

Moving Europe towards a sustainable and  
safe railway system without frontiers.

# OPINION

*ERA/OPI/2024-8*

## OF THE EUROPEAN UNION AGENCY FOR RAILWAYS

for

SLOVENIA

regarding

eight (8) notified draft national rules setting requirements on  
several operational aspects

### 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

In line with article 25 (3) of Regulation (EU) 2016/796, this opinion covers the examination of eight (8) draft national rules of Slovenia by the European Union Agency for Railways (the Agency or ERA) leading to a negative assessment.

Slovenia notified these draft rules in the Single Rules Database (SRD)<sup>1</sup> on 25 January 2024. The Agency assessed them and reached the conclusion (also recorded in the SRD) that the notified draft rules contain requirements which, according to the Agency's opinion, are not in line with the EU legal framework, mainly Commission implementing Regulation (EU) 2019/773 (TSI OPE) and Commission Delegated Regulation (EU) 2018/762 establishing common safety methods on safety management system requirements (CSM-SMS)<sup>2</sup>.

In agreement with Slovenia, the timeframe for the Agency's assessment of the notified rules was extended until 31 May 2024.

The Agency shared its negative assessment with Slovenia on 23 May 2024.

Slovenia had the two-month timeframe for submitting their position, which was extended until 30 September 2024. On 30 September 2024, Slovenia notified the Agency via SRD its rejection of the Agency's negative assessment of eight (8) draft national rules.

This opinion is addressed to Slovenia with a copy to the European Commission.

It is uploaded on the Single Rules Database (SRD) and on the Agency's website.

## 2. Legal Background

Article 25 (2) and (3) of Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/20041 (Agency Regulation) sets out the following:

*"2. Where, after the examination referred to in paragraph 1, the Agency considers that the draft national rules enable the essential requirements for railway interoperability to be fulfilled, the CSMs and TSIs in force to be respected and the CSTs to be achieved, and that they would not result in arbitrary discrimination or a disguised restriction on rail transport operations between Member States, the Agency shall inform the Commission and the Member State concerned of its positive assessment. In that case, the Commission may validate the rules in the IT system referred to in Article 27.*

*Where the Agency within 2 months of receipt of the draft national rule or within the extended time period agreed in accordance with paragraph 1 does not inform the Commission and the Member State concerned of its assessment, the Member State may proceed with the introduction of the rule without prejudice to Article 26.*

*3. 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..."*

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<sup>1</sup> The draft rules and their ID references in SRD have been listed in the table in part 3 of this opinion.

<sup>2</sup> Detailed information and reference to legal acts are included in the table in part 3 of this opinion.

This opinion points out the fact that the draft national rules of Slovenia contradict already harmonised EU legislation, according to the analysis and the Annex to this opinion. The applicable EU legislation which is relevant for this opinion is:

- Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety,
- Commission implementing Regulation (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union and repealing Decision 2012/757/EU,
- Commission delegated Regulation (EU) 2018/762 of 8 March 2018 establishing common safety methods on safety management system requirements pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulations (EU) No 1158/2010 and (EU) No 1169/2010,
- Commission Regulation (EU) No 1078/2012 of 16 November 2012 on a common safety method for monitoring to be applied by railway undertakings, infrastructure managers after receiving a safety certificate or safety authorisation and by entities in charge of maintenance,
- Commission Delegated Regulation (EU) 2018/761 of 16 February 2018 establishing common safety methods for supervision by national safety authorities after the issue of a single safety certificate or a safety authorisation pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 1077/2012,
- Commission implementing Regulation (EU) No 402/2013 of 30 April 2013 on the common safety method for risk evaluation and assessment and repealing Regulation (EC) No 352/2009.

### 3. Analysis

The negatively assessed eight (8) notified draft rules are provisions contained in one draft legal document “Signalni pravilnik” (Signalling Regulation).

As a general remark it must be stressed that in case of revision of some of the notified rules by Slovenia, where the Agency indicated such a possibility, all relevant remarks stated in the Agency’s position should be taken into consideration.

Rule ID	Rule content and reference in English	Assessment result	Member State’s (MS) position on ERA’s negative assessment	MS’s justification	ERA’s final opinion in English
<a href="#">SI-SA-931-1-D</a>	<p>The following draft legal document is notified by the Member State: ‘<b>Signalni pravilnik</b>’ (Signalling Regulation).</p> <p>The Member State notifies Article 8 paragraphs 1-6 of the draft document as a national rule Type 3 ‘Common operating rules of the railway network that are not yet covered by TSIs, including rules relating to the signalling and traffic management system’.</p> <p>The rule scope is notified as ‘Signalling rules - Rules related to the operational use of the national signalling system’.</p> <p><b>The content of the draft rule:</b> “Article 8 (Minimum signal sight distances) (1) The minimum sight distance for main signals, pre-signals and pre-signalling repeaters shall depend on the maximum permissible line speed and shall be as specified in Table 1.</p> <p>Maximum authorised line speed Main signals Pre-signals and pre-signalling repeaters -up to 40 km/h 100 m -80 km/h 200 m 100 m -100 km/h 250 m -120 km/h 150 m -160 km/h 400 m 200 m Table 1: Minimum signal sight distances</p>	<p><b>Negative assessment of the Agency</b></p> <p><u>Justification:</u> Renotification of draft rule ID SI-SA-599-1-D after review.</p> <p>After reassessment and reanalysis within the Agency team, the rule is negatively assessed.</p> <p>First, the rule prescribes minimum distances between signals, depending on maximum authorized line speeds. The infrastructure manager is responsible for the way the infrastructure is designed and according to requirement 5.1.3.a) of Annex II of Regulation (EU) 2018/762 should control risks relevant for the safety of operational activities taking into account identification of safe boundaries of transport for traffic planning and control based on the design and characteristics of the infrastructure. Therefore, this cannot be regulated by a national rule.</p> <p>Second, a national rule cannot provide additional elements influencing the responsibility of the railway undertaking. The rule sets requirements for train braking and braking performance. Points 4.2.2.6.1 and 4.2.2.6.2 of Annex to TSI OPE Regulation</p>	MS rejected ERA’s negative assessment	<p>English:</p> <p>We do not consider that the rules conflict with the OPE TSIs or Regulation (EU) 2018/762 as they do not address these topics in such detail. The provision of Regulation 762 in point 5.1.3.a and the OPE TSI is a general norm that cannot be sufficiently specified in the assessment. The national provision allows for a consistent treatment of the content in the IM and RU SMS. The withdrawal of such national provisions may have a negative impact on the safe operation of rail transport, therefore we propose that the Article remains at national level without notification.</p> <p>Slovenian:</p> <p>Ocenjujemo, da pravila niso v nasprotju s TSI OPE niti z Uredbo (EU) 2018/762, saj teh vsebin tako natančno ne obravnavata. Določba Uredbe 762 v točki 5.1.3.a in TSI OPE je splošna norma, ki je pri ocenjevanju ni možno dovolj natančno določiti. Nacionalna določba omogoča konsistentno urejanje vsebin v SMS-ih IM in RU. Umik tovrstnih nacionalnih določb utegne imeti negativni vpliv na varno izvajanje železniškega prometa, zato</p>	<p>The Agency upholds its negative position.</p> <p>Considering Slovenia’s justification, the Agency stresses that implementing regulation (EU) 2019/773 (TSI OPE) does not contain an exhaustive description of railway operations and it should not be read or applied in isolation with other applicable EU railway legislation. It should be applied in consistency with all applicable EU railway legislation setting out requirements for operating railways.</p> <p>For example, although TSI OPE stipulates operational requirements, it does not cover all necessary elements to ensure the safe operations of railways, Compliance with TSI OPE shall also be seen as a requirement of the safety management system (SMS).</p> <p>Points 1 of Annexes I/II of delegated regulation (EU) 2018/762 set out the Safety management system requirements related to railway undertakings/infrastructure managers. These points in the delegated regulation make mandatory the identification of the serious risks for safety operational context.</p> <p>Both Annex of TSI OPE and Annexes I/II of delegated regulation (EU) 2018/762 contain principles and high-level requirements, with only some aspects in Appendices of TSI OPE</p>

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	<p>(2) Where the maximum permissible line speed is between these values, a proportional sight distance shall be determined according to the speed.</p> <p>(3) The sight distance for limit track signals, supplementary signals to main signals, pre-signal annunciators, signals and pre-signals to indicate the maximum permissible line speed, pantograph handling signals, main switch handling signals, no running with pantograph raised and announcement signals, stop approach signals and snow blower and plough signals shall be a minimum of 100 m.</p> <p>(4) The control signal for the operation of an automatic traffic protection device at a level crossing shall be visible at least from the position where the signal for the switching point is installed.</p> <p>(5) The auxiliary control signal shall be visible from the point of the traffic signal stop.</p> <p>(6) The sight distance for signals for the switching point, signals for the start of the stopping distance before a level crossing, track staff portable signals, track warning signals, portable track warning signals and the signal marking for stations without an import signal shall be at least 200 m.”</p>	<p>(EU) 2019/773 contain elements to be included by the railway undertakings when defining braking process. The infrastructure manager is obliged to provide the railway undertaking with all relevant line characteristics for each route through the Register of Infrastructure (RINF), e.g. signalling distances, gradients, or other means until RINF allows for such functionality. Then, the railway undertaking should use the information provided by the infrastructure manager to develop its own processes under their safety management system to ensure that they take into account the specific risks and have in place suitable risk controls on issues such as braking.</p>		<p>predlagamo, da člen ostane na nacionalni ravni brez priglasitve.</p>	<p>which contains more details. This system allows to uphold the overarching principle that it is up to the SMS of the railway undertaking (RU) and infrastructure manager (IM) to regulate all the necessary operational details in a manner appropriately addressing and controlling all the relevant identified risks (a process also known as implementation of the risk-based approach).</p> <p>It has to be highlighted that the responsibilities of IMs and RUs for railway safety have been specified in Article 4 (1) e) of Directive (EU) 2016/798.</p> <p>National rules as defined in Article 3 (8), relevant for safety and notified according to Article 8 of Directive (EU) 2016/798, can only be created by Member States exceptionally and in strictly regulated topics as listed in areas for national rules or open points covered by Appendix I of TSI OPE.</p> <p>In any other safety and operational topic already regulated on the EU level, national rules cannot be adopted and they cannot be created just to perform a function of a more detailed gateway between what is regulated in the EU law and what the RUs and IMs must include in their SMS.</p> <p>The IMs and RUs, under their own responsibility, must consider and cover the applicable requirements and follow them in their detailed operational procedures constituting the SMS to ensure that all relevant risks are effectively controlled.</p> <p>As the Agency explained in its justification for negatively assessing the draft rule in question, such a draft provision proposed by Slovenia</p>

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					<p>goes too deeply into the matter of the SMS as well as the interface between RUs and IMs.</p> <p>Concerning the IM, point 5.1.3.a) of Annex II of Regulation (EU) 2018/762 contains one of the basic obligations of the IM to resolve in its SMS: "To control risks where relevant for the safety of operational activities (see 3.1.1. Risk assessment), at least the following shall be taken into account: (a) identification of the safe boundaries of transport for traffic planning and control based on the design characteristics of the infrastructure".</p> <p>Adding the fact that TSI OPE states in point 4.2.2.6.2 (1) and (2) of its Annex that the IM is obliged to provide the RU with all relevant line characteristics for each route, e.g. <u>signalling distances</u>, gradients, the responsibility of the IM is clearly defined.</p> <p>The RU, it has its own responsibilities regarding its operational process to ensure proper and effective solutions in terms of train braking and braking performance – e.g. points 4.2.2.6.1 and 4.2.2.6.2 (3) of Annex of TSI OPE in conjunction with requirements 5.1.2 and 5.1.3 of Annex I of Regulation (EU) 2018/762.</p> <p>To conclude, the content of the draft rule has been negatively assessed on the grounds of containing requirements to be regulated by the responsible actors within the railway sector.</p> <p>In case of doubts whether the relevant actors have appropriate solutions in place, the national safety authorities (NSA) in the EU shall use all available legal instruments, such</p>

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					as Regulation (EU) 2018/761 establishing common safety methods for supervision by national safety authorities, to verify through their supervision activities the ability of the RUs' or IMs' SMS to function properly and address all relevant risks.
<p><a href="#">SI-SA-961-1-D</a></p>	<p>The following draft legal document is notified by the Member State: <b>'Signalni pravilnik'</b> (Signalling Regulation). The Member State notifies Article 40 of the draft document as a national rule Type 3 'Common operating rules of the railway network that are not yet covered by TSIs, including rules relating to the signalling and traffic management system'. The rule scope is notified as 'Signalling rules - Rules related to the operational use of the national signalling system'.</p> <p><b>The content of the draft rule:</b> "Article 40 (Automatic devices at level crossings with control signals) (1) The activation point where a train automatically activates traffic protection at a level crossing shall be indicated by an activation point signal. (2) Signal indication 54: 'Switching point, await control signal'. Rectangular black panel with four white diamonds placed one below the other (see Figure 58). Figure 58 (3) The signal for the switching point shall be installed at the switching point in front of the control signal, looking in the direction of the level crossing for which it is being installed, on the side where the control signal is located. It shall be installed at such a distance in front of the control signal that the driver can reliably observe the signals indicated by the control signal as soon as the head</p>	<p><b>Negative assessment of the Agency</b></p> <p><u>Justification:</u> Renotification of draft rule ID SI-SA-654-1-D after review. Signalling rules should provide information on the meaning of the signals and the operational use of the national signalling system. Therefore, the rule can be only partially assessed positively for paragraphs 2, 4, 8, 13, 15 and 19. To be treated as signalling rule, paragraphs 5, 6 and 9 need to be redrafted by rephrasing them so as to avoid putting responsibility directly on the driver. The Agency stresses that the roles and responsibilities of railway staff that should be identified and described within the safety management system (SMS) of IM and RU, according to requirement 2.3.1 of Annex I/II of Regulation (EU) 2018/762. Moreover, paragraphs 7, 14 and 16 are negatively assessed as their meaning and purpose are not clear, as well as they provide prescriptive requirements that should be regulated in the safety management system considering that they refer to the management of interfaces between railway undertaking and infrastructure manager - the rules are already covered by EU law (see Annex I point 4 and 5 of Regulation (EU)</p>	<p>MS rejected ERA's negative assessment</p>	<p>English: We have redrafted paragraphs 3, 5, 6, 9 and 16 to avoid imposing liability directly on the driver. The national provision allows for a consistent treatment of the content of the IM and RU SMS. The withdrawal of such national provisions may have a negative impact on the safe operation of rail transport and we therefore propose that the Article remains at national level without notification.  (3) The signal for the switching point shall be installed at the switching point in front of the control signal, looking in the direction of the level crossing for which it is installed, on the side where the control signal is located. It shall be installed at such a distance in front of the control signal that the signal signs indicated by the control signal can be reliably seen as soon as the head of the train is parallel to the signal for the switching point. (5) When, after the train has passed the signal for the control signal, the signal sign 55: 'Level crossing protection engaged' is displayed on the control signal or only the white flashing light on the control signal is lit, it means that the train may continue to run at its normal speed. (6) If the control signal displays the signal sign 55: 'Level crossing protection on' or if</p>	<p>1) Regarding Slovenian's justification, the Agency recognises the amendments for paragraphs 3, 5, 6 and 9. The rule should be further revised to delete elements which are not in line with EU law. The content of paragraphs 7, 14 and 16, should be renotified for the Agency's assessment. 2) Concerning paragraphs 7, 14 and 16, the Agency upholds its negative position. Considering Slovenia's justification, the Agency stresses that implementing regulation (EU) 2019/773 (TSI OPE) does not contain an exhaustive description of railway operations and it should not be read or applied in isolation with other applicable EU railway legislation. It should be applied in consistency with all applicable EU railway legislation setting out requirements for operating railways. For example, although TSI OPE stipulates operational requirements, it does not cover all necessary elements to ensure the safe operations of railways, Compliance with TSI OPE shall also be seen as a requirement of the safety management system (SMS).  Points 1 of Annexes I/II of delegated regulation (EU) 2018/762 set out the Safety management system requirements related to railway undertakings/infrastructure managers. These points in the delegated regulation make mandatory the identification</p>

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	<p>of the train is parallel to the signal for the switching point. (4) Signal 55: 'Level crossing protection on'.</p> <p>One yellow steady light or yellow circle covered with a reflective substance and one white flashing light above the light or yellow circle (see Figure 59). Figure 59</p> <p>(5) When, after the train has passed the signal for the switching point, the signal 55: 'Level crossing protection on' is displayed on the control signal, or only a white flashing light is lit on the control signal, it means that the driver may continue to drive at a regular speed.</p> <p>(6) If the control signal displays the signal sign 55: 'Level crossing protection on' or if the control signal has only a white flashing light before the head of the train is parallel to the signal for the level crossing, the driver shall proceed as if the traffic at the level crossing is not protected.</p> <p>(7) If the time of travel from the signal for the activation point to the level crossing is extended so that the time of travel to the level crossing to which the control signal applies is more than 4 minutes, the traffic at the level crossing must be treated as if the traffic at the level crossing is not guarded.</p> <p>(8) Signal indication 56: "Stop before level crossing".</p> <p>One yellow flashing light or a yellow circle covered with a reflective material (see Figure 60). Figure 60</p> <p>(9) If the control signal displays the signal sign 56: 'Stop before level crossing' during the journey from the signal to the control signal, the driver shall act as if the traffic at the level crossing is not protected.</p> <p>(10) A control signal controlling one or two level crossings shall be fitted before the first level crossing at a stopping distance which may be up to 50 % longer.</p>	<p>2018/762). In addition paragraph 16 puts responsibility on the driver - see remark for paragraphs 5, 6 and 9.</p> <p>The Agency also stresses that the other elements of the rule, containing description of the technical requirements (e.g. specifications for the design of the level crossing protection system or placement of the signals) are relevant for the infrastructure manager.</p> <p>In those aspects the notified rule is out of scope of notification under Article 8 of Directive (EU) 2016/798 as a safety rule.</p>		<p>the control signal flashes only a white light before the head of the train is parallel to the signal for the switching point, it shall be treated as if the traffic at the level crossing is not protected.</p> <p>(9) If the control signal displays the signal sign 56: 'Stop before level crossing' during the journey from the signal for the switching point to the control signal, it shall be treated as if the traffic at the level crossing is not protected.</p> <p>(16) If, after the train has proceeded from the intended stopping point, when the auxiliary control signal displays the signal sign 55: 'Level crossing protection on', the time taken for the train to travel to the level crossing is extended so that the journey time to the level crossing is more than 4 minutes, it shall be treated as if the traffic at the level crossing is not protected.</p> <p>Slovenian: Preoblikovali smo odstavke 3, 5, 6, 9 in 16 tako, da se izognemo neposrednemu nalaganju odgovornosti strojevodji. Nacionalna določba omogoča konsistentno urejanje vsebin v SMS-ih IM in RU. Umik tovrstnih nacionalnih določb utegne imeti negativni vpliv na varno izvajanje železniškega prometa, zato predlagamo, da člen ostane na nacionalni ravni brez priglavitve</p> <p>(3) Signal za vklopno mesto se vgradi ob vklopnem mestu pred kontrolnim signalom, gledano v smeri nivojskega prehoda, za katerega se vgrajuje, in sicer na tisti strani, kjer je kontrolni signal.</p>	<p>of the serious risks for safety operational context.</p> <p>Both Annex of TSI OPE and Annexes I/II of delegated regulation (EU) 2018/762 contain principles and high-level requirements, with only some aspects in Appendices of TSI OPE which contains more details. This system allows to uphold the overarching principle that it is up to the SMS of the railway undertaking (RU) and infrastructure manager (IM) to regulate all the necessary operational details in a manner appropriately addressing and controlling all the relevant identified risks (a process also known as implementation of the risk-based approach).</p> <p>It has to be highlighted that the responsibilities of IMs and RUs for railway safety have been specified in Article 4 (1) e) of Directive (EU) 2016/798.</p> <p>National rules as defined in Article 3 (8), relevant for safety and notified according to Article 8 of Directive (EU) 2016/798, can only be created by Member States exceptionally and in strictly regulated topics as listed in areas for national rules or open points covered by Appendix I of TSI OPE.</p> <p>In any other safety and operational topic already regulated on the EU level, national rules cannot be adopted and they cannot be created just to perform a function of a more detailed gateway between what is regulated in the EU law and what the RUs and IMs must include in their SMS.</p> <p>The IMs and RUs, under their own responsibility, must consider and cover the applicable requirements and follow them in their detailed operational procedures</p>



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	<p>(11) If a train is required to stop between the switching point and a level crossing, an auxiliary control signal shall be fitted between the control signal and the level crossing. The auxiliary control signal shall be extinguished in its normal state and shall be switched on automatically when the train occupies the part of the track where it is due to stop.</p> <p>(12) The auxiliary control signal shall be identical to the control signal and shall display the same signal symbols as the control signal, except that a black plate with a white circle coated with a reflective substance shall be added to the signal column (see Figure 61).</p> <p>(13) Auxiliary control signal. Figure 61</p> <p>(14) An auxiliary control signal need not be fitted if the prescribed stopping point of the train is at a level crossing. The level crossing shall be protected until the train has passed the level crossing.</p> <p>(15) The auxiliary control signal shall only show the signal signs for those trains which have a stop between the control signal and the level crossing. For trains which do not have a stop between the control signal and the level crossing, this signal is extinguished and is not valid.</p> <p>(16) If, after the train has resumed its journey from the intended stopping point, when the auxiliary control signal indicates the signal sign 55: 'Level crossing protection activated', the time taken by the train to travel to the level crossing is extended so that the journey time is more than 4 minutes, the driver shall act as if the traffic at the level crossing is not protected.</p> <p>(17) There shall be no activation point for the next level crossing between the control signal and the level crossing it controls. If the next level crossing is so close to the preceding level crossing that it would be necessary to install the activation point or</p>			<p>Vgradi se na tolikšni razdalji pred kontrolnim signalom, da se lahko takoj, ko je čelo vlaka vzporedno s signalom za vklopno mesto, zanesljivo opazi signalne znake, ki jih kaže kontrolni signal.</p> <p>(5) Kadar se po prevozu vlaka mimo signala za vklopno mesto na kontrolnem signalu pokaže signalni znak 55: »Zavarovanje na nivojskem prehodu vključeno« ali pa na kontrolnem signalu zagori samo bela utripajoča luč, pomeni, da sme vlak nadaljevati vožnjo z redno hitrostjo.</p> <p>(6) Če kaže kontrolni signal signalni znak 55: »Zavarovanje na nivojskem prehodu vključeno« ali če na kontrolnem signalu utripa samo bela luč že prej, preden je čelo vlaka vzporedno s signalom za vklopno mesto, se mora ravnati tako, kot da promet na nivojskem prehodu ni zavarovan.</p> <p>(9) Če kaže kontrolni signal v času vožnje od signala za vklopno mesto do kontrolnega signala signalni znak 56: »Ustavite pred nivojskim prehodom«, se mora ravnati tako, kot da promet na nivojskem prehodu ni zavarovan.</p> <p>(16) Če se čas potovanja vlaka po nadaljevanju vožnje od predvidenega mesta zaustavitve, ko pomožni kontrolni signal kaže signalni znak 55: »Zavarovanje na nivojskem prehodu vključeno« podaljša tako, da traja potovanje do nivojskega prehoda več kot 4 minute, se mora ravnati tako, kot da promet na nivojskem prehodu ni zavarovan.</p>	<p>constituting the SMS to ensure that all relevant risks are effectively controlled.</p> <p>As the Agency explained in its justification for negatively assessing the draft rule in question, such a draft provision proposed by Slovenia goes too deeply into the matter of the SMS as well as the interface between RUs and IMs.</p> <p>Concerning the IM, point 5.1.3.a) of Annex II of Regulation (EU) 2018/762 contains one of the basic obligations of the IM to resolve in its SMS: "To control risks where relevant for the safety of operational activities (see 3.1.1. Risk assessment), at least the following shall be taken into account: (a) identification of the safe boundaries of transport for traffic planning and control based on the design characteristics of the infrastructure".</p> <p>As the Agency explained in their justification for negatively assessing the draft rule in question, such a provision goes too deeply into the matter of the SMS as well as the interface between RUs and IMs.</p>

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	<p>control signal before the preceding level crossing, traffic protection at two consecutive level crossings shall be controlled and monitored by one activation point and one control signal or by one control and one auxiliary control signal.</p> <p>(18) Where the operation of automatic traffic protection devices at two level crossings is controlled by one control signal or by one control and one auxiliary control signal, these signals shall be provided with a supplementary signal. The supplementary signal to the control and auxiliary control signals shall be installed under the signal panel of the control and auxiliary control signals.</p> <p>(19) Signal Signal 57: 'Two controlled level crossings'.</p> <p>Rectangular black panel with a white reflective diamond inscribed with the black number 2 (see Figure 62).</p> <p>Figure 62"</p>				
<a href="#">SI-SA-966-1-D</a>	<p>The following draft legal document is notified by the Member State: <b>'Signalni pravilnik'</b> (Signalling Regulation).</p> <p>The Member State notifies Article 47 of the draft document as a national rule Type 3 'Common operating rules of the railway network that are not yet covered by TSIs, including rules relating to the signalling and traffic management system'.</p> <p>The rule scope is notified as 'Signalling rules - Rules related to the operational use of the national signalling system'.</p> <p><b>The content of the draft rule:</b> "Article 47 (signals by towing vehicle staff) (1) The driver shall give the necessary orders and warnings to the OVKN and, in certain cases, to other persons by means of signals from the towing crew.</p>	<p><b>Negative assessment of the Agency</b></p> <p><u>Justification:</u> This is a renotification of draft rule ID SI-SA-671-1-D that was negatively assessed by the Agency on 31/10/2023. No additional clarifications regarding the application of this rule were provided by the Member State.</p> <p>The rule is assessed negatively as it:</p> <ul style="list-style-type: none"> <li>- puts responsibilities directly on staff.</li> </ul> <p>The Agency stresses that the roles and responsibilities of railway staff that should be identified and described within the safety management system (SMS) of IM and RU, according to requirement 2.3.1 of Annex I/II of Regulation (EU) 2018/762;</p> <ul style="list-style-type: none"> <li>- provides requirements on signals applicable to the process of checks and</li> </ul>	<p>MS rejected ERA's negative assessment</p>	<p>English: The whole article concerns communication between driver and staff. In our opinion, according to Appendix I of the OPE TSI of Regulation (EU) 2019/773, point 1j, national rules may apply.</p> <p>Slovenian: Celotni člen se nanaša na komunikacijo med strojevodjem in osebjem. Po našem mnenju se v skladu z dodatkom I TSI OPE Uredbe (EU) 2019/773, točka 1j, lahko uporabljajo nacionalni predpisi.</p>	<p>The Agency upholds its negative position. Considering the Member States's justification, the Agency stresses that point 1 (j) of Appendix I of Regulation (EU) 2019/773 (TSI OPE) refers to "Safety-related communications methodology – National operational instructions (see Appendix C2)". This relates to operational instructions exchanged between signaller and driver, and national rules are reserved only for aspects not covered by European and therefore left to be regulated in a national instruction. The notified draft rule in question does not refer to such an aspect.</p> <p>The rule cannot be allowed as a signalling rule or in any other area for national rules or open point as it establishes requirements on signals applicable to the process of checks and tests,</p>

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	<p>(2) The signals of the towing crew shall be given by the whistle or siren of the towing vehicle or special purpose motor vehicle.</p> <p>(3) Signal sign 63: "Watch out" One long beep:</p> <p>(4) Signal sign 64: "Danger, brake". At least five short beeps in rapid succession:</p> <p>(5) Signal sign 65: "Release brakes". One long and two short beeps:</p> <p>(6) Signal sign 66: "Train stopped, clear of the line of clearance". Two beeps, one long and one short:</p> <p>(7) Signal 67: "Approach". Two short beeps and one long beep:</p> <p>(8) On trains with two locomotives at the head of the train, the signals shall be given by the driver of the first locomotive."</p>	<p>tests, including braking. Requirements for checks and tests cannot be prescribed in national rules as this is relevant for the safety management system (SMS) of the railway undertaking (RU) - point 4.2.3.3.1 of TSI OPE Regulation (EU) 2019/773.</p>			<p>including braking. Requirements for checks and tests cannot be prescribed in national rules as this is relevant for the safety management system (SMS) of the railway undertaking (RU) – point 4.2.3.3.1 of TSI OPE Regulation (EU) 2019/773. Moreover, as also strongly stressed by the Agency, the draft rule puts responsibilities directly on staff. Roles and responsibilities of railway staff should be identified and described within the safety management system (SMS) of IM and RU, according to point 2.3.1 of Annexes I/II of delegated regulation (EU) 2018/762.</p>
<p><a href="#">SI-SA-967-1-D</a></p>	<p>The following draft legal document is notified by the Member State: <b>‘Signalni pravilnik’</b> (Signalling Regulation).</p> <p>The Member State notifies Article 48 paragraphs 1, 2, 5, 6, 7 of the draft document as a national rule Type 3 ‘Common operating rules of the railway network that are not yet covered by TSIs, including rules relating to the signalling and traffic management system’.</p> <p>The rule scope is notified as ‘Signalling rules - Rules related to the operational use of the national signalling system’.</p> <p><b>The content of the draft rule:</b> “Article 48 (Purpose and use of towing vehicle personnel signals) (1) The signal sign 63: "Watch out" shall be given: - when it is necessary to warn that a train or vehicle is approaching and that it is necessary to move off the track or away from it; - in front of a track warning signal;</p>	<p><b>Negative assessment of the Agency</b></p> <p><u>Justification:</u> Renotification of draft rule ID SI-SA-673-1-D after review.</p> <p>The rule is still negatively assessed as paragraph 7 contains requirements already covered by Regulation (EU) 2019/773 TSI OPE that is Common Operational Rule (COR) 6 listed in Appendix B2 of TSI OPE. In cases of failures of audible signals the actions to be taken have already been harmonised on European level and the details should be for the SMS of the railway undertaking. For operations in degraded mode, according to Appendix I of TSI OPE, only indication of maximum allowed speeds is allowed to be provided in a national rule. As the Agency indicated in their assessment of rule ID SI-SA-673-1-D, the provision does not prescribe maximum allowed</p>	<p>MS rejected ERA's negative assessment</p>	<p>English: We have redrafted paragraphs 2, 3, 4, 5 and 6 to avoid imposing liability directly on the driver.</p> <p>The national provision allows for a consistent treatment of the content of the IM and RU SMS. The withdrawal of such national provisions may have a negative impact on the safe operation of rail transport and we therefore propose that paragraphs 3 and 4 remain at national level without notification.</p> <p>Paragraph 7 is transposed into IM and RU SMS by aligning with the OPE TSI of Regulation (EU) 2019/773, therefore paragraph 7 is deleted from the rules.</p> <p>(2) Signal 64: ""Danger, brake"" shall be given: - when the train has to stop as soon as possible for any reason. <u>He shall give the signal, whether he has observed a danger</u></p>	<p>1) Considering the Member States's justification, the Agency recognises the amendments for paragraphs 5 and 6. However, paragraph 1 still contains obligations allocated directly to the driver. The same is noted about the full content of redrafted paragraph 2. In this aspect, the rule should be reviewed in line with the Agency's comment.</p> <p>The draft rule, after further revision, that must not contain elements which are not in line with EU law – the content of paragraph 3, 4 and 7 as mentioned below, should be renotified for the Agency's assessment.</p> <p>2) Paragraphs 3 and 4 were negatively assessed under notification in SRD of the draft rule identified as SI-SA-673-1-D and were not renotified in draft rule SI-SA-967-1-D. The Agency upholds their negative assessment of those provisions as stated in the assessment of the rule SI-SA-673-1-D. Paragraphs 3 and 4 were assessed negatively.</p>

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	<p>- in front of a portable track warning device;</p> <p>- in front of level crossings, if the traffic protection devices at the level crossing are defective or if the traffic protection devices at the level crossing are not in use during the interruption of the traffic service;</p> <p>- before the train enters and leaves the tunnel;</p> <p>- frequently when visibility is reduced due to bad weather;</p> <p>- when trains meet in the vicinity of level crossings;</p> <p>- in front of a major cliff and other major objects obstructing the view;</p> <p>- after a train has stopped in front of visual import signals or light import signals which do not have a built-in import isolator, in cases where they show the signal sign 1: 'Stop'; in such cases the driver shall give the signal sign 63: 'Watch' twice consecutively; stations or service points with such light signals shall be shown in a specific overview in the network timetable documents.</p> <p>(2) Signal 64: 'Danger, brake' shall be given by the driver:</p> <p>- when the train has to stop as soon as possible for any reason. He must give the signal, regardless of whether he has observed a danger to his own train or to another train, and even if the hand signal 81: 'Stop' or 82b: 'Stop' has been given to the driver of another train and he has ignored it; he must also give the signal if he is asked to give it;</p> <p>- at stations provided for in the network statement, in the case of a train which, after stopping, occupies a separating line on the outbound side.</p> <p>(5) Signal 66: 'Train stopped, separator clear' shall be given by the driver at stations where this is provided for in the network timetable documents, when the train is stopped on the outbound side within the separators.</p>	<p>speed, but the way the train should operate and therefore is negatively assessed.</p> <p>Moreover, the draft legal document provided together with the notified rule still contains Article 48 paragraphs 3 and 4 that were assessed negatively. Paragraphs 3, 4 and 7 should not be adopted as justified in the assessment of rule SI-SA-673-1-D.</p> <p>Important! Before notifying reviewed rule please redraft the content of current paragraphs 1, 2, 5 and 6 by rephrasing them so as to avoid putting responsibility directly on the driver. The Agency stresses that the roles and responsibilities of railway staff that should be identified and described within the safety management system (SMS) of IM and RU, according to requirement 2.3.1 of Annex I/II of Regulation (EU) 2018/762.</p>		<p><u>to his own train or to another train, and even if the hand signal 81: 'Stop' or 82b: 'Stop' has been given to the driver of another train and he has ignored it; he shall also give the signal when he is requested to give it;</u></p> <p>- at stations provided for in the network statement, in the event of a train occupying a separating line on the outbound side after stopping</p> <p>(3) When an air-turning train occupied by train crews stops without being stopped by the driver (due to the application of the emergency brake, due to the main brake line breaking, due to the brakes braking of their own accord, etc.), the signal sign 65: 'Release brakes' shall be given twice in succession, which means that the brakes must be inspected.</p> <p>(4) On a single-occupancy motor train, if the door indicator shows that the train door is not closed, the train shall be stopped. After stopping, the signal sign 65: ""Release brakes"" shall be given, which means that the train crew shall check that the doors on the train are closed.</p> <p>(5) Signal 66: 'Train stopped, clear of sidings' shall be given at stations where this is provided for in the network timetable documents, when a train is stopped on the outbound side within the sidings.</p> <p>(6) Signal 67: ""Imports"" shall be displayed at the request of the traffic controller at stations protected by an incoming signal.</p> <p>Slovenian:</p>	<p>Braking is an important aspect of railway operations to ensure that trains operate safely. The risks arising from operational activities must be covered by appropriate risk mitigation measures, including braking rules and tests and checks. It is the responsibility of the railway undertaking (RU) to ensure that its operational processes, as a part of its safety management system (SMS), covers proper and effective solutions in terms of tests and checks and braking (points 4.2.2.6 and 4.2.3.3.1 of the Annex of TSI OPE in conjunction with requirements 5.1.2 and 5.1.3 of Annex I of delegated regulation (EU) 2018/762).</p> <p>The described situations can also fall under degraded operations or even emergency management which are subject to SMS procedures of the RU/IM taking into account the operational context and results of the risk assessment. The proposed amendments do not eliminate the fundamental reasons for the Agency's negative assessment. Moreover, the rule still sets obligations for RU staff.</p> <p>3) Concerning paragraph 7, the Agency upholds its negative assessment this provision contains requirements already covered by TSI OPE that is Common Operational Rule (COR) 6 listed in Appendix B2. In cases of failures of audible signals, the actions to be taken have already been harmonised on European level and the details should be for the SMS of the railway undertaking. For operations in degraded mode, according to Appendix I of TSI OPE, only indication of maximum allowed speeds is allowed to be provided in a national rule. As the Agency indicated in their</p>

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	<p>(6) Signal 67: 'Inbound' shall be given by the driver at the request of the traffic manager at stations protected by an incoming signal.</p> <p>(7) If the whistle or siren on the first locomotive breaks down, the train must be continued on the clear track to the first station."</p>			<p>Preoblikovali smo odstavke 2, 3, 4, 5 in 6 tako, da se izognemo neposrednemu nalaganju odgovornosti strojevodji.</p> <p>Nacionalna določba omogoča konsistentno urejanje vsebin v SMS-ih IM in RU. Umik tovrstnih nacionalnih določb utegne imeti negativni vpliv na varno izvajanje železniškega prometa, zato predlagamo, da odstavka 3 in 4 ostane na nacionalni ravni brez prigrasitve.</p> <p>Odstavek 7 se prenese v SMS IM in RU z uskladitvijo s TSI OPE Uredbe (EU) 2019/773, zato odstavek 7 črtamo iz pravilnika.</p> <p>(2) Signalni znak 64: »Nevarnost, zavri« se odda:</p> <ul style="list-style-type: none"> <li>- kadar je treba vlak iz kakršnega koli razloga čim prej ustaviti. Signalni znak mora oddati ne glede na to, ali je opazil nevarnost za lastni ali za drug vlak in tudi, če je bil oddan ročni signalni znak 81: »Stoj« ali 82b: »Stoj« strojevodji drugega vlaka, ta pa ga ni upošteval; signalni znak mora oddati tudi v primeru, kadar dobi zahtevo, da ga odda;</li> <li>- na postajah, predvidenih v dokumentih voznega reda omrežja, v primeru, kadar z vlakom po zaustavitvi zasede ločnico na izvozni stran</li> </ul> <p>(3) Kadar se zračno zavrti vlak, zaseden z vlakospremnim osebjem, ustavi, ne da bi ga ustavil strojevodja (zaradi uporabe zasilne zavore, zaradi prekinitve glavnega zavornega voda, zato ker zavore same od sebe zavirajo in podobnega), se odda signalni znak 65: »Popusti zavore« zaporedoma dvakrat, kar pomeni, da se morajo pregledati zavore.</p>	<p>assessment of rule ID SI-SA-673-1-D, the provision does not prescribe maximum allowed speed, but the way the train should operate and therefore is negatively assessed. Considering Slovenia's justification, the Agency stresses that implementing regulation (EU) 2019/773 (TSI OPE) does not contain an exhaustive description of railway operations and it should not be read or applied in isolation with other applicable EU railway legislation. It should be applied in consistency with all applicable EU railway legislation setting out requirements for operating railways.</p> <p>For example, although TSI OPE stipulates operational requirements, it does not cover all necessary elements to ensure the safe operations of railways, Compliance with TSI OPE shall also be seen as a requirement of the safety management system (SMS).</p> <p>Points 1 of Annexes I/II of delegated regulation (EU) 2018/762 set out the Safety management system requirements related to railway undertakings/infrastructure managers. These points in the delegated regulation make mandatory the identification of the serious risks for safety operational context.</p> <p>Both Annex of TSI OPE and Annexes I/II of delegated regulation (EU) 2018/762 contain principles and high-level requirements, with only some aspects in Appendices of TSI OPE which contains more details. This system allows to uphold the overarching principle that it is up to the SMS of the railway undertaking (RU) and infrastructure manager (IM) to regulate all the necessary operational details in a manner appropriately addressing</p>

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				<p>(4) Če se pri motornem vlaku z enojno zasedbo ugotovi, da kazalo stanja vrat kaže, da vrata vlaka niso zaprta, se mora ustaviti vlak. Po ustavitvi se mora oddati signalni znak 65: »Popusti zavore«, kar za vlakospremno osebje pomeni, da mora pregledati, ali so vrata na vlaku zaprta.</p> <p>(5) Signalni znak 66: »Vlak se je ustavil, ločnica prosta« se odda na postajah, na katerih je to predvideno z dokumenti voznega reda omrežja, kadar se vlak ustavi na izvozni strani znotraj ločnic.</p> <p>(6) Signalni znak 67: »Uvozi« se odda na zahtevo prometnika na postajah, ki so zavarovane z dohodnim signalom."</p>	<p>and controlling all the relevant identified risks (a process also known as implementation of the risk-based approach).</p> <p>It has to be highlighted that the responsibilities of IMs and RUs for railway safety have been specified in Article 4 (1) e) of Directive (EU) 2016/798.</p> <p>National rules as defined in Article 3 (8), relevant for safety and notified according to Article 8 of Directive (EU) 2016/798, can only be created by Member States exceptionally and in strictly regulated topics as listed in areas for national rules or open points covered by Appendix I of TSI OPE.</p> <p>In any other safety and operational topic already regulated on the EU level, national rules cannot be adopted and they cannot be created just to perform a function of a more detailed gateway between what is regulated in the EU law and what the RUs and IMs must include in their SMS.</p> <p>The IMs and RUs, under their own responsibility, must consider and cover the applicable requirements and follow them in their detailed operational procedures constituting the SMS to ensure that all relevant risks are effectively controlled.</p> <p>As the Agency explained in its justification for negatively assessing the draft rule in question, such a draft provision proposed by Slovenia goes too deeply into the matter of the SMS as well as the interface between RUs and IMs.</p>
<a href="#">SI-SA-968-1-D</a>	<p>The following draft legal document is notified by the Member State: <b>'Signalni pravilnik'</b> (Signalling Regulation).</p> <p>The Member State notifies Article 49 of the draft document as a national rule Type 3 'Common</p>	<p><b>Negative assessment of the Agency</b></p> <p><u>Justification:</u> This is a renotification of draft rule ID SI-SA-675-1-D.</p>	<p>MS rejected ERA's negative assessment</p>	<p>English: The whole article refers to the communication between the transport manager or the line manager and the driver. In our opinion, according to</p>	<p>The Agency upholds its negative position.</p> <p>Considering the Member State's justification, the Agency stresses that point 1 (j) of Appendix I of Regulation (EU) 2019/773 (TSI OPE) refers to "Safety-related</p>

Rule ID	Rule content and reference in English	Assessment result	Member State's (MS) position on ERA's negative assessment	MS's justification	ERA's final opinion in English
	<p>operating rules of the railway network that are not yet covered by TSIs, including rules relating to the signalling and traffic management system'. The rule scope is notified as 'Signalling rules - Rules related to the operational use of the national signalling system'.</p> <p><b>The content of the draft rule:</b> "Article 49 (Driving licence) (1) The driving licence shall be issued by the traffic manager or the line traffic manager in one of the following ways: 1. by means of a signal sign authorising running on the main signal, except on a group exit signal or a group cover signal, if the latter is not equipped with a track indicator or if the track from which the train is leaving is not equipped with movement signals or boundary track signals, 2. by means of the signal symbol 68: 'Permission to depart', 3. verbally (directly or by means of communication). (2) Permission to run shall be given by the signaller by means of the signal 68: 'Permission to depart' or directly orally not more than one minute before the scheduled departure at stations where the conditions referred to in the first subparagraph of the preceding paragraph are not fulfilled or where, due to local or weather conditions, the main signals are not visible from the place where the train is stationary. The signaller shall give permission to run by means of the signal 68: 'Permission to depart (...)<sup>3</sup> until he is satisfied that the driver has perceived the signal sign or until the train has started running. (3) Signal 68: 'Permission to depart'</p>	<p>Rule ID SI-SA-675-1-D was assessed negatively by the Agency on 31/10/2023 as it describes interface between infrastructure manager (IM) and railway undertaking (RU) that should be regulated in their SMS. The rule also prescribes roles and responsibilities of railway staff are a part of the safety management system (SMS) of the RU according to requirement 2.3.1 of Annex I of Regulation (EU) 2018/762. The rule needs revision and redrafting to only include elements that can fall under the area for national rules or an open point listed in Appendix I of Regulation (EU) 2019/773.</p>		<p>Appendix I of the OPE TSI of Regulation (EU) 2019/773, point 1j, national rules may apply.</p> <p>Slovenian: Celotni člen se nanaša na komunikacijo med prometnikom oziroma progovnim prometnikom z strojevodjem. Po našem mnenju se v skladu z dodatkom I TSI OPE Uredbe (EU) 2019/773, točka 1j, lahko uporabljajo nacionalni predpisi.</p>	<p>communications methodology – National operational instructions (see Appendix C2)". This relates to operational instructions exchanged between signaller and driver, and national rules are reserved only for aspects not covered by European Instructions and therefore left to be regulated in a national instruction. It should also be noted that Appendix C of TSI OPE refers to oral and verbal communication. The respective safety management systems (SMS) of the infrastructure managers (IM) and railway undertakings (RU) should include arrangements that ensure safety communication (exchange of safety-related information). These arrangements should be based on the results of risk assessment and should also include the communication methodology(s), procedure(s) and means (requirement 4.4 of Annex I/II of Regulation (EU) 2018/762).  Nevertheless, the notified draft rule in question does not refer to communication aspect, but provides operational details related to the interface IM and RU in the aspect of train departure / authorising train movement. As stressed in the Agency's first assessment, the rule also prescribes roles and responsibilities of railway staff that should be defined by the IM and RU as a part of their SMS, according to requirement 2.3.1 of Annex I/II of Regulation (EU) 2018/762.</p>

<sup>3</sup> Text of the notification amended in line with the actual content of the draft legal document submitted with the rule notification.



Rule ID	Rule content and reference in English	Assessment result	Member State's (MS) position on ERA's negative assessment	MS's justification	ERA's final opinion in English
	<p>1. Day Signal: The driver [<i>meaning the signaller</i><sup>4</sup>] shall hold up the signal flap vertically with his arm outstretched, with the faces of the flap facing the head and tail of the train (see Figure 66a).</p> <p>2. Night signal: The driver [<i>meaning the signaller</i><sup>5</sup>] shall raise the signal lamp facing the head of the train with the side showing the green light (see Figure 66b). Figure 66a Figure 68b</p> <p>3. Day and night signal with light signal:  A circle made up of several green lights (see Figure 66c).  Figure 66c (4) A light signal indicating the signal sign 68: 'Permission to depart' may be fitted under the signal panel of the MTS when a train standing in front of the MTS is to be given permission to depart. (5) The dependency between the light-signal 68: 'Permission to depart' and the MTS shall be such that the 68 signal sign can only be automatically activated if the MTS on which the light-signal indicating the 68: 'Permission to depart' signal sign is mounted is displaying the 'Running clear' signal sign, and the first main signal following the MTS on the train's running path is displaying the signal sign permitting running. (6) The promoter [<i>meaning the signaller</i><sup>6</sup>] may give the signal 68: 'Permission to depart' by means of a</p>				<p>Paragraph 13 of the notified draft rule also sets additional requirements directly for the SMS.</p> <p>Therefore, as advised by the Agency in their first assessment, in case the Member State considers the meanings of specific signals mentioned in the content of the rule as necessary to be prescribed in a national rule falling under point 1 (b) of Appendix I of TSI OPE, its content needs thorough revision and redrafting, respecting the EU law and the results of the Agency's assessment, to only include elements that can fall under the specific area for national rules.</p>

<sup>4</sup> Annotation by the Agency for clarity with the actual content of the draft legal document submitted with the rule notification.

<sup>5</sup> As above.

<sup>6</sup> As above.



Rule ID	Rule content and reference in English	Assessment result	Member State's (MS) position on ERA's negative assessment	MS's justification	ERA's final opinion in English
	<p>signal flap or a signal lamp after he has satisfied himself that the running path is clear for the train.</p> <p>(7) The signal sign 68: 'Permission to depart' indicates to the train crew that the train is authorised by the infrastructure manager to start or continue its journey.</p> <p>(8) Signalling Signal 69: 'Ready for departure'.</p> <p>1. Day Sign: Train controllers hold a paddle with the faces of the paddle pointing vertically upwards towards the head and tail of the train. (see Figure 67a).</p> <p>2. Night sign: Train controllers hold up a lamp with a white light facing the head of the train. (see Figure 67b).</p> <p>Figure 67a Figure 67b</p> <p>(9) Signal 69: 'Ready to depart' means to the driver that the train has been given permission by the train control staff to start or continue its journey.</p> <p>(10) Signalling signal 69: 'Ready to depart' is given by the train crew from the rear of the train towards the driver:</p> <ul style="list-style-type: none"> <li>- on passenger trains, when passengers have alighted and boarded and the doors are closed,</li> <li>- on passenger trains where the doors are closed from a central position, when the passengers have alighted and boarded,</li> <li>- on freight trains, as a notification that the train is ready for departure.</li> </ul> <p>(11) Signal 69: "Ready for departure" is given by the train dispatcher at the time of the on-board departure and continues to be given until the train dispatcher closer to the driver also starts to give the same signal. The train operator nearest to the driver shall give the signal until the driver notices it.</p>				

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	<p>(12) The trainman closer to the driver shall not give the signal 69: 'Ready to depart' unless he has first received the same signal from the trainman further away.</p> <p>(13) The shape, colour and size of the racket shall be determined by the carrier in its operating rules.</p> <p>(14) If a driver is given permission to run a train by means of signal 68: 'Permission to depart' or verbally, he must drive until the next main signal at that station in such a way that, if there are points on the running path to the first main signal, he does not exceed the speed limit prescribed for that station.</p> <p>(15) Where trains are standing in such close proximity to each other that the signal sign 68: 'Permission to depart' could be understood by drivers of different trains, the traffic signalman shall give the signal sign 68: 'Permission to depart' in close proximity to the driver to whom the signal is addressed, or shall give verbal permission to proceed.</p> <p>(16) Signal 70: 'Exceptional service'.</p> <p>1. Daily sign: The driver raises and lowers vertically at equal intervals the signal flap, with the face of the flap facing the incoming train. (see Figure 68a).</p> <p>2. Night signal: The driver shall raise and lower vertically at equal intervals a signal lamp facing the incoming train with the side showing the green light (see Figure 68b).</p> <p style="text-align: center;">Figure 68a Figure 68b</p> <p>(17) Signal 70: 'Exceptional service' is given by the traffic signalman with a signal flap or hand signal lamp to a train which is exceptionally passing through a busy station without stopping.</p>				

Rule ID	Rule content and reference in English	Assessment result	Member State's (MS) position on ERA's negative assessment	MS's justification	ERA's final opinion in English
	(18) A train passing through a station without stopping according to the operating timetable must be met by a traffic signalman during the day without a signal flap and at night with a hand signal lamp at knee level, with the green light facing the passing train."				
<a href="#">SI-SA-969-1-D</a>	<p>The following draft legal document is notified by the Member State: '<b>Signalni pravilnik</b>' (Signalling Regulation).</p> <p>The Member State notifies Article 50 of the draft document as a national rule Type 3 'Common operating rules of the railway network that are not yet covered by TSIs, including rules relating to the signalling and traffic management system'.</p> <p>The rule scope is notified as 'Signalling rules - Rules related to the operational use of the national signalling system'.</p> <p><b>The content of the draft rule:</b></p> <p>"Article 50 (Brake test signals)</p> <p>(1) Signal sign 71: "Call for brake test". Three short blasts and one long blast with a mouth whistle:</p> <p>(2) Signal sign 71: "Call for brake test" means that the main brake line is to be checked for leakage.</p> <p>(3) Signal 72: "Brake".</p> <p>1. Hand signals:</p> <p>- Day Sign: Arms folded overhead towards the towing vehicle (see Figure 69a).</p> <p>- Night sign: Raise the signal lamp with the white light towards the towing vehicle in an arc up to the head and lower it vertically downwards. (see Figure 69b).</p> <p style="text-align: center;">Figure 69a Figure 69b</p> <p>(4) Signal sign 73: "Avert".</p> <p>1. Hand signal sign:</p>	<p><b>Negative assessment of the Agency</b></p> <p><u>Justification:</u> This is a renotification of draft rule ID SI-SA-677-1-D that was negatively assessed by the Agency on 31/10/2023. The Agency upholds their assessment of the rule.</p> <p>Train braking should not be linked to the signalling system. This should be for the safety management systems (SMS) of the infrastructure manager (IM) and railway undertaking (RU).</p> <p>Braking and brake tests are the responsibility of the RU (points 4.2.2.6 and 4.2.3.3.1 of TSI OPE Regulation (EU) 2019/773) and should be covered by the SMS of the operator. A national rule should not prescribe actions and procedures in this aspect.</p>	MS rejected ERA's negative assessment	<p>English: The whole article concerns communication between staff and driver. In our opinion, according to Appendix I of the OPE TSI of Regulation (EU) 2019/773, point 1j, national rules may apply.</p> <p>Slovenian: Celotni člen se nanaša na komunikacijo med osebjem in strojevodjem. Po našem mnenju se v skladu z dodatkom I TSI OPE Uredbe (EU) 2019/773, točka 1j, lahko uporabljajo nacionalni predpisi.</p>	<p>The Agency upholds their negative position. Considering the Member State's justification, the Agency stresses that point 1 (j) of Appendix I of Regulation (EU) 2019/773 (TSI OPE) refers to "Safety-related communications methodology – National operational instructions (see Appendix C2)". This relates to operational instructions exchanged between signaller and driver, and national rules are reserved only for aspects not covered by European Instructions and therefore left to be regulated in a national instruction.</p> <p>The notified draft rule in question does not refer to such an aspect.</p> <p>The rule cannot be allowed as a signalling rule or in any other area for national rules or open point as it establishes requirements applicable to the process of checks and tests, including braking. Requirements for checks and tests, including brakes, cannot be prescribed in national rules as this is relevant for the safety management system (SMS) of the railway undertaking (RU) – point 4.2.2.6 and 4.2.3.3.1 of TSI OPE Regulation (EU) 2019/773.</p>

Rule ID	Rule content and reference in English	Assessment result	Member State's (MS) position on ERA's negative assessment	MS's justification	ERA's final opinion in English
	<p>- Day Sign: Waving hand in a semicircle above head (see Figure 70a).</p> <p>- Night sign: Mahati with a signal lamp with a white light in a semicircle above his head (see Figure 70b). Figure 70a Figure 70b</p> <p>(5) Signal 74: "Brake test complete".</p> <p>1. Hand signal sign:</p> <p>- Day Sign: Raise hand up (see Figure 71a).</p> <p>- Night sign: Raise the white-light lamp upwards (see Figure 71b). Figure 71a Figure 71b</p> <p>(6) Signal 74: "Brake test complete" means that the inspector has finished inspecting the brakes in the brake test."</p>				
<a href="#">SI-SA-972-1-D</a>	<p>The following draft legal document is notified by the Member State: '<b>Signalni pravilnik</b>' (Signalling Regulation).</p> <p>The Member State notifies Article 53 of the draft document as a national rule Type 3 'Common operating rules of the railway network that are not yet covered by TSIs, including rules relating to the signalling and traffic management system'.</p> <p>The rule scope is notified as 'Signalling rules - Rules related to the operational use of the national signalling system'.</p> <p><b>The content of the draft rule:</b> "Article 53 (Portable and hand signals by line staff)</p> <p>(1) Signals by track staff shall be used to indicate a part of the line, track or siding when it is impassable or when it is necessary to pass over it at a reduced speed (slow running).</p>	<p><b>Negative assessment of the Agency</b></p> <p><u>Justification:</u> This is a renotification of draft rule ID SI-SA-684-1-D that was negatively assessed by the Agency on 31/10/2023. The Agency upholds their assessment of the rule.</p> <p>The notified rule contains additional requirements for equipment the train crew should be equipped with. Even though the rule does not fall under any of the areas for national rules or open points listed in Appendix I of Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693, it has to be stressed that such rule constitutes a breach on interoperability. Moreover, this is a matter of interface between the railway undertaking (RU) and infrastructure manager (IM) that should</p>	<p>MS rejected ERA's negative assessment</p>	<p>English: We do not consider that the rules conflict with the OPE TSIs or Regulation (EU) 2018/762 as they do not address these topics in such detail.</p> <p>The national provision allows for a consistent treatment of the content in the IM and RU SMS. The withdrawal of such national provisions may have a negative impact on the safe operation of rail transport and we therefore propose that the Article remains at national level without notification.</p> <p>Slovenian: Ocenjujemo, da pravila niso v nasprotju s TSI OPE niti z Uredbo (EU) 2018/762, saj teh vsebin tako natančno ne obravnavata. Nacionalna določba omogoča konsistentno urejanje vsebin v SMS-ih IM</p>	<p>The Agency upholds its negative position that even though the rule does not fall under any of the areas for national rules or open points listed in Appendix I of Regulation (EU) 2019/773, as amended by Regulation (EU) 2023/1693, it constitutes a breach on interoperability. The notified rule contains additional requirements for equipment the train crew should be equipped with. Such information should be a part of the safety management system (SMS) procedures depending on the results of risk assessment, human and organisational factors analysis and operational needs.</p> <p>Additionally, this is a matter of interface between the railway undertaking (RU) and infrastructure manager (IM) that should be regulated in the safety management system (SMS) – the rules are already covered by EU</p>

Rule ID	Rule content and reference in English	Assessment result	Member State's (MS) position on ERA's negative assessment	MS's justification	ERA's final opinion in English
	<p>(2) Track staff signals shall be portable and hand-held.</p> <p>(3) Portable signals are:</p> <ol style="list-style-type: none"> <li>1. signal flaps, which are visual signals, namely:                             <ul style="list-style-type: none"> <li>- stop signal,</li> <li>- slow signals, and</li> <li>- cancellation signals;</li> </ul> </li> <li>2. signal lamps with a yellow or red light.</li> </ol> <p>(4) Hand signals shall be a signal flag and a signal lamp.”</p>	<p>be regulated in the safety management system (SMS) - the rules are already covered by EU law (see Annex I point 4 and 5 of Regulation (EU) 2018/762).</p>		<p>in RU. Umik tovrstnih nacionalnih določb utegne imeti negativni vpliv na varno izvajanje železniškega prometa, zato predlagamo, da člen ostane na nacionalni ravni brez prigrasitve.</p>	<p>law (see Annex I point 4 and 5 of Regulation (EU) 2018/762).</p> <p>Considering Slovenia's justification, the Agency stresses that implementing regulation (EU) 2019/773 (TSI OPE) does not contain an exhaustive description of railway operations and it should not be read or applied in isolation with other applicable EU railway legislation. It should be applied in consistency with all applicable EU railway legislation setting out requirements for operating railways.</p> <p>For example, although TSI OPE stipulates operational requirements, it does not cover all necessary elements to ensure the safe operations of railways, Compliance with TSI OPE shall also be seen as a requirement of the safety management system (SMS).</p> <p>Points 1 of Annexes I/II of delegated regulation (EU) 2018/762 set out the Safety management system requirements related to railway undertakings/infrastructure managers. These points in the delegated regulation make mandatory the identification of the serious risks for safety operational context.</p> <p>Both Annex of TSI OPE and Annexes I/II of delegated regulation (EU) 2018/762 contain principles and high-level requirements, with only some aspects in Appendices of TSI OPE which contains more details. This system allows to uphold the overarching principle that it is up to the SMS of the railway undertaking (RU) and infrastructure manager (IM) to regulate all the necessary operational details in a manner appropriately addressing and controlling all the relevant identified risks</p>

Rule ID	Rule content and reference in English	Assessment result	Member State's (MS) position on ERA's negative assessment	MS's justification	ERA's final opinion in English
					<p>(a process also known as implementation of the risk-based approach). It has to be highlighted that the responsibilities of IMs and RUs for railway safety have been specified in Article 4 (1) e) of Directive (EU) 2016/798. National rules as defined in Article 3 (8), relevant for safety and notified according to Article 8 of Directive (EU) 2016/798, can only be created by Member States exceptionally and in strictly regulated topics as listed in areas for national rules or open points covered by Appendix I of TSI OPE. In any other safety and operational topic already regulated on the EU level, national rules cannot be established and they cannot be created just to perform a function of a more detailed gateway between what is regulated in the EU law and what the RUs and IMs must include in their SMS. The IMs and RUs, under their own responsibility, must consider and cover the applicable requirements and follow them in their detailed operational procedures constituting the SMS to ensure that all relevant risks are sufficiently controlled. As the Agency explained in their justification for negatively assessing the draft rule in question, such a provision goes too deeply into the matter of the SMS as well as the interface between RUs and IMs.</p>
<p><a href="#">pSI-SA-973-1-D</a></p>	<p>The following draft legal document is notified by the Member State: <b>'Signalni pravilnik'</b> (Signalling Regulation). The Member State notifies Article 54 of the draft document as a national rule Type 3 'Common operating rules of the railway network that are not yet covered by TSIs, including rules relating to the signalling and traffic management system'.</p>	<p><b>Negative assessment of the Agency</b></p> <p><u>Justification:</u> Renotification of draft rule ID SI-SA-687-1-D after review. The rule is still negatively assessed as paragraph 10 (former paragraph 11) sets requirements for train and vehicle parking and securing.</p>	<p>MS rejected ERA's negative assessment</p>	<p>English: We do not consider that the rules conflict with the OPE TSIs or Regulation (EU) 2018/762 as they do not address these topics in such detail. The national provision allows for a consistent treatment of the content in the IM and RU SMS. The withdrawal of such</p>	<p>The Agency upholds their negative position concerning paragraph 10 of the notified draft rule as it set requirements for train and vehicle parking and securing. The rule was not revised sufficiently for the assessment. The matter of securing railway vehicles on the infrastructure manager's lines in any event (normal, degraded or emergency situations)</p>

Rule ID	Rule content and reference in English	Assessment result	Member State's (MS) position on ERA's negative assessment	MS's justification	ERA's final opinion in English
	<p>The rule scope is notified as 'Signalling rules - Rules related to the operational use of the national signalling system'.</p> <p><b>The content of the draft rule:</b> "Article 54 (stop signal) (1) A stop signal indicates that the track is impassable at a particular point because of damage, breakdown, work on the track, occupation by vehicles or other technical reasons and is given by the following signals: (2) Signal 82a: "Stop".</p> <p>A red signal racket with a white border (see Figure 79a). Figure 79a (3) Signal 82b: 'Stop' Waving a signal flag, hand or any object in a circle during the day and a signal lamp with a red light at night (see Figures 79b and 79c). Figure 79b Figure 79c (4) Signal 82a: "Stop" or 82b: "Stop" means that further driving is prohibited. (5) The stop signal shall be placed or given at a stopping distance in front of the non-driving position, but in such a way as to avoid, if possible, the train coming to a stop in a tunnel or on a bridge. (6) If a vehicle is approaching any unexpected dangerous spot, the signal 82b: "Stop" shall be given irrespective of the distance, but as far away from the dangerous spot as possible. (7) The stop signal shall remain displayed for as long as the obstruction persists, whether or not traffic is expected. The stop signal shall be removed as soon as the obstacle no longer exists. (8) The stop signal shall be placed from both directions in front of the place of no running, irrespective of whether traffic is carried on this</p>	<p>The matter of securing railway vehicles on the infrastructure manager's lines in any event (normal, degraded or emergency situations) should be treated as an interface between the infrastructure manager and railway undertaking in an aspect in which the EU law has already laid a framework. The requirements are already covered by EU law (see Annex I point 4 and 5 of Regulation (EU) 2018/762). The rule was not revised sufficiently for assessment. The Agency also stresses that the description of the technical requirements (e.g. specifications for the design or placement of the signals) are relevant for the infrastructure manager who should then provide appropriate information to the railway undertaking. In such aspects the provision will be out of scope of notification under Article 8 of Directive (EU) 2016/798. Moreover, remarks on braking distance in negatively reassessed rule ID-SI-SA-931-1-D (Article 8) should be considered.</p>		<p>national provisions may have a negative impact on the safe operation of rail transport and we therefore propose that the Article remains at national level without notification.</p> <p>Slovenian: Ocenjujemo, da pravila niso v nasprotju s TSI OPE niti z Uredbo (EU) 2018/762, saj teh vsebin tako natančno ne obravnavata. Nacionalna določba omogoča konsistentno urejanje vsebin v SMS-ih IM in RU. Umik tovrstnih nacionalnih določb utegne imeti negativni vpliv na varno izvajanje železniškega prometa, zato predlagamo, da člen ostane na nacionalni ravni brez prigrasitve.</p>	<p>should be treated as an interface between the infrastructure manager and railway undertaking in an aspect in which the EU law has already laid a framework. The requirements are already covered by EU law (see Annex I point 4 and 5 of Regulation (EU) 2018/762).</p> <p>The Agency also stresses that the description of the technical requirements (e.g. specifications for the design or placement of the signals) are relevant for the infrastructure manager who should then provide appropriate information to the railway undertaking. In such aspects the provision will be out of scope of notification under Article 8 of Directive (EU) 2016/798. Moreover, remarks on braking distance in negatively reassessed rule ID-SI-SA-931-1-D (Article 8 – also covered by this opinion) should be considered.</p> <p>Considering Slovenia's justification, the Agency stresses that implementing regulation (EU) 2019/773 (TSI OPE) does not contain an exhaustive description of railway operations and it should not be read or applied in isolation with other applicable EU railway legislation. It should be applied in consistency with all applicable EU railway legislation setting out requirements for operating railways.</p> <p>For example, although TSI OPE stipulates operational requirements, it does not cover all necessary elements to ensure the safe operations of railways, Compliance with TSI OPE shall also be seen as a requirement of the safety management system (SMS).</p> <p>Points 1 of Annexes I/II of delegated regulation (EU) 2018/762 set out the Safety</p>

Rule ID	Rule content and reference in English	Assessment result	Member State's (MS) position on ERA's negative assessment	MS's justification	ERA's final opinion in English
	<p>track in one direction only or in both directions. If the stop signal cannot be placed in the track, it shall be placed alongside the track to which it applies.</p> <p>(9) If a stop signal is to be placed on parallel or double-track lines or at stations for one track only, a cancellation signal shall be placed parallel to the adjacent tracks to ensure that traffic on the adjacent tracks is not interfered with.</p> <p>(10) The stop signal shall be set up at stations according to the following provisions, depending on the individual case:</p> <p>1. The marking of one or more station sidings, namely:</p> <ul style="list-style-type: none"> <li>- where only one main or siding track is station track, a stop signal shall be given from both directions in the track at the level of the dividing line;</li> <li>- if the non-driving position makes it impossible to run on two or more tracks and the other station tracks are running, all tracks downstream of the non-driving position shall be protected on both sides by stop signals placed at the level of the dividing line of the first adjacent running track. On the opposite side of the non-carriageway position, a stop signal shall be placed in each of these tracks at the level of the dividing line if it would not be possible to protect the non-carriageway tracks on that side also with only one stop signal.</li> </ul> <p>If it is necessary to prevent a movement from a station onto the open line, the stop signal shall be placed so that it does not obstruct the movement on the station, at least 20 m from the last exit switch towards the open line.</p> <p>Vehicles on the track which are not to be moved shall be protected by placing a stopping racket on both sides of the vehicles.”</p>				<p>management system requirements related to railway undertakings/infrastructure managers. These points in the delegated regulation make mandatory the identification of the serious risks for safety operational context.</p> <p>Both Annex of TSI OPE and Annexes I/II of delegated regulation (EU) 2018/762 contain principles and high-level requirements, with only some aspects in Appendices of TSI OPE which contains more details. This system allows to uphold the overarching principle that it is up to the SMS of the railway undertaking (RU) and infrastructure manager (IM) to regulate all the necessary operational details in a manner appropriately addressing and controlling all the relevant identified risks (a process also known as implementation of the risk-based approach).</p> <p>It has to be highlighted that the responsibilities of IMs and RUs for railway safety have been specified in Article 4 (1) e) of Directive (EU) 2016/798.</p> <p>National rules as defined in Article 3 (8), relevant for safety and notified according to Article 8 of Directive (EU) 2016/798, can only be created by Member States exceptionally and in strictly regulated topics as listed in areas for national rules or open points covered by Appendix I of TSI OPE.</p> <p>In any other safety and operational topic already regulated on the EU level, national rules cannot be adopted and they cannot be created just to perform a function of a more detailed gateway between what is regulated in the EU law and what the RUs and IMs must include in their SMS.</p>



Rule ID	Rule content and reference in English	Assessment result	Member State's (MS) position on ERA's negative assessment	MS's justification	ERA's final opinion in English
					<p>The IMs and RUs, under their own responsibility, must consider and cover the applicable requirements and follow them in their detailed operational procedures constituting the SMS to ensure that all relevant risks are effectively controlled.</p> <p>As the Agency explained in its justification for negatively assessing the draft rule in question, such a draft provision proposed by Slovenia goes too deeply into the matter of the SMS as well as the interface between RUs and IMs.</p> <p>As the Agency explained in their justification for negatively assessing the draft rule in question, such a provision goes too deeply into the matter of the SMS of the RUs and IMs.</p>

#### 4. The opinion

The Agency is of the opinion that the provisions in eight (8) draft national safety rules of Slovenia are not compliant with relevant EU legal requirements as described in part 3 Analysis of this opinion.

For this reason, in accordance with Article 25 (3) of Regulation (EU) 2016/796, the Agency with this opinion confirms its negative assessment.

This opinion is addressed to Slovenia, with a copy to the European Commission (DG Move).

Valenciennes, 28/10/2024

SIGNED

Josef DOPPELBAUER  
Executive Director

# Annex 1

## Impact Note

*Regarding eight (8) notified draft national rules setting requirements on several operational aspects*

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 national rules in object

In line with article 25 (3) of Regulation (EU) 2016/796, this opinion covers the examination of eight (8) draft national rules notified by Slovenia in the Single Rules Database (SRD) on 25 January 2024.

The Agency assessed them and reached the conclusion (also recorded in the SRD) that the notified draft rules contain requirements which according to the Agency's opinion, are not in line with the EU legal framework, mainly Regulation (EU) 2019/773 (TSI OPE) and Regulation (EU) 2018/762 establishing common safety methods on safety management system requirements (CSM-SMS).

### 1.2. Analysis performed

The Agency shared its negative assessment with Slovenia on 23 May 2024. On 30 September 2024, Slovenia notified the Agency via SRD its rejection of the Agency's negative assessment of the draft national rules.

The negatively assessed eight (8) notified draft rules are provisions contained in one draft legal document "Signalni pravilnik" (Signalling Regulation). They are renotifications of draft rules negatively assessed by the Agency at the end of 2023.

In the table in part 3 of this opinion the Agency provided an overview of the draft rules, with detailed information and reference to legal acts, according to the Agency's assessment. In particular, the (eight) rules contain requirements to be regulated by the responsible actors within the railway sector in their SMSs; it is up to the SMS of the railway undertaking (RU) and infrastructure manager (IM) to regulate all the necessary operational details in a manner appropriately addressing and controlling all the relevant identified risks (implementation of the risk-based approach). National rules as defined in Article 3 (8), relevant for safety and notified according to Article 8 of Directive (EU) 2016/798, can only be created by the Member States in strictly regulated topics as listed in areas for national rules or open points covered by Appendix I of TSI OPE. In any other safety and operational topic already regulated on the EU level, national rules cannot be established and they cannot be created just to perform a function of a more detailed gateway between what is regulated in the EU law and what the RUs and IMs must include in their SMS. The IMs and RUs, under their own responsibility, must consider and cover the applicable requirements and follow them in their detailed operational procedures constituting the SMS to ensure that all relevant risks are sufficiently controlled.

For some rules, some parts/paragraphs after further revision (e.g. deleting elements not in line with EU law) should be renotified for the Agency's assessment.

### 1.3. Assessment of impacts

The eight (8) draft national safety rules of Slovenia are not in line with the EU legal framework and/or contradict already harmonised EU legislation.

They falls within the scope of the Light Impact Assessment 'Revision of the Common Safety Methods on Conformity Assessment and the Common Safety Methods on Supervision' performed by the Agency in February 2017 and of the Full Impact Assessment on the TSI OPE Revision carried out in 2018. The impacts were therefore already adequately assessed and it is confirmed that the adoption of the draft rules would compromise uniformity of application of well-established EU requirements on SMS and increase the risk of low transparency of the national rules framework that stakeholders have to comply within Slovenia.

In particular the draft rules negatively assessed do not fall in an area for national rules, or are not in line with (by duplicating, further supplementing or contradicting) requirements and/or procedures to be addressed in the companies' Safety Management System. It is for the SMS of RU/IM to develop their

processes and procedures on the basis of the requirements specified in EU law, including TSI OPE Regulation (EU) 2019/773. A national rule should not prescribe additional requirements for the safety management systems of railway undertakings and infrastructure managers since such requirements have been defined in Regulation (EU) 2018/762.

Interoperability and coherence of the EU legal framework across the Union risk to be weakened by duplicating or further supplementing, in the national law, requirements already covered (in a harmonised way) at European level, going against the policy goal of reducing national rules and creating unnecessary burden on stakeholders (including unnecessary efforts to ensure the enforcement of the additional national rules on top of all other existing oversight requirements pertaining to EU law), with no (or doubtful) benefit.

**1.4. Stakeholders affected**

Railway undertakings (RU)	<input checked="" type="checkbox"/>	Member States (MS)	<input checked="" type="checkbox"/>
Infrastructure managers (IM)	<input checked="" type="checkbox"/>	Third Countries	<input type="checkbox"/>
Manufacturers	<input type="checkbox"/>	National safety authorities (NSA)	<input checked="" type="checkbox"/>
Keepers	<input type="checkbox"/>	European Commission (EC)	<input checked="" type="checkbox"/>
Entity Managing the Change (EMC)	<input type="checkbox"/>	European Union Agency for Railways (ERA)	<input checked="" 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**

No alternative options are to be assessed and it is confirmed a negative assessment of the draft rules in question notified by Slovenia.