



COMMISSION IMPLEMENTING DECISION (EU) 2024/853

of 14 March 2024

accepting a request submitted by the Kingdom of Spain pursuant to Article 7(4) of Directive (EU) 2016/797 of the European Parliament and of the Council for the temporary non-application of point 7.3.1.1 of Annex I to Commission Implementing Regulation (EU) 2023/1695 for the line 502 between Cáceres and Valencia de Alcántara'

(notified under document C(2024) 1571)

(Only the Spanish 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 10 January 2023, Spain submitted to the Commission, in accordance with Article 7(4) of Directive (EU) 2016/797, a request temporarily not to apply point 7.3.1 of the Annex to Commission Regulation (EU) 2016/919 ⁽²⁾ to the installation of GSM-R (Global system for Mobile Communications – Railway) on the line 502 from Cáceres (Kilometric point 332 + 529), Arroyo de Malpartida, Valencia de Alcántara until kilometric point 428 + 500, for a total of 88 km on an Iberian gauge line (the project). The request was accompanied by a file containing the justification for the request and specifying the alternative provisions that that Member State intends to apply. The file was completed by a complementary dossier submitted on 16 June 2023 upon demand from the Commission.
- (2) After the submission of the request, Regulation (EU) 2016/919 has been repealed by Commission Implementing Regulation (EU) 2023/1695 ⁽³⁾. In substance, the requirement to install GSM-R laid down in point 7.3.1 of the Annex to Regulation (EU) 2016/919 has been taken over in point 7.3.1.1 of Annex I to Implementing Regulation (EU) 2023/1695. Therefore, the original request should be considered a request temporarily not to apply point 7.3.1.1 of Annex I to Implementing Regulation (EU) 2023/1695.
- (3) Line 502 between Cáceres and Valencia de Alcántara is a low-traffic line, with a frequency of one train back and forth every two days. When the request was submitted, there were no requests to operate more trains on that line. The line is part of the European comprehensive network and the installation of European Rail Traffic Management System (ERTMS) is not anticipated before 2040.
- (4) The request concerns the renewal of the trackside equipment that is currently equipped with analogic ASFA (class B system), a telephone blocking system and no radio communication system. The project includes the installation of an automatic blocking system, renewal of the interlockings and the installation of a new communication system based on Satellite and GSM (commercial) communication systems. It is expected to enter into service by December 2025.

⁽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) The request is submitted on the basis of Article 7(1), point (c) of Directive (EU) 2016/797, namely the lack of economic viability for putting in service by June 2026 the trackside equipment, including communication system with GSM-R technology as set out in point 7.3.1.1 of Annex I to Implementing Regulation (EU) 2023/1695.
- (6) The complexity of the GSM-R and the related installation cost cannot be amortized on lines with very low demand for use, as is the case for line 502. The cost study of the project shows that the installation of the GSM-R solution would imply a cost 26 times higher than the solution finally proposed by the applicant (above 4 million euro compared to 0,150 million euro). This cost cannot be justified, given the low traffic of the line. Maintenance cost for the envisaged solution is 2 % compared to the installation of GSM-R.
- (7) As alternative provisions, the Spanish authorities plan to use satellite and GSM (commercial) systems for communications in operation (including subsequent versions of GSM). That solution is in line with the Study on feasibility of Satellite Communication for railway communication carried out by the European Union Agency for Railways (ERA) ^(*) in 2016 and contemplated in the FRMCS (future radio management communication system) Functional Working Group & Architecture and Technology Group, Feb. 2020.- Case 6 (Use of Satellite Communication). The Spanish authorities also studied the use of satellite communications in low traffic networks and the testing results of the satellite communication for the section Cáceres – Valencia de Alcántara provided satisfactory results.
- (8) The conditions set out in Article 7(1), point (c) and Article 7(4) of Directive (EU) 2016/797 should be considered fulfilled for line 502 from Cáceres (Kilometric point 332 + 529), Arroyo de Malpartida, Valencia de Alcántara until the kilometric point 428 + 500. Therefore, the request submitted by Spain to temporarily not apply point 7.3.1.1 of Annex I to Implementing Regulation (EU) 2023/1695, while mitigating the non-application by installing a Satellite communication system and GSM (commercial, including subsequent versions), should 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 Spain to temporarily not apply point 7.3.1.1 of Annex I to Implementing Regulation (EU) 2023/1695 to the section of line 502 of the Spanish railway network, located within the geographic limits from Cáceres (kilometric point 332 + 529), Arroyo de Malpartida, Valencia de Alcántara until the kilometric point 428 + 500, is accepted.

Article 2

This Decision shall cease to apply on the date when the deployment of FRMCS or other equivalent modern radio system will become mandatory for the European comprehensive rail network.

Article 3

This Decision is addressed to the Kingdom of Spain.

^(*) https://www.era.europa.eu/system/files/2022-11/Study%20on%20feasibility%20of%20satcom%20for%20railway%20applications%20by%20INDRA_ALG.pdf

Done at Brussels, 14 March 2024.

For the Commission
Adina-Ioana VĂLEAN
Member of the Commission
