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and safe railway system without
frontiers.

OPINION

ERA/OPI/2024-09

OF THE EUROPEAN UNION AGENCY FOR RAILWAYS

for

THE EUROPEAN COMMISSION

regarding

Availability of certain provisions of CCS TSI 2023/1695

Disclaimer:

The present document is a non-legally binding opinion of the European Union Agency for Railways. It does not represent the view of other EU institutions and bodies, and is without prejudice to the decision-making processes foreseen by the applicable EU legislation. Furthermore, a binding interpretation of EU law is the sole competence of the Court of Justice of the European Union.

1. General Context

The European Union Agency for Railways (hereinafter “the Agency” or “ERA”) received from the European Commission a request¹ for a technical opinion in accordance with Article 6 of Directive (EU) 2016/797. The request addresses two points of Commission Implementing Regulation (EU) 2023/1695 on the technical specification for interoperability relating to the control-command and signalling subsystems (hereinafter “CCS TSI” or the “current CCS TSI” or “CCS TSI (EU) 2023/1695”).

The first point of the request was to give an opinion on the impossibility for Infrastructure Managers (IMs) to meet the deadlines set in the CCS TSI to share information on error corrections of ERTMS specifications through RINF related to point 7.2.10.3.1.

The second point of the requests was to give an opinion on the ambiguous formulation related to the transition period for special vehicles in relation to Appendix B1.1 of CCS TSI and point 7.4.3(2) of the previous version, CCS TSI 2016/919.

2. Legal Background

Article 6 (1) Directive (EU) 2016/797 sets out that “If, after its adoption, it appears that a TSI has a deficiency, that TSI shall be amended in accordance with Article 5(11)”. Article 6 (2) Directive (EU) 2016/797 sets out that “Pending the review of a TSI, the Commission may request an opinion from the Agency.”

3. Analysis

3.1. First point of the request

The deadline for Infrastructure Managers (IMs) to report errors preventing normal service was established 12 months after the entry into force of the CCS TSI. However, to meet this deadline, it is essential to obtain responses to the questionnaires from various stakeholders, as these responses are necessary for IMs to perform the required classifications.

Following the entry into force of the CCS TSI, the questionnaires were not ready, making it impossible for IMs to comply with the legal deadline stipulated in section 7.2.10.3.1 of the Control-Command and Signaling (CCS) TSI. This deadline requires IMs to register such errors within 12 months after the CCS TSI's entry into force, specifically by September 28, 2024. At the time, certain questionnaires could not be distributed or completed.

To define a solution preventing non-compliance with these legal obligations, Change Request (CR) 644, titled “CCS TSI 2023/1695 Error Correction Process 7.2.10,” was introduced to amend the CCS TSI. The purpose of this CR 644 is to establish a more sequential approach, thereby enabling a more structured workflow for the error correction process.

3.2. Second point of the request

Some Member States have expressed concerns regarding the ambiguity in how the exclusion or applicability of the transition period for special vehicles is described in the current CCS TSI, compared to its previous version, (EU) 2016/919.

¹ Letter signed on 17/10/2024 from Brussels MOVE.DDG2.C/KS to the Executive Director of the Agency with reference Ares (2024)7389065 – See ANNEX 1ANNEX 1

In the previous version of the CCS TSI, Member States were allowed to exclude new vehicles intended exclusively for national service, as specified in section 7.4.3(2), unless, inter alia, the area of use of those vehicles included more than 150 km of a section equipped with the European Train Control System (ETCS).

To resolve ambiguities and ensure consistent interpretation of the CCS TSI, Change Request (CR) 643, titled “CCS TSI 2023/1695: Appendix B1.1,” was introduced. This CR 643 not only clarifies the provisions related to special vehicles but also offers a more detailed and precise description of the transition regime.

4. The opinion

Having identified these and other deficiencies in the CCS TSI, it was decided to issue a recommendation for the amendment of the CCS TSI (EU) 2023/1695. This recommendation was signed on December 19, 2024, and subsequently published on the European Union Agency for Railways (ERA) website under the title: “Recommendation ERA1218-2 of the European Union Agency for Railways on the amendment of Commission Implementing Regulation (EU) 2023/1695 (CCS TSI).”

The Agency’s Technical Opinion on the two requested points aligns with the content outlined in the recommendation.

4.1. First point of the request

Refer to 7.2.10.3.1 of the recommendation for the amendment. Now the second paragraph of the clause reads:

“The Infrastructure Manager shall register in the related RINF⁽³²⁾ parameter which error corrections are applicable (i.e. the errors preventing normal service in the network) for the on-board. Error corrections shall be registered: for the first time no later than 6 months after the latest date between 28 September 2023 and the publication by the Agency of the Baseline Compatibility Analysis (BCA) including the answers to the questionnaires; and whenever there is a change in the applicable error corrections due to new or upgrade trackside implementation within the infrastructure manager’s network.”

4.2. Second point of the request

Refer to rows 2 and 3 of Appendix B Table B1.1 of the recommendation for the amendment.

ETCS On-Board implementation							
2	Points 7.4.2.1., and 7.4.3	7.4.2.1.2. and 7.4.3(2) grants exemptions for new vehicles to be equipped with ETCS	7.4.2.1.2. and point 7.4.3(2) deleted. All newly built vehicles shall be equipped with ETCS.	Directly applicable <i>Note:</i> Design phase started after TSI enters into force here relates to 'RST design phase' for	Applicable if design phase ends on or after 1 January 2028 <i>Note:</i> Design phase started before TSI enters into force here relates to 'RST design phase' for vehicles without ETCS.	Applicable for newly built vehicles placed on the market 1 January 2030 For special vehicles applicable for	Not applicable

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No	TSI point(s)	TSI point(s) in previous version 2016/919 including all amendments	Explanation on TSI 2023/1695 change	Transition regime			
				Design phase started after 28 September 2023	Design phase started before 28 September 2023	Production phase	Vehicle in operation
				vehicles without ETCS. For special vehicles applicable from 1 January 2026 unless Member States have issued decisions in accordance with 7.4.3.2.	For special vehicles applicable if design phase ends on or after 1 January 2030 unless Member States have issued decisions in accordance with 7.4.3.2.	newly built vehicles placed on the market from 1 January 2030 unless Member States have issued decisions in accordance with 7.4.3.2.	
3	Points 7.4.2.2 and 7.4.3.	7.4.2.2 only applicable to upgrade of existing high-speed vehicles	7.4.2.2 applicable to vehicle type and/or vehicles requiring a new authorisation	Directly applicable For special vehicles applicable unless Member States have issued decisions in accordance with 7.4.3.2: - if design phase starts on or after 1 January 2026; or	Applicable if design phase ends on or after 1 January 2028 <i>Note:</i> Remains directly applicable to high-speed vehicles according to previous CCS TSI. For special vehicles applicable if design phase ends on or after 1 January 2030 unless Member States have issued decisions	Not applicable <i>Note:</i> Remains directly applicable to high-speed vehicles according to previous CCS TSI.	Not applicable

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Valenciennes,

Pio Guido
Acting Executive Director

ANNEX 1



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT
Directorate C – Land
The Director

Ref. Ares(2024)7389065 - 17/10/2024

Brussels
MOVE.DDG2.C/KS

**NOTE FOR THE ATTENTION OF MR J. DOPPELBAUER EXECUTIVE DIRECTOR –
EUROPEAN UNION AGENCY FOR RAILWAY**

**Subject: Request for technical opinion to the European Union Agency for
Railway pursuant to Article 6 of the Interoperability Directive (EU)
2016/797 on availability of certain provisions of CCS TSI**

Article 6 of the interoperability Directive (EU) 2016/797 sets out that if after the adoption of a TSI a deficiency is found, the Commission may request an opinion from the Agency.

After the adoption and entry into force of Commission Regulation (EU) 2023/1695 on Control Command and Signalling Technical Specification for Interoperability (CCS TSI) on 28 September 2023, stakeholders informed the Commission about unclear provisions therein, in relation to two aspects relevant for its implementation and application.

The first aspect concerns the inability of infrastructure managers to meet the deadlines set in the CCS TSI to share information on error corrections of ERTMS specifications through RINF. According to point 7.2.10.3.1 of the CCS TSI, infrastructure managers were requested to register in accordance with the related RINF parameters, which error corrections are applicable for the onboard ERTMS equipment by 28 September 2024 and thus export constraints on the rolling stock.

Currently, Infrastructure Managers are missing the confirmation by the Agency on how to perform this registration due to the process managed by the Agency of drafting questionnaires and receiving answers to the questionnaires for errors potentially preventing normal service for defining the appropriate values to be shared.

This situation is recognised by the Commission and the Agency. The Agency groups have developed new provisions for CCS TSI in change request 644 to adjust the timeline setting new deadlines reflecting a more realistic, but still ambitious timeline.

The second aspect concerns an ambiguous formulation related to the transition period for special vehicles to be potentially exempt from the installation of ETCS onboard by Member States based on a previous version of point 7.4.3(2) of CCS TSI (EU) 2016/919¹ that has not been fully replicated in the 2023 CCS TSI. As a result of this ambiguity, despite

¹ transition period formulated in row 2 of Table B1.1 in appendix B of Annex 1 of CCS TSI 2023/1695

the spirit of the regulation being clear, some national safety authorities or notified bodies deny applicants the possibility to use the transition period of the 2019 CCS TSI version. This ambiguity is being discussed in line with the change request 643 on the Appendix B1.1 and should be corrected.

Both deficiencies will be corrected in the upcoming CCS TSI amendment planned to be adopted in the first half of 2025.

The Commission hereby asks the Agency for an opinion in accordance with the lines expressed here above, or two separate ones, establishing clarified versions of the legal texts of CCS TSI, which will constitute acceptable means of compliance eliminating the legal uncertainty for all concerned stakeholders alike.

Given the advanced stage of development of one of the change requests and the agreement of stakeholders on this text, the Commission asks you to ensure the delivery of technical opinion(s) as soon as reasonably possible.

Kristian SCHMIDT

c.c.: ERA Pio Guido, Jo De Bosschere, Juan Hernández Fernández, Wouter Malfait
DG MOVE Keir Fitch, Michaela Strohschneider, Sandy Zaehringer

ANNEX 2 Impact Assessment Note

Issued as per Art. 8(1) of Regulation (EU) 2016/796 and the Impact Assessment procedure adopted by the ERA Management Board (Decision n.290, 16/03/2022)

1. Context and assessment of impacts			
1.1. The context and the CRs in subject			
<p>The European Union Agency for Railways (ERA) provided a technical opinion on two issues in Commission Implementing Regulation (EU) 2023/1695 regarding interoperability of control-command and signalling (CCS TSI). The first issue concerns the inability of Infrastructure Managers (IMs) to meet deadlines for reporting ERTMS error corrections due to delays in distributing necessary questionnaires. To address this, Change Request (CR) 644 proposes a structured workflow for the error correction process. The second issue relates to ambiguity in the transition period for special vehicles, prompting Change Request (CR) 643 to clarify provisions in Appendix B1.1. ERA recommended amendments to the CCS TSI, formalised in Recommendation ERA1218-2, published on December 19, 2024.</p>			
1.2. Analysis performed			
<p>ERA analysed two issues in CCS TSI (EU) 2023/1695.</p> <ul style="list-style-type: none"> • Error Correction Reporting Deadline: IMs could not meet the 12-month deadline due to delays in distributing necessary questionnaires. CR 644 introduces a structured workflow, allowing registration within six months after the later of September 28, 2023, or ERA’s Baseline Compatibility Analysis (BCA). • Ambiguity in Special Vehicle Transition Rules: Member States raised concerns about unclear exclusions for special vehicles. CR 643 clarifies the transition regime in Appendix B Table B1.1 for consistent interpretation. <p>ERA recommended amendments, formalised in Recommendation ERA1218-2 (December 19, 2024), shown in the Technical Opinion</p>			
1.3. Assessment of impacts			
<p>The modifications done to the CCS TSI contribute to clarify and define a real deadline for reporting the errors and provides a clearer transition regime for special vehicles.</p>			
1.4. Stakeholders affected			
Railway undertakings (RU)	<input checked="" type="checkbox"/>	Member States (MS)	<input type="checkbox"/>
Infrastructure managers (IM)	<input checked="" type="checkbox"/>	Third Countries	<input type="checkbox"/>
Manufacturers	<input type="checkbox"/>	National safety authorities (NSA)	<input type="checkbox"/>
Keepers	<input type="checkbox"/>	European Commission (EC)	<input type="checkbox"/>
Entity Managing the Change (EMC)	<input type="checkbox"/>	European Union Agency for Railways (ERA)	<input type="checkbox"/>

Notified Bodies (NoBo)	<input type="checkbox"/>	Shippers	<input type="checkbox"/>
Associations	<input type="checkbox"/>	Other (Please specify) ...	<input type="checkbox"/>

2. Preferred option
2.1. Recommendation
There are no options. Therefore the recommendation is to follow the principles set in this Technical Opinion

3. Sources and methodology			
7.1. Sources			
Desk research	<input type="checkbox"/>	Interviews	<input type="checkbox"/>
ERA database	<input type="checkbox"/>	Meetings	<input checked="" type="checkbox"/>
External database	<input type="checkbox"/>	Survey	<input type="checkbox"/>
<p>These points (CR 644 and CR 643) were discussed in the context of the CCS Working Party with representatives of the sector</p>			