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NB-Rail Association

RECOMMENDATION FOR USE

NB-RAIL COORDINATION GROUP

Administrative Decision according to Interoperability Directive
(EU) 2016/797 art. 30.6



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RFU-STR-086

Issue 02
Date 23/06/2020

TITLE

EC-VERIFICATION FOR OFF TEN PROJECTS

ORIGINATOR

NB-RAIL SUBGROUP INFRASTRUCTURE
(RAILCERT)

SUBJECT RELATED TO

IOD 2008/57 and IOD 2016/797
SCOPE OF THE DIRECTIVE 2008/57/EC
AND ALL TSIS

AMENDMENT RECORD: ISSUE 02, IOD REFERENCES UPDATE

DESCRIPTION AND BACKGROUND EXPLANATION

Background:

The scope of the Directive 2008/57/EC (IOD) is defined in Annex I. A reference is given to Decision 1692/96/EC for the geographical scope. This decision was amended several times and has been recast with Decision 661/2010/EU. This decision has been substituted by Regulation 1315/2013 of 11 December 2013.

The technical and geographical scope of the different TSIs is defined in each TSI according to article 5.1 of the Directive 2008/57/EC.

The reference is always made to the Annex I of IOD. Some of them refer to Annex I to Directive 2008/57/EC (e.g. TSI INF CR) and some older ones refer to Annex I to Directive 2001/16/EC respectively to Annex I to Directive 96/48/EC (e.g. TSI SRT). The new TSIs from 2014 all specify their geographical scope with reference to IOD, Annex I, and the exclude the cases referred to in Article 1(3) of the IOD.

The Regulation 1315/2013/EU contains in Annex 3 indicative maps for specific “third countries” outside the European Union. The scope of IOD as defined through this Regulation therefore contains also these “third countries”.

Question:

Are notified bodies (NoBo) allowed to issue EC-certificates of verification according to 2008/57/EC for subsystems in case they are not explicitly specified in the scope of the TSI?

RFU PROPOSAL

The voluntary assessment of subsystems outside the geographical scope as defined in each TSI and the Regulation 1315/2013 would respect and support the general aim of harmonizing a larger rail network than currently specified as TEN. However, the legal aspects as well as the scope of the IOD have to be considered. Therefore, some special terms (e.g. EC-certificate of verification) defined by the IOD have to be respected and are not allowed to be misused.

We have to differentiate between “fixed subsystems” (infrastructure, energy, trackside control-command and signalling) and “not fixed subsystem” (rolling stock and on-board



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control-command and signalling). There is no geographical limitation of the scope for “not fixed subsystems”, because the applicant can always decide to move the subsystem within the geographical scope.

This is the same case for interoperability constituents of all subsystems.

For “fixed subsystems” it is important to decide for each case whether the subsystem falls within the scope of the IOD, respective TSI. The exclusion given in Article 1(3) of the IOD shall be respected. In all cases the NoBo can do the assessment procedure as defined in the IOD and the different TSIs. However, the final document shall be different:

Different cases	Type of certificate
Lines inside the European Union, but not part of the comprehensive or core network and/or excluded from scope, Article 1(3) of IOD (see 1315/2013/EU).	Certificate of verification (*)
Lines inside the European Union, but not part of the comprehensive or core network, but defined by Member State to be within the scope of the IOD.	EC-certificate of verification
Lines within the scope of IOD (comprehensive or core network), including Lines outside the European Union, but within specified “third countries” (see 1315/2013/EU).	EC-certificate of verification
Lines outside the European Union and the “specified third countries”, therefore out of the scope of the IOD.	Certificate of verification (*)

(*) The certificate of verification shall not be issued as a Notified Body. This means that the identification number of the Notified Body shall not appear on the certificate.

THIS RFU WAS AGREED ON

PLENARY MEETING 059

THIS RFU ENTERS INTO FORCE ON

23/06/2020 (DATE OF PUBLICATION)

FROM THIS DATE ON THIS RFU CAN BE APPLIED INSTEAD OF THE PREVIOUS MANDATORY VERSION.

RFU APPLICATION IS MANDATORY STARTING FROM



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AT THIS DATE ANY PREVIOUS VERSIONS OF THIS RFU WILL BE WITHDRAWN.

RFUs SHALL BE APPLIED BY ALL NOBOS. PLEASE REFER TO RFU-STR-702, CHAPTER 3 OF THE SECTION "DESCRIPTION AND BACKGROUND EXPLANATION", FOR THE LEGAL BASIS SUPPORTING THIS OBLIGATION.

ERA COMMENTS

PLE 059 – 17/06/2020: NO COMMENTS