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COMMISSION IMPLEMENTING DECISION (EU) 2026/2059

of 17 September 2026

laying down rules for the application of Directive (EU) 2016/797 of the European Parliament and of the Council as regards a request from Poland not to apply the requirement to install ETCS on-board of locomotives set out in Commission Implementing Regulation (EU) 2023/1695

(notified under document C(2026) 6338)

(Only the Polish 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 26 May 2026, Poland submitted to the Commission a request for non-application of point 7.4.2.1 of Annex I to Commission Implementing Regulation (EU) 2023/1695 ([2]) to 12 new diesel locomotives to be used on line No 65 (the 'request'). The request was submitted on the basis of Article 7(1), point (d), of Directive (EU) 2016/797.

(2) Point 7.4.2.1 of Annex I to Implementing Regulation (EU) 2023/1695 sets out the requirement that newly built vehicles are to be equipped and ready for operation with the European Train Control System ('ETCS').

(3) The project referred to in the request consists of the purchase of 12 diesel locomotives by PKP Linia Hutnicza Szerokotorowa Sp. z o.o. Those vehicles will circulate in Ukraine and in Poland on line No 65. That line has a track gauge of 1 520 mm which is different from that of the main rail network within the Union. That line is not equipped with ETCS trackside.

(4) According to the documents submitted by Poland, complying with point 7.4.2.1 of Annex I to Implementing Regulation (EU) 2023/1695 would entail an additional cost of PLN 18 000 000, as ETCS would have to be installed in addition to the two Polish Class B train protection systems, SHP and radio system with Radiostop function, which are installed on line No 65. The installation of ETCS trackside on line No 65 would entail an additional cost between PLN 1 500 000 and PLN 7 000 000 per kilometre. Such installation is not foreseen in the Polish control-command and signalling technical specification for interoperability national implementation plan.

(5) As an alternative provision, Poland proposes to apply point 7.4.2.1.2(3)(a) of the Annex to Commission Regulation (EU) 2016/919 ([3]), as last in force on 27 September 2023. In accordance with that provision, the requirement to be equipped with ETCS is not to apply to new vehicles that do not circulate on specified types of lines. Vehicles circulating only on line No 65 do not require the installation of ETCS, since line No 65 is not a high-speed line, not a line on the corridors defined in Annex I to Commission Implementing Regulation (EU) 2017/6 ([4]), or a line ensuring the connections to the main European ports, marshalling yards, freight terminals and freight transport areas defined in Article 2(1) of Implementing Regulation (EU) 2017/6.

([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, http://data.europa.eu/eli/reg_impl/2023/1695/oj).

([3]) 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).

([4]) Commission Implementing Regulation (EU) 2017/6 of 5 January 2017 on the European Rail Traffic Management System European deployment plan (OJ L 3, 6.1.2017, p. 6, ELI: http://data.europa.eu/eli/reg_impl/2017/6/oj).

(6) Based on the justification for the request provided by Poland and the alternative provision proposed, the conditions set out in Article 7(1), point (d), and Article 7(4) of Directive (EU) 2016/797 can be considered as fulfilled for the 12 new diesel locomotives to be used on line No 65. The request should therefore be accepted.

(7) The locomotives concerned are planned to be delivered by 2032 at the latest. According to the planning of technical revisions of those locomotives, revision P5 requiring the replacement of the control-command and signalling equipment is scheduled 24 years after the acquisition. This Decision should therefore apply until 31 December 2056 or until ETCS has been installed trackside on line No 65, whichever occurs first.

(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

The request of Poland of 26 May 2026 for non-application of point 7.4.2.1 of Annex I to Implementing Regulation (EU) 2023/1695 to the 12 new diesel locomotives to be used on line No 65 is accepted on the condition that the alternative provision proposed by Poland is applied.

Article 2

Poland shall without undue delay notify the Commission in the following cases:

(a) once ETCS has been installed trackside on line No 65; and

(b) it has information that the non-application referred to in Article 1 may reasonably compromise the safety of the railway system.

Article 3

This Decision is addressed to the Republic of Poland.

It shall apply until 31 December 2056 or until the notification referred to in Article 2, point (a).

Done at Brussels, 17 September 2026.

For the Commission
Apostolos TZITZIKOSTAS
Member of the Commission