

# OPINION

2022-2

## OF THE EUROPEAN UNION AGENCY FOR RAILWAYS

for

Germany

regarding

Negative assessment of National Rules of Germany in addition to the latest TSIs in force for the Rolling Stock and on-board CCS subsystems notified in the Reference Document Database by Member States according to Article 26 of the Agency Regulation

### Disclaimer:

The present contains an opinion of the European Union Agency for Railways pursuant to Chapter 5 of Regulation (EU) 2016/796 related to the Agency's tasks concerning national rules.. 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

- 1.1 The scope extension of TSIs (with effect on 01 January 2015), as well as the functional and technical harmonisation of requirements within TSIs made a series of national rules redundant and unnecessary.
- 1.2 Articles 13 (2) and 14 (4) of Directive (EU) 2016/797 indicate clearly and exhaustively the cases where national rules may continue to apply:
- New national rules may only be adopted by Member States only in of the following cases (article 14(4)):
    - o when a TSI does not fully meet the essential requirements.
    - o as an urgent preventive measure, in particular following an accident.
  - The application of existing national rules (article 13(2)) is limited to:
    - o where the TSIs do not cover, or do not fully cover, certain aspects corresponding to the essential requirements, including **open points** as referred to in Article 4(6),
    - o where non-application of one or more TSIs or parts of them has been notified under article 7 of Directive (EU) 2016/797,
    - o Specific cases listed but not described in TSIs,
    - o Ensure technical compatibility with existing network not yet in compliance with TSI,
    - o Vehicles excluded from the scope of TSIs,
    - o Urgent temporary preventive measure, in particular following an accident.
- 1.3 According to article 14 (1) of Directive (EU) 2016/797, Member States had to notify existing national rules (listed in Article 13 (2)) before 16 December 2016 and are obliged to notify draft national rules. When notifying an existing national rule or a draft national rule, Members States have to provide justification for the existence of national rules (e.g. identification of the related open point) substantiating the case(s) (of Article 13 (2)) under which the rules fall.
- 1.4 Regarding structural subsystems that are constituting a vehicle namely on-board control-command and signalling and rolling stock, Member States shall notify their national rules in accordance with article 14 of Directive (EU) 2016/797. According to the communication of the Commission in RISC, until the Single Rules Database is available, the notification is performed in the Reference Document Database (RDD).
- 1.5 Since 2016, in accordance to the ERA programme plan on cleaning-up of national rules ERA-PRG-006-PPL, Member States and the Agency started the activity on identification and evaluation of national rules in addition to the following TSIs:
- TSI WAG: Commission Regulation (EU) No 321/2013, amended by Regulation (EU) No 1236/2013,
  - TSI LOC&PAS: Commission Regulation (EU) No 1302/2014,
  - TSI PRM: Commission Regulation (EU) No 1300/2014,
  - TSI Noise: Commission Regulation (EU) No 1304/2014,
  - TSI CCS: Commission Regulation (EU) No 2016/919 (including ERA/ERTMS/033281 rev 3.0 dated 04/12/2015).
- 1.6 From 16 June 2019 and pending the deployment of the Single Rules Database, the Reference Document Database has been the reference for applicants, NSAs and the Agency in terms of notification of applicable national rules for vehicle authorisation.
- 1.7 The scope of this technical opinion covers the examination of national rules (existing or draft) which resulted to a negative assessment by the Agency.

1.8 The complete assessment covering the examination of all national rules (existing or draft) in addition to TSIs mentioned in section 1.5 is available in the Evaluation Report of remaining national rules ERA-PRG-006-REP-RST.

## 2. Legal Background

2.1 According to the provisions of article 13 (2) of Directive (EU) 2016/797, national rules and where relevant acceptable national means of compliance shall apply in the cases defined below:

- a) where the TSIs do not cover, or do not fully cover, certain aspects corresponding to the essential requirements, including open points;
- b) where non-application of one or more TSIs or parts of them;
- c) where a specific case requires the application of technical rules not included in the relevant TSI;
- d) national rules used to specify existing systems, limited to the aim of assessing technical compatibility of the vehicle with the network;
- e) networks and vehicles not covered by TSIs;
- f) as an urgent temporary preventive measure, in particular following an accident.

2.2 According to the provisions of article 14 (9) of Directive (EU) 2016/797, draft national rules and national rules referred to in paragraph 1 shall be examined by the Agency in accordance with the procedures laid down in Articles 25 and 26 of Regulation (EU) 2016/796.

2.3 For draft rules: According to the provisions of Article 25 (3) of Regulation (EU) 2016/796, where the examination referred to in paragraph 1 leads to a negative assessment, the Agency shall inform the Member State concerned and ask it to state its position regarding that assessment. If, following that exchange of views with the Member State concerned, the Agency maintains its negative assessment, the Agency shall within a maximum period of 1 month:

- (a) issue an opinion addressed to the Member State concerned, stating the reasons why the national rule or rules in question should not enter into force and/or be applied; and
- (b) inform the Commission of its negative assessment, stating the reasons why the national rule or rules in question should not enter into force and/or be applied.

*This shall not prejudice the right of a Member State to adopt a new national rule in accordance with point (c) of Article 8(3) of Directive (EU) 2016/798 or with point (b) of Article 14(4) of Directive (EU) 2016/797*

2.4 For existing rules: According to the provisions of Article 26 (3) of the Agency Regulation 2016/796, where the examination referred to in paragraph 1 leads to a negative assessment, the Agency shall inform the Member State concerned and ask it to state its position regarding that assessment. If, following that exchange of views with the Member State concerned, the Agency maintains its negative assessment, the Agency shall within a maximum period of 1 month:

- (a) issue an opinion addressed to the Member State concerned, stating that the national rule or rules in question has or have been the subject of a negative assessment and the reasons why the rule or rules in question should be modified or repealed; and
- (b) inform the Commission of its negative assessment, stating the reasons why the national rule or rules in question should be modified or repealed.

### 3. Analysis

#### 3.1. Tasks under the responsibility of the Member States:

In accordance to the rules cleaning-up program plan ERA-PRG-006-PPL from March 2016, Member States were asked to:

- Identify and remove national rules covered by TSIs,
- Relate national rules to the TSIs and to the updated list of parameters defined in Commission Implementing Decision (EU) 2015/2299,
- Clearly refer national rules not related to open point(s) or specific case(s) to TSI requirements in order to identify if they complement/contradict/replace TSIs for compatibility with existing networks,
- Ensure that the requirement is a mandatory rule. Acceptable national means of compliance in accordance to the definition in article 2 (34) of Directive 2016/797 is not considered as a national rule,
- Identify and analyse requirements that don't relate to any of the above, verify, in this case for example if the TSI is deficient/non-exhaustive.

Based on the outcome of this activity, Member States should have:

- Published their national rules in the Reference Document Database and
- Aligned their national legislation for vehicle authorisation with the Reference Document Database.

#### 3.2. Tasks carried out by the Agency

During the project of cleaning up of national rules for vehicle authorisation covered by the Rules cleaning up program plan ERA-PRG-006-PPL, the Agency has:

- Provided technical support to Member States in the cleaning up of the remaining rules by ensuring:
  - That rules relate to: Open points, Specific cases, Legacy system or rule duly justified for compatibility with existing fixed installation (i.e. a specific case not declared up to now).
  - Consistency with the EU framework, including register of infrastructure and responsibilities of actors as defined in the Safety Directive and TSI OPE.
  - That the rule is transparent and not discriminatory.
  - The update of the Reference Document Database.
- Assessed the relevance of the remaining national rules together with the Member States, using the Reference Document Database as a reference.
- Provided regular reporting to European Commission on the progress made.
- Updated the Reference Document Database with the status of the evaluation.
- In accordance with article 25(3) and 26(3) of Regulation (EU) 2016/796, the Agency informed officially the Member States and the European Commission through an assessment report published in ERA website on June 2019, on the national rules in addition to latest TSIs (ERA-PRG-006-REP-RST). This report was published on the ERA website and uploaded on the CIRCABC. At that time the assessment of German national rules was still ongoing. End of July 2019, the Agency has sent its first assessment to NSA Germany.
- The Agency asked NSA Germany to check the assessment, to provide comments and to take into consideration the actions proposed.
- The following table summarised the actions that were performed by ERA and NSA Germany to review the remaining national rules for vehicle authorisation:

Date	Actions/Activities
26 July 2019	ERA provided to NSA Germany its assessment following a bilateral meeting held on 25 July 2019.
June 2020	NSA Germany sent first round of comments.

Date	Actions/Activities																
	Due to an increase of vehicle authorisation applications, the Agency decided to temporarily re-allocate its resources allocated to the cleaning-up of national rules program to the vehicle authorisation activities and to postpone the evaluation of national rules.																
<b>October 2020 – June 2021</b>	For the CCS subsystem, several bilateral meetings took place in order to clarify requirements related to class B interfaces and ETCS rules																
<b>July 2021 – Oct 2021</b>	<p>The Agency reinitiated the cleaning-up program and started the evaluation of Germany comments/justifications in July 2021. The Agency informed NSA Germany and European Commission on its assessment on national rules for vehicle authorisation of Germany with the following status:</p> <table border="1" data-bbox="622 689 1300 1124"> <thead> <tr> <th data-bbox="630 701 1114 741">Status</th> <th data-bbox="1114 701 1292 741">14/10/2021</th> </tr> </thead> <tbody> <tr> <td data-bbox="630 741 1114 797">Accepted</td> <td data-bbox="1114 741 1292 797">27</td> </tr> <tr> <td data-bbox="630 797 1114 853">Not reviewed-Other EU directives</td> <td data-bbox="1114 797 1292 853">1</td> </tr> <tr> <td data-bbox="630 853 1114 909">Not accepted, NR should be modified</td> <td data-bbox="1114 853 1292 909">16</td> </tr> <tr> <td data-bbox="630 909 1114 965">Not accepted, NR should be repealed</td> <td data-bbox="1114 909 1292 965">23</td> </tr> <tr> <td data-bbox="630 965 1114 1021">Wasted</td> <td data-bbox="1114 965 1292 1021">21</td> </tr> <tr> <td data-bbox="630 1021 1114 1077">With Date of end of validity</td> <td data-bbox="1114 1021 1292 1077">14</td> </tr> <tr> <td data-bbox="630 1077 1114 1124"><b>Total</b></td> <td data-bbox="1114 1077 1292 1124"><b>102</b></td> </tr> </tbody> </table>	Status	14/10/2021	Accepted	27	Not reviewed-Other EU directives	1	Not accepted, NR should be modified	16	Not accepted, NR should be repealed	23	Wasted	21	With Date of end of validity	14	<b>Total</b>	<b>102</b>
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<b>Total</b>	<b>102</b>																
<b>Oct 2021 – Dec 2021</b>	NSA Germany performed an analysis of ERA assessments and provided additional explanations/justifications of their national rules on 30 <sup>th</sup> November 2021. This analysis includes the reduction of national rules.																
<b>Dec 2021 – Feb 2022</b>	More than 15 bilateral meetings between the Agency and NSA Germany were organised to discuss on the remaining national rules taking into account NSA Germany justifications and ERA assessments. The review allowed to reduce the number of national rules negatively assessed from <b>39</b> in October 2021 to <b>13</b> end of February 2022.																

- Except for the rules negatively assessed, NSA Germany took into consideration most of the actions proposed by ERA during the assessment and revised their national rules. Following the exchanges between the Agency and NSA Germany. The publication of the revised rules in RDD is under preparation.
- This technical opinion provides the evaluation on the **13** remaining national rules concerned by an Agency negative assessment.

### 3.2.1. National rules and acceptable means of compliance subject to assessment by the Agency

The table 1 below provides an overview of national rules and acceptable means of compliance notified by Member States and subject or not to an assessment by the Agency:

**Table 1 : Overview of national rules and acceptable means of compliance notified by Member States and subject or not to an assessment by the Agency**

National Rules and acceptable means of compliance relates to	Published in RDD	Evaluated	Remarks
<b>Vehicles in the scope of LOC&amp;PAS and WAG TSIs</b>	Yes	Yes	Freight wagons, Locomotives, Trainsets / Electric or Diesel Multiple Unit, Passenger coaches, Track machines/OTMs.
<b>Article 13.2(a): Open points listed in TSIs</b>	Yes	Yes	TSIs clearly identify where a national rule may be kept and notified; traceability between TSIs and possible remaining national rules is clearly established, and the corresponding rules are recorded in RDD.  The Agency checked if the national rule covers the scope of the open point.
<b>Article 13.2(a): Other Directives</b>	Yes	No	Corresponding rules are available in RDD. Anyway, it will have to be decided at later stage with the Commission how to deal with these rules, considering the mentioned Directives. As a general principle, the TSIs in force don't cover subjects in the scope of these other EU Directives.  Corresponding parameters are defined in section 3.2.3 of the report ERA-PRG-006-REP-RST
<b>Article 13.2 (b): Non application of TSI</b>	No	No	
<b>Article 13.2 (c): Specific cases mentioned but not described in TSIs</b>	Yes	Yes	TSIs clearly identify where a national rule may be kept and notified. Traceability between TSIs and possible remaining national rules is clearly established, and the corresponding rules are recorded in RDD.  The Agency checked if the national rule covers the scope of the specific case.
<b>Article 13.2(d): Technical compatibility between vehicle and existing network(s)</b>	Yes	Yes	This includes vehicles with ETCS pre-baseline 2 versions (e.g. 2.2.2), additional functionality implemented on-board (e.g. NTRs from other MS) and TSI options implemented trackside (e.g. infill).
<b>Article 13.2 (e): Vehicles not covered by TSIs</b>	No	No	Concern vehicles such as Tram-Train, metric gauge vehicle.
<b>Article 13.2 (f): Urgent temporary preventive measure following an accident</b>	No	No	
<b>TSI potentially deficient or not exhaustive</b>	Yes	Yes	National rules when accepted by the Agency are maintained pending the resolution of the potential deficiency.
<b>Previous versions of TSIs not listed in section 3.1.2 of the report ERA-PRG-006-REP-RST</b>	Yes	No	
<b>Vehicle not TSI compliant authorised before TSIs.</b>	Yes	No	Rules are in RDD for reference/history and are not subject to Agency evaluation.

### 3.2.2. Summary of the results of the examination of national rules

The table 2 below provides an overview of the number of national rules notified by the Member State in addition to the TSIs referred in section 1 and the results of the examination leading to a positive or negative assessment. Annex 1 provides details of the evaluation leading to negative assessment.

*Table 2 : Number of national rules notified by Germany in RDD and results of the examination*

Member State	Number of National rules	Results of the examination		Remarks on requirements negatively assessed
		Positive assessment	Negative assessment	
Germany	59	46	13	5 national rules should be modified 8 national rules should be repealed

## 4. The opinion

In accordance with article 26 of Regulation 2016/796, the opinion covers the examination of national rules notified in RDD by the Agency leading to a negative assessment.

Annex 1 provides to the Member State an assessment table with:

- The national rules concerned,
- The Agency assessment of each rule and the reasons why this is not accepted,
- The status of the assessment indicating whether the rule(s) should be modified or repealed.

Valenciennes, 16/03/2022



Josef DOPPELBAUER  
Executive Director

## 5. ANNEX 1 – Examination of national rules notified in RDD leading to negative assessment

The table below presents the national rules where the evaluation performed by the Agency leads to a negative assessment.

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
RST	Other rules related to compatibility with network / legacy system	<p><u>2.1.1-Strength and integrity</u></p> <p><b>NTR Title:</b> Festigkeit der Fahrzeugstruktur</p> <p>Die Bedeutung aerodynamischer Belastungen bei Zugbegegnung, Tunnelfahrt und Wind ist zu beachten. Regelwerk für zusätzliche nationale Prüfung:</p> <ul style="list-style-type: none"> <li>- Leitfaden Bestimmung aerodynamischer Lasten für Schienenfahrzeuge: 2019-02</li> </ul> <p><b>Description:</b> Dokumentation der Nachweisführung: Leitfaden zur Bestimmung von aerodynamischen Lasten für Schienenfahrzeuge</p> <p>#Zusätzliche Information #1-Verweis auf Art. 13(2) (EU) 2016/797 Kompatibilität mit dem Netz #1End #2-TSI-Bezug TSI LOC&amp;PAS (VO 1302/2014) 4.2.2.4. #2End #EBA Checklist Referenz: 02.1#</p>	<p>The national rule relates to clauses 4.2.2.4, 4.2.6.2.3 and 6.2.3.15 of LOC&amp;PAS TSI 1302/2014.</p> <p><b>NSA Germany justification:</b> The rule is justified by the fact that in Germany there is national mixed traffic of high speed, passenger and freight trains and the aerodynamic effects from and on passing trains, in tunnels and open air, and wind putting additional load for carbody vehicle strength.</p> <p><b>Agency examination:</b> It is not clear if the document "<i>Leitfaden Bestimmung aerodynamischer Lasten für Schienenfahrzeuge: 2019-02</i>" is mandatory or a guidance In addition, some of the requirements defined inside are already covered by LOC&amp;PAS TSI:</p> <ul style="list-style-type: none"> <li>- clause 4.2.2.4 that refers to relevant clauses of EN 12663-1:2010+A1:2014 (see clause 6.6.5 regarding aerodynamic load),</li> <li>- clauses 4.2.6.2.3 and 6.2.3.15 regarding aerodynamic in tunnels that refers to EN 14067-5:2006 +A1:2010.</li> </ul> <p>What can be accepted is possible requirement regarding mixed traffic knowing that the prEN14067-5 will have a new chapter 6.3.9 that covers such aspect</p>	Not accepted, should be modified



Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
			<p><b>6.3.9 Loads on vehicles in mixed traffic operation</b></p> <p>Mixed operation describes the operation of high speed trains (above 200 km/h) together with trains designed for speeds lower or equal to 200 km/h on the same track. The latter trains, in this context, are trains for freight transport and/or passenger transport, such as regional or commuter trains. They may experience significantly large loads in double track tunnels, if crossing with high speed trains running faster than 200 km/h</p> <p>It is recommended to investigate the maximum operational speeds for mixed traffic in tunnels, if the combination of essential design parameters such as maximum line speed, minimum distance between track centres, minimum tunnel cross-sectional area and rolling stock gauge are not covered clearly by trouble-free operational experience. This may also apply to operation on open track.</p> <p>The aerodynamic loads on enclosed freight wagons, like sliding door wagons, are described in Annex D. For freight trains, there is no common criterion regarding the aerodynamic loads that freight vehicles may withstand safely. The technical standards for freight trains, see EN 12663-2:2010, which have been derived from operational experience, ensure a certain robustness of the different installations on freight vehicles. Assessments of mixed operations with freight trains should therefore provide comparisons of load cases referring to existing tunnel crossing scenarios with trouble-free operational experience.</p> <p>For high-speed lines with double-track tunnels operated above 200 km/h, it is recommended to include in the railway network statement for passenger trains structural requirements according to 5.3 and EN 12663-1:2010+A1:2014 or other applicable rules.</p> <p>NSA Germany should introduce a change request in the TSI.</p>	
RST	Other rules related to compatibility with network / legacy system	<p><u>3.1-Vehicle gauge</u></p> <p><b>NTR Title:</b> Fahrzeugbegrenzung für Stromabnehmer und spannungsführender nicht isolierter Bauteile auf dem Dach</p> <ul style="list-style-type: none"> <li>- Nachweis entsprechend Begrenzungslinie</li> <li>- Nachweis der Einhaltung der Grenzlinie durch Dachstromabnehmer</li> <li>- Einhaltung des elektrischen Schutzabstandes oder Einhaltung der Begrenzungslinie für Dachstromabnehmer durch nicht isolierte Bauteile</li> </ul> <p>Regelwerk für zusätzliche nationale Prüfung:</p>	<p>The national rule relates to clauses 4.2.3.1 and 4.2.8.2.9 of LOC&amp;PAS TSI 1302/2014.</p> <p><b>NSA Germany justification:</b> NSA Germany indicated that the national could be repealed, but § 22 (4) EBO needs to be reflected as legal regulation for the legacy catenary system.</p> <p>The NNTR has been included because the TSI stipulates in Section 4.2.3.1 Paragraph 3 that the conformity of a unit with the intended reference profile (according to Annex J 1 number 14) can be demonstrated by one of the methods described in Annex J-1 number 14 specified specification are provided. During a transitional period that ends three years after the entry into force of this TSI (2014-2017), with a view to technical compatibility with</p>	Not accepted, should be repealed

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<ul style="list-style-type: none"> <li>- EBO: Zuletzt geändert durch Art. 2 V v. 5.4.2019 I 479</li> <li>- UIC 505-1: 2006-04</li> <li>- DIN EN 15273-2: 2017-10</li> </ul> <p><b>Description:</b> Nachweis gegen die Grenzlinie nach EBO durch Dachstromabnehmer (DSA) nicht erforderlich, wenn folgendes in der EG-Prüfung enthalten ist / bewertet wurde:</p> <ul style="list-style-type: none"> <li>- Nachweis der Einhaltung der Begrenzungslinie gemäß UIC 505-1 oder TSI LOC&amp;PAS (VO 1302/2014) bzw. DIN EN 15273 und</li> <li>- max. Wippenbreite nach EBO (1.950 mm)</li> </ul> <p>In diesem Fall ist die nationale Anforderung an DSA durch die EG-Prüfung nachgewiesen, weitere nationale Nachweise sind nicht notwendig.</p> <p>Dokumentation der Nachweisführung: Berechnungsbericht mit</p> <ul style="list-style-type: none"> <li>- Erläuterung der Randbedingungen</li> <li>- Übersicht der Eingangswerte</li> <li>- Bewertung Kraftschlussbeiwert beim Anfahren für Tzf</li> <li>- Berechnung aller kritischen Punkte in Tabellenform</li> </ul> <p>Technische Zeichnung mit Darstellung und Bemaßung der kritischen Punkte</p> <p>#Zusätzliche Information #1-Verweis auf Art. 13(2) (EU) 2016/797</p>	<p>the existing national network, it is permissible to alternatively demonstrate the reference profile of the unit using the national technical regulations notified for this purpose. Access to the national network in accordance with TSI must not be prevented by this. The rail network in Germany still has the reference profiles G1 and G2 defined by the German legal regulation EBO. The kinematic calculation method specified in the TSI is compliant. However, the actual requirement that the vehicle has to meet is compliance with the restriction to the vehicle reference line mentioned, which is currently different in Germany than the vehicle reference lines (GA, GB, GC) that are possible under the TSI. Since the reference profiles G1 and G2 are also specified in the EBO ordinance, it also means that exceeding the vehicle reference line specified in the EBO requires a legally formal exception to the regulation. This is also necessary for the GB and GC vehicle reference lines specified in the TSI!</p> <p>In addition, the infrastructure register in Germany (RINF) was not available when the national technical rules (NNTR / NNTV) were drawn up. If the EBO is adapted and the vehicle boundary lines listed in the RINF conform to the TSI, this requirement can be omitted. Since this is not yet the case, the requirement must remain.</p> <p><b>Agency examination:</b> The transition period mentioned in clause 4.2.3.1(3) is ended. The TSI LOC&amp;PAS has harmonised requirement to which German network is compatible, as already referred in the national rule 'see description'. Therefore, there is no point to keep alternatives to the TSI. It is also reminded, that the applicant selects freely the reference profile used to design the rolling stock. The outer</p>	

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<p>Kompatibilität mit dem Netz</p> <p>#1End</p> <p>#2-TSI-Bezug</p> <p>TSI LOC&amp;PAS (VO 1302/2014) 4.2.3.1</p> <p>#2End</p> <p>#EBA Checklist Referenz: 18.7#</p>	<p>boundaries of the rolling stock are subsequently assessed against this chosen profile and the result is recorded in the technical documentation. This means that the TSI LOC&amp;PAS does not impose specific reference profiles, but their registration in the technical file.</p> <p>Regarding pantograph, the pantograph envelope has interfaces with the three TSIs INF, ENE and LOC&amp;PAS:</p> <ul style="list-style-type: none"> <li>• It is based on the pantograph head geometry defined in clause 4.2.8.2.9.2 of LOC&amp;PAS LOC&amp;PAS TSI, used as a reference for the overhead line contact position.</li> <li>• The mechanical kinematic pantograph gauge calculation method is described in the Annex D of ENE TSI.</li> <li>• This is complemented by the electrical clearance, which has to be considered for the structure gauge defined in the clause 4.2.3.1 of the INF TSI.</li> </ul> <p>The necessary electrical clearance between the pantograph and fixed installations depends on the supply voltage (i.e 25 kV AC, 15 kV AC, 1.5 kV DC, 3 kV DC) and on local conditions for the insulation and creepage distances calculations (which are known by the IM); they are needed for defining the structure gauge.</p> <p>Note: this aspect is covered when defining the structure gauge; it is not in the scope of the LOC&amp;PAS TSI; the Infrastructure Manager has to consider electrical clearances between the conductive parts of the pantograph or catenary and the structure, in addition to the requirements of the INF TSI.</p>	
RST	Other rules related to compatibility with network	<p><u>3.1-Vehicle gauge</u></p> <p><b>NTR Title:</b></p>	<p>The national rule relates to clause 4.2.3.1 of LOC&amp;PAS TSI 1302/2014.</p> <p><b>NSA Germany justification:</b></p>	Not accepted, should be repealed

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
	/ legacy system	<p>Überschreitung der Fahrzeugbegrenzungslinie G1 bzw. G2 Sicheres Zusammenwirken mit der Grenzlinie des lichten Raumes nach EBO § 9 Anlagen 1 und 2</p> <p>Antrag auf Genehmigung gemäß § 3 EBO</p> <ul style="list-style-type: none"> <li>- EBO: Zuletzt geändert durch Art. 2 V v. 5.4.2019 I 479</li> </ul> <p>Hinweis: Die Genehmigung von Überschreitungen der Begrenzungslinien G1 und G2 wird nur laufwegsbezogen ausgestellt. Das bedeutet, dass die Inbetriebnahmegenehmigung nur streckenbezogen erteilt wird.</p> <p>Regelwerk für zusätzliche nationale Prüfung: infrastrukturspezifische Vorgaben je nach Einsatzgebiet</p> <p><b>Description:</b></p> <p>Antragstellung an zuständige Stelle gem. § 3 Absatz 2 EBO durch das EVU oder durch vom EVU Bevollmächtigten zu § 22 Absatz 2 EBO</p> <p>Inhalt des Antrags:</p> <ul style="list-style-type: none"> <li>- Antrag auf Genehmigung mit <ul style="list-style-type: none"> <li>a) maßlicher Darstellung der Überschreitung, einschließlich des Höhenbereiches, der Fahrzeugbegrenzungslinie nach EBO oder Angabe der eingehaltenen Begrenzungslinie nach Pkt. 18.1.3. und</li> <li>b) Angabe der einschränkungsrelevanten Fahrzeugparameter</li> </ul> </li> </ul>	<p>The NNTR has been included because the TSI stipulates in Section 4.2.3.1 Paragraph 3 that the conformity of a unit with the intended reference profile (according to Annex J 1 number 14) can be demonstrated by one of the methods described in Annex J-1 number 14 specified specification are provided. During a transitional period that ends three years after the entry into force of this TSI (2014-2017), with a view to technical compatibility with the existing national network, it is permissible to alternatively demonstrate the reference profile of the unit using the national technical regulations notified for this purpose. Access to the national network in accordance with TSI must not be prevented by this. The rail network in Germany still has the reference profiles G1 and G2 defined by the German legal regulation EBO. The kinematic calculation method specified in the TSI is compliant. However, the actual requirement that the vehicle has to meet is compliance with the restriction to the vehicle reference line mentioned, which is currently different in Germany than the vehicle reference lines (GA, GB, GC) that are possible under the TSI. Since the reference profiles G1 and G2 are also specified in the EBO ordinance, it also means that exceeding the vehicle reference line specified in the EBO requires a legally formal exception to the regulation. This is also necessary for the GB and GC vehicle reference lines specified in the TSI!</p> <p>In addition, the infrastructure register in Germany (RINF) was not available when the national technical rules (NNTR / NNTV) were drawn up. If the EBO is adapted and the vehicle boundary lines listed in the RINF conform to the TSI, this requirement can be omitted. Since this is not yet the case, the requirement must remain.</p>	

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<ul style="list-style-type: none"> <li>- Nennung der geplanten Einsatz- und Umleitungsstrecken</li> </ul> <p>weitere Prozessschritte nach Antragstellung:</p> <ul style="list-style-type: none"> <li>- Durchführung einer streckenbezogenen Netzverträglichkeitsprüfung auf Grundlage der Grenzlinienbetrachtung gem. EBO durch den Infrastrukturbetreiber (EIU) oder Vergleich des vorhandenen Mindestlichtraums mit dem auf Basis anderer Bezugslinien nach Pkt. 18.1.3 ermittelten Mindestlichtraumes durch das EIU</li> <li>- Bekanntgabe des Ergebnisses und Angabe der maximalen Trassierungsparameter durch das EIU (Kompatibilität zwischen Fahrzeug und Infrastruktur geprüft, zusätzlicher benötigter Raumbedarf wird ggf. an zeitliche Befristung geknüpft.)</li> <li>- Bescheid über die Genehmigung von zuständiger Stelle zur Überschreitung der Begrenzungslinie auf Basis der eingereichten Unterlagen und dem Ergebnis der Netzverträglichkeitsuntersuchung</li> </ul> <p>Dokumentation der Nachweisführung: Nachweisführung unter Punkt 18.1 und 18.2</p> <p>#Zusätzliche Information #1-Verweis auf Art. 13(2) (EU) 2016/797 Kompatibilität mit dem Netz #1End #2-TSI-Bezug</p>	<p>NSA Germany indicated that the national rule should be kept as exceeding the national values laid down in legal regulation requires a derogation process according to national law, which represents the national infrastructure legacy system G1 and G2 (EBO §3).</p> <p><b>Agency examination:</b></p> <p>The national rules refer to route compatibility check, at authorisation level the applicant defines the reference profile to which the vehicle comply with. After authorisation, in accordance with TSI OPE clause 4.2.2.5 and appendix D1, the Railway Undertaking perform route compatibility check between vehicle and intended route where among other there is the check of gauging.</p> <p>Therefore, the national rule can be referred in infrastructure manager document/procedure, in RINF parameters to be used by RU:</p> <ul style="list-style-type: none"> <li>- 1.1.1.1.3.1.2 Railway location of particular points requiring specific checks.</li> <li>- 1.1.1.1.3.1.3 Document with the transversal section of the particular points requiring specific checks.</li> <li>- 1.2.1.0.3.5 Railway location of particular points requiring specific checks.</li> <li>- 1.2.1.0.3.6 Document with the transversal section of the particular points requiring specific checks.</li> </ul> <p>In addition, what is called management of derogation should be managed at route compatibility check. This should be part of infrastructure manager document / procedure indicating how to manage cases where a vehicle does not comply with G1/G2.</p>	

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<p>#2End #EBA Checklist Referenz: 18.4#</p>		
RST	Other rules related to compatibility with network / legacy system	<p><u>3.1-Vehicle gauge</u> <b>NTR Title:</b> Anwendung der Bezugslinie nach Anlage 8, Bild 3 EBO für Wagen</p> <ul style="list-style-type: none"> <li>- gemäß §22 (1) EBO darf die Bezugslinie gemäß Anlage 8 Bild 3 EBO für Wagen bzw. Begrenzungslinie G12 für Wagen nur mit besonderer Genehmigung angewendet werden</li> </ul> <p>Regelwerk für zusätzliche nationale Prüfung:</p> <ul style="list-style-type: none"> <li>- EBO, Zuletzt geändert durch Art. 2 V v. 5.4.2019 I 479</li> </ul> <p><b>Description:</b> Dokumentation der Nachweisführung: Berechnungsbericht mit</p> <ul style="list-style-type: none"> <li>- Erläuterung der Randbedingungen</li> <li>- Übersicht der Eingangswerte</li> <li>- Bewertung Kraftschlussbeiwert beim Anfahren für Tfz</li> <li>- Berechnung aller kritischen Punkte in Tabellenform</li> </ul> <p>Technische Zeichnung mit Darstellung und Bemaßung der kritischen Punkte Besondere Genehmigung von zuständiger Behörde gemäß §3 EBO</p>	<p>The national rule relates to clause 4.2.3.1 of LOC&amp;PAS TSI 1302/2014.</p> <p><b>NSA Germany justification:</b> The NNTR has been included because the TSI stipulates in Section 4.2.3.1 Paragraph 3 that the conformity of a unit with the intended reference profile (according to Annex J 1 number 14) can be demonstrated by one of the methods described in Annex J-1 number 14 specified specification are provided. During a transitional period that ends three years after the entry into force of this TSI (2014-2017), with a view to technical compatibility with the existing national network, it is permissible to alternatively demonstrate the reference profile of the unit using the national technical regulations notified for this purpose. Access to the national network in accordance with TSI must not be prevented by this. The rail network in Germany still has the reference profiles G1 and G2 defined by the German legal regulation EBO. The kinematic calculation method specified in the TSI is compliant. However, the actual requirement that the vehicle has to meet is compliance with the restriction to the vehicle reference line mentioned, which is currently different in Germany than the vehicle reference lines (GA, GB, GC) that are possible under the TSI. Since the reference profiles G1 and G2 are also specified in the EBO ordinance, it also means that exceeding the vehicle reference line specified in the EBO requires a legally formal exception to the regulation. This is also necessary for the GB and GC vehicle reference lines specified in the TSI!</p>	Not accepted, should be repealed

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<p>#Zusätzliche Information</p> <p>#1-Verweis auf Art. 13(2) (EU) 2016/797</p> <p>Kompatibilität mit dem Netz</p> <p>#1End</p> <p>#2-TSI-Bezug</p> <p>TSI LOC&amp;PAS (VO 1302/2014) 4.2.3.1</p> <p>#2End</p> <p>#EBA Checklist Referenz: 18.10#</p>	<p>In addition, the infrastructure register in Germany (RINF) was not available when the national technical rules (NNTR / NNTV) were drawn up. If the EBO is adapted and the vehicle boundary lines listed in the RINF conform to the TSI, this requirement can be omitted. Since this is not yet the case, the requirement must remain.</p> <p>NSA Germany indicated that the national rule should be kept as exceeding the national values laid down in legal regulation requires a derogation process according to national law, which represents the national infrastructure legacy system G1 and G2 (EBO §3).</p> <p><b>Agency examination:</b></p> <p>The national rule relates to lower part that should be already covered by EN15273-2. The applicant selects freely the reference profile used to design the rolling stock. The outer boundaries of the rolling stock are subsequently assessed against this chosen profile and the result is recorded in the technical documentation. This means that the TSI LOC&amp;PAS does not impose specific reference profiles, but their registration in the technical files. After authorisation, in accordance with TSI OPE clause 4.2.2.5 and appendix D1, Railway Undertaking perform route compatibility check between vehicle and intended route where among other there is the check of gauging.</p> <p>It is fundamental that RINF is updated covering the characteristics of Germany routes, including every possible constraint. This is why for route compatibility checks the following RINF parameters should be completed:</p> <ul style="list-style-type: none"> <li>- 1.1.1.1.3.1.1 gauging</li> <li>- 1.2.1.0.3.4 gauging</li> </ul>	



Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
			<ul style="list-style-type: none"> <li>- 1.1.1.1.3.1.2 Railway location of particular points requiring specific checks</li> <li>- 1.1.1.1.3.1.3 Document with the transversal section of the particular points requiring</li> <li>- specific checks</li> <li>- 1.2.1.0.3.5 Railway location of particular points requiring specific checks</li> <li>- 1.2.1.0.3.6 Document with the transversal section of the particular points requiring specific checks</li> </ul> <p>Please note that reference profile for the lower part shall be also covered in RINF.</p> <p>In addition, what is called management of derogation should be managed at route compatibility check. This should be part of infrastructure manager document / procedure indicating how to manage cases where a vehicle does not comply with G1/G2.</p>	
RST	Other rules related to compatibility with network / legacy system	<p><u>3.1-Vehicle gauge</u></p> <p><b>NTR Title:</b></p> <p>Bedingungen für Türen, Tritte, Einstiege und Stufen</p> <ul style="list-style-type: none"> <li>- zulässige Überschreitung durch Türen beim Öffnen bzw. im geöffneten Zustand</li> <li>- zulässige Überschreitung von Klapptritt</li> <li>- Überschreitung von Schiebetritten oder Rückspiegeln</li> </ul> <p>Regelwerk für zusätzliche nationale Prüfung:</p> <ul style="list-style-type: none"> <li>- UIC 560 2002-01</li> <li>- DIN EN 15273-2 2017-10</li> <li>- EBA-Protokoll 2.3 Eg - Dr. Ing. Zehme vom 25.11.1996 (siehe EBA-Homepage)</li> </ul>	<p>The national rule relates to clauses 4.2.3.1 of LOC&amp;PAS TSI 1302/2014.</p> <p><b>NSA Germany justification:</b></p> <p>This special provision is a relief from the general requirement and enables the permissible vehicle limit line for stopping at the platform to be exceeded and is a general exception that enables this exceedance of the vehicle reference line specified in the EBO without a legally formal exception to the regulation. It only applies to the limitation profiles G1 and G2 mentioned here and, due to national responsibility, only to the NNTR.</p> <p>In addition, the infrastructure register in Germany (RINF) was not available when the national technical rules (NNTR / NNTV) were drawn up. If the EBO is adapted and the vehicle boundary lines listed in the RINF conform to the TSI, this requirement can be</p>	Not accepted, should be repealed



Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<p><b>Description:</b></p> <p>Nationale Prüfung durch DeBo ist nur notwendig, wenn die Bewertung der Überschreitung der Begrenzungslinie durch Türen nicht in der EG-Prüfbescheinigung enthalten ist.</p> <p>Überschreitungen der Begrenzungslinien nur im Stillstand bis zum Beginn des Anfahrens der Fahrzeuge - z. B. durch öffnende Türen, Trittstufen oder Rückspiegel - sind nicht als Abweichung von den Vorschriften des § 22 der EBO zu betrachten und bedürfen deshalb insoweit keiner Ausnahmegenehmigung.</p> <p>Dokumentation der Nachweisführung: Nachweisführung erfolgt unter Punkt 18.1</p> <p>#Zusätzliche Information</p> <p>#1-Verweis auf Art. 13(2) (EU) 2016/797</p> <p>Kompatibilität mit dem Netz</p> <p>#1End</p> <p>#2-TSI-Bezug</p> <p>TSI LOC&amp;PAS (VO 1302/2014) 4.2.3.1</p> <p>#2End</p> <p>#EBA Checklist Referenz: 18.6#</p>	<p>omitted. Since this is not yet the case, the requirement must remain.</p> <p>In addition, NSA Germany indicated following bilateral with ERA that the national rule could be repealed, but § 28 (2) EBO in combination with TSI LOC PAS chapter 4.2.5.5.9(2) needs to be reflected as legal regulation for the legacy track / platform system.</p> <p><b>Agency examination:</b></p> <p>Conditions for doors, steps, entrances, and steps are already covered by TSI LOC&amp;PAS clause 4.2.3.1 that mandates EN15273-2 (see clauses A3.14, A.3.15...)</p>	
RST	Other rules related to compatibility with network / legacy system	<p><u>4.5.4-Parking brake performance</u></p> <p><b>NTR Title:</b></p> <p>Prüfung Feststellbremse</p> <p>Hinreichende Funktion der Feststellbremse zur Sicherung in 40 % bei allen Ladezuständen</p>	<p>The national rule relates to clauses 4.2.4.4.5, 4.2.4.5.5 of LOC&amp;PAS TSI 1302/2014.</p> <p><b>NSA Germany justification:</b></p> <ul style="list-style-type: none"> <li>- B004, chapter 7 give the specific requirements for Germany related to maximum braking load in accordance with the operational rule (National Safety rule) VDV757,</li> </ul>	Not accepted, should be modified

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<p>Regelwerk für zusätzliche nationale Prüfung:</p> <ul style="list-style-type: none"> <li>- DIN EN 16834 2019-07</li> <li>- Regelungen für die bremstechnische Beurteilung von Eisenbahnfahrzeugen Rev.: 17.1:2021-05, Kap. 7.1, 7.3 <ul style="list-style-type: none"> <li>o Für Hochgeschwindigkeitszüge: DIN EN 15734-2</li> <li>o Für Triebzüge: DIN EN 16185-2</li> <li>o Für Reisezugwagen: DIN EN 17065,</li> <li>o Für Lokomotiven: DIN EN 16185-2 soweit anwendbar</li> </ul> </li> <li>- Ergänzungsregelung Nr. 004 zur Ausführung von Bremsfunktionen zur Stillstandsicherung: 2014-11 Kapitel 7</li> <li>- Laufende Beschlussliste des Arbeitskreises "Bremsen zu verschiedenen, die Bremsen betreffenden Einzelthemen": 2021-11, Punkte 47, 51, 54, 74</li> </ul> <p><b>Description:</b> Dokumentation der Nachweisführung: Prüfbericht #Zusätzliche Information #1-Verweis auf Art. 13(2) (EU) 2016/797 Kompatibilität mit dem Netz #1End #2-TSI-Bezug TSI LOC&amp;PAS (VO 1302/2014) 4.2.4.5.5</p>	<p>Teil B 915.0101 (9). It was explained that for operation reasons it is mandatory to test with maximum payload as this will have a consequence on the amounts of scotches needed in the vehicle</p> <p><b>Agency examination:</b></p> <ul style="list-style-type: none"> <li>- <i>DIN EN16834 – 2019-07</i>: <b>accepted</b> pending that a change request is introduced to TSI to refer to the EN 16834.</li> <li>- <i>Regelungen für die bremstechnische Beurteilung von Eisenbahnfahrzeugen Rev.: 17.1:2021-05, Kap. 7.1, 7.3</i>: <b>accepted</b> pending that a change request is introduced to TSI to refer to EN standards related to braking tests.</li> <li>- <i>B004 kapitel 7</i>: <b>not accepted</b>, the related National Safety Rule was not accepted by ERA. Please note that there is an acceptable means of compliance (AMOC) agreed and published by OPE working party. In addition, TSI LOC&amp;PAS defines functional requirements regarding the design and performance of the parking brake including safety, command and indication to the driver. TSI covers the requirements, applicant shall demonstrate the conformity and decide on the validation method that is checked by a NoBO. The TSI does not require a test for the parking braking performance, because such a test has been judged of low accuracy and added value in comparison to the calculation.</li> </ul>	

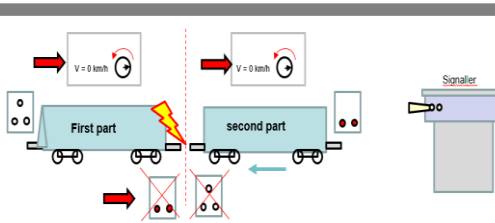
Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		#2End #EBA Checklist Referenz: 6.12#		
RST	Other rules not covered above (e.g potential TSI deficiency)	<p><u>4.7.1.1-Brake blocks</u></p> <p><b>NTR Title:</b>                      Prüfung Bremskraftherzeugung (Bremsklotzsohlen)                      Qualifizierung Bremsklotzsohlen                      Regelwerk für zusätzliche nationale Prüfung:</p> <ul style="list-style-type: none"> <li>- DIN EN 16452 2019-06</li> <li>- Laufende Beschlussliste des Arbeitskreises Bremse zu verschiedenen, die Bremse betreffenden Einzelthemen: 2021-11, Punkte 25, 41, 63, 68</li> </ul> <p><b>Description:</b>                      Dokumentation der Nachweisführung:                      Prüfbericht</p> <p>#Zusätzliche Information                      #1-Verweis auf Art. 13(2) (EU) 2016/797                      Kompatibilität mit dem Netz</p> <p>#1End                      #2-TSI-Bezug                      TSI LOC&amp;PAS (VO 1302/2014) 4.2.4.2, 4.2.4.3, 4.2.4.5</p> <p>#2End                      #EBA Checklist Referenz: 6.5#</p>	<p>The national rule relates to clauses 4.2.4.2 and 4.2.4.3 of LOC&amp;PAS TSI 1302/2014</p> <p><b>NSA Germany justification:</b>                      EN16452, EN15328</p> <p>Friction elements are an essential part of interoperability (thermal performance, friction value for brake calculation, behaviour under wet or degraded conditions, noise). Only Clause 5.4 of EN14198 is mentioned in TSI for units designed and assessed to be operated in general operation. There is no requirement on the type of brake system for units (trainsets or vehicles) assessed in fixed or predefined formation. As soon as the EN16452, EN15328 as a whole will be included in Annex J, this NR can be omitted.</p> <p>Germany prepares a change request to TSI 4.2.4.3 (2) in terms of EN16452 / EN15328.</p> <p><b>Agency examination:</b>                      For rolling stock in the scope of TSI LOC&amp;PAS, the clause 4.2.4.3 mandate clause 5.4 of EN 14198 applicable to UIC Brake. The clause 5.4.6.9.2 of EN14198 refers to EN 15329, EN 16452 that applies to brake block. In addition, clause 4.2.4 of TSI LOC&amp;PAS provides functional and safety requirements that the rolling stock shall comply with.</p> <p>Note that EN 16452 is published in official journal and provide presumption of conformity to TSIs clauses defined in its annex ZA. TSIs set out functional requirements, ENs to evaluate discs, pads, and blocks are in general product standards.</p>	Not accepted, should be repealed

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
			During the drafting process of the TSIs, it was concluded not to have specific rules under Interoperability Directive. Therefore, national rules relating to these parameters should not be allowed because they would represent unnecessary technical barriers...	
RST	Other rules not covered above (e.g potential TSI deficiency)	<p><u>4.7.1.3-Brake pads</u></p> <p><b>NTR Title:</b> Prüfung Bremskraftherzeugung (Bremsbeläge) Qualifizierung Bremsbeläge Regelwerk für zusätzliche nationale Prüfung:</p> <ul style="list-style-type: none"> <li>- DIN EN 15328 2020-10</li> <li>- Laufende Beschlussliste des Arbeitskreises Bremse zu verschiedenen, die Bremse betreffenden Einzelthemen: 2021-11, Punkte 25, 41, 63, 68</li> </ul> <p><b>Description:</b> Dokumentation der Nachweisführung: Eine erhebliche Anzahl von Projekten bzw. Aufträgen, die vor Inkrafttreten dieser NNTR-Liste begonnen haben, können zur Produktion von Fahrzeugen führen, die diesen NNTR-Punkten nicht vollständig entsprechen. Es kann daher ein Übergangszeitraum analog zur TSI Loc&amp;Pas 1302/2014 Abschnitt 7.1.1.2.1 (2) unter Zugrundelegung des Datums der Inkraftsetzung dieser NNTR-Liste angewendet werden.</p> <p>Prüfbericht #Zusätzliche Information #1-Verweis auf Art. 13(2) (EU) 2016/797</p>	See Line Above	Not accepted, should be repealed

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		Kompatibilität mit dem Netz #1End #2-TSI-Bezug TSI LOC&PAS (VO 1302/2014) 4.2.4.2, 4.2.4.3 4.2.4.5 #2End #EBA Checklist Referenz: 6.6#		
RST	Other rules related to compatibility with network / legacy system	<p><u>6.1.2.1-Crosswind effects</u></p> <p><b>NTR Title:</b> Aerodynamik/ Seitenwind</p> <p>Die Einhaltung der fahrzeugseitigen Grenzwerte bezüglich dem Fahrzeugverhalten bei Seitenwind ist erforderlich.</p> <p>Regelwerk für zusätzliche nationale Prüfung:</p> <ul style="list-style-type: none"> <li>- DB RIL 807.04 "Aerodynamik/Seitenwind": 2006-04 oder alternativ:</li> <li>- Leitfaden "Sicherstellung der technischen Kompatibilität für Fahrzeuge mit Seitenwindnachweis nach TSI LOC&amp;PAS zu Anforderungen der Ril 807.04": 2016-09 und/oder</li> <li>- Leitfaden Bewertung von Änderungen an Schienenfahrzeugen bezüglich Seitenwind: 2019-02</li> </ul> <p><b>Description:</b> Dokumentation der Nachweisführung:</p>	<p>The national rule relates to clause 4.2.6.2.4 of LOC&amp;PAS TSI 1302/2014.</p> <p><b>NSA Germany justification:</b></p> <p>During bilateral discussions with ERA, the national rule was revised to add the document: <i>"Leitfaden Bewertung von Änderungen an Schienenfahrzeugen bezüglich Seitenwind: 2019-02"</i>. NSA Germany agreed to revise the content of the document to justify and indicated what apply on top of the TSI LOC&amp;PAS.</p> <p><b>Agency examination:</b></p> <ul style="list-style-type: none"> <li>- <i>"DB RIL 807.04 "Aerodynamik/Seitenwind": 2006-04 oder alternativ: Leitfaden "Sicherstellung der technischen Kompatibilität für Fahrzeuge mit Seitenwindnachweis nach TSI LOC&amp;PAS zu Anforderungen der Ril 807.04": 2016-09"</i>: <b>accepted</b> pending that TSI LOC&amp;PAS or EN14067-6 provide harmonised quantitative criteria.</li> <li>- <i>"Leitfaden Bewertung von Änderungen an Schienenfahrzeugen bezüglich Seitenwind: 2019-02"</i>: <b>not accepted</b>, the rule covers more than only harmonised criteria for evaluation of the characteristic wind curve (CWC). The document relates to assessment of changes on railway vehicles with regard to crosswinds, such document covers aspect already defined in</li> </ul>	Not accepted, should be modified

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<p>Bericht gem. DB Ril oder gem. „Leitfaden "Sicherstellung der technischen Kompatibilität für Fahrzeuge mit Seitenwindnachweis nach TSI LOC&amp;PAS zu Anforderungen der Ril 807.04“ und/oder Leitfaden "Bewertung von Änderungen an Schienenfahrzeugen bezüglich Seitenwind"</p> <p>#Zusätzliche Information</p> <p>#1-Verweis auf Art. 13(2) (EU) 2016/797 Kompatibilität mit dem Netz</p> <p>#1End</p> <p>#2-TSI-Bezug</p> <p>TSI LOC&amp;PAS (VO 1302/2014) 4.2.6.2.4.</p> <p>#2End</p> <p>#EBA Checklist Referenz: 15.1#</p>	<p>TSI LOC&amp;PAS. In addition, it is reminded that the entity in charge of the modification is responsible to assess the impact of the modification and decide if new demonstration is required.</p>	
RST	Other rules not covered above (e.g potential TSI deficiency)	<p><u>7.2.2.1-Headlights</u></p> <p><u>7.2.2.3-End-of-train signal</u></p> <p><b>NTR Title:</b></p> <p>Nachweis der Erfüllung der aus AEG und EBO abgeleiteten Schutzziele zum Kuppeln von Fahrzeugen</p> <p>Nachweis der Kuppelkriterien</p> <p>Regelwerk für zusätzliche nationale Prüfung:</p> <p>Ergänzungsregelung Nr. B 015 "Aus §4 AEG und EBO abgeleitete Schutzziele zum Kuppeln von Fahrzeugen mit automatischer Kupplung im Stand" 2009-07</p> <p><b>Description:</b></p> <p>Dokumentation der Nachweisführung:</p>	<p>The national rule relates to clause 4.2.7.1 of LOC&amp;PAS TSI 1302/2014.</p> <p><b>NSA Germany justification:</b></p> <p>The National rule has a strong target to secure especially the national safety targets of the secure detection of unwanted train separation. Therefor the National Rule is based on a secure detection of an unwanted train separation by Railway System personal which needs to detect an incomplete train by the signals at the end of the train. In case of an unwanted train separation, signalling of the train end needs to be avoided in order to be able to detect the separation. Such rule is not yet fully covered by the TSI LOC&amp;PAS nor by the TSI OPE. This refers especially to the safety</p>	Not accepted, should be modified

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<p>Prüfbericht</p> <p>#Zusätzliche Information</p> <p>#1-Verweis auf Art. 13(2) (EU) 2016/797</p> <p>Kompatibilität mit dem Netz</p> <p>#1End</p> <p>#2-TSI-Bezug</p> <p>TSI LOC&amp;PAS (VO 1302/2014)</p> <p>4.2.4.2.1.</p> <p>4.2.7.1.2.</p> <p>4.2.7.1.3.</p> <p>#2End</p> <p>#EBA Checklist Referenz: 13.1#</p>	<p>targets given in point 4.5 and 5.1 on B015. According to the current status of the TSIs these points are not yet covered by them.</p> <p><b>Agency examination:</b></p> <p>The national rules referring to document B015 was already discussed during the drafting of LOC&amp;PAS TSI when dealing with DE specific cases in September 201. ERA had already provided explanation by referring to clause 4.2.4.2.1(11) and complementing TSI requirement 4.2.4.2.1(8).</p> <p>In addition, the document B015 contains operational rules during and after the coupling process, such requirements are not related to vehicle authorisation but should be covered by the Safety Management System of the railway undertaking (see TSI OPE train composition, train preparation (clauses 4.2.2.5, 4.2.2.7, Appendix B).</p> <p>At TSI LOC&amp;PAS level, see also requirements in clause 4.2.2.2.5 Staff access for coupling and uncoupling and operational document clause 4.2.12.4</p> <p>Following bilateral discussion between NSA Germany and ERA, NSA Germany provided detailed justification in presentation "B015_Kuppelkriterien_final. It was agreed that B015 will be revised to indicates that the national rule concerns only the following:</p> <p>In case of unintentional train separation:</p> <ul style="list-style-type: none"> <li>- Leading vehicle: rear end signal should not be displayed</li> <li>- Decoupled vehicle: head light not to be displayed; rear end signal displayed.</li> </ul>	

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			<p><b>B 015 - In case of unintentional train separation (trains with automatic coupling)</b></p>  <p>It was also suggested to share the "requirement" with OPE group to see how such situation are dealt in other MSs.</p> <p>The national rule can be accepted, when modified as agreed above.</p>	
RST	Other rules not covered above (e.g potential TSI deficiency)	<p><b>7.2.1-Vehicle marking</b></p> <p><b>NTR Title:</b> Anschriften und Zeichen</p> <p>Für Betrieb, Instandhaltung und Arbeitsschutz erforderliche Anschriften richtig anbringen</p> <p>Regelwerk für zusätzliche nationale Prüfung:</p> <ul style="list-style-type: none"> <li>DIN EN 15877-2 2019</li> <li>Ergänzungsregelung Nr. B001 16.02.2021 zur Anordnung und Ausführung von Bremsanschriften</li> </ul> <p><b>Description:</b> Dokumentation der Nachweisführung: Technische Zeichnung mit Stückliste</p> <p>#Zusätzliche Information #1-Verweis auf Art. 13(2) (EU) 2016/797</p>	<p>The national rule relates to marking of vehicles in the scope of LOC&amp;PAS TSI1302/2014.</p> <p><b>NSA Germany justification:</b></p> <p>TSI WAG requires marking at authorization level necessary for general operation in a loco hauled train. For units in the scope of TSI LOC&amp;PAS the same thing shall apply because every passenger coach or locomotive are used in general operation. Every trainset or fixed formation train shall be towable in a loco hauled train or by different trainsets.</p> <p>B001 give the specific requirements for operation in Germany in accordance with the operational rule (National Safety Rule) VDV757, Teil B 915.0101Z01</p> <p><b>Agency examination:</b></p> <p>Please note that the requirement in TSI WAG 7.1.2(g) requiring that the unit must be marked with all applicable markings in accordance with EN 15877-1:2012, except the marking defined in its clause</p>	Not accepted, should be repealed



Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<p>Kompatibilität mit dem Netz</p> <p>#1End</p> <p>#2-TSI-Bezug</p> <p>#2End</p> <p>#EBA Checklist Referenz: 23.1#</p>	<p>4.5.25(b), is part of a set of conditions required to have an authorisation with an area of use not limited to particular national networks, and it is not related to the fact that the freight wagon is a vehicle intended for general operation. In chapter 4 of TSI WAG, requirements for marking of freight wagons are limited to lifting and jacking positions (see point 4.2.2.2 of TSI WAG). This is consistent with the TSI LOC&amp;PAS (see clause 4.2.2.6).</p> <p>Regarding rolling stock in general operation, TSI LOC&amp;PAS already defines a set of requirements applicable to them, it was decided to not include any addition requirements on vehicle marking. Such aspect should be covered through contractual arrangement between railway undertaking and manufacturer of vehicles. The rule is related to operation as the vehicle marking is used to provide information for railway staff useable during operation. Exception to this is the optional clause 6.2.7a, in which length over buffers and electric power supply must be marked.</p> <p>In addition, it is to be noted the national safety rule is not accepted by ERA.</p>	
RST		<p><u>9.6-Recording device</u></p> <p><b>NTR Title:</b></p> <p>"Bekanntgabe 09 Version 6.0 vom 20-04-2021-Regelwerk zu den Anforderungen an fahrzeugseitige ZKS-Komponenten und deren sichere Integration in das Teilsystem Fahrzeuge (Kapitel 3.3, Anstrich 4 und Anstrich 7 i.V.m. Kapitel 2)"</p> <p><b>Description:</b></p>	<p>The national rule refers to clause 4.2.9.6 of LOC&amp;PAS TSI.</p> <p><b>NSA Germany justification:</b></p> <ul style="list-style-type: none"> <li>- Teil-LH 4.2.8: <ul style="list-style-type: none"> <li>- In order to effectively fulfil its rail oversight tasks under Commission Regulation (EU) 2018/761, it is necessary for national safety authorities to collect and assess information on the performance of the safety management system of the safety certificate holder to be supervised. For example, to take action in the event of a description of significant deficiencies (pursuant to Article 5</li> </ul> </li> </ul>	Not accepted, should be modified

Subsystem	Distribution of remaining rules	National rules	Examination of national rules leading to a negative assessment	Agency assessment status
		<p>Technische Regel ETCS - Anhang 2 - Juridical Recording Unit (JRU) Version 1.0 vom 20.04.2021 bestehend aus folgenden Anforderungen, die durch einen DeBo im Fachgebiet ZZS zu prüfen sind:</p> <ul style="list-style-type: none"> <li>- Teil-LH 4.2.34: ETCS-Zusatzschalter (wenn bereits im Fahrzeug installiert ist)</li> <li>- Teil-LH 4.2.8</li> <li>- Teil-LH 4.2.13</li> <li>- Teil-LH 4.2.24: Wenn ein Überschreiben von Daten nicht zulässig ist, muss eine sichtbare Anzeige für einen Triebfahrzeugführer vorhanden sein, um anzuzeigen, dass mehr als 80 % des Speichermediums aufgezeichnete Daten enthalten, die noch nicht abgerufen oder heruntergeladen wurden.</li> <li>- Teil-LH 4.2.45</li> <li>- Teil-LH 4.2.121</li> <li>- Teil-LH 4.2.49</li> </ul> <p>Dokumentation der Nachweisführung: Prüfbericht #1-Verweis auf Art. 13 (2) (EU) 2016/797 Kompatibilität mit dem Netz technische Kompatibilität der relevanten Teilsysteme des Fahrzeugs untereinander und ihre sichere Integration #EBA Checklist Referenz: 19.15# vom 24.05.2018</p>	<p>of that regulation) which could affect the provision of guarantees or pose serious safety risks.</p> <ul style="list-style-type: none"> <li>- Point 4.2.9.6(3) of the LOC&amp;PAS TSI requires compliance with the functional requirements set out in clauses 4.2.1, 4.2.2, 4.2.3 and 4.2.4 of the specification (EN/IEC 62625-1:2013): section 4.2.1 of this specification describes the recording of train data of the juridical recorder unit. According to this section, the system must not overwrite data until at least 8 days (Minimum) after the recording of these data has elapsed. This is too little from the point of view of the Federal Railway Authority (EBA), the Accident Investigation Office (BEU) and the railway undertakings, as Germany is a transit country and it can happen after dangerous irregularities that the vehicle involved has already left the country again. This may take several weeks for the vehicle involved to be identified and placed. Especially in the case of cross-border traffic, it can be difficult to read out the data recorder from the trains involved in a dangerous irregularity. A recording period of 8 days is not sufficient to secure all relevant events before deletion because the risk potential is not known immediately when an event is reported. It is often discovered only later in the analysis of faults that these dangerous causes can be attributed and that an evaluation of the journey history record is necessary for further clarification. For this purpose, we would like to draw attention to the following exemplary procedure:             <ul style="list-style-type: none"> <li>o Day 1 Notification of a malfunction from operation in the malfunction detection system, working days 2-5 analysis of the malfunctions, after recognition</li> </ul> </li> </ul>	

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			<p>that trajectory record is required. Working day 6 Identification of the railway undertaking and request for data analysis, working day 7 Determination of the vehicle concerned and planning of data transfer, working days 8-15 waiting time until the vehicle arrives at a suitable location where data can be read out. Working day 16: Reading the data. Since weekends and public holidays are also added to the above working days, the above procedure results in a recording period of 30 days.</p> <ul style="list-style-type: none"> <li>- Even if the data are continuously read out and stored, a recording period of 30 days is required due to the vehicle's circulation times on the European railway network and the achievement of a maintenance site suitable for reading of the railway undertaking concerned. Shorter times would require the establishment of additional maintenance sites that cannot be expected to be expected for railway undertakings in terms of cost-effective operational organisation (rail sector competitiveness).</li> <li>- It must be possible for the competent authorities and railway undertakings to obtain the protection objectives referred to herein with little effort and with commercial PC equipment. To this end, it is necessary to implement other requirements compared to standard 62625 (see solution proposal), which are common in today's practice but are not sufficiently clearly defined in standard 62625.</li> <li>- In accordance with Commission Implementing Regulation (EU) 2019/773 (OPE TSI), point 4.2.3.5. Data recording: train data must be recorded and stored in order to enable</li> </ul>	

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			<p>the competent authorities to carry out their tasks. In particular, the points are:</p> <ul style="list-style-type: none"> <li>○ Support systematic safety monitoring as a means of avoiding accidents and incidents;</li> <li>○ Recording the operation of the train driver and the function of the train and infrastructure during the period prior to and (where appropriate) immediately after an accident or a dangerous irregularity to determine the causes and to assist in the assessment of new or modified measures to avoid repetition;</li> <li>○ Recording of information on the behaviour of both the locomotive or the locomotive and the driver</li> </ul> <ul style="list-style-type: none"> <li>- In the case of an obligation to record data only 8 days, the relevant data may be overwritten and the dangerous irregularity cannot be reconstructed.</li> <li>- The possibilities for monitoring RUs and their obligations and rights are therefore very limited.</li> <li>- In Germany there are one NNTR in Technische Regel JRU (Teil-LH 4.2.8) which set the data recording obligation to 30 days in order to have the relevant data available according to practical needs.</li> <li>- Teil-LH 4.2.13, Teil-LH 4.2.45, Teil-LH 4.2.121 : The requirement must remain because it is necessary for the practicable fulfilment of the safety obligations of the RU. RUs shall be independent on complex solutions provided by manufacturers.</li> <li>- Teil-LH 4.2.24: during bilateral exchanges with ERA, NSA Germany proposed an alternative text: <i>“If overwriting of data is not allowed. It shall be a visible information for a driver to</i></li> </ul>	

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			<p><i>indicate that more than 80 % of the storage medium is contain recorded data not yet have been retrieved or downloaded.”</i></p> <p><b>Agency examination:</b></p> <ul style="list-style-type: none"> <li>- Teil LH4.2.34: <b>accepted</b>, translation error of translation in the German version of TSI LOC&amp;PAS will be introduced in the TSI deficiency table.</li> <li>- Teil-LH 4.2.8: <b>not accepted</b>, rule not related to Vehicle Authorisation, the time between interventions to download information should be covered by railway undertaking Safety Management System in accordance with annex of regulation on Common Safety Method on monitoring Regulation (EU) 2012/1078. See also application guide clause 3: <ul style="list-style-type: none"> <li><i>“[G 3] The management system should contain instructions for using and maintaining technical tools for monitoring, such as IT tools, on-board recording devices, etc. For instance, in case data are stored in a database, rules, procedures and responsibilities shall be defined to ensure reliability of data and traceability of the data input; a policy to access and share data is necessary to avoid misuse of information from unauthorised personnel.”</i></li> </ul> </li> <li>- Teil-LH 4.2.13: <b>not accepted</b>, see also assessment above (on LH 4.2.8.); in addition, the functional requirement in EN 62625-1 is covered in clause 4.2.3 Ensure retrieval of recorded data and 4.2.4 Ensure retrieval of recorded data</li> <li>- Teil-LH 4.2.24: <b>not accepted</b>: <ul style="list-style-type: none"> <li>o the requirement is already covered by TSI LOC&amp;PAS that refers to clause 4.2.3 of EN 62625-1: <i>“ If the data is not allowed to be overwritten (for instance by national regulations) a visible indication output shall be provided to show if more</i></li> </ul> </li> </ul>	

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			<p><i>than 80 % of the storage medium contains recorded data which has not yet been extracted or downloaded."</i></p> <ul style="list-style-type: none"> <li>○ TSI LOC&amp;PAS clause 4.2.9.3.4 provides also functional requirement regarding control and indication to the driver.</li> <li>○ TSI LOC&amp;PAS does not impose a solution to display the information on the diagnostic display.</li> <li>○ The existing requirement are enough, it is the responsibility of the applicant to define solution compliant with TSI requirements.</li> </ul> <ul style="list-style-type: none"> <li>- Teil-LH 4.2.45: <b>not accepted</b>, not a vehicle authorisation rule, this should be covered by railway undertaking procedures together with NSAs and NIBs. TSI LOC&amp;PAS already provides clear requirements on design of onboard recording device. Regarding processing data, see extract of discussion in TSI working party in 2012 when recording device was discussed: <i>"Processing of the information: each RU should make available to NSAs/NIBs the necessary tools/software to access the data for its train"</i>.</li> <li>- Teil-LH 4.2.121: <b>not accepted</b> as a national rule for vehicle authorisation, see comment above. Such requirement should be managed contractually between railway undertaking and manufacturer of the vehicle.</li> <li>- Teil-LH 4.2.49: <b>accepted</b> pending correction of TSI LOC&amp;PAS that will refer to clause 4.3.1.8.2 of EN 62625-1, a change request is to be submitted by NSA Germany to TSI LOC&amp;PAS.</li> </ul>	
CCS	Rule related to ETCS and GSM-R	<u>12.2.5.7-Other ETCS requirements (related to existing not interoperable networks)</u>	Rules Nr. 17 and Nr. 19 refer respectively to CR 1313 and CR1370. CR 1307 is superseded by CR1370; and CR1370 is considered as an enhancement.	Not accepted,

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		<p><b>NTR Title:</b> "Bekanntgabe 09 Version 6.0a - 2021-09-21- Regelwerk zu den Anforderungen an fahrzeugseitige ZS-Komponenten und deren sichere Integration in das Teilsystem Fahrzeuge (Kapitel 3.3, Anstrich 4 und Anstrich 7 i.V.m. Kapitel 2)"</p> <p><b>Description:</b> DB Netz AG - NTR-Liste (NTRs für ETCS Baseline 2 und 3) – 18.08.2020</p> <ul style="list-style-type: none"> <li>- NTR Liste Nr. 17 (nur relevant für Level 1 LS Strecken): Das ETCS-Fahrzeuggerät muss Richtungsinformationen von Balisengruppen, die als ungelinkt markiert sind, auch dann verarbeiten, wenn die Position des Fahrzeuges nicht bekannt ist.</li> <li>- NTR Liste Nr. 19 (nur relevant für Level 1 LS Strecken): Die Anforderungen des Subsets026, Abschnitte 3.6.4.2, 3.6.4.3 b), 3.6.4.7.1 und 3.6.4.7.2 aus CR 782 dürfen nicht wie beschrieben im ETCS-Fahrzeuggerät implementiert sein.</li> </ul> <p>Stattdessen muss das Zurücksetzen des Vertrauensintervalls für als ungelinkt markierte Balisengruppen, als auch für als gelinkt markierte Balisengruppen, falls auf dem Fahrzeug keine Linking-Information verfügbar ist, auf sichere und die Streckenleistungsfähigkeit nicht beeinträchtigende Art und Weise geschehen.</p>	<p><b>NSA Germany justification:</b> Added comment to NTR Nr. 17 and 19 that is just valid for L1LS tracks. NTR Nr. 19: This is why DB Netz AG would once again like to ask ERA to give the opportunity to continue to request this NTR for Baseline 3 vehicles in the context of an opinion.</p> <p><b>Agency examination:</b> Rule 19 requires that some requirements in subset 26 not be implemented; nevertheless, from Agency 's point of view it is possible to design an ETCS system, based on current TSI, meeting essential requirements without the need of CR1370 (and CR1313). Proprietary and non-harmonised solutions developed for the purpose of this NR may lead to unpredictable behaviours. Rule 17: As CR 1313 has been superseded by CR 1370 (rule 19), the same assessment will apply for both national requirements Rule 19: CR1370 is considered as an enhancement. Transition period has been proposed in the TSI 2022 draft proposal for the implementation of new functions.</p>	<p>should be repealed</p>

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		<p>#1-Verweis auf Art. 13(2) (EU) 2016/797</p> <p>Kompatibilität mit dem Netz technische Kompatibilität der relevanten Teilsysteme des Fahrzeugs untereinander und ihre sichere Integration</p> <p>#EBA Checklist Referenz: 19.15# vom 24.05.2018</p>		