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COMMISSION IMPLEMENTING DECISION (EU) 2025/467

of 12 March 2025

accepting a request from Sweden pursuant to Directive (EU) 2016/797 of the European Parliament and of the Council not to apply Implementing Regulation (EU) 2023/1695 as regards the installation of ETCS equipment onboard of six vehicles type 1144

(notified under document C(2025) 1484)

(Only the Swedish 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 14 March 2024, Sweden submitted to the Commission a request not to apply temporarily point 7.4.2.2 of Annex I to Commission Implementing Regulation (EU) 2023/1695 ([2]) to six existing ÖBB 1144 vehicles purchased by Grenland Rail (the 'vehicles concerned'). Those vehicles do not have ETCS (European Train Control System) equipment installed on board.

(2) The request by Sweden was submitted on the basis of Article 7(1), point (c), of Directive (EU) 2016/797 and was justified by the lack of economic viability for placing on the market vehicles only once they are equipped with ETCS as required in point 7.4.2.2 of Implementing Regulation (EU) 2023/1695.

(3) In accordance with point 7.4.2.2 of Annex I to Implementing Regulation (EU) 2023/1695, any existing vehicle when installing any new Class B train protection system in a control-command and signalling on-board subsystem is to be equipped and ready for operation with ETCS (Class A train protection system).

(4) The locomotive type 1144 is a 4-axle universal locomotive built for Österreichische Bundesbahnen (ÖBB, Austrian State Railway). The current area of use of this locomotive type is Austria. There is a high demand for this type of locomotive in Sweden. Grenland Rail has purchased and plans to use the vehicles in Sweden and Norway.

(5) Less than 5 % of the Swedish rail network is currently equipped with trackside ETCS. The national Class B system ATC2 remains necessary for operating on the Swedish network. The vehicles concerned would be operated on the parts of the Swedish network that do not have ETCS installed and either do or do not have the Swedish Class B train protection system ATC2 deployed trackside. According to the Swedish ERTMS National Implementation Plan, those parts of the network would not be equipped with ETCS before 2030.

(6) According to Sweden, the time taken for retrofitting the vehicles concerned with the ATC2 Class B system, including the authorisation of all vehicles concerned, and is 30 months shorter than the time taken for retrofitting them with ETCS. Prolonged waiting time stemming from the retrofit of the vehicles concerned with ETCS and their subsequent authorisation would thus deprive Grenland Rail from the income from the use of such vehicles and would make their acquisition by Grenland Rail not viable.

([1]) OJ L 138, 26.5.2016, p. 44, ELI: http://data.europa.eu/eli/dir/2016/797/oj.
([2]) Commission Implementing Regulation (EU) 2023/1695 of 10 August 2023 on the technical specification for interoperability relating to the control-command and signalling subsystems of the rail system in the European Union and repealing Regulation (EU) 2016/919 (OJ L 222, 8.9.2023, p. 380, ELI: http://data.europa.eu/eli/reg_impl/2023/1695/oj).

(7) The delay in the operational availability of the vehicles concerned would also reduce the supply of freight services at a moment of growth of demand for such services. It would not support the Union and Swedish policy objective to increase the modal share of rail freight.

(8) Until they are retrofitted with ETCS, the vehicles concerned will operate using the class B system in the Swedish network as it is the only signalling system available before ERTMS (European Railway Traffic Management System) has been rolled out.

(9) The locomotives referred to in the request are already identified with reference numbers. The Swedish authorities should communicate any change in the number of the vehicles concerned.

(10) Sweden has committed to an installation plan to retrofit the vehicles concerned with on-board ETCS at least in system version 2.1. According to the most recent time schedules supplied, the retrofit to ETCS of the six locomotives is expected to be completed by 1 July 2028. According to Sweden, the installation of the ATC2 system will preconfigure the installation of ETCS, making the installation of the latter easier. Sweden confirms that the vehicles concerned are already equipped with GSM-R (Global System for Mobile Communications – Railway), as necessary for the Swedish network.

(11) Sweden is already preparing for the future necessity to equip the vehicles concerned with FRMCS (Future Railway Mobile Communication System) to replace GSM-R, based on the estimated timeline of the introduction of FRMCS in the area of use of those vehicles in Sweden and Norway, and given the life-cycle of the vehicle.

(12) Based on the justification for the request provided by Sweden and the alternative provisions proposed, the conditions set out in Article 7(1), point (c), and Article 7(4) of Directive (EU) 2016/797 are fulfilled as regards the vehicles concerned. Therefore, the request submitted by Sweden for the non-application of point 7.4.2.2 of Annex I to Implementing Regulation (EU) 2023/1695 to those vehicles until 1 July 2028 should be accepted.

(13) In order to guarantee the timely development of the project, Sweden should inform the Commission by 31 December of each year about the planning for and progress in upgrading the vehicles concerned.

(14) Any extension of the non-application of the technical specification for interoperability concerned beyond 1 July 2028 would require a new economic analysis and a new Commission assessment.

(15) 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 Sweden for the temporary non-application of point 7.4.2.2 of Annex I to Implementing Regulation (EU) 2023/1695 to the six vehicles ÖBB 1144 identified with number 9181 1144 003-1, 9181 1144 010-6, 9181 1144 018-9, 9181 1144 019-7, 9181 1144 020-5, and 9181 1144 024-7, is accepted.

Article 2

Sweden shall inform the Commission of the planning for and progress in upgrading the six vehicles referred to in Article 1 by 31 December of each year. Sweden shall also communicate to the Commission any change in the reference numbers of those vehicles.

Article 3

Where a vehicle authorisation of any of the six vehicles referred to in Article 1 is issued in accordance with this Decision, that vehicle authorisation shall be valid for no longer than until 1 July 2028.

Article 4

This Decision is addressed to the Kingdom of Sweden.

It shall apply until 1 July 2028.

Done at Brussels, 12 March 2025.

For the Commission
Apostolos TZITZIKOSTAS
Member of the Commission