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## Information and Notices

| <u>Notice No</u> | Contents  | Page |
|------------------|---|------|
|                  | <b>I Information</b>  |      |
|                  | <b>Commission</b>   |      |
| 94/C 134/01      | Ecu .....   | 1    |
| 94/C 134/02      | List of documents forwarded by the Commission to the Council during the period 2 to 5. 5. 1994 .....  | 3    |
| 94/C 134/03      | Inapplicability of the Regulation to a notified operation (Case No IV/M.425 — BS/BT) <sup>(1)</sup> .....   | 4    |
| 94/C 134/04      | Notification (Case No IV/35.038 — Jetphone) <sup>(1)</sup> .....  | 5    |
|                  | <b>II Preparatory Acts</b>  |      |
|                  | <b>Commission</b>   |      |
| 94/C 134/05      | Proposal for a Council Directive on the interoperability of the European high-speed train network <sup>(1)</sup> .....  | 6    |
| 94/C 134/06      | Proposal for a Council Decision amending Decision 92/511/EEC of 19 October 1992 to increase the amount of medium-term financial assistance for Bulgaria ..... | 26   |
| 94/C 134/07      | Proposal for a Council Decision providing further macro-financial assistance for Romania .....  | 27   |

## I

(Information)

## COMMISSION

Ecu (\*)

16 May 1994

(94/C 134/01)

Currency amount for one unit:

|                              |          |                      |         |
|------------------------------|----------|----------------------|---------|
| Belgian and Luxembourg franc | 39,7652  | United States dollar | 1,15446 |
| Danish krone                 | 7,55764  | Canadian dollar      | 1,58622 |
| German mark                  | 1,93198  | Japanese yen         | 120,606 |
| Greek drachma                | 285,935  | Swiss franc          | 1,64683 |
| Spanish peseta               | 159,580  | Norwegian krone      | 8,37153 |
| French franc                 | 6,62484  | Swedish krona        | 8,98940 |
| Irish pound                  | 0,787218 | Finnish markka       | 6,29871 |
| Italian lira                 | 1856,29  | Austrian schilling   | 13,5879 |
| Dutch guilder                | 2,16876  | Icelandic krona      | 82,5782 |
| Portuguese escudo            | 199,167  | Australian dollar    | 1,59301 |
| Pound sterling               | 0,768766 | New Zealand dollar   | 1,97174 |
|                              |          | South African rand   | 4,22386 |

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day.

Users of the service should do as follows:

- call telex number Brussels 23789;
- give their own telex code;
- type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the ecu;
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

*Note:* The Commission also has an automatic telex answering service (No 21791) and an automatic fax answering service (No 296 10 97) providing daily data concerning calculation of the conversion rates applicable for the purposes of the common agricultural policy.

(\*) Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ No L 379, 30. 12. 1978, p. 1), as last amended by Regulation (EEC) No 1971/89 (OJ No L 189, 4. 7. 1989, p. 1).

Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ No L 349, 23. 12. 1980, p. 34).

Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ No L 349, 23. 12. 1980, p. 27).

Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ No L 345, 20. 12. 1980, p. 23).

Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ No L 345, 20. 12. 1980, p. 1).

Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ No L 311, 30. 10. 1981, p. 1).

## Ecu

13 May 1994

Currency amount for one unit:

|                                      |          |                      |         |
|--------------------------------------|----------|----------------------|---------|
| Belgian and<br>Luxembourg franc con. | 39,7632  | United States dollar | 1,15515 |
| Danish krone                         | 7,55700  | Canadian dollar      | 1,59030 |
| German mark                          | 1,93199  | Japanese yen         | 121,256 |
| Greek drachma                        | 285,357  | Swiss franc          | 1,64898 |
| Spanish peseta                       | 159,203  | Norwegian krone      | 8,36965 |
| French franc                         | 6,62595  | Swedish krona        | 8,97068 |
| Irish pound                          | 0,790658 | Finnish markka       | 6,27825 |
| Italian lira                         | 1848,16  | Austrian schilling   | 13,5869 |
| Dutch guilder                        | 2,16857  | Icelandic krona      | 82,5356 |
| Portuguese escudo                    | 198,998  | Australian dollar    | 1,59838 |
| Pound sterling                       | 0,771541 | New Zealand dollar   | 1,97800 |
|                                      |          | South African rand   | n.a.    |

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**LIST OF DOCUMENTS FORWARDED BY THE COMMISSION TO THE COUNCIL  
DURING THE PERIOD 2 TO 5. 5. 1994**

(94/C 134/02)

*These documents may be obtained from the Sales Offices, the addresses of which are given on the  
back cover*

| Code        | Catalogue No      | Title   | Date adopted by the Commission | Date forwarded to the Council | Number of pages |
|-------------|-------------------|---|--------------------------------|-------------------------------|-----------------|
| COM(94) 160 | CB-CO-94-172-EN-C | Proposal for a Council Directive concerning the compulsory indication on the labelling of certain foodstuffs of particulars other than those provided for in Directive 79/112/EEC <sup>(1)</sup>  | 2. 5. 1994                     | 2. 5. 1994                    | 7               |
| COM(94) 170 | CB-CO-94-183-EN-C | Amended proposal for a European Parliament and Council Directive Amending Directives 77/780/EEC and 89/646/EEC in the field of credit institutions, 73/239/EEC and 92/49/EEC in the field of non-life insurance, 79/267/EEC and 92/96/EEC in the field of life assurance, and 93/22/EEC in the field of investment firms in order to reinforce prudential supervision <sup>(2)</sup> <sup>(1)</sup> | 2. 5. 1994                     | 2. 5. 1994                    | 6               |
| COM(94) 100 | CB-CO-94-109-EN-C | Commission Communication to the Council and the European Parliament — The European Community and the challenge of population growth: proposed position of the Community at the World Conference on Population and Development, Cairo, 5 to 13 September 1994  | 4. 5. 1994                     | 4. 5. 1994                    | 16              |
| COM(94) 155 | CB-CO-94-166-EN-C | 18th Annual activity report of the Advisory Committee on safety, hygiene and health protection at work — 1993 <sup>(1)</sup>  | 3. 5. 1994                     | 4. 5. 1994                    | 25              |
| COM(94) 157 | CB-CO-94-168-EN-C | Proposal for a Council Regulation (EC) temporarily suspending the autonomous Common Customs Tariff duty on certain industrial products (in the microelectronics and related sectors)  | 3. 5. 1994                     | 4. 5. 1994                    | 117             |
| COM(94) 158 | CB-CO-94-169-EN-C | Proposal for a Council Regulation (EC) opening and providing for the administration of Community tariff quotas for certain agricultural products originating in Hungary, Poland, the Czech Republic, Slovakia, Romania and Bulgaria and establishing the detailed provisions for adapting these quotas (1994/1997)  | 3. 5. 1994                     | 4. 5. 1994                    | 36              |
| COM(94) 162 | CB-CO-94-175-EN-C | Commission Communication to the Council concerning the programme of measures to be taken to promote the use of flax fibre for the period 1 January 1995 to 31 December 1996   | 3. 5. 1994                     | 4. 5. 1994                    | 11              |
| COM(94) 165 | CB-CO-94-180-EN-C | Commission Communication to the Council on coordination between the Community and the Member States concerning food security policies and practices <sup>(1)</sup>  | 4. 5. 1994                     | 4. 5. 1994                    | 22              |
| COM(94) 161 | CB-CO-94-174-EN-C | XXIIIrd Competition report from the Commission — 1993 <sup>(1)</sup>  | 5. 5. 1994                     | 5. 5. 1994                    | 495             |

| Code        | Catalogue No      | Title   | Date adopted by the Commission | Date forwarded to the Council | Number of pages |
|-------------|-------------------|---|--------------------------------|-------------------------------|-----------------|
| COM(94) 178 | CB-CO-94-189-EN-C | Proposal for a Council Regulation (EC) terminating the review of anti-dumping measures concerning imports of certain acrylic fibres originating in Mexico and repealing the measures applying to such imports   | 5. 5. 1994                     | 5. 5. 1994                    | 18              |
| COM(94) 164 | CB-CO-94-177-EN-C | Proposal for a Council Regulation (EC) opening and providing for the administration of Community tariff quotas for certain products originating in Cyprus, Egypt, Israel, Jordan, Malta, Algeria, Morocco, Tunisia, Turkey and the Occupied Territories and providing detailed rules for extending and adapting these tariff quotas | 6. 5. 1994                     | 6. 5. 1994                    | 42              |

(<sup>1</sup>) This document contains an impact assessment on business, and in particular on SME's.

(<sup>2</sup>) This document will be published in the *Official Journal of the European Communities*.

(<sup>3</sup>) Text with EEA relevance.

*NB:* COM documents are available by subscription, either for all editions or for specific subject areas, and by single copy, in which case the price is based pro rata on the number of pages.

### Inapplicability of the Regulation to a notified operation

(Case No IV/M.425 — BS/BT)

(94/C 134/03)

(Text with EEA relevance)

On 28 March 1994, the Commission decided that the notified operation in the above case does not fall within the scope of application of Council Regulation (EEC) No 4064/89 (<sup>1</sup>) because it does not meet the thresholds of Article 1 (2) of the said Regulation. This Decision is based on Article 6 (1) (a) of the Merger Regulation. Third parties showing a sufficient interest can obtain a copy of the Decision by making a written request to:

Commission of the European Communities,  
Directorate-General for Competition (DG IV),  
Merger Task Force,  
Avenue de Cortenberg, 150,  
B-1049, Brussels.

(<sup>1</sup>) OJ No L 395, 30. 12. 1989; Corrigendum: OJ No L 257, 21. 9. 1990, p. 13.

**Notification (Case No IV/35.038 — Jetphone)**

(94/C 134/04)

**(Text with EEA relevance)**

1. On 5 April 1994 the Commission received an application for negative clearance and a notification with a view to exemption, pursuant to Articles 2 and 4 respectively of Council Regulation No 17<sup>(1)</sup> of a joint venture agreement between BT Jersey (a subsidiary of British Telecom) and France Cables et Radio (a subsidiary of France Telecom) under which the parties are to develop, through a joint venture (Jetphone), telecommunications services operating on board aircraft and relayed by terrestrial means (TFTS: terrestrial flight telephone system).

2. The notified arrangement consists mainly in:

- a 50/50 joint venture agreement of unlimited duration,
- ancillary agreements setting out the framework within which the joint venture is to operate.

3. The Commission invites interested third parties to submit to it any observations they may wish to make on the subject.

Observations must reach the Commission not later than ten working days from the date of publication of this notice. They may be sent either by fax or by post, quoting reference. No IV/35.038 — Jetphone, to the following address:

Commission of the European Communities,  
Directorate-General for Competition (DG IV),  
Directorate IV/B,  
Office 3/062,  
150 avenue de Cortenberg,  
B-1049 Brussels,  
(Fax No (32 2) 296 98 09).

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<sup>(1)</sup> OJ No 13, 21. 2. 1962, p. 204/62.

## II

(Preparatory Acts)

## COMMISSION

**Proposal for a Council Directive on the interoperability of the European high-speed train network**

(94/C 134/05)

(Text with EEA relevance)

COM(94) 107 final — 94/0112(SYN)

(Submitted by the Commission on 15 April 1994)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 129d (3) thereof,

Having regard to the proposal from the Commission,

In cooperation with the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the opinion of the Committee for the Regions,

Whereas in order to enable citizens of the Union, economic operators and regional and local authorities fully to benefit from the advantages deriving from the establishing of an area without internal frontiers, it is appropriate, in particular, to further the interlinking and interoperability of the national networks of high-speed trains, together with access to those networks;

Whereas a group of senior officials consisting of representatives of the governments of the Member States, of the European Railways and of the European Railway Industry convened by the Commission in order to meet the request expressed by the Council in its resolution of 4 and 5 December 1989 drew up the master plan for a European high-speed train network;

Whereas in December 1990 the Commission sent to the Council a communication on this high-speed train network, and whereas the Council gave a favourable

reception to this communication in its Resolution of 17 December 1990<sup>(1)</sup>;

Whereas Article 129c of the Treaty provides that the Community shall embark upon any activity which may prove necessary in order to ensure network interoperability, particularly in respect of the harmonization of technical standards;

Whereas the operation in commercial service of high-speed trains requires that there is excellent coherence between the characteristics of the infrastructure and that of the rolling stock; whereas performance levels, service quality and cost depend upon that coherence and that, in particular, the interoperability of the European high-speed train network is founded upon that coherence;

Whereas Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways<sup>(2)</sup> means that the railway companies must have increased access to the network, which in turn requires infrastructure, equipment and stock interoperability;

Whereas the Member States are responsible for ensuring compliance with the safety, health and consumer protection rules applying to the railway networks in general during the design, construction, placing in service and operation of those railways; whereas, together with the local authorities, they also have responsibilities in respect of rights in land, regional planning and the protection of the environment; whereas that is also especially pertinent with regard to high-speed train networks;

Whereas Directive 85/337/EEC<sup>(3)</sup> requires an assessment of the impact on the environment of the building of lines for long-distance rail traffic;

<sup>(1)</sup> OJ No C 33, 8. 2. 1991, p. 1.

<sup>(2)</sup> OJ No L 237, 24. 8. 1991, p. 25.

<sup>(3)</sup> OJ No L 175, 5. 7. 1985, p. 40.

Whereas the national regulations and the railways' internal rules and the technical specifications that they apply contain major differences; whereas these national regulations and internal rules incorporate techniques that are specific to the national industry; whereas they require specific dimensions and devices and lay down special characteristics; whereas the situation runs counter to complete trains being able to run normally without changing locomotives at frontiers throughout the European network;

Whereas, over the years, this situation has forged very close links between the national railway industry and the national railways, to the detriment of the genuine opening up of contracts; whereas, in order to enhance its competitiveness at world level that industry must benefit from an open, competitive European market;

Whereas it is therefore appropriate to define basic safety, health, environmental and consumer protection, technical compatibility and operating requirements for all of the Community which will apply to the European high-speed train network;

Whereas, in view of the extent and complexity of the system comprising the high-speed train network; whereas for operating reasons it has proved necessary to break this down into sub-systems; whereas for each of these sub-systems it is necessary to describe in detail the essential requirements, lay down the basic parameters and determine the technical specifications needed for the whole of the Community, and in particular in respect of the constituents and interfaces, in order to meet the essential requirements;

Whereas the European high-speed train network falls within the scope of Council Directive 90/531/EEC of 17 September 1990 on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors<sup>(1)</sup>; whereas in order to comply with that Directive the procurement bodies must include technical specifications in the general documents or in the specifications for each contract; whereas it is necessary to build up a body of European specifications in order to serve as references for those technical specifications;

Whereas, within the meaning of Directive 90/531/EEC, a European specification is a common technical specification, a European technical approval or a national standard transposing a European standard; whereas a harmonized European standard is to be drawn up by a European standardization body, such as the CEN, the Cenelec or the Etsi, to the order of the Commission and that its reference will be published in the *Official Journal of the European Communities*;

Whereas an international system of standardization which is able to generate standards which are actually used by those involved in international trade and which meet the requirements of Community policy are

attractive to the Community; whereas the European standardization bodies must therefore continue their cooperation with the international standardization bodies;

Whereas the procurement bodies shall draw up the additional specifications needed in order to supplement the European specifications or other standards; whereas those specifications must not prevent the essential requirements that have been harmonized at Community level and which the European high-speed train network must satisfy, from being met;

Whereas the procedures governing the assessment of conformity or of suitability of use of constituents must be based on the use of the modules covered by Council Decision 90/683/EEC<sup>(2)</sup>; whereas, as far as possible and in order to promote industrial development, it is appropriate to expand the procedures involving a system of quality assurance; whereas the notion of constituent covers both tangible objects and intangible objects such as software;

Whereas the suitability for use of the most critical constituents as regards safety, availability or system economy should be assessed;

Whereas the procurement agencies will, in their specifications, lay down, in particular for the constituents, by referring to the European specifications, the characteristics which must be met, in contractual terms, by the manufacturers; whereas, this being the case, constituent conformity is mainly linked to their area of use in order to ensure and guarantee the interoperability of the system, and not only with their free movement on the Community market;

Whereas it is therefore not necessary that the manufacturer should affix the CE logo to constituents that are now subject to the provisions of this Directive; but, whereas on the basis of the assessment of conformity and/or suitability for use conducted in accordance with the procedures provided for that purpose in the Directive, the manufacturer's declaration of conformity is sufficient; whereas that does not prejudice the obligation on the part of manufacturers to affix the CE mark to certain components in order to certify their compliance with other Community provisions relating to them;

Whereas the sub-systems constituting the European network must be subjected to a checking procedure; whereas that checking must enable the responsible authorities authorizing their placing in service to be assured that at the design, construction and placing in service stages the result is in line with the regulations and technical and operational provisions in force; whereas that must also enable manufacturers to be able to count upon equality of treatment whatever the country; whereas it is therefore necessary to lay down a module defining the principles and conditions applying to the Community checking of sub-systems;

<sup>(1)</sup> OJ No L 297, 29. 10. 1990.

<sup>(2)</sup> OJ No L 380, 31. 12. 1990, p. 13.



Whereas the Community checking procedure is based on the technical specifications for interoperability (TSI); whereas those TSI are drawn up to the order of the Commission by the joint body representing the infrastructure managers, the railway companies and the industry; whereas the reference to the TSI is required in order to ensure interoperability in the network; whereas those TSI are subject to the provisions of Article 13 of Directive 90/531/EEC;

Whereas the notified bodies responsible for examining the conformity assessment procedures or that applying to the use of constituents, together with the procedure for the assessment of sub-systems must, in particular in the absence of any European specification, coordinate their decisions as closely as possible; whereas the Commission must ensure that this is indeed the case by enlisting, in particular, the opinion of the parties concerned and that of the Committee comprising representatives designated by the Member States as set up by the Directive;

Whereas Directive 91/440/EEC on the development of Community railways requires a separation of activities, in accounting terms, between transport service operation and those concerning railway infrastructure management; whereas, this being the case, the specialized services provided by the railway infrastructure managements designated as notified bodies should be structured in such a way as to meet the criteria which must apply to this type of body; whereas other specialized bodies may be notified where these meet the same criteria;

Whereas interoperability within the European high-speed train network is Community-wide in scale; whereas the Member States are in no position, on an individual basis, to take the action needed in order to achieve that interoperability; whereas it is therefore necessary that this action be taken at Community level,

HAS ADOPTED THIS DIRECTIVE:

#### CHAPTER I

#### GENERAL

##### *Article 1*

1. This Directive applies to the conditions which must be met in order to achieve interoperability within the European high-speed train network.
2. It concerns the design, construction, gradual placing in service and operation of the high-speed train network.
3. The high-speed train network consists of links likely to be travelled by railway rolling stock that is suitable for high speeds.

The overall geographical and physical data relating to the system comprising the European high-speed train network is as follows:

- master plan,
  - different types of line,
  - rolling stock,
  - coherence of infrastructures and rolling stock,
- as described in Annex I.

##### *Article 2*

1. This Directive applies to the provisions concerning, for each sub-system, the parameters, constituents, interfaces and procedures needed and adequate in order to ensure and guarantee interoperability within the European high-speed train network, while at the same time meeting the essential requirements of Article 4.
2. The provisions of this Directive shall apply without prejudice to the relevant provisions of other Community directives, in particular with regard to the European specifications concerning constituents save where, particularly in the case of sensitive constituents, the meeting of the essential requirements of this Directive requires the use of individual European specifications drawn up for that purpose.

##### *Article 3*

1. For the purposes of this Directive:
  1. 'European network' means the European high-speed train network;
  2. the European network shall be subdivided into eight 'sub-systems' as follows:
    - infrastructure,
    - energy,
    - maintenance,
    - signalling control/command,
    - rolling stock,
    - environment,
    - operation,
    - users,
 as described in Annex II;
  3. 'constituents' means any elementary component, group of components, sub-assembly or complete assembly of equipment incorporated or intended to be incorporated into a sub-system;
  4. 'sensitive constituents' means constituents upon which the interoperability of the European network depends either directly or indirectly.

2. Within the meaning of this Directive interoperability within the European high-speed train network refers to all of the regulatory technical or operational conditions which must be met in order to ensure, without interruption, movements by high-speed trains on infrastructure within that network which accomplish the specified levels of performance.

#### Article 4

1. The European network or any parts of that network, sub-systems and their constituents to which this Directive applies shall meet the essential requirements set out in Annex II.

2. The additional technical specifications, referred to in Article 13 (4) of Directive 90/531/EEC, needed in order to supplement the European specifications or the other standards in use within the Community, must meet the basic requirements.

#### Article 5

1. Each of the sub-systems referred to in Article 3 point 1.2, is covered by a mandatory technical specification for interoperability (TSI).

2. Where necessary in order to achieve interoperability within the European network the TSIs:

- lay down the essential requirements in detail,
- establish the basic parameters and in particular those set out in Annex IV,
- determine the sensitive constituents and interfaces which must be covered by European specifications, the European standards for which are needed in order to achieve interoperability within the European network while meeting the essential requirements,
- state, in each case under consideration, which of the modules defined in Decision 90/683/EEC are to be used in order to assess either conformity or suitability for use.

3. The TSIs shall be drawn up to the order of the Commission by the joint body representing the infrastructure managers, railway companies and the industry. Those orders shall be drawn up in accordance with the procedure laid down in Article 21 (2).

4. When these have been drawn up by the body provided for in paragraph 3, the TSI should be adopted in accordance with the procedure laid down in Article 21 (2). The TSI shall be published by the Commission in the *Official Journal of the European Communities*.

## CHAPTER II

### SENSITIVE CONSTITUENTS

#### Article 6

Member States shall take all necessary steps to ensure that the sensitive constituents referred to in Article 5 (2):

- are only placed on the market if they enable interoperability to be achieved within the European network while at the same time meeting the essential requirements referred to in Article 4,
- are used in their area of use as intended and are suitably installed and maintained.

#### Article 7

Member States may not, on their territory and on the basis of this Directive prohibit, restrict or hinder the placing on the market of sensitive constituents, where intended for use on the European network, if they comply with the Directive.

#### Article 8

1. Member States shall consider as complying with all of the essential provisions of this Directive those sensitive constituents referred to in Article 5 which bear the 'CE' declaration of conformity or suitability for use, the components of which are set out in Annex V.

2. Compliance of a sensitive constituent with the essential requirements applying to it is established in relation to any relevant European specifications that may exist.

3. The references to European specifications, which are either common technical specifications or European technical approvals, within the meaning of Directive 90/531/EEC, or are national standards transposing European standards, shall be published in the *Official Journal of the European Communities*.

Member States shall publish the references to the national standards transposing the harmonized standards.

4. In the absence of any European specifications without prejudice to the provisions of Article 12, Member States shall inform the other Member States and

the Commission of the standards and technical specifications in use in order to implement the essential requirements.

#### *Article 9*

Where it emerges, at the request of a Member State or on the initiative of the Commission that the European specifications referred to in Article 8 (2) do not fully meet the essential requirements referred to in Article 4, a Decision shall be taken as to whether to withdraw, or otherwise, the European specifications concerned from the publications referred to in Article 8 (3) in accordance with the procedure laid down in Article 21 (2), after consulting the Committee set up under Directive 83/189/EEC, where European standards are concerned.

#### *Article 10*

1. Where a Member State confirms that a sensitive constituent covered by the 'CE' declaration of conformity or suitability for use as referred to in Article 8 (1) and placed on the market is likely, when used as intended, not to meet the essential requirements referred to in Article 4, it shall take all necessary steps to restrict its area of use or to prohibit said use. That Member State shall forthwith inform the Commission of the measures taken and shall state its reasons for its decision stating, in particular, whether the failure to conform is due to:

- (a) failure to meet the essential requirements;
- (b) incorrect application of the European specifications referred to in Article 8 where application of the specifications is invoked;
- (c) the European specifications referred to in Article 8 being inadequate.

2. The Member State shall consult the parties concerned as quickly as possible. Where, following that consultation, the Commission establishes that the measure has been justified, it shall forthwith inform the Member State that has taken the initiative, together with the other Member States, thereof. Where, following that consultation the Commission establishes that the measure is unjustified it shall forthwith inform the Member State having taken the initiative, together with the manufacturer or his authorized representative established within the Community, thereof.

Where the decision referred to in paragraph 1 is justified by the existence of a gap in the European specifications referred to in Article 8 the procedure defined in Article 9 shall apply.

3. Where a non-complying sensitive constituent bears the 'CE' declaration of conformity referred to in Article 8, the competent Member State shall take the appropriate measures against whomsoever has drawn up the declaration and shall inform the Commission and the other Member States thereof.

4. The Commission shall ensure that the Member States are kept informed of the progress made by and the results of the said procedure.

#### *Article 11*

1. In order to be able to draw up the 'CE' declaration of conformity or suitability for use of a sensitive constituent, its manufacturer or his authorized representative established within the Community shall apply the modules deriving from Decision 90/683/EEC under the conditions set out in the TSIs referred to in Article 5.

2. Where so required by the TSIs the assessment of conformity or suitability for use of a sensitive constituent shall be introduced by the notified body referred to in Article 20 with which the manufacturer or his authorized representative established within the Community has lodged the application.

3. Where the sensitive constituents are covered by other Community Directives covering other aspects, the 'CE' declaration of conformity or suitability for use shall, in such instances, state that the constituents also meet the requirements of those other Directives.

4. Where neither the manufacturer nor his authorized representative established within the Community has not met the requirements of the preceding paragraphs those obligations shall rest upon any person who places that sensitive constituent on the market. The same obligations shall apply to whomsoever assembles sensitive constituents or parts of sensitive constituents having diverse origins or who manufactures the sensitive constituents for his own use.

5. Without prejudice to the provisions of Article 10:

- (a) in each instance where a Member State confirms that the CE declaration of conformity has been drawn up improperly the manufacturer or his authorized agent established within the Community shall be required to restore the sensitive constituent to a state of conformity and to terminate the infringement under the conditions laid down by that Member State;
- (b) where the non-conformity persists the Member State shall take all appropriate steps to restrict or prohibit the placing on the market of the sensitive constituent at issue, or to ensure that it is withdrawn from the market in accordance with the procedures provided for in Article 10.

#### *Article 12*

1. In order to ensure coherent application of this Directive in the assessment of conformity or suitability for use of sensitive constituents the Commission shall

ensure that the decisions by the notified bodies shall be closely coordinated, especially where there are no European specifications.

2. The coordinating meetings by the notified bodies shall be held at the request either of the Commission, or of the Committee referred to in Article 21, or on their own initiative.

At the request of the Commission each Member State may be called upon to appoint, in restricted terms, the notified bodies taking part in the coordinating meetings.

3. The activities conducted within the coordinating meetings may lead to the laying down of common technical specifications which describe, in particular, all of the operations needed to confirm compliance of the sensitive constituents with this Directive.

### CHAPTER III

#### SUB-SYSTEMS

##### *Article 13*

Each Member State shall authorize the placing in service of those sub-systems, referred to in Annex II, constituting the European network which are located on its territory or which pass through it.

For this purpose Member States shall take all necessary steps in order that the sub-systems to which this Directive applies may only be placed in service if they are designed, constructed and installed and/or operated in such a way as not to hinder the meeting of the essential requirements concerning them.

##### *Article 14*

Member States may not, on their territory and on the basis of this Directive, prohibit, restrict or hamper the construction, placing in service and operation of sub-systems constituting the European network and complying with the essential requirements of this Directive.

##### *Article 15*

1. Member States shall consider as being interoperable and meeting the essential requirements concerning them, as referred to in Article 4, those sub-systems constituting the network which are covered by the 'CE' checking declaration, the components of which are given in Annex VI, accompanied by the technical file provided for in Article 17 (4).

2. Where any of the TSIs referred to in Article 5 exist reference shall be made to these when checking that

interoperability meets the essential requirements of a sub-system constituting the European network.

3. In the absence of TSIs and without prejudice to the provisions provided for in Article 18, Member States shall send the other Member States and the Commission a list of the technical rules in force in order to implement the essential requirements.

##### *Article 16*

If it emerges, at the request of a Member State or on the initiative of the Commission, that the TSIs referred to in Article 5 (2) do not fully meet the essential requirements referred to in Article 4, a decision shall be taken as to whether to withdraw those TSIs, or otherwise, from the publications in accordance with the procedure laid down in Article 21 (2).

##### *Article 17*

1. In order to be in a position to draw up the 'CE' declaration of conformity, the procurement entity or its official representative shall apply the 'CE' checking procedure defined in Annex VII.

2. The 'CE' checking procedure shall be examined at the request of a procurement entity, or its official representative, by the notified body referred to in Article 20, which it has selected for that purpose.

3. The activities of the notified body responsible for the 'CE' checking of a sub-system shall begin at the design stage and shall cover all of the manufacturing period up to the type approval stage before a sub-system is placed in service.

4. The notified body shall build up the technical file that has to accompany the 'CE' declaration of conformity. That technical file must contain all of the necessary documents relating to the characteristics of the sub-system and, where appropriate, all of the documents certifying conformity of the sensitive constituents. It must also contain all of the aspects relating to the conditions and limits of use and to the instructions concerning servicing, constant or routine monitoring, adjustment and maintenance.

##### *Article 18*

1. In order to ensure consistent application of the 'CE' sub-system checking procedure the Commission shall ensure that the decisions of the notified bodies referred to in Article 20 are closely coordinated.

2. The meetings of the notified bodies shall be held at the request of the Commission, of the Committee referred to in Article 21, or on their own initiative.

3. The activities conducted within the coordinating meetings may lead to the laying down of technical specifications which describe, in particular, all of the operations needed to confirm compliance of the sub-systems with this Directive.

4. These technical specifications are TSIs which are subject to the provisions of Article 5 (3) and (4).

#### Article 19

1. Where a Member State feels that a sub-system covered by the CE declaration of conformity accompanied by the technical file does not fully comply with this Directive and in particular does not meet the essential requirements referred to in Article 4, it may request additional checks before authorizing the placing in service of that sub-system on its territory.

2. Where a Member State feels that a sub-system having received the CE declaration of conformity accompanied by the technical file does not fully comply with this Directive and, in particular, does not meet the essential requirements referred to in Article 4, and its placing in service is likely to hamper the capacity for interworking within the European network, it may ask the Member State on the territory of which the sub-system is located that additional checks be carried out before authorizing its placing in service.

3. The Member State making the request shall forthwith inform the Commission of any additional checks requested and summarize the justifications for this. The Commission shall without delay initiate the procedure provided for in Article 18.

### CHAPTER IV

#### NOTIFIED BODIES

##### Article 20

1. Member States shall notify the Commission and the other Member States of the bodies responsible for carrying out the procedure for the assessment of conformity or suitability for use referred to in Article 11 and the checking procedure referred to in Article 17, stating for each of these the area of competence.

The Commission shall assign identification numbers to these and shall publish, in the *Official Journal of the European Communities*, the list of those bodies and their identification number, and shall keep this updated.

2. Member States shall apply the criteria provided for in Annex VIII for the assessment of the bodies to be notified. Any bodies meeting the assessment criteria provided for in the relevant harmonized standards in the EN 45 000 series shall be assumed to meet said criteria.

3. Any Member State which has appointed a body must withdraw its notification if it confirms that that body no longer meets the criteria referred to in Annex VIII.

### CHAPTER V

#### COMMITTEE

##### Article 21

1. The Commission shall be assisted by an Advisory Committee on guided transport systems consisting of representatives of the Member States and chaired by the Commission's representatives.

2. The Committee may have laid before it any matter arising from the implementation and practical application of this Directive, in accordance with the following procedure.

The Commission's representative shall submit to this Standing Committee a draft of the measures to be taken. The said Committee shall deliver its opinion on this draft within a deadline which the chairman may lay down in the light of the urgency of the matter at issue, where appropriate by taking a vote. That opinion shall be entered in the record; moreover each Member State has the right to ask that its own position be set out in that record.

The Commission shall take the fullest account possible of the opinion delivered by the Committee. It shall inform the said Committee of the manner in which it has taken account of that opinion.

3. The Committee may discuss any matter whatsoever concerning the interoperability of the European high-speed train network.

4. Should it prove necessary, the Committee may set up working parties to aid it in carrying out its tasks.

### CHAPTER VI

#### FINAL PROVISIONS

##### Article 22

Any decision taken in implementation of this Directive which restricts the awarding of contracts and/or the use within a sub-system of constituents, the checking of sub-systems constituting the European network, and any decisions taken in implementation of Articles 9, 10, 16 and 19 shall be justified in detail. The interested party shall be notified thereof as quickly as possible, together with a statement of the remedies offered by the laws in force in the Member State concerned and the deadlines within which those remedies may be introduced.

##### Article 23

1. Member States shall amend and adopt the laws, regulations and administrative provisions in such a way as to authorize the use of sensitive constituents and the placing in service and operation of sub-systems which comply with this Directive by, at the latest, 30 June 1997, and shall forthwith inform the Commission thereof.

2. When the Member States adopt the provisions referred to in paragraph 1, the latter shall contain a reference to this Directive, or shall be accompanied by such a reference on their official publication. The details of that reference shall be laid down by the Member States.

#### Article 24

This Directive shall enter into force 21 days after its publication in the *Official Journal of the European Communities*.

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### ANNEX I

#### GEOGRAPHICAL AND PHYSICAL DATA

##### 1. The master plan

The master plan for the European high-speed train network, which is restricted to the reference features that are essential to its structuring, is that set out in the report by the group of senior officials.

It includes new and upgraded lines and links.

This master plan, which the Council received favourably in its resolution of 17 December 1990 in order to complete this by the year 2010, is periodically reviewed in accordance with the procedures drawn up for that purpose.

##### 2. The lines

A distinction is drawn in the master plan between three types of line:

- lines equipped for speeds of generally not less than 250 km/h,
- lines arranged for speeds of about 200 km/h,
- other lines making up the European network.

The urban sections of line, whatever their characteristics, are treated on the same basis as the lines of which they are extensions.

##### 3. Rolling stock

The high-speed advanced-technology trains must be designed in such a way as to guarantee a high level of comfort and safety at the following speeds:

- at least 250 km/h on the new lines;
- of about 200 km/h on the existing upgraded lines,
- the highest level possible on the other lines.

##### 4. Cohesion between infrastructures and rolling stock

High-speed train services presuppose the existence of excellent cohesion between the characteristics of the infrastructure and those of the rolling stock. Performance levels, service quality and cost depend upon that cohesion.

## ANNEX II

## SUB-SYSTEMS

1. For the purposes of this Directive the system constituting the European network is broken down into eight sub-systems, as follows:
  - 1.1. structural sub-systems:
    - infrastructures,
    - energy,
    - maintenance,
    - control-command,
    - rolling stock;
  - 1.2. operational sub-systems:
    - environment,
    - operation,
    - users.
2. The aspects of each sub-system linked with the interoperability of the European network are as follows:
  - 2.1. *Infrastructures*

Base parameters: speed and gradients

    - 2.1.1. Profile
      1. Loading gauge
      2. Radii of curvature
      3. Tunnel geometry
      4. Bridges and viaducts
      5. Track pitch
      6. Side protection
    - 2.1.2. Track
      1. Gauge and tolerances
      2. Cant and cant inadequacy
      3. Length of junctions
      4. Rail turnouts
      5. Axle loadings and stressing withstood
      6. Permissible defects and wear limits
      7. Equipment (geometry and crossing speed)
    - 2.1.3. Stations
      1. Platform geometry
  - 2.2. *Energy*
    - 2.2.1. Electricity supply system
      1. Type of current (voltage and frequency)
      2. Permissible swings and surge voltages
      3. Protection of installations

- 2.2.2. Catenaries
  - 1. Geometry and components
  - 2. Power factor
  - 3. Catenary/pantograph dynamics
  - 4. Materials used
- 2.3. *Maintenance*  
(depots, workshops)
  - 2.3.1. Train washers
  - 2.3.2. Toilet emptying system
  - 2.3.3. Hoisting equipment
  - 2.3.4. Specific equipment
- 2.4. *Signalling control and command*
  - 2.4.1. Cabin signalling system
  - 2.4.2. ATP <sup>(1)</sup> (speed control)
  - 2.4.3. ATO <sup>(2)</sup> (automatic train operation)
  - 2.4.4. Information required on board
  - 2.4.5. Track-train information transmission
  - 2.4.6. On-board information processing and visualization for the driver
  - 2.4.7. Telecommunications:
    - ground-train radio
    - passenger telephone
- 2.5. *Rolling stock*
  - 2.5.1. Definition of train sets
    - 1. Composition of train
    - 2. Mass
    - 3. Loading gauge
    - 4. Shell-structure characteristics
    - 5. The leak-tightness requirements in respect of pressure variations
    - 6. Aerodynamic characteristics
  - 2.5.2. Wheel-rail contact
    - 1. Wheel profile and wear criteria
  - 2.5.3. Traction
    - 1. Acceleration performance and residual acceleration
    - 2. Maximum hill start (normal and degraded state)
  - 2.5.4. Braking
    - 1. Braking performance
    - 2. Conditions under which braking safety is assured
    - 3. Possible use of supplementary brakes not affecting grip
    - 4. Performance of anti-lock devices

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<sup>(1)</sup> Automatic train protection.

<sup>(2)</sup> Automatic train operation.



- 2.5.5. Current collection (as a function of the type of current used)
  - See Item 2.2.2, catenaries
- 2.5.6. Passenger safety
  - 1. Safety of door-close monitoring system
  - 2. Fire protection
  - 3. Alarm signal
- 2.6. *Environment*
- 2.6.1. Noise emission
- 2.6.2. Vibrations
- 2.6.3. Outside electromagnetic interference
- 2.7. *Operation*
- 2.7.1. Staff and regulations
  - 1. Ergonomics of driver's cabin
  - 2. Regulations (under normal and degraded situations)
  - 3. Language used
- 2.7.2. Technology
  - 1. On-board diagnostic system
  - 2. Transmission of data between train and ground
  - 3. Reliability criteria
  - 4. Availability level
  - 5. Hot-box detectors
- 2.8. *Users*
- 2.8.1. Quality of on-board service
  - 1. Internal noise level
  - 2. Characteristics of air conditioning
  - 3. Passenger information
  - 4. On-board services (including restaurants)
  - 5. Luggage capacity
  - 6. Accessibility for handicapped travellers
- 2.8.2. Marketing
  - 1. Reservation system
  - 2. Information system

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ANNEX III

**ESSENTIAL REQUIREMENTS**

**1. Nature of requirements**

The essential requirements which the European high-speed train network and its constituents must meet cover the following areas:

### 1.1. *Safety*

In addition to obeying the general safety rules, system safety is ensured when the risk of derailment or collision between trains or other obstacles have been overcome.

This means that account must be taken of the consequences of any safety component failures.

### 1.2. *Reliability — availability*

The commercial operation of a high-speed train service requires the permanent maintenance of a sufficient level of availability of the relevant functions, and thus of guaranteeing an adequate level of reliability for all of the components.

The consequences of any failures of those components must be taken into account, thus enabling the degraded situations that are permissible to be defined.

### 1.3. *Human health*

It is a matter in this case of envisaging the consequences of the presence and operation of the system under abnormal or exceptional conditions in relation to persons, whoever they may be: users, railway staff, track side dwellers, etc.

### 1.4. *Environmental protection*

The requirements in this area are intended to define a framework to be maintained in view of the fact that the construction, presence and operation of a high-speed train system necessarily change their environment, whether in visual, physical, noise, vibratory, electromagnetic, etc., terms.

### 1.5. *Consumer protection*

This area concerns consumer expectations as regards the level of quality of high-speed train services and the transparency of the transport conditions.

### 1.6. *Technical compatibility*

This area covers the technical measures enabling the network to operate. These measures are grouped together in two complementary categories of conditions:

- conditions permitting continuity of travel by a train from one point to another on the network. These conditions require that any train moving within the network encounters installations that are compatible with its own characteristics and the performance that it must achieve,
- conditions which, on a given section, permit satisfactory operation of the system in respect of performance, reliability and specified safety. At each point in the network these conditions require control of the interfaces between the constituent sub-systems.

## 2. **General requirements**

### 2.1. *Safety*

- 2.1.1. The design, construction or assembly, maintenance and monitoring of safety-critical components, and more particularly of the components involved in train movements must guarantee safety at the level corresponding to the aims laid down for the network, including the specific degraded situations.
- 2.1.2. The parameters involved in the wheel/rail contact must meet the stability requirements needed in order to guarantee safe movement at the maximum authorized speed.
- 2.1.3. The components used must withstand any normal or exceptional stressing that has been specified during their period in service. The repercussions on safety of any fortuitous failures must be limited by appropriate means.
- 2.1.4. The design of installations and rolling stock and the choice of the materials used must be aimed at limiting the generation, propagation and effects of fire and smoke in the event of a fire.
- 2.1.5. Any devices intended to be manipulated by users must be designed in such a way as not to impair their safety if used in a foreseeable manner that is not in accordance with the posted instructions.

### 2.2. *Reliability — availability*

- 2.2.1. The monitoring and maintenance of static or movable components that are involved in train movements must be organized, carried out and quantified in such a manner as to sustain their operation under the intended conditions.

- 2.2.2. The design of the train services and of the devices used to provide user information must guarantee reliable, quality commercial operations.

2.3. *Human health*

- 2.3.1. The materials used in trains and infrastructures must not constitute a health hazard to those having access to them.
- 2.3.2. Those materials must be selected and used in such a way as to restrict the emission of harmful and dangerous fumes, particularly in the event of fire.

2.4. *Environmental protection*

- 2.4.1. The repercussions on the environment of the provision and operation of the European high-speed train network must be assessed and taken into account during the design of that network in accordance with the provisions of Directives 85/337/EEC <sup>(1)</sup>, 79/409/EEC <sup>(2)</sup> and 92/43/EEC <sup>(3)</sup>.
- 2.4.2. The materials used in the trains and infrastructures must avoid the emission of fumes or gases which are harmful and dangerous to the environment, above all in the event of fire.
- 2.4.3. The rolling stock and energy supply systems must be designed and produced in such a way as to be compatible, in electromagnetic terms, with the public or private installations, equipment and networks with which they might interfere.

2.5. *Consumer protection*

- 2.5.1. The design of the service offered on the European high-speed train network must guarantee that users receive reliable and quality commercial operation.

2.6. *Technical compatibility*

- 2.6.1. The technical characteristics of the infrastructures and static installations must be compatible with each other and with those of the trains intended to travel within the European high-speed train network.
- 2.6.2. Adherence to these compatible technical characteristics is obligatory for all new infrastructures and rolling stock that is to travel within the European high-speed train network.

If adherence to these characteristics proves difficult on certain sections of the network, temporary solutions, which ensure compatibility in the future, may be implemented.

3. **Requirements specific to each sub-system**

3.1. *Infrastructures*

3.1.1. *Safety*

Steps must be taken to avoid access to or undesirable intrusions into the installations for the lines that are travelled at high speed.

Steps must be taken to restrict the dangers to which persons are exposed, particularly in stations through which trains are passing at high speed.

Infrastructures to which the public has access must be designed and produced in such a way as to restrict any human health hazards (stability, fire, access, evacuation, ...).

3.1.2. *Consumer protection*

The geometrical characteristics of the platforms must permit safe access to the carriages making up the trains for all categories of passenger.

3.1.3. *Technical compatibility*

Station platforms must be compatible with access to the rolling stock serving them.

<sup>(1)</sup> Directive on the assessment of the effects of certain public and private projects on the environment (OJ No L 175, 5. 7. 1985).

<sup>(2)</sup> Directive on the conservation of wild birds (OJ No L 103, 25. 4. 1979).

<sup>(3)</sup> Directive on the conservation of natural habitats and of wild fauna and flora (OJ No L 206, 22. 7. 1992).

### 3.2. *Energy*

#### 3.2.1. Safety

Operation of the energy supply systems must not impair the safety either of high-speed trains or of persons (users, operating staff, track-side dwellers and third parties).

#### 3.2.2. Environmental protection

The functioning of the energy supply systems must not interfere with the environment beyond the specified limits.

#### 3.2.3. Technical compatibility

The electricity supply systems used throughout the European high-speed train system must:

- enable trains to achieve the specified performance levels;
- be compatible with the collection devices fitted to the trains.

### 3.3. *Maintenance*

#### 3.3.1. Health

The technical installations and the procedures used in the maintenance centres must not constitute a danger to human health.

#### 3.3.2. Environmental protection

The technical installations and the procedures used in the maintenance centres must not give rise to nuisances with regard to the surrounding environment.

#### 3.3.3. Technical compatibility

The maintenance installations for the high-speed trains must enable the safety, health and comfort operations to be carried out on all of the trains for which they have been designed.

### 3.4. *Signalling control-command*

#### 3.4.1. Safety

The signalling control-command used on the European high-speed train network must enable trains to travel at the safety level intended for the network.

#### 3.4.2. Technical compatibility

All new high-speed infrastructures and all new high-speed stock manufactured or developed after adoption of compatible signalling and automatic stopping systems must be tailored to the use of those systems.

The signalling control-command equipment installed within the train drivers' cabs must permit normal operation, under the specified conditions, throughout the European high-speed train network.

### 3.5. *Rolling stock*

#### 3.5.1. Safety

The rolling stock structures and those of the links between vehicles must be designed in such a way as to protect the passenger and driving compartments in the event of collision or derailment.

The electrical equipment must not impair the safety and functioning of the control-command and signalling installations.

The braking techniques and the stresses exerted must be compatible with the design of the tracks, trackside structures and signalling systems.

Measures will have to be taken to prevent access to electrically-live constituents in order not to endanger human life.

In the event of danger a device must enable passengers and accompanying staff to contact the driver.

The access doors must incorporate an opening and closing system which guarantees passenger safety.

Emergency exits must be provided.

### 3.5.2. Human health

The interior appointments of the carriages must guarantee a high level of passenger and staff safety.

### 3.5.3. Reliability — availability

The design of the vital, running, traction and braking equipment together with control-command must, in a specific degraded situation, enable the train to continue without adverse consequences for the equipment remaining in service.

### 3.5.4. Consumer protection

The performance of high-speed trains must guarantee high-quality commercial operation.

### 3.5.5. Technical compatibility

The electrical equipment must be compatible with the operation of the control-command and signalling installations.

The characteristics of the current collection devices must enable trains to travel under the energy supply systems for the European high-speed train network.

## 3.6. *Environment*

### 3.6.1. Health

Operation of the European high-speed train network must remain within the noise-nuisance limits laid down.

### 3.6.2. Environmental protection

Operation of the European high-speed train network must not cause ground vibrations which are able to have adverse effects on activities and the environment passed through that are close to the infrastructure and in a normal state of maintenance.

## 3.7. *Operation*

### 3.7.1. Safety

Alignment of the network operating rules and the qualification of drivers and on-board staff must guarantee safe international operation.

The operations and maintenance intervals, the training and qualification of maintenance staff and the quality assurance system set up in the maintenance centres of the operators concerned must guarantee a high level of safety.

### 3.7.2. Reliability — availability

The operations and maintenance periods, the training and qualification of the maintenance staff and the quality assurance system set up by the operators concerned in the maintenance centres must guarantee a high level of system reliability and availability.

### 3.7.3. Technical compatibility

The alignment of the operating rules of the networks and the qualification of drivers, on-board staff and the management of traffic must guarantee operating efficiency on the European high-speed train network.

## 3.8. *Users*

### 3.8.1. Safety

An emergency lighting system having a sufficient intensity and duration is an absolute requirement.

Trains must be equipped with an internal telephone system permitting two-way communication between the driver and onboard staff.

*ANNEX IV***BASIC PARAMETERS****Infrastructures**

- Minimum loading gauges
- Minimum radii of curvature
- Track gauge
- Maximum track stressing
- Minimum platform length
- Platform height

**Energy**

- Power supply voltage
- Catenary geometry

**Signalling control-command**

- ERTMS (\*) characteristics

**Rolling stock**

- Axle loading
- Maximum train length
- Loading gauge
- Minimum braking characteristics
- Boundary electrical characteristics
- Boundary mechanical characteristics

**Environment**

- Boundary characteristics linked with noise
- Boundary characteristics linked with vibrations
- Boundary characteristics linked with electromagnetic interference

**Users**

- Boundary characteristics linked with inside noise
- Boundary characteristics linked with air conditioning
- Characteristics linked with the carriage of invalids

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(\*) European Rail Traffic Management System.

## ANNEX V

## SENSITIVE CONSTITUENTS

## 'CE' declaration

- of conformity
- of suitability for use

## 1. Sensitive constituents

The 'CE' declaration applies to the sensitive constituents involved in interoperability on the European network, as referred to in Article 2. These may be:

1.1. *Multiple use constituents*

These are constituents that are not specific to the railway system and which may be used as such in other areas.

1.2. *Multiple use constituents having specific characteristics*

These are multiple use constituents which are not as such specific to a railway system, but which must display specific performance levels when used for railway purposes.

1.3. *Specific constituents*

These are constituents that are specifically intended for railway applications.

## 2. Scope

The 'CE' declaration covers:

- either the assessment by a notified body or bodies of the intrinsic conformity of a sensitive constituent, considered in isolation, to the technical specifications to be met,
- or the assessment/judgment by a notified body or bodies of the suitability for use of a sensitive constituent, considered within its railway environment and in particular in the case where the interfaces are involved, in relation to the technical specifications, and in particular those of a functional nature, which are to be checked.

The assessment procedures implemented by the notified bodies at the design and production stages shall draw upon the modules defined in Decision No 90/689/EEC in accordance with the conditions referred to in the following TSIs.

## 3. Contents of the 'CE' declaration

The 'CE' declaration of conformity, or of suitability for use, and the accompanying documents must be dated and signed.

That declaration must be written in the same language as the instructions and must contain the following:

- the Directive references,
- the name and address of the manufacturer or his authorized representative established within the Community (give trade name and full address and in the case of the authorized representative also give the trade name of the manufacturer or constructor),
- description of sensitive constituent (make, type, etc.),
- description of the procedure followed in order to declare conformity, suitability for use (Article 11),
- all of the relevant descriptions met by the sensitive constituent and in particular its conditions of use,
- name and address of notified body (bodies) involved in the procedure followed in respect of conformity or suitability for use and date of examination certificate together, where appropriate, with the duration and conditions of validity of the certificate,
- where appropriate, reference to the European specification,

- where appropriate, names and specifications referring to the common technical specification (Article 12),
- identification of signatory having received powers to engage the manufacturer or his authorized representative established within the Community.

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*ANNEX VI*

**SUB-SYSTEMS**

**'CE' declaration of verification**

The 'CE' declaration of verification and the accompanying documents must be dated and signed.

That declaration must be written in the same language as the technical file and must contain the following:

- the Directive references,
- name and address of the procurement entity or its authorized representative established within the Community. (Give trade name and full address, and in the case of the authorized representative also give the trade name of the procurement entity.),
- brief description of sub-system,
- name and address of the notified body which has conducted the 'CE' inspection referred to in Article 17,
- the document references contained in the technical file,
- all of the relevant temporary or final provisions to be met by the sub-systems and in particular, where appropriate, any operating restrictions or conditions,
- if temporary: duration of validity of the 'CE' declaration,
- identity of signatory.

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*ANNEX VII*

**SUB-SYSTEMS**

**'CE' checking**

1. 'CE' checking is the procedure whereby a notified body checks and certifies, at the request of a procurement entity or its authorized representative within the Community, that a sub-system:
  - complies with the Directive,
  - complies with the other regulations deriving from the EEC Treaty.
2. The sub-system is checked in accordance with each of the following stages:
  - overall design,
  - structure of sub-system, including, in particular, civil-engineering activities, constituent assembly, overall adjustment,
  - final testing of the sub-system.
3. The notified body responsible for 'CE' checking shall draw up the certificate of conformity intended for the procurement entity of its authorized representative within the Community, which in turn shall draw up the 'CE' checking declaration intended for the supervisory authority in the Member State within which the sub-system is located and/or operated.



4. The technical record accompanying the checking statement shall be made up as follows:
  - infrastructures: engineering-structure plans, approval records for excavations and reinforcement, testing and inspection reports on concrete,
  - for the other sub-systems: general and detailed drawings in line with execution, electrical and hydraulic diagrams, control-circuit diagrams, description of data processing and automatic systems, operating and maintenance manuals, etc.,
  - list of constituents, as referred to in Article 2, incorporated into the sub-system,
  - copies of the 'CE' declarations of conformity or suitability for use with which said constituents must be provided in accordance with Article 11 of the Directive, accompanied where appropriate by the corresponding calculation notes and a copy of the records of the tests and examinations carried out by the notified bodies on the basis of the common technical specifications,
  - certificate by the notified body responsible for 'CE' checking stating that the project complies with this Directive, accompanied by corresponding calculation notes referred to by itself, and stating, where appropriate, the reservations recorded during performance of the activities and which would not have been raised, and accompanied by the inspection visit and audit reports written as part of those activities, as stated in detail in items 5.3 and 5.4.
5. **Monitoring**
  - 5.1. The aim of the 'CE' monitoring is to ensure that the obligations deriving from the technical record have been met during production of the sub-system.
  - 5.2. The notified body responsible for checking production shall have constant access to building sites, production workshops, storage areas and, where appropriate, prefabrication or testing facilities and, more generally, all premises which could be considered necessary for the accomplishment of its intended purpose.

The procurement entity or its authorized representative within the Community must send it or have sent to it all of the documents needed for that purpose and in particular the implementation plans and technical records concerning the sub-system.
  - 5.3. The body notified in order to check implementation shall periodically carry out 'audits' in order to confirm compliance with the Directive. It shall provide those responsible for implementation with an audit report. It may require access to certain stages of the building operations.
  - 5.4. In addition, the notified body may pay unexpected visits to the worksite or to the production workshops. At the time of such visits the notified body may conduct complete or partial 'audits'. It shall provide the persons responsible for implementation with a visit report and, if appropriate, an audit report.
6. The complete record referred to in paragraph 4 shall be lodged with the procurement entity or its authorized agent within the Community in support of the certificate of conformity delivered by the notified body responsible for checking the sub-system in working order. The record shall be attached to the 'CE' checking declaration which the procurement entity shall send to the supervisory authority in the Member State concerned.

A copy of the record shall be kept by the procurement entity throughout the service life of the sub-system. It shall be sent to any other Member States who so request.
7. Each body shall periodically pass on relevant information concerning the following:
  - the requests for 'CE' checking received,
  - the certificates of conformity issued,
  - the certificates of conformity refused.
8. The records and correspondence relating to the 'CE' checking procedures shall be written in an official language of the Member State in which the procurement entity or its authorized representative is established within the Community, or in a language accepted by the Community.

*ANNEX VIII***MINIMUM CRITERIA WHICH MUST BE TAKEN INTO ACCOUNT BY THE MEMBER STATES  
WHEN NOTIFYING BODIES**

1. The body, its director and the staff responsible for carrying out the checking operations may not become involved either directly or as authorized representatives in the design, manufacture, construction, marketing or maintenance of the sensitive constituents or of the sub-systems or in their use. This does not exclude the possibility of an exchange of technical information between the manufacturer or constructor and that body.
  2. The body and the staff responsible for inspection must carry out the checking operations with the greatest possible professional integrity and the greatest possible technical competence and must be free of any pressure and incentive, in particular of a financial type, which may affect their judgment or the results of their inspection, and in particular those generated by persons or groups of persons affected by the results of the checks.
  3. That body must employ staff and possess the means that are required in order adequately to perform the technical and administrative tasks that are linked with the conducting of checks. It should also have access to the equipment needed for exceptional checks.
  4. The staff responsible for checking shall possess:
    - proper technical and vocational training,
    - a satisfactory knowledge of the requirements relating to the checks that it carries out and sufficient practice in those checks,
    - the abilities needed in order to draw up certificates, records and reports which are the tangible outcome of the inspections conducted.
  5. The independence of the staff responsible for inspections must be guaranteed. No official must be remunerated either on the basis of the number of inspections performed or on the results of those inspections.
  6. That body shall take out civil liability insurance unless that liability is covered by the State under national law or unless the inspections are carried out directly by that Member State.
  7. The staff of that body are bound by professional confidentiality with regard to everything that they learn in the performance of their functions (with the exception of the competent administrative authorities in the State where they perform those activities) in pursuance of this Directive or any provision of national law implementing the Directive.
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**Proposal for a Council Decision amending Decision 92/511/EEC of 19 October 1992 to increase the amount of medium-term financial assistance for Bulgaria**

(94/C 134/06)

COM(94) 118 final — 94/0103(CNS)

(Submitted by the Commission on 21 April 1994)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission, submitted following consultation of the Monetary Committee,

Having regard to the opinion of the European Parliament,

Whereas pursuant to Council Decision 92/511/EEC<sup>(1)</sup> the Community has granted Bulgaria a medium-term loan of a maximum amount of ECU 110 million in principal, with a view to ensuring a sustainable balance-of-payments situation and strengthening its reserves; whereas the loan was not disbursed by the Commission following the failure of Bulgaria to fulfil the disbursement conditions and the subsequent termination of the 1992/93 financing arrangement with the International Monetary Fund (IMF);

Whereas the Bulgarian authorities have agreed with the IMF on an economic programme for 1994 supported by a new stand-by arrangement;

Whereas the Bulgarian authorities and the Bank Advisory Committee of the country's commercial creditors have reached in November 1993 an agreement on the Heads of Terms of a comprehensive debt and debt service reduction (DDSR) arrangement that is to be implemented in the course of 1994;

Whereas the Bulgarian economy has suffered substantial losses from strict observance by Bulgaria of United Nations sanctions against Serbia and Montenegro;

Whereas the Bulgarian authorities have requested financial assistance from the Group of 24 industrial countries (G-24) and the European Union; whereas, over and above the estimated financing which could be provided by the IMF and the World Bank and the

carry-over of financial assistance provided by the G-24 for 1991, a residual financial gap of some US \$ 330 million remains to be covered in 1994, in order to strengthen Bulgaria's reserve position, successfully implement the DDSR agreement and avoid an additional degree of import compression which would put in jeopardy the achievement of the policy objectives attached to the government's new economic programme;

Whereas the grant by the Community of a medium-term loan facility to Bulgaria is an appropriate measure to help the country meeting its increased balance of payments needs; whereas the maximum amount of this facility provided for in Decision 92/511/EEC should be increased accordingly;

Whereas the Commission as coordinator of assistance from the G-24 has invited them to provide further complementary balance of payments assistance to Bulgaria;

Whereas the Community loan should be managed by the Commission;

Whereas the Treaty does not provide for the adoption of this Decision powers other than those of Article 235,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Decision 92/511/EEC is hereby amended as follows:

1. in Article 1 (1), the amount of 'ECU 110 million' is replaced by 'ECU 150 million';
2. Article 3 (2) is replaced by the following:

'2. The second instalment shall be released not before the fourth quarter of 1994 subject to the provisions of Article 2 (2) and subject to satisfactory progress being recorded in Bulgaria's application of the "stand-by arrangement" with the IMF.'

(<sup>1</sup>) OJ No L 317, 31. 10. 1992, p. 94.

**Proposal for a Council Decision providing further macro-financial assistance for Romania**

(94/C 134/07)

COM(94) 118 final — 94/0104(CNS)

*(Submitted by the Commission on 21 April 1994)*

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission, submitted following consultation with the Monetary Committee,

Having regard to the opinion of the European Parliament,

Whereas Romania is undertaking fundamental political and economic reforms and has decided to adopt a market economy model;

Whereas Romania and the European Union have concluded a European Agreement establishing a relationship of association;

Whereas, by Decision 91/384/EEC<sup>(1)</sup>, the Council decided to grant Romania medium-term financial assistance for an amount of ECU 375 million, to ensure a sustainable balance of payments situation; whereas, by Decision 92/551/EEC<sup>(2)</sup>, the Council decided to grant Romania further assistance for an amount of ECU 80 million;

Whereas, however, additional adjustment and reform measures are necessary in Romania to reduce the inflation rate, to liberalize the exchange rate regime, to strengthen financial discipline of the enterprises and to accelerate privatization;

Whereas Romania has reached an agreement in principle with the International Monetary Fund (IMF) in December 1993 on a new economic programme which would be supported by a stand-by arrangement with the IMF;

Whereas the authorities of Romania have requested financial assistance from the international financial institutions, the European Union and other bilateral donors; whereas, over and above the estimated financing which could be provided by the IMF and the World Bank, a residual financing gap of some US \$ 275 million remains to be covered during the programme period, in order to strengthen Romania's reserve position and avoid exchange rate instability and further import reductions which could seriously jeopardize the achievement of the policy objectives attached to the government's new economic programme;

Whereas the grant by the European Community of a new medium-term loan to Romania is an appropriate measure to support the balance of payments and to strengthen the country's reserve position;

Whereas the Community loan should be managed by the Commission;

Whereas the Treaty does not provide for the adoption of this Decision powers other than those of Article 235,

HAS DECIDED AS FOLLOWS:

*Article 1*

1. The Community shall grant to Romania a medium-term loan facility of a maximum amount of ECU 125 million in principal with a maximum duration of seven years, with a view to ensuring a sustainable balance-of-payments situation and strengthening the country's reserve position.
2. To this end the Commission is empowered to borrow, on behalf of the European Community, the necessary resources that will be placed at the disposal of Romania in the form of a loan.
3. This loan will be managed by the Commission in close consultation with the Monetary Committee and in a manner consistent with any agreement reached between the IMF and Romania.

*Article 2*

1. The Commission is empowered to negotiate with the Romanian authorities, after consultation with the Monetary Committee, the economic policy conditions attached to the loan. These conditions shall be consistent with the agreements referred to in Article 1 (3).
2. The Commission shall verify at regular intervals, in collaboration with the Monetary Committee and in close coordination with the IMF, that Romania's economic policy is in accordance with the objectives of this loan and that its conditions are being fulfilled.

*Article 3*

1. The loan shall be made available to Romania in two instalments. Subject to the provisions of Article 2 (1), the first instalment shall be released on the basis of the approval of the 'stand-by arrangement' by the Board of the IMF.

<sup>(1)</sup> OJ No L 208, 30. 7. 1991, p. 64.

<sup>(2)</sup> OJ No L 353, 3. 12. 1992, p. 30.

2. The second instalment shall not be released before the fourth quarter of 1994, subject to the provisions of Article 2 (2) and subject to satisfactory progress being recorded in Romania's application of the 'stand-by arrangement'.

3. The funds shall be paid to the National Bank of Romania.

#### *Article 4*

1. The borrowing and lending operations referred to in Article 1 shall be carried out using the same value date and must not involve the Community in the transformation of maturities, in any exchange or interest rate risk, or in any other commercial risk.

2. The Commission shall take the necessary steps, if Romania so decides, to include in the loan conditions, and also to exercise, an early repayment clause.

3. At the request of Romania, and where circumstances permit an improvement in the interest rate on the

loans, the Commission may refinance all or part of its initial borrowings or restructure the corresponding financial conditions. Refinancing or restructuring operations shall be carried out in accordance with the conditions set out in paragraph 1 and shall not have the effect of extending the average duration of the borrowing concerned or increasing the amount, expressed at the current exchange rate, of capital outstanding at the date of the refinancing or restructuring.

4. All related costs incurred by the Community in concluding and carrying out the operation under this Decision shall be borne by Romania.

5. The Monetary Committee shall be kept informed of developments in the operations referred to in paragraphs 2 and 3 at least once a year.

#### *Article 5*

At least once a year the Commission shall address to the European Parliament and to the Council a report, which will include an evaluation, on the implementation of this Decision.