

**OPINION**

*ERA/OPI/2014-7*

**OF THE EUROPEAN RAILWAY AGENCY**

FOR

*EUROPEAN COMMISSION*

REGARDING

*QUESTION AND CLARIFICATION NB RAIL CONCERNING THE COLORIMETRIC REQUIREMENTS QC-RST-018*

**Disclaimer:**

The present document is a non-legally binding opinion of the European Railway Agency. 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

1. In its letter MOVE/B2/IV/fz Ares (2014) dated 03<sup>rd</sup> June 2014 addressed to the Executive Director of the European Railway Agency (“ERA”), the European Commission requested ERA to prepare a technical opinion regarding the question / clarification issued by NB-RAIL numbered Q&C-RST-018 Issue 01 dated 07<sup>th</sup> May 2014.
2. The question is related to the requirements applicable to the color of head lights and marker lights of railway vehicles.
3. The question is raised for application of the following Technical Specifications for Interoperability (TSI):
  - a. Commission decision 2008/232/EC relating to the ‘rolling stock’ subsystem of the trans-European high speed rail system<sup>1</sup> (TSI HS RST 2008), in particular its clause 4.2.7.4.1.1 and annex H.2 point (c).
  - b. Commission decision 2011/291/EU relating to the ‘rolling stock subsystem – Locomotives and Passenger rolling stock’ of the trans-European conventional rail system<sup>2</sup> (TSI CR LOC&PAS 2011) , in particular its clauses 4.2.7.1.1 and 4.2.7.1.2.
4. Head and marker lamps are also subject of an European standard: EN 15153-1:2013, published after the date of application of the TSIs listed in point 3.

The former revision of the standard (EN 15153-1:2007) had its scope limited to high speed vehicles; requirements applicable to the color of head lights and marker lights specified in this former revision of the standard were consistent with those of the TSI HS RST 2008.
5. NB-RAIL proposal is to assess the color of the head lights and marker lights on the basis of requirements specified in the standard EN 15153-1:2013 instead of requirements specified in TSIs listed in point 3 above.

## 2 Legal Background

1. Article 7 of Directive 2008/57/EC of the European Parliament and of the Council of June 2008 on the interoperability of the rail system within the Community<sup>3</sup> (Interoperability Directive) provides that:

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<sup>1</sup> OJ L 84, 26.3.2008, p. 132.

<sup>2</sup> OJ L 139, 26.5.2011, p. 1.

<sup>3</sup> OJ L 191, 18.7.2008, p. 1–4,.



*"1. If, after its adoption, it appears that a TSI does not fully meet the essential requirements, the committee referred to in Article 29 may be consulted at the request of a Member State or upon the initiative of the Commission.*

*The Commission may request a technical opinion from the Agency. The Commission, with the involvement of the committee, shall analyse the technical opinion.*

*2. If the TSI needs to be amended because of a minor error and this does not justify an immediate revision, the Commission may recommend that the technical opinion is used pending the review of the TSI in accordance with Article 6(1). In that case, the Agency shall publish the technical opinion.*

*3. If the TSI needs to be amended because of an important or critical error, the revision procedure referred to in Article 6(1) shall be applied forthwith".*

2. Article 10(2b) of the Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European railway agency (Agency Regulation) provides that:

*"The Agency may be called upon by the Commission to provide technical opinions on urgent modifications to TSIs, in accordance with Article 7(1) of the Railway Interoperability Directive".*

### **3 Analysis**

1. The TSI HS RST 2008 and the standard EN 15153-1:2007 are consistent regarding the requirements on the color of head lights and marker lights ('white class A' as defined in the standard CIE S 004/E-2001).
2. When the TSI CR LOC&PAS was drafted, it has been agreed among experts to specify less stricter requirements regarding the color of these lights, by allowing 'white class A' or 'white class B' colors, as defined in the standard CIE S 004; the objective was not to systematically exclude new technologies used for lights (e.g. halogen, xenon, leds).
3. During the revision process of the standard EN 15153-1, required by the Agency to CEN in order to extend its scope to all railway vehicles, CEN experts agreed to review the requirement on the color of lights; they decided to accept 'white class B' color as defined in the standard CIE S 004, with a restricted blue limit; this is specified in tables 1 and 4 of EN 15153-1:2013.

This requirement is slightly stricter than the requirement specified in the TSI CR LOC&PAS 2011 and in the TSI HS RST 2008 due to the restricted blue limit, and less strict than the requirement in the TSI HS RST 2008 for other limits.



4. Both TSIs HS RST 2008 and CR LOC&PAS were subject of a revision and were merged following a the mandate referenced 'C(2010)2576 final' received from the Commission in 2010; as a result the Agency made a recommendation in December 2012 for a revised TSI LOC&PAS. This revised TSI LOC&PAS refers to the EN 15153-1:2013 tables 1 and 4 regarding the color of head lights and marker lights; it received a positive vote during the RISC 68 in October 2013 (item 06-ST020EN06), and its entry into force is planned before the end of 2014.
5. As a conclusion, the proposal made by NB-RAIL has been taken into account in the revision process of TSIs, and will be part of the new TSI LOC&PAS that will enter into force by end of 2014.
6. The current situation is due to an evolution of technical requirements in both TSIs and EN standards that cannot be strictly synchronized due to the different processes of adoption and publication.

#### 4 The opinion

1. Whereas it cannot be considered that there is any error or deficiency in the TSIs listed in point 3 of § 1 above, the Agency acknowledges that the discrepancy between the current TSI HS RST 2008 in force and the current standard EN 15153-1:2013 in force creates difficulties for manufacturers of head and marker lights and for the notified body they appoint. This discrepancy will disappear with the entry into force of the revised TSI LOC&PAS by the end of 2014.
2. For vehicles in the scope of the TSI CR LOC&PAS TSI, conformity to the standard EN 15153-1:2013 gives conformity to the TSI; the manufacturer is free to apply the standard.
3. For vehicles in the scope of the TSI HS RST 2008, the technical opinion of the Agency is that an assessment of the color of the head lights and marker lights on the basis of requirements specified in the standard EN 15153-1:2013 should be accepted (instead of requirements specified in the TSI HS RST 2008 listed in point 3 above); in such a case, the 'EC' declaration of conformity shall clearly indicate this deviation to the current TSI in force, and the alternative requirement applied (EN 15153-1:2013, tables 1 and 4).

Valenciennes,

08 JUL. 2014

Marcel VERSLYPE  
Executive Director



## ANNEX

- letter MOVE/B2/IV/fz Ares (2014) dated 03<sup>rd</sup> June 2014.
- Document Q&C RST-018 Issue 01 dated 07<sup>th</sup> May 2014 from NB-RAIL.