementation plan shall not be required to send it again.

(2) Annex I is replaced by the text in the Annex to this Regulation.

Article 2

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 July 2015.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

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Done at Brussels, 8 June 2015.

For the Commission

The President

Jean-Claude JUNCKER