

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)

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concerning the technical specification for interoperability relating to ‘safety in railway tunnels’ of the rail system of the European Union

(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), second subparagraph, thereof,

Whereas:

- (1) Article 12 of Regulation (EC) No 881/2004 of the European Parliament and of the Council⁽²⁾ requires the European Railway Agency (‘the Agency’) to ensure that the technical specifications for interoperability (the ‘TSIs’) are adapted to technical progress, market trends and social requirements and to propose to the Commission any amendments to the TSIs which it considers necessary.
- (2) By Decision C(2010)2576 of 29 April 2010, the Commission gave the Agency a mandate to develop and review the TSI's with a view to extending their scope to the whole rail system in the Union. Under the terms of that mandate, the Agency was requested to extend accordingly the scope of the TSI relating to ‘safety in railway tunnels’.
- (3) On 21 December 2012, the Agency issued a recommendation on the revised TSI relating to ‘safety in railway tunnels’.
- (4) In order to follow technological evolution and encourage modernisation, innovative solutions should be promoted and their implementation should, under certain conditions, be allowed. Where an innovative solution is proposed, the manufacturer or his authorised representative should state how they deviate from or how they complement to the relevant section of the TSI, and the innovative solution should be assessed by the Commission. If this assessment is positive, the Agency should define the appropriate functional and interface specifications of the innovative solution and develop the relevant assessment methods.
- (5) In accordance with Article 17(3) of Directive 2008/57/EC, Member States are to notify to the Commission and other Member States the technical rules, the conformity

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Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 1303/2014, Introductory Text. (See end of Document for details)

assessment and verification procedures to be used for specific cases, and the bodies responsible for carrying out these procedures.

- (6) Rolling stock currently operates under existing national, bilateral, multinational or international agreements. These agreements should not hinder current and future progress towards interoperability. The Member States should therefore notify such agreements to the Commission.
- (7) This Regulation should apply to tunnels irrespective of their traffic volume.
- (8) Some Member States already have safety rules in place which require a higher level of safety than that mandated in this TSI. This Regulation should allow Member States keeping such rules only concerning the infrastructure, energy and operation subsystems. Such existing rules are to be considered as national safety rules within the meaning of Article 8 of Directive 2004/49/EC of the European Parliament and of the Council⁽³⁾. In addition, in accordance with Article 4 of this Directive, Member States shall ensure that railway safety is generally maintained and, where reasonably practicable, continuously improved, taking into consideration the development of Union legislation and technical and scientific progress and giving priority to the prevention of serious accidents. However, no additional measures should be prescribed for rolling stock.
- (9) Member States are competent to define the role and responsibility of the rescue services. For tunnels falling within the scope of application of this Regulation, Member States should arrange rescue access in coordination with the rescue services. It is important to specify measures in the field of rescue which are based on the assumption that rescue services intervening in a tunnel accident shall protect lives, not material values such as vehicles or structures.
- (10) Commission Decision 2008/163/EC⁽⁴⁾ concerning a TSI relating to ‘safety in railway tunnels’ should hereby be repealed.
- (11) In order to prevent unnecessary additional costs and administrative burden, Decision 2008/163/EC should continue to apply after its repeal to the subsystems and projects referred to in Article 9(1)(a) of Directive 2008/57/EC.
- (12) The measures provided for in this Regulation are consistent with the opinion of the Committee established in accordance with Article 29(1) of Directive 2008/57/EC,

HAS ADOPTED THIS REGULATION:

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- (1) [OJ L 191, 18.7.2008, p. 1.](#)
- (2) Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European Railway Agency (Agency Regulation) ([OJ L 164, 30.4.2004, p. 1.](#))
- (3) Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification ([OJ L 164, 30.4.2004, p. 44.](#))
- (4) Commission Decision 2008/163/EC of 20 December 2007 concerning the technical specification of interoperability relating to 'safety in railway tunnels' in the trans-European conventional and high-speed rail system ([OJ L 64, 7.3.2008, p. 1.](#))

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