



2024/909

22.3.2024

COMMISSION IMPLEMENTING DECISION (EU) 2024/909

of 19 March 2024

accepting a request submitted by Ireland pursuant to Article 7(4) of Directive (EU) 2016/797 of the European Parliament and of the Council not to apply Commission Regulation (EU) No 1300/2014 (PRM TSI) to Class 22000 ICDMU – B2 intermediate cars owned by Iarnród Éireann-Railway Undertaking

(notified under document C(2024)1680)

(Only the English and Irish texts are authentic)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union ⁽¹⁾, and in particular Article 7(4) thereof,

Whereas:

- (1) On 21 September 2023, Ireland submitted to the Commission a request for non-application of the following points of the Annex to Commission Regulation (EU) No 1300/2014 ⁽²⁾ (PRM TSI): 4.2.2.1.1(2), 4.2.2.1.2.1(8), 4.2.2.3.1(5), 4.2.2.7.2(6) and 4.2.2.7.3(4). Those points set out some of the ergonomic parameters in wagons, as detailed in recitals 10 to 14.
- (2) That request was submitted on the basis of Article 7(1), point (e), of Directive (EU) 2016/797, which covers rail networks separated or isolated by the sea or separated as a result of a special geographical conditions from the rail network of the rest of the Union.
- (3) To meet the rapidly growing passenger demand on the rail services operated by its fleet, Iarnród Éireann-Railway Undertaking (IÉ-RU) plans to obtain additional capacity by extending a number of existing fixed formations by one or two cars. To that end, IÉ-RU has a framework agreement with Mitsui for the supply of the additional intermediate vehicles (B2 cars) that are required to extend the existing fixed formations.
- (4) Mitsui supplied 41 B2 cars in late 2022 and under the agreement there is an option for the supply of a further 60 cars that may be exercised up to December 2026, bringing the total of cars to 101.
- (5) The B2 cars have already been an object of Commission Implementing Decision (EU) 2022/856 ⁽³⁾ where the Commission accepted that certain provisions of its Regulations (EU) No 1302/2014 ⁽⁴⁾ and (EU) No 1303/2014 ⁽⁵⁾ would not apply to those cars.

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

⁽²⁾ Commission Regulation (EU) No 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility (OJ L 356, 12.12.2014, p. 110, ELI: <http://data.europa.eu/eli/reg/2014/1300/oj>).

⁽³⁾ Commission Implementing Decision (EU) 2022/856 of 30 May 2022 accepting a request submitted by Ireland pursuant to Article 7(4) of Directive (EU) 2016/797 of the European Parliament and of the Council not to apply Commission Regulation (EU) No 1302/2014 and Commission Regulation (EU) No 1303/2014 to IÉ-RU Class 22000 ICDMU – 'B2' intermediate cars (OJ L 150, 1.6.2022, p. 88, ELI: http://data.europa.eu/eli/dec_impl/2022/856/oj).

⁽⁴⁾ Commission Regulation (EU) No 1302/2014 of 18 November 2014 concerning a technical specification for interoperability relating to the 'rolling stock – locomotives and passenger rolling stock' subsystem of the rail system in the European Union (OJ L 356, 12.12.2014, p. 228, ELI: <http://data.europa.eu/eli/reg/2014/1302/oj>).

⁽⁵⁾ Commission Regulation (EU) No 1303/2014 of 18 November 2014 concerning the technical specification for interoperability relating to 'safety in railway tunnels' of the rail system of the European Union (OJ L 356, 12.12.2014, p. 394, ELI: <http://data.europa.eu/eli/reg/2014/1303/oj>).

- (6) The B2 cars are to be included in existing fixed formation trainsets that do not comply with PRM TSI. The application of the requirements of the PRM TSI to the B2 cars would create compatibility issues between PRM TSI compliant and non-compliant vehicles, leading to disproportionate technical difficulties and complexities of production. For example, to provide dynamic visual information in a uniform and legible manner at train level would require new software, the replacement of the internal displays across the entire fleet, and potentially a whole new design of the system's architecture. The application of the PRM TSI requirements to the B2 cars would also delay vehicle authorisation and entail additional costs.
- (7) As a mitigation measure, Ireland has proposed that the B2 cars have the same design as the existing vehicles. The B2 cars concerned were designed in accordance with the relevant Railway Group Standards requirements established by the British Rail Safety and Standards Board (RSSB), CEN-Cenelec standards and Irish national standards. Their design deviates from the requirements of those standards and codes only where necessary to ensure the safe integration and compatibility of the vehicles with Ireland's rail network in its current status.
- (8) Application of the PRM TSI requirements would bring negligible benefits over that design, whereas the non-application of the PRM TSI would be limited to the extent necessary for accessibility compatibility with the existing fixed formations. As demonstrated by the regular passengers of the existing fixed formations, the proposed alternative provisions would satisfy the relevant essential requirements and compensate each non-application of the PRM TSI.
- (9) In relation to point 4.2.2.1.1(2) of the PRM TSI, the seat handhold is the same as those fitted to the existing fixed formations. It complies with the PRM TSI requirements for handholds in all aspects other than the centre of the usable part of the handhold, which is 15 mm higher than that prescribed in the PRM TSI.
- (10) In relation to point 4.2.2.1.2.1(8) of the PRM TSI, the priority seat is the same as that used on the existing fixed formations. It is PRM TSI compliant in all aspects other than the useful sitting surface, which is less than 1 % smaller than that required by the PRM TSI. That small reduction does not prevent accessibility to the seat and when in use, it does not cause passengers seated in adjoining priority seats to infringe on each other's space.
- (11) In relation to point 4.2.2.3.1(5) of the PRM TSI, the open and close door controls are the same as those used on the existing fixed formations. They are PRM TSI compliant in all aspects other than the open button, which is located below the close button.
- (12) In relation to point 4.2.2.7.2(6) of the PRM TSI, the seat reservation system is the same as that used on the existing fixed formations in terms of dimensions and appearance. It uses letters to identify the vehicles. The letters are displayed on the exterior of the vehicle on the external destination displays. The letter height is 55 mm instead of 70 mm as prescribed by the PRM TSI.
- (13) In relation to point 4.2.2.7.3(4) of the PRM TSI, the internal displays are the same as those used the existing fixed formations in terms of dimensions and appearance. They are PRM TSI compliant in all aspects other than the height of the character, which is 35 mm instead of 55 mm as prescribed by the PRM TSI viewing distance formula.
- (14) The B2 cars and the fixed formation trainsets in which they would be included are intended to be used in the geographic area covering all the railway network of Ireland, that uses a different gauge of 1 600 mm, with no possibility of viable commercial reutilisation in other areas of the Single European Railway Area.
- (15) The Irish network is connected with the Northern Ireland network. The United Kingdom of Great Britain and Northern Ireland withdrew from the European Union on the 31 January 2020. Therefore, Northern Ireland has become a neighbouring third country to the European Union. Consequently, Ireland has ceased to share a land border with a fellow Member State and Ireland's rail network has become separated and isolated from the rest of the European Union's rail network.
- (16) The request submitted by Ireland, and in particular the information contained in the file, is complete, coherent and provides for appropriate alternative measures to be applied.

(17) Therefore, the Commission considers that the conditions set out in Article 7(1), point (e), and Article 7(4) of Directive (EU) 2016/797 are satisfied,

HAS ADOPTED THIS DECISION:

Article 1

The request of Ireland not to apply points 4.2.2.1.1(2), 4.2.2.1.2.1(8), 4.2.2.3.1(5), 4.2.2.7.2(6) and 4.2.2.7.3(4) of the Annex to Regulation (EU) No 1300/2014 to 101 Class 22000 ICDMU – B2 intermediate cars ('B2 cars') that will operate on the Irish network, is hereby accepted by the Commission.

Article 2

Ireland shall communicate to the Commission the identification numbers of the B2 cars and their respective fixed formations, for each batch of B2 cars put in operation on the Irish network, and at the latest by 31 December 2026.

Article 3

This Decision is addressed to Ireland.

Done at Brussels, 19 March 2024.

For the Commission
Adina-Ioana VĂLEAN
Member of the Commission