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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 Articles 5(1) and 50 of Directive (EU) 2016/797

1. INTRODUCTION

Article 5(1) of 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]) confers powers on the Commission to adopt delegated acts in accordance with the conditions laid down in Article 50 of that directive, for a period of five years, starting from 15 June 2016, and tacitly extended for periods of identical duration.

This report concerns the power of the Commission to adopt delegated acts and lists the acts adopted by the Commission in its exercise for the period from 13 January 2022, date of the previous report ([2]), to 16 september 2025.

2. LEGAL BASIS FOR THE REPORT

Under Article 50(2) of Directive (EU) 2016/797 the Commission is required to draw up a report on the delegation of power *no later than nine months before the end of the five-year period*.

3. EXERCISE OF THE POWER TO ADOPT DELEGATED ACTS

Article 5(1) of Directive (EU) 2016/797 provides the Commission with the power to adopt delegated acts concerning:

(a) the geographical and technical scope of the Technical Specifications for Interoperability (TSIs);

(b) the applicable essential requirements;

(c) the list of regulatory, technical and operational conditions to be harmonised at the level of subsystems and at the level of the interfaces between subsystems and their expected level of harmonisation;

(d) the railway-specific procedures to assess the conformity of the interoperability constituents and their suitability for use;

(e) the railway-specific procedures to assess the 'EC' verification of the subsystems;

(f) 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;

([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, ELI: http://data.europa.eu/eli/dir/2016/797/oj.

([2]) 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 (COM/2022/7 final).

(g) any other element that needs to be taken into account to ensure interoperability in accordance with Article 1(1) and (2) within the EU rail system, such as aligning the TSIs with European and international standards or specifications.

In the period covered by this report, the Commission has not exercised its empowerment under Article 5(1) of Directive (EU) 2016/797. The Commission considers the existing regulatory framework sufficient to ensure the stability and efficiency of the European rail system.

In the previous period and still in force, the Commission exercised its empowerment under Article 5(1) of Directive (EU) 2016/797 to adopt 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 ([3]). This delegated decision set out a coherent set of specific objectives which should be integrated in the TSIs to improve interoperability while making it possible to facilitate, improve and develop rail transport services within the EU and with non-EU countries and contribute to the completion of the single European railway area and the progressive achievement of the internal market.

4. CONCLUSIONS

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

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

([3]) 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 (notified under document C(2017) 3800) (C/2017/3800), OJ L 210, 15.8.2017, p. 5, ELI: http://data.europa.eu/eli/dec_del/2017/1474/oj.