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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the exercise of delegation of powers to the Commission to adopt delegated acts, pursuant to Article 5(1) and 50 of Directive 2016/797/EU

1. Introduction

Article 5(1) and 50 of Directive 2016/797/EU[1] conferred powers on the Commission to adopt delegated acts. These powers have been conferred on the Commission for a period of 5 years from 15 June 2016 and should be tacitly extended for periods of identical duration.

2. Legal basis for the report

Pursuant to Article 50(2) of Directive 2016/797/EU the Commission should draw up a report in respect to the delegation of powers provided, not later than nine months before the end of the five-year period, thus before 15 September 2020. The Commission fully acknowledges and deeply regrets for the late submission of this report.

3. Exercise of the delegation

The following table shows the specific measures under the relevant empowerments:

Empowerments in Directive 2016/797/EU	Delegated act empowerment description
Article 5(1)	The Commission shall be empowered to adopt delegated acts in accordance with Article 50 concerning: • The geographical and technical scope of the Technical Specifications for Interoperability • The applicable essential requirements • The list of regulatory, technical, and operational conditions to be harmonised at the level of subsystems and at the level of interfaces betweek subsystems and their expected level of harmonisation • The railway-specific procedures to assess the EC verification of the subsystems • The categories of staff involved in the operation and maintenance of the subsystems concerned and the general objectives for setting the minimum requirements for professional qualifications and health and safety conditions for the staff concerned • Any other necessary element to be taken into account to ensure interoperability pursuant to Article 1(1) and (2) within the Union rail system, such as alignment of TSI with European and international standards or specifications

[1] 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, OJ L 138, 26.5.2016, p. 44

The Commission has exercised its empowerment to adopt the Commission Delegated Decision (EU) 2017/1474 of 8 June 2017 supplementing Directive (EU) 2016/797 of the European Parliament and of the Council with regard to specific objectives for the drafting, adoption and review of Technical Specifications for Interoperability.

Directive (EU) 2016/797 sets out the content and some general objectives of the Technical Specifications for Interoperability. The Delegated Decision sets out a coherent set of specific objectives which should be integrated in the Technical Specifications for Interoperability to improve interoperability while making it possible to facilitate, improve and develop rail transport services within the Union and with third countries and contribute to the completion of the single European railway area and the progressive achievement of the internal market.

The Technical Specifications for Interoperability covered by the Delegated Decision are the:

- Rolling Stock – Locomotives and Passengers TSI
- WAG TSI
- Noise TSI
- Control Command and Signalling TSI
- Energy TSI
- Infrastructure TSI
- Passengers with Disabilities and Reduced Mobility TSI
- Operation and Traffic Management TSI
- Safety in Railway Tunnels TSI
- Telematic Applications for Passenger services TSI
- Telematic Applications for Freight Services TSI

4. Conclusion

With this report the Commission complies with the reporting obligation pursuant to Article 50(2) of Directive 2016/797/EU.

The Commission invites the Council and the European Parliament to take note of this report.