

# Frequently Asked Questions

## 26. What are the transition cases for the SUBSYSTEM RST TSIs after the update 09/2023?

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Transition cases for updated SUBSYSTEM RST TSIs (Update 09/2023) Cases for RST subsystems			
<i>Note: All references in this matrix are given to TSI LOC&amp;PAS for easier readability. The same references exist in the other RST TSIs sometimes at different sections. In other TSIs the letter for the appendix might also be different, but the cases below still apply.</i>			
Case No.	Project phase	Requirements, if this case is used.	Which TSI on certificate? Validity of certificates
<b>1 for subsystems</b>	<p>Project already in design phase before 28.9.2023 and the applicant requests certification under the version of the TSI that was applicable at the beginning of existing phase A.</p> <p><i>Note 1: the old term 'phase A' has been erased in general but the concept of 'phase A' remains active, if an applicant selects to act according to 7.1.1.2 (2)</i></p> <p><i>Note 2: The project may alternatively use case 4.</i></p>	<p>The project must use the TSI revision that was applicable at the beginning of existing phase A with additional table L.2 requirements from the updated TSI revision.</p> <p>Table L.2 requirements are applicable according to their specific transitions (defined within table L.2).</p> <p><i>Note 1: Cherry picking from the updated TSI is permitted.</i></p> <p><i>Note 2: section 7.1.1.2 (2) makes the application of table L.2 additionally applicable in this case</i></p>	<p>Only the TSI revision that was applicable at the beginning of existing phase A shall be stated on the certificate.</p> <p>Validity shall be as defined in the TSI revision that was applicable at the beginning of existing phase A.</p>
<b>2 for subsystems</b>	<p>Project already in design phase before 28.9.2023 and the applicant requests certification under the updated TSI revision.</p> <p><i>Note: this case is according to Annex L not available for projects already in production phase. These projects may,</i></p>	<p>Until 28.9.2030 the project may use all requirements of the previous TSI revision which are not identified in table L.1 and L.2 of the updated TSI revision.</p> <p>Table L.1 requirements are applicable if the design phase extends beyond 28.9.2030</p> <p>Table L.2 requirements are applicable according to their specific transitions (defined within table L.2).</p>	<p>Only the updated TSI revision shall be stated on the certificate.</p> <p>Validity shall be as defined in the updated TSI revision.</p> <p>The Notified Body shall list in the EC type or design examination certificate (or within the associated NoBo-Conformity Assessment Report) all the requirements assessed according to the 'initial</p>

	<i>however still select case 4.</i>		assessment framework' (meaning: according to the previous TSI).
<p><b>3 for subsystems</b></p> <p><i>Note: Based on advise by ERA specialists this case was never foreseen to be included in the updated TSI. It possible to interpret this case from the TSI text, therefore ERA is planning to have the TSI modified to remove this possible interpretation. It is highly recommended to not use this case in projects! Projects should use case 4 instead.</i></p>	<p><i>Project is entering into the design phase after 28.9.2023</i></p> <p><i>Note: this case is according to the text in Annex L not available for projects already in design phase or production phase. These projects may, however still select case 4.</i></p>	<p><i>The updated TSI revision is applicable including all table L.1 and L.2 requirements.</i></p> <p><i>For requirements not contained in tables L.1 and L.2, the project may use requirements and evidence from the previous TSI revision to comply with the requirements of the updated TSI revision.</i></p> <p><i>Note: According to the definitions of the updated TSI revision in Annex L, in this specific situation the time limit '28.9.2030' becomes not applicable</i></p>	<p><i>Only the updated TSI revision shall be stated on the certificate.</i></p> <p><i>Validity shall be as defined in the updated TSI revision.</i></p>
<p><b>4 for subsystems</b></p> <p><i>Note: Based on feedback</i></p>	<p>This case applies to all projects which started their design phase after 28.9.2023. Any project no matter of the current</p>	<p>When this case applies, the project shall completely apply all updated TSI revision requirements (including table L.1 and L.2 requirements in full).</p>	<p>Only the updated TSI revision shall be stated on the certificate.</p> <p>Validity shall be as defined in the updated TSI revision.</p>

<p><i>from the ERA specialists this shall be the 'normal' case to be used by all projects after 28.9.2023</i></p>	<p>project phase, even if case 1 or 2 is permitted can also use this case.</p>		
<p><b>5 for MODIFICATIONS of subsystems</b></p>	<p>Projects already in the production or operation phase on 28.9.2023 to which a modification shall be done after 28.9.2023 (this is triggered by table L.2 specific transition regime)</p> <p><i>Note 1: Production phase is defined as the time after EC Declaration issued/signed by the Manufacturer/Applicant.</i></p> <p><i>Note 2: Annex L defines that table L.2 must after 28.9.2023 be applied to all subsystems that are in production or operation phase (normally NoBos are only involved up to the production phase).</i></p> <p><i>Note 3: Projects of this nature may result in a design modification (upgrade or renewal projects) where a NoBo must assess the modification itself and its impact on non-modified parts.</i></p>	<p><b>For the modification and the impact on non-modified parts</b> the project shall completely apply all updated TSI revision requirements (including table L.1 and L.2 requirements in full).</p> <p>Table L.2 requirements are applicable according to their specific transitions (defined within table L.2).</p>	<p>A new certificate shall be issued under the updated TSI revision <b>for the modification and the impact on the non-modified parts only</b>. Its validity is based on the updated TSI revision.</p> <p><i>Note 1: The old certificate is and remains valid until the end of its validity for non-modified parts. When the validity ends, the applicant may upgrade to updated TSI revision, using case 4.</i></p> <p><i>Note 2: In this case it may be beneficial for applicants if they additionally demand the NoBo to certify the complete product (modification and everything else) according to the case 4 in this table.</i></p>

	<p><i>Note 4: Modification in this context includes also those modifications that must be applied by the applicant when table L.2.demands this.</i></p>		
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<b>Transition cases for updated SUBSYSTEM RST TSIs (Update 09/2023)</b> <b>Cases for ICs within RST subsystems</b>		
Case No.	Project phase	Requirements, if this case is used.
<p><b>IC1 for ICs</b></p>	<p>If case 1 applies.</p>	<p>All IC requirements from the TSI revision that was applicable at the beginning of existing phase A shall apply.</p> <p><i>Note 1: the requirements used for the IC must coincide with the TSI revision on the subsystem certificate.</i></p> <p><i>Note 2: after 28.9.2023 it is exclusively permitted to issue IC certifications and re-certifications of design or type examination certificates (!!!) according to the updated TSI revisions (refer to ERA/OPI/2016-3 - Opinion of the European Union Agency for Railways to the European Commission regarding the question of NB-Rail QC-STR-009 concerning the certification according to withdrawn TSIs   European Union Agency for Railways (europa.eu))</i></p> <p><i>Note 3: after 28.9.2023 it is only permitted to issue IC certifications according to previous TSI revisions if otherwise the requirements of the previous TSI revisions for a subsystem can not be fulfilled (e.g. an IC may no longer be included in the updated TSI revisions but remains included in the previous TSI revisions, or there is an actual technical incompatibility that requires the application of previous TSI revision) (refer to ERA/OPI/2016-3). It is possible in this case that the certificate of the IC may include several different TSI revisions. To apply note 3 it is sufficient that the NoBo received a statement from the applicant that the applicant requires this case and therefore the NoBo shall apply this case.</i></p>
<p><b>IC2 for ICs</b></p>	<p>If cases 2, 4 or 5 apply and the IC certificate was issued under a previous TSI revision</p>	<p>The requirements that shall apply for the subsystem in the selected case equally apply to all ICs used within the subsystem.</p> <p>The applicant shall inform the NoBo which case is to be used.</p> <p>If the applicant decides on a case where an IC is not certified to the updated TSI revision (but to a permitted previous TSI revision), the applicant shall demonstrate to the NoBo in documented evidence that the previous TSI requirements</p>



		<p>applied at this IC are either fully identical or at least fully equivalent to the updated TSI requirements. The NoBo shall on receipt of this documented evidence evaluate if the IC fulfils the case specific TSI requirements.</p> <p>Only if this NoBo-evaluation is positive, the IC may be used.</p>
<b>IC3 for ICs</b>	<p>If cases 2, 4 or 5 apply and the IC certificate was issued under the updated TSI revision</p>	<p>In this case the IC is directly compatible with the TSI used for the subsystem.</p>