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COMMISSION IMPLEMENTING DECISION (EU) 2025/1529

of 29 July 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 Finland not to apply the requirement to use the latest ETCS Baseline in the trackside installation set out in Commission Implementing Regulation (EU) 2023/1695

(notified under document C(2025) 5123)

(Only the Finnish and Swedish texts are 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 6 June 2024, Finland submitted to the Commission a request for non-application of Commission Implementing Regulation (EU) 2023/1695 ([2]) to the EKA pilot track until 2035 (the 'request'). The request was submitted on the basis of Article 7(1), point (c), of Directive (EU) 2016/797.

(2) Under point 7.2.4.2. of Annex I to Implementing Regulation (EU) 2023/1695, a control-command signalling trackside subsystem must comply with the Technical Specification for Interoperability in force at the time of the request for authorisation of placing in service of the infrastructure. This would require the installation of the European Train Control System ('ETCS') complying with Baseline 4 specifications on the EKA pilot track.

(3) The project referred to in the request consists of installing a control-command and signalling trackside subsystem according to the Baseline 3 system version 2.1 specifications on the EKA ETCS pilot track section area Lielahti-Siuro-Kokemäki-Pori/Rauma ja Pori/Mäntyluoto/Tahkoluoto. This section consists of approximately 190 kilometres of single-track line and 18 stations (the 'EKA pilot track project').

(4) According to the documents submitted by Finland, complying with point 7.2.4.2. of Annex I to Implementing Regulation (EU) 2023/1695 would entail an additional cost of at least EUR 16,3 million. This is because implementing the latest ETCS Baseline would require an amendment to the signed contract and a redesign of the technical solution to be implemented. This would delay implementation of the project by two and a half years because of the need to notify in the register of infrastructure (RINF) ([3]) five years in advance of the change of the ETCS functionalities required from vehicles circulating on this line ([4]). Delaying the implementation of the project could also lead to a loss of co-funding under Finland's recovery and resilience plan.

([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.

([3]) Commission Implementing Regulation (EU) 2019/777 of 16 May 2019 on the common specifications for the register of railway infrastructure as amended by Commission Implementing Regulation (EU) 2023/1694 of 10 August 2023 (ELI: http://data.europa.eu/eli/reg_impl/2019/777/2023-09-28).

([4]) As required by point 7.2.9. of Annex I to Implementing Regulation (EU) 2023/1695.

(5) As an alternative provision, Finland suggests applying Commission Regulation (EU) 2016/919 ([5]) with all subsequent amendments, which means that only the ETCS Baseline 3 needs to be implemented. Finland intends to install ETCS Baseline 3 system version 2.1. For the future, Finland commits to installing ETCS Baseline 4 by 2035, subject to a new economic viability analysis supporting this step.

(6) Finland has committed to assessing the economic viability of an upgrade of the trackside ETCS to Baseline 4 on the EKA pilot track project at the latest in 2030, including the possibility of introducing the future radio standard Future Railway Mobile Communication System on this line. Finland should inform the Commission about the outcome of the economic analysis in 2030 and on a biennial basis at the end of 2032 and 2034 about the progress regarding the implementation of ETCS Baseline 4 on this line, provided that a respective decision has been taken.

(7) Based on the justification for the request provided by Finland and the alternative provisions 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 EKA pilot track project described here. The request should therefore be accepted.

(8) 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

Finland's request for the non-application of point 7.2.4.2. of Annex I to Implementing Regulation (EU) 2023/1695 to the EKA pilot track project is accepted on the condition that the alternative measures proposed by Finland are applied and a reassessment is performed in 2030 on the future economic viability of installing ETCS Baseline 4 on the EKA pilot track.

Article 2

This Decision is addressed to the Republic of Finland.

It shall apply until 31 December 2035.

Done at Brussels, 29 July 2025.

For the Commission
Apostolos TZITZIKOSTAS
Member of the Commission

([5]) Commission Regulation (EU) 2016/919 of 27 May 2016 on the technical specification for interoperability relating to the control-command and signalling subsystems of the rail system as amended by Commission Implementing Regulation (EU) 2019/776 of 16 May 2019, Commission Implementing Regulation (EU) 2020/387 of 9 March 2020 and Commission Implementing Regulation (EU) 2020/420 of 16 March 2020 (ELI: http://data.europa.eu/eli/reg/2016/919/2020-03-11).