

Technical Specifications for Interoperability adjusted to the 4th Railway Package

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On 16 June 2019 the amendments to the Technical Specifications for Interoperability (TSI) came into effect. However, the amendments should not be a matter of concern for the manufacturers, investors and contractors. There are transitional periods foreseen for many projects with regard to the application of the new TSIs, and the authority of notification bodies is automatically extended by the new TSIs.

On 27 May 2019 there were two Commission implementing Regulations published, that have amended the hitherto binding TSIs. These are: the Regulation 2019/774, amending the Regulation (EU) 1304/2014 by extending the application of the TSI for the subsystem “Rolling stock – Noise” with regard to the existing cargo wagons^[1] and the Regulation 2019/776, amending the texts of other structural TSIs^[2]. The regulations entered into force on 16 June 2019 and are to be applied directly in all EU member states.

The published regulations introduce amendments into existing TSIs with regard to their adaptation to the regulations of the 4th Railway Package. An important change is the introduction of regulations regarding the management of modifications. To certain extent some technical requirements have changed depending on the given TSI.

Among the published regulations there is also the TSI Noise amendment, which definitely confirms solutions favourable to Poland, regarding the exchange of brake linings in freight wagons. The regulation determines the selection of certain sections of railway lines (so-called “silent sections”), on which the movement of cargo trains with cast-iron brake linings will not be possible after 8 December 2024. Some types of rolling stock, among those the ones with tyred wheels, will however fall under a longer transition period lasting until 31 December 2036.

Transitional regulations differ when it comes to rolling stock projects and infrastructural projects. In both cases it is essential that the validity of authorisation powers of notification bodies remains in force. The authorisation power is automatically extended with regard to the amended TSIs. F.e. a notification body, which currently holds authorisation powers to conduct

the EC verification process with regard to the TSI LOC&PAS after 16 June 2019, will also hold authorisation powers to conduct the EC verification with regard to the compliance with this TSI in the form as stated in the Regulation 2019/776.

Rolling stock projects

For new and modernised rolling stock and elements of the subsystem “Command-Controlling and Signalling”, for which the EC verification processes had started before the Regulations 2019/776 and 2019/774 entered into force and are currently in progress, it is allowed to conduct the processes under the previous TSI and issue the EC verification certificate without the observation of the modified TSI text.

With regard to locomotives and passenger rolling stock one should apply the regulations, regarding the basis for evaluation, as described in par. 7.1.3.1. of TSI LOC&PAS (the current text as in Appendix IV to the Regulation 2019/776). If there had been an agreement signed with a notification body before the Regulation 2019/776 entered into force, it will be possible to apply the TSI LOC&PAS regulations in the hitherto version. A similar arrangement has also been provided with regard to the cargo wagons. With application of par. 7.2.3.1.1. of TSI WAG^[3] (the current text as in Appendix I to the Regulation 2019/776) it is also possible to apply the current (at the moment of the designation of the notification body by the applicant) text of the TSI as the basis for the verification process (so-called “Phase A”). These regulations apply not only to the requirements described in the TSI WAG and TSI LOC&PAS, but also to the fundamental requirements described in other structural TSIs for the subsystem “Rolling stock”.

With regard to the elements of the subsystem “Command-Controlling and Signalling”, in accordance with article 13 paragraph 3 of TSI CCS, added by the article 6 paragraph 8 of the Regulation 2019/776, the applicants may still use the regulations of the initial TSI CCS version when applying for permits regarding the on-board systems, produced in accordance with ERTMS #2 or #3 specifications, as listed in table A.2. of the Appendix A of the TSI CCS. The only condition is that the project be in an advanced stage at the date of the entry into force of Regulation 2019/776.

Infrastructural projects

The Regulation 2019/776 has introduced amendments, which aim at adjusting the TSI INF, TSI ENE and TSI SRT regulations to the Directive 2016/797. The above-mentioned TSIs have not been amended by transitional regulations. Such solution brings the following results:

- transitional regulations being part of the hitherto TSIs remain in force – so the investments qualified on the current legal basis as projects in an advanced execution stage remain current and may be conducted as before;

- all new investment projects, which will begin after 16 June 2019, should proceed in accordance with TSI INF, TSI ENE or TSI SRT, as stated in the amendments introduced by the Regulation 2019/776;
- projects, which started before 16 June 2019 according to TSI INF, TSI ENE and TSI SRT, and will be continued after this date, must be executed taking into consideration the amendments introduced by the relevant TSIs. It is however noteworthy that the scope of changes introduced in those TSIs is minimal and does not influence the technical requirements.

With regard to the TSI CCS^[4] there are other transitional regulations planned. The applicants may follow the initial TSI CCS regulations when they apply for permits with regard to projects of trackside instruments, which are at an advanced stage of execution on the date of entry into force of the Regulation 2019/776 (16 June 2019). For such projects one should apply the requirements of the paragraphs 6.1.2.4 and 6.1.2.5 of TSI CCS, which provide new principles of the EC verification process of the subsystem in the scope of ETCS (ESC) system and radio system (RSC) compatibility. According to the aforementioned paragraphs the infrastructure manager is obliged to determine, on a national level, the rules for controlling of the compatibility of the ETCS systems and radio communication. The manager must prepare and pass those rules to the Agency until – at the latest – 16 January 2020.

[1] <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32019R0774>

[2] <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32019R0776>

[3] <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R0321>

[4] <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0919>