Commission Regulation (EU) No 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility (Text with EEA relevance)

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(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 Articles 6(1) and 8(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 (TSIs) are adapted to technical progress, market trends and social requirements and to propose to the Commission any amendments to the TSIs which it considers necessary.

(2) By Decision C(2010) 2576[(3)], the Commission gave the Agency a mandate to develop and review the technical specifications for interoperability with a view to extending their scope to the entire rail system in the Union. Under the terms of that mandate, the Agency was asked to extend the scope of the TSI relating to accessibility of the trans-European conventional and high-speed rail system provided for by Commission Decision 2008/164/EC[(4)] for persons with disabilities and persons with reduced mobility to the entire rail system throughout the Union.

(3) On 6 May 2013 the Agency submitted a recommendation on the adoption of the TSI relating to persons with reduced mobility.

(4) The United Nations Convention on the Rights of Persons with Disabilities, to which the Union and most Member States are party, recognises accessibility as one of its general principles. It requires, in Article 9, States Parties to take appropriate measures to ensure that persons with disabilities have access on an equal basis with others. These measures must include the identification and elimination of obstacles and barriers to accessibility and apply, inter alia, to transportation.

(5) Directive 2008/57/EC establishes ‘accessibility’ as an essential requirement of the rail system within the Union.

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(6) Directive 2008/57/EC provides for a register of infrastructure and registers of vehicles, indicating the main parameters, to be published and updated on a regular basis. Commission Decision 2008/164/EC further defines the parameters for the TSI relating to 'persons with reduced mobility' to be included in these registers. As the objectives of these registers are linked to the authorisation procedure and technical compatibility, it is considered necessary to establish a separate tool for these parameters. This inventory of assets should enable obstacles and barriers to accessibility to be identified and their progressive elimination to be monitored.

(7) Directive 2008/57/EC establishes the principle of gradual implementation, in particular providing that target subsystems indicated in a TSI may be set in place gradually within a reasonable timescale and that each TSI should indicate an implementation strategy with a view to making a gradual transition from the existing situation to the final situation in which compliance with the TSI will be the norm.

(8) With a view to progressively eliminating within a reasonable timescale, all identified barriers to accessibility by way of a coordinated effort to renew and upgrade subsystems and by deploying operational measures, Member States should establish national implementation plans. However, since these national implementation plans cannot be in sufficient detail and are subject to unpredictable changes, Member States should continue to submit information in cases when placing in service of existing subsystems after renewal or upgrading requires a new authorisation for placing in service and if the TSI is not fully applied in accordance with Directive 2008/57/EC.

(9) The Union should adopt common priorities and criteria which Member States should integrate in their national implementation plans. This will contribute to achieving progressive implementation of the TSI within a reasonable timescale.

(10) In order to follow technological evolution and encourage modernization, innovative solutions should be promoted and their implementation should, under certain conditions, be allowed. Where an innovative solution is proposed, the manufacturer or his authorized representative should explain how they deviate from 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 appropriate assessment methods.

(11) In order to prevent unnecessary additional costs and administrative burden and in order not to interfere with existing contracts, Decision 2008/164/EC should continue to apply to subsystems and projects referred to in Article 9(1)(a) of Directive 2008/57/EC after its repeal.

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

HAS ADOPTED THIS REGULATION:

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Article 1

Subject matter

This Regulation establishes the technical specification for interoperability (TSI) relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility, as set out in the Annex.

Article 2

Scope

1 The TSI shall apply to the infrastructure, operation and traffic management, telematics applications and rolling stock subsystems as described in point 2 of Annex II to Directive 2008/57/EC and in point 2.1 of the Annex to this Regulation. It shall cover all aspects of these subsystems which are relevant to accessibility for persons with disabilities and persons with reduced mobility.

2 The TSI shall apply to the following networks:

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

b the trans-European high-speed rail system network as defined in Annex I, section 2.1 of Directive 2008/57/EC;

c all other parts of the network.

The TSI shall not cover the cases referred to in Article 1(3) of Directive 2008/57/EC.

3 The TSI shall apply to all new infrastructure or rolling stock subsystems of the rail system in the Union, referred to in paragraph 1, which is placed in service after the date of application provided for in Article 12, account being taken of points 7.1.1 and 7.1.2 of the Annex.

4 The TSI shall not apply to existing infrastructure or rolling stock of the rail system in the Union, referred to in paragraph 1, which is already placed in service on the network (or part of it) of any Member State at the date of application provided for in Article 12.

5 However, the TSI shall apply to existing infrastructure and rolling stock of the rail system in the Union, referred to in paragraph 1, when it is subject to renewal or upgrading in accordance with Article 20 of Directive 2008/57/EC, having regard to Article 8 of this Regulation and point 7.2 of the Annex to this Regulation.

Article 3

Conformity assessment

1 The procedures for conformity assessment of interoperability constituents and subsystems set out in Section 6 of the Annex shall be based on the modules established in Commission Decision 2010/713/EU[(5)].

2 The type or design examination certificate of interoperability constituents shall be valid for a five year period. During that period, new constituents of the same type are permitted to be placed into service without a new conformity assessment.

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3 Certificates referred to in paragraph 2 which have been issued according to the requirements of Decision 2008/164/EC remain valid, without a need for a new conformity assessment, until the expiry date originally established. In order to renew a certificate the design or type shall be re-assessed only against new or modified requirements set out in the Annex to this Regulation.

4 Universal toilet modules which have been assessed against the requirements of Commission Decision 2008/164/EC shall not be re-assessed when they are intended for rolling stock of an existing design as defined in Commission Regulation (EU) No 1302/2014[(6)].

Article 4

Specific cases

1 With regard to specific cases referred to in Section 7.3 of the Annex, the conditions to be met for the verification of interoperability in accordance with Article 17(2) of Directive 2008/57/EC shall be the applicable technical rules in use in the Member State which authorises the placing in service of the subsystems covered by this Regulation.

2 By 1 July 2015, each Member State shall inform the other Member States and the Commission about:

a the technical rules referred to in paragraph 1;

b the conformity assessment and verification procedures to be carried out with a view to applying the national rules referred to in paragraph 1;

c the bodies designated in accordance with Article 17, paragraph 3, of Directive 2008/57/EC appointed to carry out the conformity assessment and verification procedures with respect to the specific cases set out in Section 7.3 of the Annex.

Article 5

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, within one year of the entry into force of this Regulation, a list of projects being implemented within its territory and that are at an advanced stage of development.

Article 6

Innovative solutions

1 Technological progress may require innovative solutions, which do not comply with the specifications set out in the Annex or for which the assessment methods set out in the Annex cannot be applied.

2 Innovative solutions may concern the infrastructure and rolling stock subsystems, their parts and their interoperability constituents.

3 If an innovative solution is proposed, the manufacturer or his authorised representative established within the Union shall state how it deviates from the relevant provision of the TSI set out in the Annex and submit it to the Commission for analysis. The Commission may request

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the Agency's opinion on the proposed innovative solution and, where appropriate, may consult relevant stakeholders.

4 The Commission shall deliver an opinion on the proposed innovative solution. If this opinion is positive, the appropriate functional and interface specifications and the assessment method needed in the TSI to enable use to be made of this innovative solution shall be developed and subsequently incorporated in the TSI during the revision process. If the opinion is negative, the innovative solution proposed cannot be applied.

5 Pending the revision of the TSI, the positive opinion delivered by the Commission shall be considered as acceptable means of compliance with the essential requirements of Directive 2008/57/EC and may be used for the assessment of subsystems and projects.

Article 7

Inventory of Assets

1 Each Member State shall ensure that an inventory of assets is established and implemented with a view to:

a identifying barriers to accessibility;

b providing information to users;

c monitoring and evaluating progress on accessibility.

2 The Agency shall set up and run a working party in charge of making a proposal for a recommendation as regards the minimum structure and content of data to be collected for the inventories of assets. The Agency shall submit a recommendation to the Commission, including on content, data format, functional and technical architecture, operating mode, rules for data input and consultation, and rules for self-assessment and designation of the entities responsible for data provision. In order to identify the most viable solution, the recommendation shall take into account the estimated costs and benefits of all the technical solutions considered. It shall include a proposal for the timing of the establishment of the inventories of assets.

3 On the basis of the recommendation referred to in paragraph 2, chapter 7 of the Annex shall be updated in accordance with Article 6 of Directive 2008/57/EC.

4 The scope of these inventories of assets shall extend at least to:

a public areas of stations dedicated to the transport of passengers as defined in point 2.1.1 of the Annex;

b rolling stock as defined in point 2.1.2 of the Annex.

5 The inventory of assets shall be updated to incorporate data on new infrastructure and rolling stock and on renewal or upgrading work done to existing infrastructure and rolling stock.

[F1 Article 7a

Collection, maintenance and exchange of accessibility data

1 Within nine months after 16 June 2019, each Member State shall decide which entities are in charge of collecting, maintaining and exchanging the accessibility data.

2 Member States may ask the Commission for an extension of the time limit. This extension shall be exceptional, duly justified and limited in time. In particular it is considered to be justified if the data collection tool and the operating modes as set out in the Annex of