# Commission Regulation (EU) No 1236/2013 of 2 December 2013 concerning the technical specification for interoperability relating to the subsystem 'rolling stock — freight wagons' of the rail system in the European Union and amending Regulation (EU) No 321/2013 (Text with EEA relevance)

## COMMISSION REGULATION (EU) No 1236/2013

## of 2 December 2013

## concerning the technical specification for interoperability relating to the subsystem 'rolling stock — freight wagons' of the rail system in the European Union and amending Regulation (EU) No 321/2013

## (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 of 29 April 2004 establishing a European railway agency[(2)] 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(2007) 3371 of 13 July 2007, the Commission gave the Agency a framework mandate to perform certain activities under Council Directive 96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail system[(3)] and Directive 2001/16/EC of the European Parliament and of the Council of 19 March 2001 on the interoperability of the trans-European conventional rail system[(4)]. Under the terms of that framework mandate, the Agency was requested to revise the TSI on freight wagons.

(3) On 25 March 2013, the Agency issued a recommendation on amendments to the TSI on freight wagons (ERA/REC/01-2013/INT).

(4) It is therefore necessary to amend Commission Regulation (EU) No 321/2013 of 13 March 2013 concerning the technical specification for interoperability relating to the subsystem 'rolling stock — freight wagons' of the rail system in the European Union[(5)].

(5) 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,

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HAS ADOPTED THIS REGULATION:

*Article 1*

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

(1) Article 8(4) is replaced by the following:

4. After a transitional period of one year following the entry into force of this Regulation, newly produced interoperability constituents of "rear-end signals", shall be covered by the required EC declaration of conformity.;

(2) the Annex is amended in accordance with the Annex to this Regulation.

*Article 2*

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

It shall apply from 1 January 2014.

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

Done at Brussels, 2 December 2013.

*For the Commission*

*The President*

José Manuel BARROSO

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## ANNEX

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

(1) the text of point 1.2 ‘Geographical scope’ is replaced by the following:

> The geographical scope of this TSI is the network of the whole rail system, composed of:
> — the trans-European conventional rail system network (TEN) as described in Annex I section 1.1 ‘Network’ of Directive 2008/57/EC,
> — the trans-European high-speed rail system network (TEN) as described in Annex I section 2.1 ‘Network’ of Directive 2008/57/EC,
> — other parts of the network of the whole rail system, following the extension of scope as described in Annex I section 4 of Directive 2008/57/EC,
>
> and excludes the cases referred to in Article 1(3) of Directive 2008/57/EC.;

(2) in point 4.2.3.5.2 ‘Running dynamic behaviour’, the fourth paragraph is replaced by the following:

> Running dynamic behaviour is permitted to be assessed at interoperability constituent level in accordance with point 6.1.2.1. In this case a specific test or simulation at subsystem level is not required.;

(3) in point 4.2.3.6.1 ‘Structural design of bogie frame’, the second paragraph is replaced by the following:

> The integrity of the structure of a bogie frame is permitted to be assessed at interoperability constituent level in accordance with point 6.1.2.1. In this case a specific test or simulation at subsystem level is not required.;

(4) in point 4.2.4.3.2.1 ‘Service brake’:

(a) the text of the second paragraph, second bullet point is replaced by the following:
> — UIC leaflet 544-1:2013;

(b) the text of the third paragraph is replaced by the following:

> The calculation shall be validated by tests. Brake performance calculation in accordance with UIC 544-1 shall be validated as set out in UIC 544-1:2013;

(5) in point 4.2.4.3.2.2 ‘Parking brake’, the second paragraph, third bullet point, is replaced by the following:
> — the minimum parking brake performance, considering no wind, shall be determined by calculations as defined in Clause 6 of EN 14531-6:2009.;

(6) in point 4.2.4.3.3 ‘Thermal capacity’, the second paragraph is replaced by the following:

> The thermal load that the unit is capable of withstanding without any adverse loss of brake performance due to thermal or mechanical effects, shall be defined and expressed in terms of speed, axle load, gradient and brake distance.;

(7) in point 4.2.4.3.4 ‘Wheel slide protection (WSP)’ the text of the fourth paragraph is replaced by the following:

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The following types of units shall be fitted with WSP:

— types of units equipped with all types of brake blocks except composite brake blocks, for which the maximum mean utilisation of adhesion is greater than 0,12,

— types of units equipped with disc brakes only and/or with composite brake blocks, for which the maximum mean utilisation of adhesion is greater than 0,11.;

(8) the text of point 4.2.6.3 ‘Attachment devices for rear-end signal’ is replaced by the following:

On all units designed to receive a rear-end signal, two devices at the end of the unit shall provide for the installation of two lamps or two reflective plates as set out in Appendix E at the same height above rail and not higher than 2 000 mm. The dimensions and clearance of these attachment devices shall be as described in chapter 1 of ERA technical document ERA/TD/2012-04/INT version 1.2 of 18.1.2013 published on the ERA website (http://www.era.europa.eu).;

(9) in point 4.3.3 ‘Interface with the subsystem control, command and signalling’ the Table 7 ‘Interface with control, command and signalling subsystem’ is replaced by the following:

| **Reference in this TSI** | **Reference Commission Decision 2012/88/EUAnnex A, Table A2, index 77** |
|---|---|
| 4.2.3.3 a)Rolling stock characteristics compatible with train detection system based on track circuits | — axle distances (3.1.2.1, 3.1.2.4, 3.1.2.5 and 3.1.2.6),<br>— vehicle axle load (3.1.7.1),<br>— impedance between wheels (3.1.9),<br>— use of composite brake blocks (3.1.6). |
| 4.2.3.3 b)Rolling stock characteristics compatible with train detection system based on axle counters | — axle distances (3.1.2.1, 3.1.2.2, 3.1.2.5 and 3.1.2.6),<br>— wheel geometry (3.1.3.1-3.1.3.4),<br>— metal/inductive components-free space between wheels (3.1.3.5)<br>— wheel material (3.1.3.6). |
| 4.2.3.3 c)Rolling stock characteristics compatible with train detection system based on loop equipment | — vehicle metal construction (3.1.7.2). |

(10) in point 4.4 ‘Operating rules’, the third paragraph, first bullet point, is replaced by the following:

— a description of operation in normal mode, including the operational characteristics and limitations of the unit (e.g. vehicle gauge, maximum design speed, axle loads, brake performance, compatibility with train detection systems, permitted environmental conditions).;

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(11) in point 4.7 ‘Health and safety conditions’ the first paragraph is replaced by the following:

> The provisions for health and safety of staff required for the operation and maintenance of units are covered by essential requirements 1.1.5, 1.3.1, 1.3.2, 2.5.1 and 2.6.1 set out in Annex III to Directive 2008/57/EC.;

(12) point 4.8 ‘Parameters to be recorded in the technical file’ is amended as follows:

(a) the title is replaced by the following:

4.8 Parameters to be recorded in the technical file and European register of authorised types of vehicles;

(b) the text of the 18th bullet point is replaced by the following:

— Thermal load of the brake components expressed in terms of speed, axle load, gradient and brake distance.;

(c) the following second paragraph is added at the end:

> The rolling stock data that must be recorded in the ‘European register of authorised types of vehicles (ERATV)’ are set out in the Commission Implementing Decision 2011/665/EU of 4 October 2011 on the European register of authorised types of railway vehicles[(6)].;

(13) in point 6.1.2.1 ‘Running gear’, the first paragraph is replaced by the following:

> The demonstration of conformity for the running gear is set out in chapter 2 of ERA technical document ERA/TD/2013/01/INT version 1.0 of 11.2.2013 published on the ERA website (http://www.era.europa.eu);

(14) in point 6.1.2.3 ‘Wheel’ the text in indent (b), the second paragraph is replaced by the following:

> A verification procedure shall exist to ensure at the production phase that no defects may adversely affect safety due to any change in the mechanical characteristics of the wheels. The tensile strength of the material in the wheel, the hardness of the rim, the fracture toughness (only for tread-braked wheels), the resistance to impact, the material characteristics and the material cleanliness shall be verified. The verification procedure shall specify the batch sampling used for each characteristic to be verified.;

(15) the text of point 6.1.2.4 ‘Axle’ is replaced by the following:

> In addition to the requirement for the assembly above, the demonstration of conformity of the mechanical resistance and fatigue characteristics of the axle shall be based on Clauses 4, 5 and 6 of EN13103:2009 + A2:2012.
>
> The decision criteria for the permissible stress are specified in Clause 7 of EN EN13103:2009 + A2:2012. A verification procedure shall exist to ensure at the production phase that no defects may adversely affect safety due to any change in the mechanical characteristics of the axles. The tensile strength of the material in the axle, the resistance to impact, the surface integrity, the material characteristics and the material cleanliness shall be verified. The verification procedure shall specify the batch sampling used for each characteristic to be verified.;

(16) in point 6.2.2.3 ‘Running dynamic behaviour’, the fourth paragraph is replaced by the following: