

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Parliament and of the Council of 19 March 2001 on the interoperability of the trans-European conventional rail system (repealed)

CHAPTER ONE

**General provisions**

*Article 1*

1 This Directive sets out to establish the conditions to be met to achieve interoperability within the Community territory of the trans-European conventional rail system, as described in Annex I. These conditions concern the design, construction, putting into service, upgrading, renewal, operation and maintenance of the parts of this system put into service after the date of entry into force of this Directive, as well as the professional qualifications and health and safety conditions of the staff who contribute to its operation.

2 The pursuit of this objective must lead to the definition of a minimum level of technical harmonisation and make it possible to:

- a facilitate, improve and develop international rail transport services within the European Union and with third countries;
- b contribute to the progressive creation of the internal market in equipment and services for the construction, renewal, upgrading and operation of the trans-European conventional rail system;
- c contribute to the interoperability of the trans-European conventional rail system.

*Article 2*

For the purposes of this Directive:

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| (a) ‘trans-European conventional rail system’ | means the structure, as described in Annex I, composed of lines and fixed installations, of the trans-European transport network, built or upgraded for conventional rail transport and combined rail transport, plus the rolling stock designed to travel on that infrastructure;  |
| (b) ‘interoperability’                        | means the ability of the trans-European conventional rail system to allow the safe and uninterrupted movement of trains which accomplish the required levels of performance for these lines. This ability rests on all the regulatory, technical and operational conditions which must be met in order to satisfy the essential requirements;                                       |
| (c) ‘subsystems’                              | means the result of the division of the trans-European conventional rail system, as shown in Annex II. These subsystems, for which essential requirements must be laid down, are structural and functional;   |
| (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 conventional rail system depends directly or indirectly. The concept of a ‘constituent’ covers both tangible objects and intangible objects such as software; |
| (e) ‘essential requirements’                  | means all the conditions set out in Annex III which must be met by the trans-European conventional rail system, the subsystems, and the interoperability constituents including interfaces;   |

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- (f) ‘European specification’ means a common technical specification, a European technical approval or a national standard transposing a European standard, as defined in points 8 to 12 of Article 1 of Directive 93/38/EEC;
- (g) ‘technical specifications for interoperability’, hereinafter referred to as ‘TSIs’, means the specifications by which each subsystem or part subsystem is covered in order to meet the essential requirements and ensure the interoperability of the trans-European conventional rail system;
- (h) ‘joint representative body’ (JRB) means the body bringing together representatives of the infrastructure managers, railway companies and industry which is responsible for drawing up the 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;
- (j) ‘basic parameters’ means any regulatory, technical or operational condition which is critical to interoperability and requires a decision in accordance with the procedure laid down in Article 21(2) before any development of draft TSIs by the joint representative body;
- (k) ‘specific case’ means any part of the trans-European conventional rail system which needs special provisions in the TSIs, either temporary or definitive, because of geographical, topographical or urban environment constraints or those affecting compatibility with the existing system. This may include in particular railway lines and networks isolated from the rest of the Community, the loading gauge, the track gauge or space between the tracks and rolling stock strictly intended for local, regional or historical use, as well as rolling stock originating from or destined for third countries, as long as this stock does not cross the border between two Member States;
- (l) ‘upgrading’ means any major modification work on a subsystem or part subsystem which requires fresh authorisation for putting into service within the meaning of Article 14(1);
- (m) ‘renewal’ means any major substitution work on a subsystem or part subsystem which requires fresh authorisation for putting into service within the meaning of Article 14(1);
- (n) ‘existing rail system’ means the structure composed of lines and fixed installations of the existing rail system plus the rolling stock of all categories and origin travelling on that infrastructure.

### Article 3

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

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

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#### *Article 4*

1 The trans-European conventional rail system, subsystems and interoperability constituents including interfaces shall meet the relevant essential requirements.

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