

Commission Regulation (EU) No 1303/2014 of 18 November 2014 concerning the technical specification for interoperability relating to ‘safety in railway tunnels’ of the rail system of the European Union (Text with EEA relevance)

Article 1

The technical specification for interoperability (TSI) relating to the ‘safety in railway tunnels’ of the rail system of the entire European Union, as set out in the Annex, is hereby adopted.

Article 2

The TSI shall apply to the control-command and signalling, infrastructure, energy, operation, as well as rolling stock subsystems as described in Annex II to Directive 2008/57/EC.

The TSI shall apply to these subsystems in accordance with Section 7 of the Annex.

Article 3

The technical and geographical scope of this Regulation is set out in Sections 1.1 and 1.2 of the Annex.

Article 4

1 With regard to specific cases listed in Section 7.3 of the Annex to this Regulation, the conditions to be met for the verification of the interoperability pursuant to Article 17(2) of Directive 2008/57/EC shall be those laid down by national rules in force in the Member State which authorise the placing in service of the subsystems covered by this Regulation.

2 Within six months of the entry into force of this Regulation, each Member State shall notify the other Member States and the Commission of:

- a the national rules referred to in paragraph 1;
- b the conformity assessment and verification procedures to be carried out to apply the national rules referred to in paragraph 1;
- c the bodies designated in accordance with Article 17(3) of Directive 2008/57/EC 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

1 Member States shall notify to the Commission the following types of agreement within six months of the entry into force of this Regulation:

- a national agreements between the Member States and railway undertakings or infrastructure managers, agreed on either a permanent or a temporary basis and required by the very specific or local nature of the intended transport service;
- b bilateral or multilateral agreements between railway undertakings, infrastructure managers or safety authorities which deliver significant levels of local or regional interoperability;
- c international agreements between one or more Member States and at least one third country, or between railway undertakings or infrastructure managers of Member States and at least one railway undertaking or infrastructure manager of a third country, which deliver significant levels of local or regional interoperability.

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2 The agreements which have already been notified under Commission Decision 2006/920/EC⁽¹⁾, 2008/231/EC⁽²⁾, 2011/314/EU⁽³⁾ or 2012/757/EU⁽⁴⁾ shall not be notified again.

3 Member States shall forthwith notify to the Commission any future agreements or modifications of the existing and already notified agreements.

Article 6

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 the list of projects being implemented within its territory and that are at an advanced stage of development.

Article 7

Each Member State, acting in accordance with Chapter 7 of the Annex to this Regulation, shall update the national implementation plans for the TSI, established in accordance with Article 4 of Decision 2006/920/EC, Article 4 of Decision 2008/231/EC and Article 5 of Decision 2011/314/EU.

Each Member State shall forward its updated implementation plan to the other Member States and the Commission by 1 July 2015 at the latest.

Article 8

1 In order to keep pace with technological progress, innovative solutions may be required which do not comply with the specifications set out in the Annex and/or for which the assessment methods set out in the Annex cannot be applied. In that case, new specifications and/or new assessment methods associated with those innovative solutions may be developed according to the provisions of paragraphs 2 to 5.

2 Innovative solutions may be related to the subsystems referred to in Article 2, their parts and their interoperability constituents.

3 If an innovative solution is proposed, the manufacturer or his authorised representative established within the Union shall declare how it deviates from or complements to the provisions of the relevant TSIs and shall submit the deviations to the Commission for analysis. The Commission may request the opinion of the Agency on the proposed innovative solution.

4 The Commission shall deliver an opinion on the innovative solution proposed. If this opinion is positive, the appropriate functional and interface specifications and the assessment method, which need to be included in the relevant TSIs in order to allow the use of this innovative solution, shall be developed and subsequently integrated into the relevant TSIs during the revision process pursuant to Article 6 of Directive 2008/57/EC. If the opinion is negative, the innovative solution proposed cannot be applied.

5 Pending the review of the relevant TSIs, a positive opinion delivered by the Commission shall be considered as an acceptable means of compliance with the essential requirements of Directive 2008/57/EC and may be used for the assessment of the subsystem.

Article 9

Decision 2008/163/EC is repealed with effect from 1 January 2015.

It shall however continue to apply to:

- (a) subsystems authorised in accordance with that Decision;

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- (b) projects for new, renewed or upgraded subsystems which, at the time of publication of this Regulation, are at an advanced stage of development or are the subject of a contract which is being carried out.

Article 10

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

It shall apply from 1 January 2015.

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

Done at Brussels, 18 November 2014.

For the Commission

The President

Jean-Claude JUNCKER

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- (1) Commission Decision 2006/920/EC of 11 August 2006 concerning the technical specification of interoperability relating to the subsystem Traffic Operation and Management of the trans-European conventional rail system ([OJ L 359, 18.12.2006, p. 1](#)).
- (2) Commission Decision 2008/231/EC of 1 February 2008 concerning the technical specification of interoperability relating to the operation subsystem of the trans-European high-speed rail system adopted referred to in Article 6(1) of Council Directive 96/48/EC and repealing Commission Decision 2002/734/EC of 30 May 2002 ([OJ L 84, 26.3.2008, p. 1](#)).
- (3) Commission Decision 2011/314/EU of 12 May 2011 concerning the technical specification for interoperability relating to the operation and traffic management subsystem of the trans-European conventional rail system ([OJ L 144, 31.5.2011, p. 1](#)).
- (4) Commission Decision 2012/757/EU of 14 November 2012 concerning the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system in the European Union and amending Decision 2007/756/EC ([OJ L 345, 15.12.2012, p. 1](#)).

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