Commission Regulation (EU) 2015/924 of 8 June 2015 amending Regulation (EU) No 321/2013 concerning the technical specification for interoperability relating to the 'rolling stock — freight wagons' subsystem of the rail system in the European Union (Text with EEA relevance)

COMMISSION REGULATION (EU) 2015/924

of 8 June 2015

amending Regulation (EU) No 321/2013 concerning the technical specification for interoperability relating to the 'rolling stock — freight wagons' 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 technical specifications for interoperability (the TSIs) are adapted in line with technical progress, market trends and social requirements and to propose to the Commission the amendments to the TSIs which it considers necessary.

(2) In Decision C(2007)3371 of 13 July 2007, the Commission gave the Agency a framework mandate to perform certain activities under Council Directive 96/48/EC[(3)] and Directive 2001/16/EC of the European Parliament and of the Council[(4)]. Under the terms of that framework mandate, the Agency was requested to revise the TSI on freight wagons provided for in Commission Regulation (EU) No 321/2013[(5)].

(3) On 21 January 2014, the Agency issued an advice on 'extension of the "GE" marking of wagons' (ERA-ADV-2014-1).

(4) On 21 May 2014, the Agency issued a recommendation on amendments to the TSI on 'assessment by notified body of composite brake blocks' (ERA-REC-109-2014-REC).

(5) Regulation (EU) No 321/2013 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Changes to legislation: Commission Regulation (EU) 2015/924 is up to date with all changes known to be in force on or before 24 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Article 1

Regulation (EU) No 321/2013 is amended as follows

(1) In Article 3, the following point (c) is inserted:

(c) with regards to the marking "GE" as depicted in point 5 of Appendix C of the Annex, wagons of the existing fleet which have been authorised in accordance with Commission Decision 2006/861/EC as amended by Decision 2009/107/EC or with Decision 2006/861/EC as amended by Decisions 2009/107/EC and 2012/464/EU and meeting the conditions set out in point 7.6.4 of Decision 2009/107/EC may receive this marking "GE" without any additional third party assessment or new authorisation for placing in service. The use of this marking in wagons in operation remains under the responsibility of the railway undertakings.

(2) The following Articles 8a, 8b and 8c are inserted:

Article 8a

1 Notwithstanding the provisions in Section 6.3 of the Annex, an EC certificate of verification may be issued for a subsystem containing components corresponding to the "friction element for wheel tread brakes" interoperability constituent that does not have an EC declaration of conformity during a transition period of 10 years after the date of application of this Regulation, if the following conditions are met:

a the component was manufactured before the date of application of this Regulation; and

b the interoperability constituent has been used in a subsystem that had been approved and placed in service in at least one Member State before the date of application of this Regulation.

2 The production, upgrade or renewal of any subsystem using non-certified interoperability constituents shall be completed, including granting authorisation for placing in service of the subsystem, before the transition period set out in paragraph 1 expires.

3 During the transition period set out in paragraph 1:

a the reasons for non-certification of any interoperability constituents shall be properly identified in the verification procedure for the subsystem referred to in paragraph 1; and

b national safety authorities shall report in their annual report, as referred to in Article 18 of Directive 2004/49/EC, on the use of non-certified "friction element for wheel tread brakes" interoperability constituents in the context of authorisation procedures.

Article 8b

1 Until the expiry of their current approval period, "friction element for wheel tread brakes" interoperability constituents listed in Appendix G of the Annex do not need to be covered by an EC declaration of conformity. During this period, "friction elements for wheel tread brakes" listed in Appendix G of the Annex shall be deemed to be compliant with this Regulation.

2 After their current approval period expires, "friction element for wheel tread brakes" interoperability constituents listed in Appendix G of the Annex shall be covered by EC declaration of conformity.

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Article 8c

1 Notwithstanding the provisions in Section 6.3 of the Annex, an EC certificate of verification may be issued for a subsystem containing components corresponding to the "friction element for wheel tread brakes" interoperability constituent that does not have an EC declaration of conformity during a transition period of 10 years after the expiry of the approval period of the interoperability constituent, if the following conditions are met:

a the component was manufactured before the expiry of the approval period of the interoperability constituent; and

b the interoperability constituent has been used in a subsystem that had been approved and placed in service in at least one Member State before the expiry of its approval period.

2 The production, upgrade or renewal of any subsystem using non-certified interoperability constituents shall be completed, including granting authorisation for placing in service of the subsystem, before the transition period set out in paragraph 1 expires.

3 During the transition period set out in paragraph 1:

a the reasons for non-certification of any interoperability constituents shall be properly identified in the verification procedure for the subsystem referred to in paragraph 1; and

b the national safety authorities shall report in their annual report, as referred to in Article 18 of Directive 2004/49/EC, on the use of non-certified "friction element for wheel tread brakes" interoperability constituents in the context of authorisation procedures.

(3) The following Article 9a is inserted:

Article 9a

The EC-type or EC design examination certificate for the "friction element for wheel tread brakes" interoperability constituent shall be valid for 10 years. During that period, new constituents of the same type may be placed on the market on the basis of an EC declaration of conformity that refers to this EC-type or EC design examination certificate.

(4) In Article 10, paragraph 1 is replaced by the following:

1. The Agency shall publish on its website the list of fully approved composite brake blocks for international transport referred to in Appendix G of the Annex, for the period in which these brake blocks are not covered by EC declarations.

(5) The following Article 10a is inserted:

Article 10a

1 In order to keep pace with technological progress, innovative solutions may be required that do not comply with the specifications set out in the Annex and/or for which the assessment methods set out in the Annex cannot be applied. In that case, new specifications and/or new assessment methods associated with those innovative solutions shall be developed.

2 Innovative solutions may be related to the "rolling stock — freight wagons" subsystem, its parts and its interoperability constituents.

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3 If an innovative solution is proposed, the manufacturer or his authorised representative established within the Union shall declare how it deviates from or complements the relevant provisions of this TSI and shall submit the deviations to the Commission for analysis.

4 The Commission shall deliver an opinion on the innovative solution proposed. If this opinion is positive, the appropriate functional and interface specifications and the assessment method, which must be included in the TSI in order to allow the use of this innovative solution, shall be developed and subsequently integrated in the TSI during the revision process carried out pursuant to Article 6 of Directive 2008/57/EC. If the opinion is negative, the innovative solution proposed shall not be applied.

5 Pending the review of the TSI, the positive opinion delivered by the Commission shall be considered an acceptable means of compliance with the essential requirements of Directive 2008/57/EC and may therefore be used for the assessment of the subsystem.

(6) The Annex to Regulation (EU) No 321/2013 is amended in accordance with the Annex to this Regulation.

Article 2

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 the Member States.

Done at Brussels, 8 June 2015.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

The Annex to Regulation (EU) No 321/2013 (WAG TSI) is amended as follows:

(1) In Chapter 3 ‘Essential requirements’, the following row is inserted in Table 1 below the row containing the text ‘4.2.4.3.4’ in the cell in the ‘Point’ column:

4.2.4.3.5	Friction elements for wheel tread brakes	1.1.1, 1.1.2, 1.1.3, 2.4.1				2.4.3

(2) Chapter 4 ‘Characterisation of the subsystem’ is amended as follows:

(a) in point 4.2.1, the third subparagraph is deleted;

(b) the following point 4.2.4.3.5 is inserted:

4.2.4.3.5. *Friction elements for wheel tread brakes*

The friction element for wheel tread brakes (i.e. brake block) generates brake forces by friction when engaged with the wheel tread.

If wheel tread brakes are used the characteristics of the friction element shall contribute reliably to achieving the intended brake performance.

The demonstration of conformity is described in point 6.1.2.5 of this TSI.

(3) Chapter 5 ‘Interoperability constituents’ is amended as follows:

(a) section 5.2 is replaced by the following:

5.2. **Innovative solutions**

As stated in Article 10a, innovative solutions may require new specifications and/or new assessment methods. Such specifications and assessment methods shall be developed using the process described in point 6.1.3 whenever an innovative solution is envisaged for an interoperability constituent.;

(b) the following point 5.3.4a is added:

5.3.4a. *Friction element for wheel tread brakes*

The friction element for wheel tread brakes shall be designed and assessed for an area of use defined by:

— dynamic friction coefficients and their tolerance bands,
— minimum static friction coefficient,
— maximum permitted brake forces applied on the element,
— suitability for train detection by systems based on track circuits,
— suitability for severe environmental conditions.

A friction element for wheel tread brakes shall comply with the requirements defined in point 4.2.4.3.5. These requirements shall be assessed at IC level.

(4) Chapter 6 ‘Conformity assessment and EC verification’ is amended as follows: