

## Recommendation N. ERA-REC-117-2016/REC of the European Railway Agency

on

*Technical Specification for Interoperability relating to the  
subsystem 'Rolling stock – freight wagons' – Amendments for  
closure of the remaining open points, improvement of  
implementation rules and technical update*

THE EXECUTIVE DIRECTOR

HAVING REGARD TO Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European Railway Agency, hereafter referred to as the 'Agency Regulation', in particular Articles 2 and 12 thereof,

HAVING REGARD TO Directive 2008/57/EC of the European Parliament and of the Council of June 2008 on the interoperability of the rail system within the Community, hereafter referred to as the 'Interoperability Directive', in particular Article 6 thereof,

Whereas

1. The Agency is tasked in Article 12 of the Agency regulation to 'propose to the Commission the amendments to the TSIs which it considers necessary'.
2. Some clauses have been identified in the technical specification for interoperability relating to the subsystem 'rolling stock – freight wagons'<sup>1</sup> ('TSI WAG') that need to be amended in order to close the remaining open points, improve the implementation rules and perform a technical update.
3. The proposed amendments have been discussed with a working party established in accordance with Article 3 of the Agency Regulation.
4. These amendments have no direct impact in the social environment or working conditions of workers in the industry, nor on the rail freight customers or passengers. Therefore, consultation of neither social partners nor rail freight customers and passengers, as provided for in Articles 4 and 5 of the Agency Regulation, is necessary.
5. An impact assessment in accordance with Article 6(3) of the Interoperability Directive was already carried out during the full revision of this TSI. The proposed amendments complement the existing TSI and are covered by that impact assessment.

HAS ADOPTED the following recommendation:

1. The technical specification for interoperability relating to the subsystem 'rolling stock – freight wagons' (Annex to Commission Regulation (EU) No 321/2013, amended by Commission Regulation (EU) No 1236/2013 and Commission Regulation (EU) 2015/924) should be amended as set out in Annex I of this recommendation.
2. When adopting this amendment to the TSI WAG, the following considerations should be taken into account while drafting the enacting terms:
  - a. The provisions provided in the amendment for modifications should be considered (Article 3 of Regulation (EU) No 321/2013).
  - b. Member states should withdraw the national rules applicable to open points which are closed by this amendment (Article 4 of Regulation (EU) No 321/2013).

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<sup>1</sup> Annex to Commission Regulation (EU) No 321/2013 of 13 March 2013 concerning the technical specification for interoperability relating to the subsystem 'rolling stock – freight wagons' of the rail system in the European Union and repealing Decision 2006/861/EC (OJ L 104 12.4.2013, p. 1), as amended by Commission Regulation (EU) No 1236/2013 (2 December 2013) and Commission Regulation (EU) 2015/924 (8 June 2015).

- c. Obligation of Member States to communicate to the Commission within one year of the entry into force of this amendment the list of projects at an advanced stage of development which will be impacted by this amendment (Article 7 of Regulation (EU) No 321/2013).
- d. A transition period of 6 years after the date of application of this amendment should be set out for the interoperability constituent 'Automatic variable gauge system' defined in point 5.3.4b of the amended TSI WAG (Article 8 of Regulation (EU) No 321/2013).
- e. The validity period of interoperability constituents is defined in point 7.2.3.2 of the amended TSI WAG; therefore, Article 9a of Regulation (EU) No 321/2013 should be deleted.
- f. The date of application of the amendment should be stipulated (Article 12 of Regulation (EU) No 321/2013).
- g. The amendment could be further updated before its adoption in order to consider all relevant standards published in the meantime.
- h. The section 4.3 of the TSI WAG could be further updated before adoption of this amendment in order to consider the latest revisions of TSI INF and TSI OPE.

This recommendation is addressed to the European Commission.

Valenciennes, 11.04.2016



Josef DOPPELBAUER  
Executive Director

Annex I: Amendments to Technical specification for interoperability relating to the subsystem 'Rolling stock – freight wagons' (Annex to Commission Regulation (EU) No 321/2013, amended by Commission Regulation (EU) No 1236/2013 and Commission Regulation (EU) 2015/924)

## Annex II: Accompanying Report