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Annexes to the

**REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN
PARLIAMENT**

**Progress report 2000 to 2005 on the implementation of the Interoperability Directives
(96/48/EC for high speed rail and 2001/16/EC for conventional rail)**

{COM(2006) 660 final}

Introduction

The basis for the report on the progress of rail interoperability is report is provided by Article 24 of Directive 96/48/EC which states :

“Every two years the Commission shall report to the European Parliament and the Council on the progress made towards achieving interoperability of the trans-European high-speed rail system”

Similarly, Article 28 of Directive 2001/16/EC requires:

“Every two years, and for the first time 20 April 2005 the Commission shall report to the European Parliament and the Council on the progress made towards achieving interoperability of the trans-European conventional rail system.”

The report intends to fulfil these obligations. It describes the current status of the interoperability Directives, their transposition by Member States, the activities undertaken to fulfil the provisions of the directives, the progress of interoperability and the future relationship with the European Railway Agency, which started its activities in the course of 2005.

This Commission Staff Working Document contains the annexes referred to in the report. Annex 1 provides a glossary of all the terms used within the report; Annex 2 provides useful background information on both rail interoperability and safety in order to inform the reader of the context of the report; Annex 3 provides the national transposition measures for the high speed rail directive 96/48/EC; Annex 4 provides the national transposition measures for the conventional rail directive 2001/16/EC; Annex 5 lists those priority rail projects which make up the high speed and conventional rail trans-European network and on which work is expected to progress up to the year 2010; Annex 6 contains the list of derogations notified to the Commission by the Member States for the non-application of particular Technical Specifications for Interoperability in accordance with the provisions laid down in Article 7 of both directives 96/48/EC and 2001/16/EC.

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ANNEX 1:

Glossary

Term	Definition
AEIF	European Association for Railway Interoperability. This association acted as the joint representative body established under Directive 96/48/EC.
Agency	European Railway Agency (ERA); the Community agency for rail safety and interoperability, established under Regulation 881/2004 of the European Parliament and Council.
Basic parameters	Any regulatory, technical or operational condition which is critical to interoperability and requires a decision in accordance with the procedure laid down in Article 21(2) of Directive 96/48/EC as amended by 2004/50/EC.
Derogation	These are provided for under Article 7 within each of the Interoperability Directives (2001/16/EC and 96/48/EC) and allow for the non application for parts of, or the complete, TSI. The conditions under which a derogation may be applied are described in Article 7 and are normally linked to a specific project. Depending on the type of derogation notification, it may result in a Commission Decision or Recommendation addressed to the Member State applying for the derogation.
ERTMS	European Rail Traffic Management System.
Essential requirements	All the conditions set out in Annex III of both Directives 96/8/EC and 2001/16/EC, and which must be met by the trans-European rail system, the subsystems, and interoperability constituents including interfaces and as defined in Article 2(e) of both Directives 96/48/EC and 2001/16/EC, as modified by 2004/50/EC;
European specification	A common technical specification, a European technical approval or a national standard transposing a European standard, as defined in points 8 to 12 of Article 1 of Directive 93/38/EEC and as defined in Article 2(f) of both Directives 96/48/EC and 2001/16/EC, as modified by 2004/50/EC ;
Interoperability	As defined in Article 2(b) of Directives 96/48/EC and 2001/16/EC, as modified by 2004/50/EC, this is the ability of the trans-European rail system to allow the safe and uninterrupted movement of trains which accomplish the required levels of performance for these lines. This ability rests on all the regulatory, technical and operational conditions which must be met in order to satisfy the essential requirements.

Term	Definition
Interoperability constituents	As defined in Article 2(d) of Directives 96/48/EC and 2001/16/EC, as modified by 2004/50/EC, this is any elementary component, group of components, subassembly or complete assembly of equipment incorporated or intended to be incorporated into a subsystem upon which the interoperability of the trans-European rail system depends directly or indirectly. The concept of a ‘constituent’ covers both tangible objects and intangible objects such as software.
NB Rail	The European group of Notified Bodies under Interoperability Directives
Notified Bodies	As defined in Article 2ib) of both Directives 96/48/EC and 2001/16/EC, as modified by 2004/50/EC, these are the bodies which are responsible for assessing the conformity or suitability for use of the interoperability constituents or for appraising the ‘EC’ procedure for verification of the subsystems under Directives 96/48/EC and 2001/16/EC.
Placing in service	As defined in Article 2(p) of Directives 96/48/EC and 2001/16/EC, as modified by 2004/50/EC, these are all the operations by which a subsystem is put into its design operating state.
Renewal	As defined in Article 2(n) of Directive 96/48/EC and Article 2(n) of 2001/16/EC, both as modified by 2004/50/EC, this is any major substitution work on a subsystem or part subsystem which does not change the overall performance of the subsystem.
Specific case	As defined in Article 2(k) of Directives 96/48/EC and 2001/16/EC, as modified by 2004/50/EC, this is any part of the trans-European rail system which needs special provisions in the TSIs, either temporary or definitive, because of geographical, topographical or urban environment constraints or those affecting compatibility with the existing system. This may include in particular railway lines and networks isolated from the rest of the Community, the loading gauge, the track gauge or space between the tracks and rolling stock strictly intended for local, regional or historical use, as well as rolling stock originating from or destined for third countries, as long as this stock does not cross the border between two Member States.
Subsystem	As defined in Article 2(c) of both Directives 96/48/EC and 2001/16/EC, as modified by 2004/50/EC, this is the subdivision of the trans-European high speed and conventional rail system, into structural or functional parts, for which essential requirements must be laid down
Trans-European rail system	The high speed and conventional rail infrastructure composed of lines and fixed installation, as described in Commission Decision 1692/96/EC (on Community Guidelines for the development of the trans-European transport network), and the rolling stock designed to

Term	Definition
	travel on that infrastructure.
Trans-European conventional rail system	As defined in Article 2(a) of Directive 2001/16/EC, as modified by 2004/50/EC, this is the structure, as described in Annex I of Directive 2001/16/EC, composed of lines and fixed installations, of the trans-European transport network, built or upgraded for conventional rail transport and combined rail transport, plus the rolling stock designed to travel on that infrastructure.
Trans-European high speed rail system	As defined in Article 2(a) of Directive 96/48/EC, as modified by 2004/50/EC, this is the structure described in Annex I of Directive 96/48/EC, composed of the railway infrastructures comprising lines and fixed installations, of the trans-European transport network, constructed or upgraded to be travelled on at high speeds, and rolling stock designed for travelling on those infrastructures.
TSI	As defined in Article 2(g) of Directives 96/48/EC and 2001/16/EC, as modified by 2004/50/EC, this is the Technical Specification for Interoperability: the specifications by which each subsystem or part subsystem is covered in order to meet the essential requirements and ensure the interoperability of the trans-European rail system.
Upgrade	As defined in Article 2(l) of Directives 96/48/EC and 2001/16/EC, as modified by 2004/50/EC, this is Any major modification work on a subsystem or part subsystem which improves the overall performance of the subsystem.

ANNEX 2:

The Rail Interoperability and Safety Directives : Background Information

Directive 96/48/EC

The high speed rail directive 96/48/EC entered into force in 1996 and its implementation into national legislation was required by April 1999. The aim of the Directive is to establish the conditions to be met in order to achieve interoperability on the trans-European high speed network. The basis for the Directive is established by Article 156 of the Treaty, which provides that the Community shall implement any measures that may prove necessary to ensure network interoperability, in particular in the field of standardisation.

Directive 2001/16/EC

The conventional rail Directive entered into force in 2001 and its implementation into national legislation was required by April 2003. The basis for the Directive is established by Article 156 of the Treaty, which provides for any measures that may prove necessary in the field of technical standardisation for the interoperability of the national rail networks. The aim of the Directive is to establish the conditions to be met in order to achieve interoperability on the trans-European conventional rail network.

The scope of the trans-European rail network is described in Commission Decision 1692/96/EC (on Community Guidelines for the development of the trans-European transport network).

Key Provisions of the Interoperability Directives

The key provisions of the Directives are:

- the creation of a Committee of Member State representatives which delivers opinions on interoperability measures;
- the development of Technical Specifications for Interoperability (TSIs);
- the development of European Specifications for the harmonization of railway systems and products;
- the creation of Notified Bodies to carry out conformity assessment of the TSIs

The Committee

This Committee, established under Article 21 of Directive 96/48/EC, assists the Commission, and may discuss any matters relating to the interoperability of the trans-European networks and the implementation of the Directives 96/48/EC and 2001/16/EC. When necessary, organisations are invited to attend Committee meetings, where it directly supports their work, for example the AEIF¹ and representatives from NB Rail²

¹ AEIF : the Association Européenne pour l'interopérabilité Ferroviaire, the joint representative body established under Article 6 of Directive 96/48/EC

The Committee may deliver its opinions in accordance with Directives 96/48/EC and 2001/16/EC, as amended by 2004/50/EC. It has convened for 26 meetings and has voted positively on 18 measures; these are summarised below.

Date	Reference	Opinion given concerning :
28.02.2001	96/48-MA03	Mandate for the AEIF concerning the revision of the (high speed) TSIs
20.03.2001	01/16-MA01	Mandate to the AEIF for the development of the first priority group of TSIs
15.01.2002	96/48-ST01	Commission Decision concerning the technical specification for interoperability relating to the maintenance subsystem of the trans-European high-speed rail system referred to in Article 6(1) of Directive 96/48/EC
15.01.2002	96/48-ST02	Commission Decision concerning the technical specification for interoperability relating to the control-command and signalling subsystem of the trans-European high-speed rail system referred to in Article 6(1) of Directive 96/48/EC
15.01.2002	96/48-ST03	Commission Decision concerning the technical specification for interoperability relating to the infrastructure subsystem of the trans-European high-speed rail system referred to in Article 6(1) of Directive 96/48/EC
15.01.2002	96/48-ST04	Commission Decision concerning the technical specification for interoperability relating to the energy subsystem of the trans-European high-speed rail system referred to in Article 6(1) of Directive 96/48/EC
15.01.2002	96/48-ST05	Commission Decision concerning the technical specification for interoperability relating to the rolling stock subsystem of the trans-European high-speed rail system referred to in Article 6(1) of Directive 96/48/EC
15.01.2002	96/48-ST06	Commission Decision concerning the technical specification for interoperability relating to the operation subsystem of the trans-European high-speed rail system referred to in Article 6(1) of Directive 96/48/EC
31.05.2002	01/16-MA02	Mandate to the AEIF for the development of the second priority group of TSIs
19.10.2003	01/16-MA03	Complementary mandate to the AEIF for the development of the first priority TSI group
27.01.2004	01/16-DV16	Commission Decision specifying the basic parameters of the “Noise”, “Freight Wagons” and “Telematic applications for freight” Technical Specifications for

² NB Rail : the European group of Notified Bodies under Interoperability Directives

Date	Reference	Opinion given concerning :
		Interoperability referred to in Directive 2001/16/EC
23.11.2004	01/16-ST02	Commission Decision concerning the technical specification for interoperability relating to the Telematic Applications for Freight subsystem of the trans-European conventional rail system
23.11 .2004	01/16-ST05	Commission Decision concerning the technical specification for interoperability relating to Noise subsystem of the trans-European conventional rail system
24.11.2004	01/16-ST01	Commission Decision concerning the technical specification for interoperability relating to the control-command and signalling subsystem of the trans-European conventional rail system
17.12.2004	01/16-ST04	Commission Decision concerning the technical specification for interoperability relating to the Rolling stock – Freight wagons subsystem of the trans-European conventional rail system
22.07.2005	01/16 – ST07	Commission Decision concerning the technical specification for interoperability relating to the traffic operation and management for the conventional rail system
24.10.2005	01/16-MA04	Mandate to the Agency for the development of the third priority group of TSIs

Technical Specifications for Interoperability (TSIs)

The TSIs describe the conditions to be met in order to achieve interoperability. The rail system has been broken down into subsystems and the TSIs specify the technical requirements for the whole or part of the subsystem.

A model structure for the TSIs has been agreed and their development is now a well established process; the key steps being the definition and adoption of the basic parameters related to each TSI, the drafting of the TSI using the basic parameters as a basis, analysis of costs and benefits, consultation with Member States, social partners and users and final adoption by the Commission. They are then published in the Official Journal in all Community languages.

Once they enter into force, the TSIs will apply to all new conventional and high speed rail systems and their renewal and upgrade.

Under the high speed rail Directive 96/48/EC five TSIs were drawn up and these came into force in May 2002. These TSIs were adopted by Commission Decisions 2002/730/EC (dealing with the maintenance subsystem), 2002/731/EC (dealing with the control-command subsystem), 2002/732/EC (dealing with the infrastructure subsystem), 2002/733/EC (dealing with the energy subsystem), 2002/734/EC (dealing with the operations subsystem) and 2002/735/EC (dealing with the rolling stock subsystem).

The first revisions of the high speed TSIs are currently underway. As well as closing a number of the open points within them, the high speed TSIs are also being restructured in line with the conventional rail TSIs and will also incorporate specific maintenance requirements hence eliminating the need for a TSI on the maintenance subsystem. A number of errors that were identified in the first high speed TSIs have also been corrected.

The conventional rail directive 2001/16/EC requires a first group of priority TSIs to be adopted by 2004. In April 2004, Commission Decision 2004/446/EC was adopted, defining the basic parameters for the first group of priority TSIs. The Decision was addressed to all Member States and requires the early implementation of the basic parameters until such time that the TSIs enter into force. In December 2004 four of the five first priority set of TSIs were positively voted by the Committee. These TSIs are expected to be formally adopted by the Commission during 2006. On formal notification the TSIs will repeal Decision 2004/446 on the basic parameters.

The fifth TSI of the first priority set, on Traffic Operations and Management, was adopted in June 2005 and are expected to enter into force mid 2006.

The proposed TSIs for Safety in Railway Tunnels and accessibility for Persons with Reduced Mobility are under review.

The knowledge and experience gained by the AEIF in the development of the TSIs has been progressively transferred to the Agency, as will all documentation.

The Agency will have a direct role in the development and monitoring of interoperability, as established by its Regulations 881/2004.

Non Application of the TSIs

Each of the TSIs defines a target system and an implementation strategy. When developing a project, Member States should ensure that the requirements of the target system are applied, taking into account the implementation strategy. However the TSIs themselves allow for certain of the requirements for the target system not to be applied under certain circumstances. These circumstances are defined as 'specific cases' and are clearly listed in each of the TSIs. Specific cases may be of a permanent or temporary nature.

Specific cases are part of the TSI and, consequently, are generic and legislative in nature. The specific case can be proposed during the TSI drafting or revision process and are subject to the opinion of the Committee before the TSI is adopted. Specific cases have been included within the TSI where the nature of the infrastructure does not allow for the application of the TSIs, for example the broader rail gauge of countries such as Portugal, Spain, Latvia and Estonia.

The interoperability directives allow Member States to derogate against the application of the TSIs. Under Article 7 of the Interoperability Directives 96/48/EC and 2001/16/EC, Member States must notify the Commission and Committee of any intended derogations. In addition, for particular specific conditions such as a derogation for the non-application of the TSIs during renewal, upgrading or extension of an existing line when the application of the TSIs would compromise the economic viability of the project and/or the compatibility of the rail system within the Member State, the Commission will take a decision on the derogation. The guidelines established by the Commission provide an interpretation of Article 7, and describe

the roles and responsibilities of the key actors, and the processes to be applied with regards to the application of the derogation.

All Member States should progress towards full application of the TSIs across the European network in order for the Community to reap the benefits of interoperability. Therefore a permanent derogation is not desirable and a 'Specific case' should be developed and included in future revisions of the TSIs.

For the priority rail projects established under Decision 1692/96/EC as amended by 1346/2001/EC and 884/2004/EC, when Member States seek Community funding they must provide details of any derogations.

Notified Bodies

In the 1999 Commission report on interoperability to the European Parliament and Council, it was identified that two pre-notified bodies were in existence. This situation has now progressed and in the study on interoperability carried out in 2002³, it was confirmed that a total of eight Notified Bodies had been appointed and notified to the Commission under Directive 96/48/EC in the fifteen Member States. Today the number of Notified Bodies under Directive 96/48/EC is at 27, including a Notified Body in Norway.

Under the Conventional Rail Directive 2001/16/EC, a total of 15 Notified Bodies have been appointed and notified to the Commission.

The coordination group of notified bodies, NB Rail, meet regularly and use this forum to agree common methods of working and raise concerns or issues regarding the conformity assessment of the TSIs. NB Rail has been consulted in the revision of the high speed TSIs, and has contributed positively to their improvement. A formal communication link is established between the NB Rail group and the Committee, such that they are able to report on their specific issues and raise any issues of concerns, or for resolution, by the Committee. The members and activities of NB Rail are expected to increase with the coming into force of the conventional rail TSIs later in 2006.

Directive 2004/50/EC⁴ amending the Interoperability Directives

The key provisions of this directive are to:

- Take into consideration the adoption of Regulation 881/2004 on the establishment of a European Rail Agency and Directive 2004/49/EC on the safety of the Community's railways.
- Extend the scope of the TSIs such that they are applied to both renewal and upgrade

³ Study of the Implementation of Directive 96/48/EC on the Interoperability of the Trans-European High-Speed Railway System and Progress made towards Railway Interoperability by Graband and Partners, October 2002

⁴ adopted as part of the 'Second Package' of railway legislation and entering into force in April 2004. This package includes Regulations 881/2004/EC establishing the European Railway Agency, Directive 2004/49/EC on the safety of the Community's railways and directive 2004/51 amending directive 91/440/EC.

- Clarify the relationship between the Essential Requirements, defined in 96/48/EC, the TSIs and European Specifications
- Clarify the conformity assessment requirements for interoperable constituents
- Create the provision for national registers, which must be accessible to all Member States and other relevant stakeholders
- Clarify the procedures required in the case the Essential Requirements are not covered by corresponding specifications in the TSIs.
- Clarify the definition of high speed rolling stock given in directive 96/48/EC

With regards to the development of the TSIs, these provisions are already being implemented. The structure of the conventional and high speed TSI will be aligned and the revised high speed TSIs are structured as the conventional rail TSIs. The TSIs now also require their application to both the renewal and upgrade of subsystems, and Member States are also encouraged to apply them to maintenance related replacements wherever possible. The relationship between the TSIs, the Essential Requirements is explicitly defined within the TSIs and state where Essential Requirements can be satisfied through harmonised European norms.

Standardisation

The amending Directive 2004/50/EC introduces the following subparagraph into article 5 of both Directives 96/48/EC and 2001/16/EC:

‘TSIs may make explicit, clearly defined references to European standards or specifications where this is strictly necessary in order to achieve the objectives of this Directive. In such case, these European standards or specifications (or the relevant parts thereof) shall be regarded as annexes to the TSIs concerned and shall become mandatory from the moment the TSI is applicable. In the absence of European standards or specifications and pending their development, reference may be made to other clearly identified normative documents; in such case, this shall concern documents that are easily accessible and in the public domain’.

To this end, the conventional rail TSIs and the revision of the draft high speed TSIs contain:

- a clear link between the essential requirements of the directives and the technical specifications of the TSI
- a reference to the European standards or norms that are mandatory in order to achieve the specifications of the TSI

Further, in the development of the conventional rail TSIs mandates for the development of European standards were implemented, enabling the detailed specification of mandatory standards that will deliver parts of the technical specifications of the TSIs.

Directive 2004/49/EC⁵ and Regulations 881/2004/EC

The regulatory framework established by the directive 2004/49/EC, on the safety of the Community's railways, requires a common approach to safety management and safety certification; railway undertakings and infrastructure managers must establish safety management systems which demonstrate how they manage the safety of their operations. Their safety management systems must demonstrate, amongst other safety related issues, proof of compliance with the TSIs and national standards. Thus a direct link is established between safety performance and compliance with TSIs.

The directive makes provisions for the definition and implementation of common safety targets (CSTs), and it is expected that as future TSIs evolve, they will reinforce this link through the specification of a quantified safety target for each TSI.

The second package also established, through regulations 881/2004/EC⁶, the European Railway Agency (ERA), which will be responsible for the future development of the TSIs, the monitoring of interoperability, as well as developing the specific safety measures identified in directive 2004/49/EC. The ERA is now established with its headquarters in Valenciennes and Lille, France, and is currently implementing its organisation and activities. Recruitment for competent personnel is on-going and a full quotient of staff are expected to be in place by end 2006.

⁵ adopted as part of the 'Second Package' of railway legislation and entering into force in April 2004. This package includes Regulations 881/2004/EC establishing the European Railway Agency, Directive 2004/49/EC on the safety of the Community's railways and directive 2004/51 amending directive 91/440/EC.

⁶ see foot note (4)

ANNEX 3 :

96/48/EC national transposition measures

MS	Implemented?	Related Legislation
AT	Yes	Bundesgesetz, mit dem das Eisenbahngesetz 1957 geändert wird, Abschnitt IVb, "Interoperabilität des Hochgeschwindigkeitsbahnsystems", ref.: Bundesgesetzblatt für die Republik Österreich, Nr. 67/2002, Teil I, 26/4/2002, s. 557, In Kraft ab: 1.6.2002.
BE	Yes	Arrêté royal relatif à l'interopérabilité du système ferroviaire transeuropéen à grande vitesse. C – 2000 – 14115. The Directive 96/48/EC was transposed into national law as of 3 rd April 2000. The text was published in the Moniteur Belge, Ed 2, Page 17379, dated 24 th May 2000 Site internet du Ministère de la Justice avec la législation belge consolidée en vigueur: Webstek van het Ministerie van Justitie met een overzicht van de geconsolideerde Belgische wetgeving:
CZ	Yes	Decree of the Ministry of Transport No. 352/2004 Coll., on the interoperability of the trans-european rail systems, which has come into force on 1 July 2004, (promulgated in the volume No. 114/2004 Coll.) Act No. 22/1997 Coll., on the technical requirements for products and on amendments to some acts, as last amended
CY	No	
DE	Yes	Verordnung über die Interoperabilität des transeuropäischen Hochgeschwindigkeitsbahnsystems (Eisenbahn-Interoperabilitätsverordnung - EIV), published in the Bundesgesetzblatt, Part 1 (BGBl I). Directive 96/48/EC was transposed into national law and herewith legal on 01 st April 1999. The text was published in BGBl, Part I, dated 4 June 1999.
DK	Yes	Lov om Banstyrelsen m.v. lov. nr. 1230 af 27 december 1996 Bekendtgørelse om interoperabilitet i det transeuropæiske jernbanesystem for højhastighedstog Bekendtgørelse nr. 181 af 25 marts 1999 Radets direktiv 96/48/EF af 23 juli 1996 om interoperabilitet i det transeuropæiske jernbanesystem for højhastighedstog
EE	Yes	Raudtee tehnikasutuseeskirja kinnitamine
GR	Yes	Loi n° 345/2001 FEK A n° 232 du 11/10/2001, page 3321
ES	Yes	Real Decreto 1191/2000, de 23 de Junio, sobre interoperabilidad del sistema ferroviario de alta velocidad. Directive 96/48/EC had transposed into national law at the 23 rd June 2000. The text was published in the BOE, dated 05 th July 2000.
FR	Yes	Décret no. 2001 - 129 du 8 février 2001 portant transposition de la directive 95/48/CE du Conseil du 23 juillet 1996 relative à l'interopérabilité du système transeuropéen à grande vitesse, ref.: JO no. 35 du 10 février 2001, p. 2277. Loi no. 2001 - 43 du 16 janvier 2001 portant diverses dispositions d'adaptation au droit communautaire dans le domaine des transports ref.: JO no. 14 du 17 janvier 2001, p. 848. Arrêté du 5 juin 2000

MS	Implemented?	Related Legislation
FI	Yes	Liikenneministeriön päätös 03/03/1999, 592/16/99: Ratahallintokeskuksen määrääminen tarkastuselimeksi. Esityksen pääasiallinen sisältö
HU	Yes	104/2003. (XII.29.) GKM r. Egyes miniszteri rendeleteknek a csatlakozással összefüggésben szükséges módosításáról A közlekedési és vízügyi miniszter 9/2002. (II. 6.) KöViM rendelete a nagysebességű vasúti rendszerek kölcsönös átjárhatóságáról
IR	Yes	European Communities (Interoperability of the Trans-European High-Speed Rail System) Regulations 2002, ref: S.I. nl. 118 of 2002, 28 March 2002.
IT	Yes	Decreto legislativo 24 maggio 2001, no. 299, ref: GURI di 21/7/2001
LU	Yes	Règlement grand-ducal du 24 avril 2000 portant transposition de la directive 96/48/CE du Conseil du 23 juillet 1996 relative à l'interopérabilité du système ferroviaire transeuropéen à grande vitesse.
LV	Yes	Dzelzceļa likums, 1/4/1998; Latvijas Vēstnesis 102/105, 17/4/1998.
LT	Yes	Lietuvos Respublikos Vyriausybės nutarimas Nr. 234 Dėl Europos standarto geležinkelio Lietuvos ir Lenkijos valstybių siena-Marijampolė-Kaunas projektavimo Lietuvos Respublikos susisiekimo ministro 2004 m. gruodžio 23 d. įsakymas Nr. 3-586 „Dėl transeuropinės geležinkelių sistemos sąveikos reikalavimų nustatymo ir taikymo taisyklių patvirtinimo“ Lietuvos Respublikos susisiekimo ministro 2005 m. gegužės 2 d. įsakymas Nr. 3-180 „Dėl Lietuvos Respublikos susisiekimo ministro 2004 m. gruodžio 23 d. įsakymo Nr. 3-586, Lietuvos Respublikos susisiekimo ministro 2003 m. sausio 23 d. įsakymo Nr. 3-37 ir Lietuvos Respublikos susisiekimo ministro 2004 m. liepos 29 d. įsakymo Nr. 3-398 pakeitimo“
MT	No	
NL	Yes	Decree 562 of 15 th December 1999, containing the regulations of transposition of Directive 96/48/EC of the European Commission concerning the Interoperability of the trans-European high speed railway system on 23 rd July 1996 (PbEG L 235) (Decree of the Interoperability of the trans-European high speed rail network)
PT	Yes	Decreto-Lei no. 167/99 de 18 de maio. The text was published in the Diário da Republica – I Série A nº 119, 23 rd May 2000.
PL	Yes	Ustawa z dnia 20 kwietnia 2004 r. o zmianie ustawy o transporcie kolejowym, 20/4/2004, Dziennik Ustaw 2004/92/883, 30/04/2004; Ustawa z dnia 28 marca 2003 o transporcie kolejowym, 28/3/2003, Dziennik Ustaw 2003/86/789, 17/05/2003; Ustawa z dnia 20 kwietnia 2004 r. o zmianie i uchyleniu niektórych ustaw w związku z uzyskaniem przez Rzeczpospolitą Polską członkostwa w Unii Europejskiej, 20/4/2004, Dziennik Ustaw 2004/96/959, 30/04/2004; Ustawa z dnia 30 sierpnia 2002 r. o systemie oceny zgodności (Dz. U. Nr 166, poz. 1360 z późn. zm.), 30/8/2002, Dziennik Ustaw 166, 7/10/2002; Rozporządzenie Ministra Infrastruktury z dnia 31 grudnia 2002 w sprawie warunków technicznych pojazdów oraz zakresu ich niezbędnego wyposażenia, 31/12/2002, Dziennik Ustaw 2003/32/262, 26/2/2003.

MS	Implemented?	Related Legislation
SK	No	
SI	Yes	Zakon o varnosti v železniškem prometu Zakon o varnosti v železniškem prometu - uradno prečiščeno besedilo Zakon o spremembah in dopolnitvah zakona o varnosti v železniškem prometu
SW	Yes	Lag SFS 2000:1336 om järnvägssystem för höghastighetståg; published in Svensk författningssamling, 22.12.2000 (Law on railway system for high-speed) Lag SFS 2000:1337 om ändring i järnvägssäkerhetslagen (1990:1557); published in Svensk författningssamling, 22.12.2000 (Law on change of railway safety equipment) Lag SFS 2000:1338 om ändring i lagen (1995:1649) om byggande av järnväg; published in Svensk författningssamling, 22.12.2000 (Law on change of the law of railway construction) Förordning SFS 2000:1339 om järnvägssystem för höghastighetståg; published in Svensk författningssamling, 22.12.2000 (Ordinance on railway system for high-speed) Förordning SFS 2000:1340 om ändring i förordningen (1998:1392) med instruktion för Banverket; published in Svensk författningssamling, 22.12.2000 (Ordinance on change of ordinance 1998:1392 with instructions for Banverket) JH 9.1 Järnväginspektionens föreskrifter om driftskompatibilitet för svensk anslutning till det transeuropeiska järnvägssystemet för höghastighetståg (BV-FS 2001:2) (Rule of Railway Inspectorate on interoperability for Swedish connection to the Trans-European railway system for high-speed)
UK	Yes	The Railways Act 1993, as amended by the Transport Act 2000. The Railways Regulations 1998, Statutory Instruments number 1340 of 1998;

ANNEX 4 :

2001/16/EC status of national transposition

MS	Implemented?	Related Legislation
AT	Yes	Bundesgesetz, mit dem das Eisenbahngesetz 1957 geändert wird; Bundesgesetzblatt für die Republik Österreich (BGBl.), No. 38, 30/4/2004, s. 1-35. Austria has notified the Commission of the Austrian Basic Parameters for the Subsystems Infrastructure, Signalling/Control/Command, Rolling Stock and Energy according to Articles 10(5) and 16(3) of Directive 2001/16.
BE	Yes	Arrêté royal du 15 mai 2003 relatif à l'interopérabilité du système ferroviaire transeuropéen conventionnel,
CZ	Yes	Decree of the Ministry of Transport No. 352/2004 Coll., on the interoperability of the trans-european rail systems, which has come into force on 1 July 2004, (promulgated in the volume No. 114/2004 Coll.) Act No. 22/1997 Coll., on the technical requirements for products and on amendments to some acts, as last amended
CY	No	
DE	Yes	Konventioneller-Verkehr-Eisenbahn-Interoperabilitätsverordnung – KonVEIV) Gesetz zur Änderung eisenbahnrechtlicher Vorschriften hinsichtlich der Regelung der Interoperabilität des transeuropäischen Eisenbahnsystems
DK	Yes	Announcement of the implementation of the Directive on the interoperability of the trans-European conventional rail system, 8 April 2003
EE	Yes	Vastu võetud 19. novembril 2003.
GR	Notified: under examination	Διαλειτουργικότητα του συμβατικού διευρωπαϊκού σιδηροδρομικού συστήματος : Εναρμόνιση της Οδηγίας 2001/16/EK του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 19ης Μαρτίου 2001
ES	Yes	Real Decreto 646/2003 de 30 de mayo 2003, sobre interoperabilidad del sistema ferroviario transeuropeo convencional, Boletín Oficial del Estado (BOE) núm. 139, de 11.06.2003, p. 22589.
FR	Yes	Loi n° 2004-237 du 18/03/2004 portant habilitation du Gouvernement à transposer, par ordonnance, des directives communautaires et à mettre en oeuvre certaines dispositions du droit communautaire, JORF 19/3/2004, p. 05311-05312; Ordonnance n° 2004-691 du 12 juillet 2004 portant diverses dispositions d'adaptation au droit communautaire dans le domaine des transports, JORF 14/7/2004.
FI	Yes	Laki Euroopan laajuisen rautatiejärjestelmän yhteentoimivuudesta (561/2002 of 28 June 2002) ja Valtioneuvoston asetus Euroopan laajuisen rautatiejärjestelmän yhteentoimivuudesta (765/2002 of 29 August 2002)/Lag om driftskompatibiliteten hos det transeuropeiska järnvägssystemet (561/2002 of 28 June 2002), Decree 765/2002 of 29 August 2002 implementing law 561/2002 of 28 June 2002. Finland has notified the Commission of the Technical Regulations published by the Finnish Rail Administration RHK, further to Artt. 10(5) and 16(3) of Directive 2001/16.
HU	Yes	A gazdasági és közlekedési miniszter 103/2003. (XII. 27.) GKM rendelete a hagyományos vasúti rendszerek kölcsönös átjárhatóságáról, 27/12/2003, Magyar Közlöny, 156, 27/12/2003.
IR	Yes	European Communities (Interoperability of the Trans-European conventional rail system) Regulation, 2004, signed by the Minister of Transport on 18 February

MS	Implemented?	Related Legislation
		2004, Statutory Instruments 61 (S.I.) 2004.
IT	Yes	Attuazione della direttiva 2001/16/CE in materia di interoperabilita' del sistema ferroviario transeuropeo convenzionale, Decreto legislativo - 30/09/2004, Gazzetta Ufficiale della Repubblica Italiana - 264, 10/11/2004.
LU	Yes	Règlement grand-ducal du 6 juin 2003 portant transposition de la directive 2001/16/CE du Parlement européen et du Conseil du 19 mars 2001 relative à l'interopérabilité du système ferroviaire transeuropéen conventionnel a été publié au Mémorial A-N° 94 du 11 juillet 2003. Luxembourg has notified the Commission of the list of standards and technical specifications in use in order to implement the essential requirements and rules for the rail (sub) systems, further to art. 10 (5) and 16 (3) of Directive 2001/16.
LV	Yes	Dzelzceļa likums, 1/4/1998; Latvijas Vēstnesis 102/105, 17/4/1998.
LT	Yes	Lietuvos Respublikos geležinkelių eismo saugos įstatymas Nr. IX-1905, 16/12/2003, Valstybės žinios 7/1/2004; Lietuvos Respublikos susisiekimo ministro 2004 m. gegužės 28 d. įsakymas Nr. 3-317 „Dėl Lietuvos Respublikos geležinkelių infrastruktūros registro įsteigimo ir jo nuostatų patvirtinimo“, 28/5/2004, Valstybės žinios 90, 8/6/2004.
MT	No	
NL	Yes	Wet van 23 april 2003, houdende nieuwe algemene regels over de aanleg, het beheer, de toegankelijkheid en het gebruik van spoorwegen alsmede over het verkeer over spoorwegen (Sporwegwet), Staatsblad 2003, no. 264.
PT	Yes	Decreto-Lei no. 75/2003 de 16 de Abril, Diário da República - I Série -A, No. 90 - 16 de Abril 2003, p. 2481.
PL	Yes	Ustawa z dnia 20 kwietnia 2004 r. o zmianie ustawy o transporcie kolejowym, 20/4/2004, Dziennik Ustaw 2004/92/883, 30/04/2004; Ustawa z dnia 28 marca 2003 o transporcie kolejowym, 28/3/2003, Dziennik Ustaw 2003/86/789, 17/05/2003; Ustawa z dnia 20 kwietnia 2004 r. o zmianie i uchyleniu niektórych ustaw w związku z uzyskaniem przez Rzeczpospolitą Polską członkostwa w Unii Europejskiej, 20/4/2004, Dziennik Ustaw 2004/96/959, 30/04/2004; Ustawa z dnia 30 sierpnia 2002 r. o systemie oceny zgodności (Dz. U. Nr 166, poz. 1360 z późn. zm.), 30/8/2002, Dziennik Ustaw 166, 7/10/2002; Rozporządzenie Ministra Infrastruktury z dnia 31 grudnia 2002 w sprawie warunków technicznych pojazdów oraz zakresu ich niezbędnego wyposażenia, 31/12/2002, Dziennik Ustaw 2003/32/262, 26/2/2003.
SK	Yes	ZÁKON 164/1996, NÁRODNEJ RADY SLOVENSKEJ REPUBLIKY, zo 17. mája 1996 o dráhach a o zmene zákona č. 455/1991 Zb. o .ivnostenskom podnikaní (.ivnostenský zákon) v znení neskor.ích predpisov; ZÁKON 58/1997, zo 6. februára 1997, ktorým sa mení a dopĺňa zákon č. 135/1961 Zb. o pozemných komunikáciách (cestný zákon) v znení neskor.ích predpisov, zákon Národnej rady Slovenskej republiky č. 164/1996 Z. z. o dráhach a o zmene zákona č. 455/1991 Zb. o .ivnostenskom podnikaní (.ivnostenský zákon) v znení neskor.ích predpisov, zákon Národnej rady Slovenskej republiky č. 168/1996 Z. z. o cestnej doprave a zákon Národnej rady Slovenskej republiky

MS	Implemented?	Related Legislation
		<p>č. 222/1996 Z. z. o organizácii miestnej štátnej správy a o zmene a doplnení niektorých zákonov;</p> <p>ZÁKON 260/2001, zo 14. júna 2001, ktorým sa mení a dopĺňa zákon Národnej rady Slovenskej republiky č. 164/1996 Z. z. o dráhach a o zmene zákona č. 455/1991 Zb. o živnostenskom podnikaní (živnostenský zákon) v znení neskorších predpisov v znení zákona č. 58/1997 Z. z.;</p> <p>ZÁKON 416/2001, z 20. septembra 2001 o prechode niektorých pôsobností z orgánov štátnej správy na obce a na vyššie územné celky;</p> <p>ZÁKON 725/2004, z 2. decembra 2004 o podmienkach prevádzky vozidiel v premávke na pozemných komunikáciách a o zmene a doplnení niektorých zákonov;</p> <p>ZÁKON 109/2005, z 9. februára 2005, ktorým sa mení a dopĺňa zákon Národnej rady Slovenskej republiky č. 164/1996 Z. z. o dráhach a o zmene zákona č. 455/1991 Zb. o živnostenskom podnikaní (živnostenský zákon) v znení neskorších predpisov v znení neskorších predpisov a o zmene zákona č. 725/2004 Z. z. o podmienkach prevádzky vozidiel v premávke na pozemných komunikáciách a o zmene a doplnení niektorých zákonov.</p>
SI	Yes	Zakon o varnosti v železniškem prometu, 14/9/2000, Uradni list RS 85/2000.
SW	Yes	Järnvägslag (Railway act, 2004:519) of 3 June 2004; Järnvägsförordning (Railway Regulation, 2004:526) of 3 June 2004.
UK	Yes	The Railways (Interoperability) Regulations 2006

ANNEX 5 :

Priority Rail Projects on Which Work Is Due To Start Before 2010As listed in Decision No. 884/2004/EC amending Decision No. 1692/96/EC on Community guidelines for the development of the trans-European transport network

With completion dates (updated by members states in their last communication)

1. Railway axis Berlin-Verona/Milan-Bologna-Napels-Messina-Palermo

- Halle/Leipzig-Nurnberg - 2015
- Nurnberg-Munich - 2006
- Munich-Kufstein - 2015
- Kufstein-Innsbruck - 2009 (2018)
- Brenner tunnel - 2015, cross-border section
- Verona-Napels -2007
- Milan-Bologna -2006 (2008)
- Rail/road bridge over the Strait of Messina-Palermo-2015

2. High-speed railway axis Paris-Brussels/Brussels-Cologne-Amsterdam-London

- Channel tunnel-London - 2007
- Brussels/Brussels-Liège-Cologne - 2007
- Brussels/Brussels-Rotterdam-Amsterdam - 2007 (2012-2016)⁷

3. High-speed railway axis of south-west Europe

- Lisbon/Porto-Madrid - 2011⁸ (2015)
- Madrid-Barcelona - 2005 (2007)
- Barcelona-Figueras-Perpignan - 2008 (2009)
- Perpignan-Montpellier - 2015 (2009)
- Montpellier-Nîmes - 2010 (2015)
- Madrid-Vitoria-Irún/Hendaye - 2010
- Irún/Hendaye-Dax, cross-border section - 2010 (2015)
- Dax-Bordeaux - 2020
- Bordeaux-Tours - 2015

4. High-speed railway axis east

- Paris-Baudrecourt - 2007
- Metz-Luxembourg - 2007
- Saarbrücken-Mannheim - 2007

5. Betuwe line - 2007

⁷ Including the two high-speed train stations in Rotterdam and Amsterdam which were not included in the project endorsed by the Essen European Council in 1994.

⁸ Including links Lisbon-Porto (2013), Lisbon-Madrid (2010) and Aveiro-Salamanca (2015).

6. Railway axis Lyon-Trieste-Divača/Koper-Divača-Ljubljana-Budapest-Ukrainian border⁹

- Lyon-St Jean de Maurienne - 2015
- Mont-Cenis tunnel - 2015-2017,(2018) cross-border section
- Bussoleno-Turin - 2011
- Turin-Venice - 2010 (2011)
- Venice-Ronchi Sud-Trieste Divača - 2015
- Koper- Divačča -Ljubljana - 2015 (2012)
- Ljubljana-Budapest 2015
-

8. Multimodal axis Portugal/Spain-rest of Europe¹⁰

- Railway La Coruña-Lisbon-Sines - 2010
- Railway Lisbon-Valladolid -2010 (2015)
- Railway Lisbon-Faro -2004 (2006)

9. Railway axis Cork-Dublin-Belfast-Stranraer¹¹ - 2001

11. Öresund fixed link (completed 2000)¹²

⁹ Parts of this route correspond to pan-European corridor V.

¹⁰ Including upgrade of ports and airports (2015) as in accordance with the contents endorsed by the Essen/Dublin European Council.

¹¹ A further increase in capacity on this line was decided in 2003 and added as a separate project.

¹² Project completed

12. Nordic triangle railway/road axis

- Railway projects in Sweden - 2010¹³ (2015)
- Railway Kerava-Lahti - 2006

Railway Helsinki-Vainikkala (Russian border) -2014

14. West coast main line -2007 (2008)

16. Freight railway axis Sines-Madrid-Paris

- New high-capacity rail axis across the Pyrenees (2020)
- Railway Sines-Badajoz -2010
- Railway line Algeciras-Bobadilla -2010

17. Railway axis Paris-Strasbourg-Stuttgart-Vienna-Bratislava

- Baudrecourt-Strasbourg-Stuttgart -2015 with the Kehl bridge as cross-border section
- Stuttgart-Ulm -2012
- Munich-Salzburg - 2015, cross-border section
- Salzburg-Vienna - 2012
- Vienna-Bratislava - 2010 (2012) , cross-border section

18. High-speed rail interoperability on the Iberian peninsula

- Madrid-Andalusia - 2010 (2020)
- North-east - 2010 (2020)
- Madrid-Levante and Mediterranean - 2010 (2020)
- North/North-west corridor, including Vigo-Porto - 2010 (2020)
- Extremadura - 2010 (2020)

20. Fehmarn Belt railway axis

- . Fehmarn Belt fixed rail/road link - 2014 (2015)
- . Railway for access in Denmark from Öresund - 2015
- . Railway for access in Germany from Hamburg - 2015
- . Railway Hannover-Hamburg/Bremen - 2015

22. Railway axis Athina-Sofia-Budapest-Vienna-Prague-Nurnberg/Dresden¹⁴

- Railway Greek/Bulgarian border-Kulata-Sofia-Vidin/Calafat -2015
- Railway Curtici-Brasov (towards Bucarest and Constanta) - 2010 (2013)
- Railway Budapest-Vienna - 2010, cross-border section (2011)
- Railway Břeclav-Prague-Nurnberg - 2010 (2016) with Nurnberg-Prague as cross-border section

¹³ A few short sections of road and railway line will be completed between 2010 and 2015.

¹⁴ This major route largely corresponds to the definition of pan-European corridor IV.

- Railway axis Prague-Linz -2016 (2017)

23. Railway axis Gdansk-Warsaw-Brno/Bratislava-Vienna¹⁵

- Railway Gdansk-Warsaw-Katowice -2015
- Railway Katowice-Břeclav -2010
- Railway Katowice-Zilina-Nove Mesto n.V. -2010

24. Railway axis Lyon/Genoa-Basel-Duisburg-Rotterdam/Antwerp

- Lyon-Mulhouse-Mülheim¹⁶, with Mulhouse-Mülheim as cross-border section -2018
- Genoa-Milan/Novara-Swiss border -2013
- Basel-Karlsruhe - 2015
- Frankfurt-Mannheim - (2012) (2015)
- Duisburg-Emmerich - 2009 (2015) ¹⁷
- Iron Rhine. Rheidt-Antwerp, cross-border section -2010

a

26. Railway/road axis Ireland/United Kingdom/continental Europe

- Road/railway axis linking Dublin with the North (Belfast-Larne) and South (Cork) -2010¹⁸
- Road/railway axis Hull-Liverpool - 2015 (2020)
- Railway Felixstowe-Nuneaton 2011 (2014)
- Railway Crewe-Holyhead - 2008 (2012)

27. ‘Rail Baltica’ axis Warsaw-Kaunas-Riga-Tallinn-Helsinki

- Warsaw-Kaunas - 2010
- Kaunas-Riga - 2014
- Riga-Tallinn - 2016 (2018)

28. ‘Eurocaprail’ on the Brussels-Luxembourg-Strasbourg railway axis

- Brussels-Luxembourg-Strasbourg - 2012 (2013)

29. Railway axis of the Ionian/Adriatic intermodal corridor

- Kozani-Kalambaka-Igoumenitsa -2012
- Ioannina-Antirrio-Rio-Kalamata -2014

¹⁵ This major route largely corresponds to the definition of pan-European corridor VI.

¹⁶ Including the TGV Rhin-Rhône, minus the western branch.

¹⁷ Project No 5 (Betuwe line) links Rotterdam and Emmerich.

¹⁸ Including Essen project No 13: road axis Ireland/United Kingdom/Benelux.

ANNEX 6 :

List of derogations notified to date in accordance with Article 7.

Derogations under the Interoperability Directive 96/48/EC

MS	Details of Communication	Basis of derogation	TSI and Geographic Scope	Alternative Measures
DE	Initial letter 28.11.2002 of pre-notification from the DE Perm rep	Article 7(a)	Non application of ETCS on a series of lines and of trains	Application of national control-command system (LZB)
DE	Letter of notification from German Permanent Representative 11.12.2003	Article 7(a): advanced stage of development. However stated by DE that certain aspects of the TSI are incorrect and for that reason they will not be applied	Partial non-application of INF TSI to: Nuremberg – Ingolstadt – Munich Hannover/Hildesheim – Berlin Paderborn – Kassel Berlin – Sudkreuz Ludwigsfelde Berlin – Sudkreuz Blankenfelde Hamburg – Berlin Nuremberg – Ebensfeld – Erfurt Erfurt – Halle/Leipzig Halle/Leipzig – Berlin Leipzig – Dresden Erfurt – Elsenbach Berlin – Ostkreuz Station Berlin – Nordkreuz –Karow Berlin – Nord Sud Verbindung Cologne – Düren - Aachen Augsburg – Olching Hamburg – Lübeck – Puttgarden Dortmund – Paderborn – Kassel	Application of German national standards. High speed TSI revision should also incorporate solutions to the incorrect areas identified by DE. Hence the status of the derogation needs to be re-assessed by DE.

MS	Details of Communication	Basis of derogation	TSI and Geographic Scope	Alternative Measures
DE	Letter of notification from German Finance Ministry 26.07.2004	Article 7(a) : advanced stage of development based on: 1. Line entering into service December 2006 2. High cost of ICE train fitment	Non-application of CCS TSI to Nuremberg - Ingolstadt – Munich line	Application of national control-command system (LZB)
UK	Initial letter of notification from UK Permanent Representative dated 09.2003 Second letter of notification for further derogations dated 03.2004	Article 7(a) advanced stage of development Structural designs developed in 1996. Signalling system based on continuation of existing system.	CTRL Section 1: <ul style="list-style-type: none"> • Partial non application of INF TSI and ENE TSI. • Full non application of CCS TSI. CTRL Section 2: <ul style="list-style-type: none"> • Partial non-application of INF TSI • Total non-application of CCS TSI 	<ul style="list-style-type: none"> • CTRL infrastructure design standards (to replace INF and ENE TSI requirements) • Application of TVM430 signalling system to replace CCS TSI requirements
UK	Letter of notification from UK Permanent Representative dated 03.2004 (NOTE: this notification was included in the letter of notification for CTRL 1 and 2)	Article 7(b) where loading/track gauge is different to the majority of EU railways. The WCML loading gauge is smaller than that of other EU railways	Partial non-application of ENE TSI to parts of the WCML. In particular, where level crossings exist the TSI requirements for overhead line gradient is not applied	National standards
AT	Letter of notification from the Austrian transport ministry dated 13.01.2004	Article 7(a) advanced stage of development	Partial non-application of the INF TSI to: <ul style="list-style-type: none"> • Knoten Ruhr • Knoten Wagram • Umfahrung Enns • Ausbau Unterinntal • Lainzer Tunnel 	Application of national standards
NL	Email containing notification dated	Article 7(a) advanced stage of development	Partial non-application of the INF TSI to HSL Zuid	Application of national standards

MS	Details of Communication	Basis of derogation	TSI and Geographic Scope	Alternative Measures
	10.10.2003	based on: 1. Tunnel contract placed in 1999 2. Substructure contract placed in 2000 3. Total system contract (line, electrification, CCS equipment) placed 2001		
NL	Letter dated 15.02.2006	Article 7	HS ENE TSI , application of standard EN 50122-1	National standards
SW	Letter dated 07.07.2005	Article 7(a)	Non-application of HS ENE TSI section 4.1.2.2, and HS CCS TSI to: West Coast Railway (Väst kustbanan) and the Norway/Vänern rail link (Malmö – Gothenburg – Oslo).	HS ENE TSI section 4.1.2.2 : national standards HS CCS TSI : Swedish ATC2 system