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COMMISSION IMPLEMENTING DECISION (EU) 2025/1968

of 28 April 2025

laying down rules for the application of Directive (EU) 2016/797 of the European Parliament and of the Council as regards a request from Italy not to apply the requirement to install GSM-R in a tunnel set out in Commission Regulation (EU) No 1303/2014

(notified under document C(2025) 2437)

(Only the Italian text is authentic)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union ([1]), and in particular Article 7(4) thereof,

Whereas:

(1) On 11 December 2023, Italy submitted to the Commission a request for non-application of point 4.2.1.8 (a) of the Annex to Commission Regulation (EU) No 1303/2014 ([2]) to the new tunnel on the Mungivacca – Noicattaro line until 31 December 2029 (the 'request'). The request was submitted on the basis of Article 7(1), point (c), of Directive (EU) 2016/797.

(2) Point 4.2.1.8 (a) of the Annex to Regulation (EU) No 1303/2014 sets out the requirement that radio communication between the train and the infrastructure manager control centre is to be provided in each tunnel of more than 1 km in length with Global System for Mobile Communications – Railway (GSM-R).

(3) The project referred to in the request consists of building a new tunnel with a length of 3 155 m from km 7 + 304 to km 10 + 459 as part of a larger project to double the track of the Bari – Taranto railway line between Mungivacca and Noicattaro.

(4) According to the documents submitted by Italy, complying with point 4.2.1.8 (a) of the Annex to Regulation (EU) No 1303/2014 would entail an additional cost of EUR 4 million, as approximately 60 km of track in the surrounding area would need to be equipped with GSM-R.

(5) As an alternative provision, Italy proposes to apply point 1.1.1 of Annex 2, Part One, to Ministerial Decree 28 October 2005 – Safety in railway tunnels ('Radio communication system'), which lays down that a system is to be provided to enable radio communication between staff on board trains and between them and the control centre. This national rule has been notified to the Commission and to the European Union Agency for Railways pursuant to Article 14(1), point (c), of Directive (EU) 2016/797, under rule IT-FI-1586-1-A.

(6) In practice, mobile communication infrastructure with signals in the GSM Primary band that is capable of repetition of signals to the four main mobile operators would be used as well as ultra high frequency security infrastructure with signals in the 400-470 MHz band, which serves fire brigade teams. According to the documentation provided by Italy, the suitability of those alternative arrangements has been positively assessed by the National Agency for the Safety of Railways and Road and Highway Infrastructure.

([1]) OJ L 138, 26.5.2016, p. 44, ELI: http://data.europa.eu/eli/dir/2016/797/oj.

([2]) Commission Regulation (EU) No 1303/2014 of 18 November 2014 concerning the technical specification for interoperability relating to 'safety in railway tunnels' of the rail system of the European Union (OJ L 356, 12.12.2014, p. 394, ELI: http://data.europa.eu/eli/reg/2014/1303/oj).

(7) Based on the justification for the request provided by Italy and the alternative provision proposed, the conditions set out in Article 7(1), point (c), and Article 7(4) of Directive (EU) 2016/797 can be considered as fulfilled for the new tunnel on the Mungivacca – Noicattaro line. The request should therefore be accepted.

(8) Safety, as set out by Directive (EU) 2016/797, is an essential requirement which shall be met by the Union rail system, the subsystems and the interoperability constituents, including interfaces. The Commission should therefore be provided with any information indicating that the non-application of point 4.2.1.8 (a) of the Annex to Commission Regulation (EU) No 1303/2014 could compromise the safety of the railway system.

(9) The measures provided for in this Decision are in accordance with the opinion of the Committee referred to in Article 51(1) of Directive (EU) 2016/797,

HAS ADOPTED THIS DECISION:

Article 1

The request of Italy for non-application of point 4.2.1.8 (a) of the Annex to Regulation (EU) No 1303/2014 to the new tunnel on the Mungivacca – Noicattaro line is accepted on the condition that the alternative provision proposed by Italy is applied.

Italy shall without undue delay inform the Commission in case it has information that the non-application may reasonably compromise the safety of the railway system.

Article 2

This Decision is addressed to the Italian Republic.

It shall apply until 31 December 2029.

Done at Brussels, 28 April 2025.

For the Commission
Apostolos TZITZIKOSTAS
Member of the Commission