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COMMISSION IMPLEMENTING DECISION (EU) 2024/1335

of 17 May 2024

accepting a request submitted by Ireland pursuant to Article 7(4) of Directive (EU) 2016/797 of the European Parliament and of the Council not to apply temporarily Item 6b of Table 6.3 of Commission Implementing Regulation (EU) 2023/1695 conformity assessment requirements for a Trackside Subsystem – Testing with Two onboard Systems from different suppliers

(notified under document C(2024) 3227)

(Only the English and Irish 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 4 July 2023, Ireland submitted to the Commission, in accordance with Article 7(4) of Directive (EU) 2016/797, a request not to apply temporarily Item 6 of table 6.3 of Commission Regulation (EU) 2016/919 ([2]) Conformity assessment requirements for a Trackside Subsystem – which lays down an obligation to test with two onboard systems from different suppliers to check the interoperability of the signalling solution. This request was made in the context of the Train Protection System (TPS) Project that will deliver European Train Control System (ETCS) Level 1 trackside infrastructure for the Drogheda to Greystone route and up to the Northern Ireland border. This is the first installation of the European Rail Traffic Management System (ERTMS) in the Irish network.

(2) The TPS project will implement ETCS Level 1 as an overlay to the existing signalling system. It will operate alongside the existing class B to allow flexible utilisation of assets in the railway network of Ireland. The system is developed according to the Technical Specifications for Interoperability (TSI) – ERTMS Baseline 3 Release 2, according to the set of specifications #3 laid down in Table A2.3 of Annex A of Regulation (EU) 2016/919, the national rules stipulated by the Commission for Railway Regulation (CRR) and the Irish Railway Standard IRS-305-A. This project will be the starting point of the ETCS development in the Irish network as well as the Onboard national rollout.

(3) In the meantime, Regulation (EU) 2016/919 was repealed by Commission Implementing Regulation (EU) 2023/1695 ([3]). Having regard to the transition regime defined in Appendix B, Table B2, row 1 of Implementing Regulation (EU) 2023/1695, in substance, the requirement concerning testing with two onboard systems from different suppliers laid down in Item 6 of table 6.3 of Regulation (EU) 2016/919 corresponds to Item 6b of table 6.3 of Implementing Regulation (EU) 2023/1695. Therefore, the original request should be considered a request not to apply temporarily Item 6b of table 6.3 of Implementing Regulation (EU) 2023/1695.

(4) The cost associated with commissioning a different ETCS supplier to perform the tests would exceed 40 % of the value of the current trackside design and supply contract awarded. The delay in certifying the ETCS trackside infrastructure would delay the commissioning of the new ETCS fitted fleet by at least 10 months.

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

([2]) 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 in the European Union (OJ L 158, 15.6.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/919/oj).

([3]) 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).

(5) As there is no other ETCS system in the Irish network, there is no risk of compatibility problems. Ireland confirmed that the tests would be performed in the future at no additional cost if a different ETCS supplier were awarded the Onboard National Rollout contract to guarantee the total compatibility of ETCS systems among different suppliers. The award of that contract is planned to occur in 2024.

(6) As an alternative to undertaking the Operational Tests with at least two certified Onboard subsystem of different suppliers, Irish Rail proposed to perform the operational tests with the only certified on-board subsystem available to Irish Rail (i.e. the existing supplier) as part of the current 'Drogheda to Greystone' project, and ensure that the existing supplier is contractually responsible for modifying the trackside infrastructure if a non-interoperability issue is revealed as part of the test to be completed before the end of 2027.

(7) Ireland confirmed its commitment that as part of future ETCS National Roll Out contracts (Onboard and Trackside), the following would be completed before the end of 2027:

— If the same supplier were awarded the onboard contract, it would be required to complete the laboratory based Operational Tests with another certified ETCS onboard supplier's test bench.

— If a different supplier were awarded the onboard contract, completion of real implementation Operational Tests with a different supplier's certified system would take place according to the TSI.

(8) Based on the above, the conditions set out in Article 7(1), point (c) and Article 7(4) of Directive (EU) 2016/797 should be considered as fulfilled for the ETCS Level 1 Trackside – 'Drogheda to Greystone' project. The request of Ireland should therefore be accepted.

(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 Ireland not to apply temporarily Item 6b of table 6.3 of Implementing Regulation (EU) 2023/1695 is accepted. The Irish authorities shall inform the Commission about the roll-out of ERTMS on the Irish network by 31 December of each year in line with the ERTMS national implementation plan.

Article 2

This Decision is addressed to Ireland.

Article 3

This Decision shall apply until 31 December 2027.

Done at Brussels, 17 May 2024.

For the Commission
Adina VĂLEAN
Member of the Commission