

Council Directive 96/48/EC of 23 July 1996 on the interoperability
of the trans-European high-speed rail system (repealed)

CHAPTER I

General provisions

Article 1

1 In accordance with Articles 129b and 129c of the Treaty, the aim of this Directive is to establish the conditions to be met in order to achieve interoperability within Community territory of the trans-European high-speed rail system as described in Annex I.

2 These conditions concern projects for and the construction, upgrading and operation of the infrastructures and rolling stock which will contribute to the functioning of the system to be put into service after the date of entry into force of this Directive.

Article 2

For the purposes of this Directive:

- (a) *trans-European high-speed rail system* means the structure described in Annex I, composed of the railway infrastructures comprising lines and fixed installations, of the trans-European transport network, constructed or upgraded to be travelled on at high speeds, and rolling stock designed for travelling on those infrastructures;
- (b) *interoperability* means the ability of the trans-European high-speed rail system to allow the safe and uninterrupted movement of high-speed trains which accomplish the specified levels of performance. This ability rests on all the regulatory, technical and operational conditions which must be met in order to satisfy essential requirements;
- (c) *subsystems* means that the trans-European high-speed rail system is subdivided, as described in Annex II, into structural or functional subsystems for which essential requirements must be laid down;
- (d) *interoperability constituents* means any elementary component, group of components, subassembly or complete assembly of equipment incorporated or intended to be incorporated into a subsystem, upon which the interoperability of the trans-European high-speed rail system depends either directly or indirectly;
- (e) *essential requirements* means all the conditions set out in Annex III which must be met by the trans-European high-speed rail system, subsystems and their interoperability constituents;
- (f) *European specification* means a common technical specification, a European technical approval or a national standard implementing a European standard, as defined in points 8 to 12 of Article 1 of Directive 93/38/EEC;
- (g) *technical specifications for interoperability* (hereinafter *TSIs*) means the specifications by which each subsystem is covered in order to meet the essential requirements by establishing the necessary reciprocal functional relations between the subsystems of the trans-European high-speed rail system and by ensuring the latter's compatibility;
- (h) *joint representative body* means the body bringing together representatives of the infrastructure managers, railway companies and industry which is responsible for

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drawing up TSIs. ‘Infrastructure managers’ means those referred to in Articles 3 and 7 of Directive 91/440/EEC;

- (i) *notified bodies* means the bodies which are responsible for assessing the conformity or suitability for use of the interoperability constituents or for appraising the EC procedure for verification of the subsystems.

Article 3

1 This Directive applies to the provisions concerning, for each subsystem, the parameters, interoperability constituents, interfaces and procedures as well as the conditions for the overall compatibility of the trans-European high-speed rail system required to achieve its interoperability.

2 The provisions of this Directive shall apply without prejudice to other Community provisions. However, in the case of interoperability constituents, compliance with the essential requirements of this Directive may require the use of the individual European specifications drawn up for that purpose.

Article 4

1 The trans-European high-speed rail system, subsystems and their interoperability constituents must meet the relevant essential requirements.

2 The further technical specification referred to in Article 18 (4) of Directive 93/38/EEC, which are necessary to supplement European specifications or other standards in use within the Community, must not conflict with the essential requirements.

CHAPTER II

Technical specifications for interoperability

Article 5

1 Each of the subsystems shall be covered by a TSI. In the case of subsystems concerning the environment, operation or users, TSIs will be drawn up only to the extent necessary to ensure interoperability of the trans-European high-speed rail system in the fields of infrastructure, energy, control and command, signalling and rolling stock.

2 The subsystems must conform to the TSIs; this conformity must be permanently maintained while each subsystem is in use.

3 To the extent necessary in order to achieve interoperability of the trans-European high-speed rail system, the TSIs shall:

- a specify the essential requirements for the subsystems and their interfaces;
- b establish the basic parameters described in Annex II (3) necessary to meet the essential requirements;
- c establish the conditions to be complied with to achieve the specified performances for each of the following categories of line:
 - lines specially built for high speed;
 - lines specially upgraded for high speed;
 - lines specially upgraded for high speed which have special features as a result of topographical, relief or town-planning constraints;
- d establish possible implementing provisions in certain specific cases;

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- e determine the interoperability constituents and interfaces which must be covered by European specifications, including European standards, which are needed in order to achieve interoperability within the trans-European high-speed rail system while meeting the essential requirements;
- f state, in each case under consideration, which of the modules defined in Decision 93/465/EEC or, where appropriate, which specific procedures are to be used in order to assess either the conformity or the suitability for use of the interoperability constituents, as well as EC verification of the subsystems.

4 The TSIs shall not be an impediment to decisions by the Member States concerning the use of new or upgraded infrastructures for running other trains.

5 Compliance with all the TSIs shall enable a compatible trans-European high-speed rail system to be set up that will preserve, as appropriate, the compatibility of each Member State's existing rail network.

Article 6

1 Draft TSIs shall be drawn up to the order of the Commission, to be established in accordance with the procedure laid down in Article 21 (2) by the joint representative body. TSIs shall be adopted and reviewed by the same procedure. They shall be published by the Commission in the *Official Journal of the European Communities*.

2 The joint representative body shall be responsible for preparing the review and updating of TSIs and making recommendations to the Committee referred to in Article 21 in order to take account of developments in technology or social requirements.

3 The preparation, adoption and review of TSIs shall take account of the estimated cost of technical solutions by which they may be met, with a view to defining and implementing the most viable solutions. To that end, the joint representative body shall attach to each draft TSI an assessment of the estimated costs and benefits of those technical solutions for all the economic operators and agents concerned.

4 The Committee shall be kept regularly informed of the preparatory work on the TSIs by the joint representative body. The Committee may give the joint body any useful recommendation or brief regarding the design of the TSIs, on the basis of the essential requirements or regarding cost assessment.

5 When each TSI is adopted, the date of its entry into force shall be laid down in accordance with the procedure referred to in Article 21 (2).

6 The joint representative body must work in an open and transparent manner in accordance with general Community standardization procedures.

Article 7

A Member State need not apply certain TSIs, including those relating to rolling stock, in the following cases and circumstances:

- (a) in the case of a project for a new line or upgrading an existing line for high speed which is at an advanced stage of development when the TSIs in question are published.

The Member State concerned shall notify its intended derogation to the Commission in advance, shall inform the Commission of the stage the project has reached and shall forward to it a file setting out the TSIs or parts thereof which it wishes not to apply, the provisions it intends to apply in carrying out the project in order to promote its

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eventual interoperability, and the technical, administrative or economic reasons which justify the derogation;

- (b) in the case of a project for upgrading an existing line for high speed, where the loading gauge, track gauge or space between the tracks of the line are different from those on the majority of the European rail network, and where the line does not form a direct connection with the high-speed network of another Member State which is a part of the trans-European high-speed network.

The Member State concerned shall notify its intended derogation to the Commission in advance and shall forward to it a file setting out the TSIs or parts thereof concerning the physical parameter(s) referred to in the first subparagraph which it wishes not to apply, the provisions it intends to apply in carrying out the project in order to promote its eventual interoperability, the transitional measures it intends to take to guarantee compatibility of operation, and the technical, administrative or economic reasons which justify the derogation;

- (c) in the case of projects for new lines or upgrading existing lines for high speed carried out in the territory of the Member State concerned where its rail network is not linked to or is isolated by sea from the high-speed rail network of the rest of the Community.

The Member State concerned shall notify its intended derogation to the Commission in advance and shall forward to it a file containing the documents specified in the second subparagraph of paragraph (b);

- (d) in the case of a project for upgrading an existing line for high speed, where application of these TSIs compromises the economic viability of the project.

The Member State concerned shall notify its intended derogation to the Commission in advance and shall forward to it a file setting out the technical specifications or parts of specifications for interoperability which it wishes not to apply. The Commission shall examine whether the measures envisaged by the Member State are justified and shall take a decision in accordance with the procedure in Article 21 (2).

CHAPTER III

Interoperability constituents

Article 8

Member States shall take all necessary steps to ensure that interoperability constituents:

- are placed on the market only if they enable interoperability to be achieved within the trans-European high-speed rail system while at the same time meeting the essential requirements;
- are used in their area of use as intended and are suitably installed and maintained.

These provisions do not exclude the placing on the market of these constituents for other purposes, nor their use for conventional railway lines.

Article 9

Member States may not, in their territory and on grounds of this Directive, prohibit, restrict or hinder the placing on the market of interoperability constituents for use on the trans-European high-speed rail system if they comply with the Directive.

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Article 10

1 Member States shall consider as complying with the essential requirements of this Directive applying to them those interoperability constituents which bear the EC declaration of conformity or suitability for use, the components of which are set out in Annex IV.

2 Compliance of an interoperability constituent with the essential requirements applying to it shall be established in relation to any relevant European specifications that may exist.

3 The references to European specifications shall be published in the *Official Journal of the European Communities*.

4 Member States shall publish the references to the national standards transposing the European standards.

5 In the absence of any European specifications and without prejudice to Article 20 (5), Member States shall inform the other Member States and the Commission of the standards and technical specifications in use in order to implement the essential requirements.

Article 11

Where it appears to a Member State or the Commission that European specifications do not meet the essential requirements, partial or total withdrawal of the specifications concerned from the publications containing them, or their amendments, may be decided upon in accordance with the procedure laid down in Article 21 (2) after consultation of the Committee set up under Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations⁽¹⁾ where European standards are concerned.

Article 12

1 Where a Member State confirms that an interoperability constituent covered by the EC declaration of conformity or suitability for use, and placed on the market is likely, when used as intended, not to meet the essential requirements, it shall take all necessary steps to restrict its area of application, prohibit its use or withdraw it from the market. That Member State shall forthwith inform the Commission of the measures taken and shall give the reasons for its decision, stating in particular whether the failure to conform is due to:

- failure to meet the essential requirements;
- incorrect application of the European specifications where application of the specifications is invoked;
- inadequacy of the European specifications.

2 The Commission shall consult the parties concerned as quickly as possible. Where, following that consultation, the Commission establishes that the measure is justified, it shall forthwith so inform the Member State that has taken the initiative and the other Member States. Where, following that consultation, the Commission establishes that the measure is unjustified, it shall forthwith so inform the Member State that has taken the initiative and the manufacturer or his authorized representative established within the Community. Where the decision referred to in paragraph 1 is justified by the existence of a gap in the European specifications, the procedure defined in Article 11 shall apply.

3 Where an interoperability constituent bearing the EC declaration of conformity fails to comply, the competent Member State shall take the appropriate measures against whomsoever has drawn up the declaration and shall inform the Commission and the other Member States thereof.

4 The Commission shall ensure that the Member States are kept informed of the progress and the results of that procedure.

Article 13

1 In order to draw up the EC declaration of conformity or suitability for use of an interoperability constituent, its manufacturer or his authorized representative established within the Community must apply the provisions laid down in the TSIs referring to it.

2 Where so required by the TSIs, the assessment of conformity or suitability for use of an interoperability constituent shall be appraised by the notified body with which the manufacturer or his authorized representative established within the Community has lodged the application.

3 Where the interoperability constituents are the subject of other Community Directives covering other aspects, the EC declaration of conformity or suitability for use shall, in such instances, state that the interoperability constituents also meet the requirements of those other Directives.

4 Where neither the manufacturer nor his authorized representative established within the Community has met the obligations of the paragraphs 1, 2 and 3, those obligations shall be incumbent on any person who places that interoperability constituent on the market. The same obligations shall apply to any person who assembles interoperability constituents or parts of interoperability constituents having diverse origins or who manufactures the interoperability constituents for his own use, for the purposes of this Directive.

5 Without prejudice to the provisions of Article 12:

- a in each instance where a Member State finds that the EC declaration of conformity has been drawn up improperly, the manufacturer or his authorized representative established within the Community shall be required to ensure that the conformity of the interoperability constituent is re-established and that the infringement ceases under the conditions laid down by that Member State;
- b where non-conformity persists, the Member State shall take all appropriate steps to restrict or prohibit the placing on the market of the interoperability constituent in question, or to ensure that it is withdrawn from the market in accordance with the procedures provided for in Article 12.

CHAPTER IV

Subsystems

Article 14

Each Member State shall authorize the placing in service of those structural subsystems constituting the trans-European high-speed rail system which are located in its territory or operated by railway undertakings established there.

For this purpose Member States shall take all necessary steps to ensure that these subsystems may be placed in service only if they are designed, constructed and installed and/or operated in such a way as not to hinder satisfaction of the essential requirements concerning them when integrated into the trans-European high-speed rail system.

Article 15

Without prejudice to Article 19, Member States may not, in their territory and on grounds of this Directive, prohibit, restrict or hinder the construction, placing in service

and operation of structural subsystems constituting the trans-European high-speed rail system which satisfy the essential requirements.

Article 16

1 Member States shall consider as being interoperable and meeting the essential requirements concerning them those structural subsystems constituting the trans-European high-speed rail system which are covered by the EC declaration of verification.

2 Verification of the interoperability, in accordance with the essential requirements, of a structural subsystem constituting the trans-European high-speed rail system shall be established by reference to TSIs where these exist.

3 In the absence of TSIs, Member States shall send the other Member States and the Commission a list of the technical rules in use for implementing the essential requirements.

Article 17

If it emerges that the TSIs do not fully meet the essential requirements, the Committee referred to in Article 21 may be consulted at the request of a Member State or on the initiative of the Commission.

Article 18

1 In order to draw up the EC declaration of verification, the awarding authority or its official representative shall cause the EC checking procedure to be appraised by the notified body chosen by it for that purpose.

2 The activities of the notified body responsible for the EC verification of a subsystem shall begin at the design stage and shall cover all of the manufacturing period up to the type-approval stage before a subsystem is placed in service.

3 The notified body shall be responsible for compiling the technical file that has to accompany the EC declaration of verification. The technical file must contain all the necessary documents relating to the characteristics of the subsystem and, where appropriate, all the documents certifying conformity of the constituents of interoperability. It must also contain all of the elements relating to the conditions and limits of use and to the instructions concerning servicing, constant or routine monitoring, adjustment and maintenance.

Article 19

1 Where a Member State finds that a structural subsystem covered by the EC declaration of verification accompanied by the technical file does not fully comply with this Directive and in particular does not meet the essential requirements, it may request that additional checks be carried out.

2 The Member State making the request shall forthwith inform the Commission of any additional checks requested and set out the reasons which justify them. The Commission shall without delay initiate the procedure provided for in Article 21 (2).

CHAPTER V

Notified bodies

Article 20

1 Member States shall notify the Commission and the other Member States of the bodies responsible for carrying out the procedure for the assessment of conformity or suitability for use referred to in Article 13 and the checking procedure referred to in Article 18, indicating each body's area of responsibility.

The Commission shall assign identification numbers to them. It shall publish in the *Official Journal of the European Communities* the list of bodies, their identification numbers and the tasks entrusted to them, and shall ensure that the list is kept updated.

2 Member States shall apply the criteria provided for in Annex VII for the assessment of the bodies to be notified. Bodies meeting the assessment criteria provided for in the relevant European standards shall be deemed to meet the said criteria.

3 A Member State shall withdraw approval from a body which no longer meets the criteria referred to in Annex VII. It shall forthwith inform the Commission and the other Member States thereof.

4 Should a Member State or the Commission consider that a body notified by another Member State no longer meets the relevant criteria, the matter shall be referred to the Committee provided for in Article 21, which shall deliver its opinion within three months; in the light of the Committee's opinion, the Commission shall inform the Member State concerned of all the changes needed if the notified body is to maintain the status awarded to it.

5 Where appropriate, coordination of the notified bodies shall be implemented in accordance with Article 21 (4).

CHAPTER VI

Committee

[^{F1}Article 21

1 The Commission shall be assisted by a committee.

2 Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC⁽²⁾ shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3 The Committee shall adopt its rules of procedure.

4 The Committee may discuss any matter concerning the interoperability of the trans-European high-speed rail system.

5 Should it prove necessary, the Committee may set up working parties to aid it in carrying out its tasks, in particular with a view to coordinating the notified bodies.

6 The Committee shall be set up as soon as this Directive enters into force.]

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Textual Amendments

- F1** Substituted by Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty.

CHAPTER VII

Final provisions

Article 22

Any decision taken pursuant to this Directive concerning the assessment of conformity or suitability for use of interoperability constituents, the checking of subsystems constituting the trans-European high-speed rail system and any decision taken pursuant to Articles 11, 12, 17 and 19 shall set out in detail the reasons on which it is based. It shall be notified as soon as possible to the party concerned, together with an indication of the remedies available under the laws in force in the Member States concerned and of the time limits allowed for the exercise of such remedies.

Article 23

1 Member States shall amend and adopt their laws, regulations and administrative provisions so as to authorize the use of interoperability constituents and the putting into service and operation of subsystems which comply with this Directive no later than 30 months after entry into force of this Directive. They shall forthwith inform the Commission thereof.

2 When Member States adopt the provisions referred to in paragraph 1, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Article 24

Every two years the Commission shall report to the European Parliament and the Council on the progress made towards achieving interoperability of the trans-European high-speed rail system.

Article 25

This Directive shall enter into force on the 21st day following that of its publication in the *Official Journal of the European Communities*

[^{XI} Article 26

This Directive is addressed to the Member States.]

Editorial Information

- X1** Inserted by Corrigendum to Council Directive 96/48/EC of 3 July 1996 on the interoperability of the trans-European high-speed rail system (Official Journal of the European Communities No L 235 of 17 September 1996).

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- (1) [OJ No L 109, 26. 4. 1983, p. 8.](#) Directive as last amended by the 1994 Act of Accession.
- (2) [^{F1}[Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission \(OJ L 184, 17.7.1999, p. 23\).](#)]

Textual Amendments

- F1** Substituted by [Regulation \(EC\) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty.](#)