COMMISSION IMPLEMENTING DECISION (EU) 2022/1349

of 26 July 2022

accepting a request submitted by Romania to Directive (EU) 2016/797 of the European Parliament and of the Council for non-application of point 7.4.2.1 of the Annex to Regulation (EU) 2016/919 to twenty vehicles LEMA

(notified under document C(2022) 5152)

(Only the Romanian 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 6 January 2022, Romania submitted to the Commission a request for non-application of point 7.4.2.1 of the Annex to Commission Regulation (EU) 2016/919 ([2]) (the 'request'), which provides for certain new vehicles to be equipped with on-board European Train Control System ('ETCS') Baseline 3, with regard to 20 new locomotives LEMA 6 000 kW manufactured. That request was submitted on the basis of Article 7(1), point (c) of Directive (EU) 2016/797.

(2) On 25 February 2022, upon request from the Commission, the Romanian authorities provided further explanations to complete the request.

(3) The information provided by the Romanian authorities enabled the Commission to carry out its analysis of the request.

(4) Point 7.4.2.1 of the Annex to Regulation (EU) 2016/919 aims at facilitating the interoperability of the rolling stock in the European network by installing ETCS on-board. However, some areas of the Single European Railway Area drag behind schedule to roll out ETCS in their network.

(5) The fleet of 20 locomotives referred to in the request is intended to operate in the Romanian network, where, currently, only 10 % of the network is equipped with trackside ETCS, while there is still a need for the class B system PZB to operate in the Romanian network.

(6) Due to the impact of the COVID-19 pandemic, the manufacturing process of signalling systems is delayed and the signalling supplier is not expecting to have the ETCS baseline 3 prototype project ready before the end of 2022. The 20 vehicles would need to be retrofitted during 2023, until the end of that year.

(7) The COVID-19 pandemic has impacted the development and certification process of the 20 new vehicles referred to in the request. The installation of ETCS Baseline 3 in the 20 locomotives referred to in the request would result in a further delay of 12 months for their availability and delivery. The lack of availability of the trains and the later need to retrofit the fleet from ETCS Baseline 2 to ETCS Baseline 3 would result in a considerable economic impact.

([1]) OJ L 138, 26.5.2016, p. 44.

([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).

(8) Nine of the locomotives referred to in the request are identified with numbers 91530480060-9, 91530480061-7, 91530480062-5, 91530480063-3, 91530480064-1, 91530480065-8, 91530480066-6, 91530480069-0 and 91530480070-8. Romanian authorities should provide the identification numbers of the other 11 locomotives at a later stage, upon their registration.

(9) The manufacturer of the vehicles has committed to an engineering and installation plan to upgrade the vehicles subject of the request with on-board equipment of the new ETCS Baseline 3. According to the most recent time schedules supplied, the upgrade to ETCS Baseline 3 is expected to be completed by 31 December 2023.

(10) The authorisation of the locomotives subject of the request, prior to the installation of the ETCS Baseline 3, will be valid only during the period of validity of this non-application decision.

(11) Therefore, the Commission considers that the conditions laid down in Article 7(1)(c) and Article 7(4) of Directive (EU) 2016/797 are satisfied as regards the 20 vehicles subject of the request The request submitted by Romania for the non-application of point 7.4.2.1 of the Annex to Regulation (EU) 2016/919 to those vehicles until 31 December 2023 should therefore be accepted.

(12) 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 submitted on 25 March 2021 to the Commission by Romania for non-application, until 31 December 2023, of point 7.4.2.1 of the Annex to Regulation (EU) 2016/919 to 20 new locomotives LEMA 6 000 kW, is accepted. The Romanian authorities shall inform the Commission of the identification numbers of the new locomotives, once those locomotives are registered in the Romanian network.

Article 2

Where the provisions of this Decision are applied to a vehicle authorisation of any of the 20 locomotives referred to in Article 1, that vehicle authorisation shall be valid until 31 December 2023.

Article 3

This Decision is addressed to Romania.

It shall apply until 31 December 2023.

Done at Brussels, 26 July 2022.

For the Commission
Adina VĂLEAN
Member of the Commission