Commission Regulation (EU) No 1302/2014 of 18 November 2014 concerning a technical specification for interoperability relating to the 'rolling stock — locomotives and passenger rolling stock' subsystem of the rail system in the European Union (Text with EEA relevance)

COMMISSION REGULATION (EU) No 1302/2014

of 18 November 2014

concerning a technical specification for interoperability relating to the 'rolling stock — locomotives and passenger rolling stock' 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) second subparagraph thereof,

Whereas:

(1) Article 12 of Regulation (EC) No 881/2004 of the European Parliament and of the Council[(2)] establishing a European Railway Agency (Agency Regulation) requires the European Railway Agency (hereinafter 'the Agency') to ensure that the technical specifications for interoperability (hereinafter 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 TSI's 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 subsystem 'rolling stock — locomotives and passenger rolling stock', to the whole rail system in the Union.

(3) On 12 December 2012, the Agency issued a recommendation on the revised TSI relating to the subsystem 'rolling stock — locomotives and passenger rolling stock'.

(4) In order to follow technological evolution and encourage modernisation, innovative solutions should be promoted and their implementation should, under certain conditions, be allowed. Where an innovative solution is proposed, the manufacturer or his authorised representative should state how they deviate from or how they complement to the relevant section of the TSI, and the innovative solution should be assessed by the Commission. If this assessment is positive, the Agency should define the appropriate functional and interface specifications of the innovative solution and develop the relevant assessment methods.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) No 1302/2014. 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*

(5) The TSI on rolling stock established by this Regulation does not deal with all essential requirements. In accordance with Article 5(6) of Directive 2008/57/EC, technical aspects which are not covered by it should be identified as 'open points' governed by national rules applicable in each Member State.

(6) In accordance with Article 17(3) of Directive 2008/57/EC, Member States are to notify the Commission and other Member States the technical rules, the conformity assessment and verification procedures to be used for the specific cases, and the bodies responsible for carrying out these procedures. The same obligation should be provided as regards to open points.

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

(8) In accordance with Article 11(5) of Directive 2008/57/EC, the TSI on rolling stock should allow, for a limited period of time, for interoperability constituents to be incorporated into subsystems without certification if certain conditions are met.

(9) Commission Decisions 2008/232/EC[(3)] and 2011/291/EU[(4)] should therefore be repealed.

(10) In order to prevent unnecessary additional costs and administrative burden, Decisions 2008/232/EC and 2011/291/EU should continue to apply after their repeal to the subsystems and projects referred to in Article 9(1)(a) of Directive 2008/57/EC.

(11) 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

The technical specification for interoperability (TSI) relating to the 'rolling stock — locomotives and passengers rolling stock' subsystem of the rail system in the entire European Union, as set out in the Annex, is hereby adopted.

Article 2

1 The TSI shall apply to the 'rolling stock' subsystem as described in **[**[F1]point 2.7 of Annex II to Directive (EU) 2016/797 of the European Parliament and of the Council**]**[(5)] which is, or is intended to be, operated on the rail network defined in point 1.2 of the Annex and which falls under one of the following types:

a self-propelling thermal or electric trains;

b thermal or electric traction units;

c passenger carriages;

d mobile railway infrastructure construction and maintenance equipment.

2 The TSI shall apply to the rolling stock referred to in paragraph 1 which is intended to be operated on one or more of the following nominal track gauges: 1 435 mm, 1 520 mm, 1 524 mm, 1 600 mm and 1 668 mm, as stated in Section 2.3.2 of the Annex.

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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).

Article 3

1 Without prejudice to Articles 8 and 9, and point 7.1.1 of the Annex, the TSI shall apply to all new rolling stock of the rail system in the Union, defined in Article 2(1), which is placed in service from 1 January 2015.

[[F2]2 The TSI shall not apply to existing rolling stock of the rail system in the Union which is already placed in service on all or part of the network of any Member State on 1 January 2015, except when

a it is subject to renewal or upgrading in accordance with Section 7.1.2 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 in Section 7.1.4 of the Annex to this Regulation shall apply.**]**

3 The technical and geographical scope of this Regulation is set out in Sections 1.1 and 1.2 of the Annex.

4 The fitment of the on-board energy measurement system defined in clause 4.2.8.2.8 of the Annex is mandatory for new, upgraded and renewed vehicles intended to be operated on networks equipped with the on-ground energy data collecting system (DCS) defined in point 4.2.17 of Commission Regulation (EU) No 1301/2014[(6)].

Textual Amendments

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).

Article 4

[[F1]1 With regard to the aspects listed as ‘open points’ in Appendix I of the Annex, the conditions to be complied with for verifying the essential requirements set out in Annex III to Directive (EU) 2016/797 shall be those laid down by national rules in force in the Member States which are part of the area of use of the vehicles covered by this Regulation.**]**

2 Within six months of the entry into force of this Regulation, each Member State shall send to the other Member States and the Commission the following information, unless such information has already been sent to them under Commission Decisions 2008/232/EC or 2011/291/EU:

a the national rules referred to in paragraph 1;

b the conformity assessment and verification procedures to be carried out to apply the national rules referred to in paragraph 1;

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[[F1]c the bodies designated to carry out the conformity assessment and verification procedures with respect to the open points.**]**

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).

Article 5

[[F1]1 With regard to specific cases listed in Section 7.3 of the Annex, the conditions to be met for the verification of the essential requirements set out in Annex III to Directive (EU) 2016/797 shall be those laid down in Section 7.3 of the Annex or by national rules in force in the Member States which are part of the area of use of the vehicles covered by this Regulation.**]**

2 Within six months of the entry into force of this Regulation, each Member State shall notify the other Member States and to the Commission with:

a the national rules referred to in paragraph 1;

b the conformity assessment and verification procedures to be carried out to apply the national rules referred to in paragraph 1;

[[F1]c the bodies designated to carry out the conformity assessment and verification procedures for the national rules relating to the specific cases set out in point 7.3 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).

Article 6

1 Without prejudice to the agreements which have already been notified under Decision 2008/232/EC, and shall not be notified again, Member States shall notify the Commission, within six months of the entry into force of this Regulation, any existing national, bilateral, multilateral or international agreements under which the rolling stock within the scope of this Regulation is operated.

2 Member States shall forthwith notify the Commission with any future agreements or modifications of existing agreements.

Article 7

In accordance with Article 9(3) of Directive 2008/57/EC, each Member State shall communicate to the Commission within one year of the entry into force of this

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Regulation the list of projects being implemented within its territory and are at an advanced stage of development.

Article 8

1 An 'EC' certificate of verification for a subsystem that contains interoperability constituents which do not have an 'EC' declaration of conformity or suitability for use may be issued during a transitional period ending on 31 May 2017 provided the provisions laid down in Section 6.3 of the Annex are met.

2 The production or upgrade/renewal of the subsystem using non-certified interoperability constituents shall be completed within the transitional period set out in paragraph 1, including the placing in service.

3 During the transitional period set out in paragraph 1:

a the reasons for non-certification of any interoperability constituents shall be properly identified by the notified body before granting the 'EC' certificate pursuant to **[**F1Article 15 of Directive (EU) 2016/797**]**;

b the national safety authorities, pursuant to **[**F1Article 16(2)(d) of Directive (EU) 2016/798 of the European Parliament and of the Council**]**(7), shall report on the use of non-certified interoperability constituents in the context of authorisation procedures in their annual report referred to in **[**F1Article 19 of Directive (EU) 2016/798**]**.

4 After one year from the entry into force of this Regulation, newly produced interoperability constituents shall be covered by the 'EC' declaration of conformity or suitability for use.

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).

Article 9

The declaration of verification of a subsystem referred to in **[**F1Articles 13 to 15 of Directive (EU) 2016/797**]** and/or the declaration of conformity to type of a new vehicle referred to in **[**F1Article 24 of Directive (EU) 2016/797**]** established in accordance with Decision 2008/232/EC or Decision 2011/291/EU shall be considered valid until the Member States decide that the type or design certificate needs to be renewed as stated in those Decisions.

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).