

CER Position

Brussels, 12 January 2026

Simplification of the European Vehicle Authorisation Process

CER Proposals for the Simplification of Vehicle Authorisation

1. Introduction

CER strongly supports **simplification of rules and legislation in the railway sector**. This also concerns the rules regarding vehicle authorisation. According to the ESG 2025 survey¹, **it takes between one and four years to get a vehicle authorisation** for upgrading a trainset that has been fitted with ERTMS. This includes the time used to prepare the documents for the notified body, the designated body and the assessment body and the time used to submit the application via the ERA One-Stop-Shop (OSS). **During this time, the trainsets cannot be used in daily operations**, leading to a lack of revenues for the operator and a degraded service for customers.

The **Simplification Initiative led by Commissioner Dombrovskis** in February 2025 aims to reduce administrative burdens (cut administrative costs by at least 25% for all businesses, i.e. 37.5 billion €, and 35% for Small and Medium Size Enterprises (SMEs), by the end of the mandate), improve how EU rules are made, and enhance implementation. Four Omnibus packages, introducing amendments and clarifications to existing regulations, have been proposed by the Commission, covering sustainability, investment, agriculture, and SME support. On 23 June 2025, the Council agreed its position regarding the first Omnibus package on simplifying sustainability reporting and due diligence, paving the way for negotiations with the European Parliament. Pending for Commission adoption in Q4 2025 are initiatives including the revision of the Sustainable Finance Disclosure Regulation, review of the Securitisation Framework, launch of the European Business Wallet, the Industrial Decarbonisation Accelerator Act, targeted revision of the REACH Regulation, and new rules on drug precursors.

CER has written to Kristian Schmidt, Director Land Transport at DG MOVE in March 2025 welcoming the European Commission's commitment to enhancing the simplification and flexibility of the regulatory environment. CER is fully committed to these objectives, is ready to contribute its efforts and **launched a Simplification Task Force**, which has identified several key areas that require attention, including public procurement and vehicle authorisation. Regarding the vehicle authorisation, it could be made more efficient, if for example, the **need to order an Assessment Body (AsBo) for several steps like requirements capture was removed**. Furthermore, the **RIC and RIV regimes** - valid 20 years ago - and significantly facilitating the use of freight wagons and passenger coaches across Europe are unfortunately no longer recognized and vehicles risk losing their historic area of use, if significant changes are operated on them. In line with the Commission's objectives, CER confirmed its intention to propose tangible measures to simplify and strengthen the railway sector, to the benefit of its members and of our citizens.

¹ Cf. Indicator 29.4 of the RSDI Standard Inputs - https://www.era.europa.eu/sites/default/files/2025-03/rsdi_standard%20inputs_v1.0.xlsx?t=1764767420

DG MOVE replied to this initiative in June 2025 indicating that the objective of simplification is achieved sometimes by having no/less rules; but often by **having European rules and processes replacing national rules** to build the Single European Railway Area. For the European Commission, our common aim should obviously be to make the latter process as effective as possible, ensuring also that national and EU funding for rail is spent wisely and cost-efficiently. Regarding vehicle authorisation, DG MOVE stated that while we cannot compromise on safety and due process, there is no intention to have scarce rolling stock immobilised. Based on an outgoing evaluation of ERA, **the European Commission intends to review ERA's regulation in the first semester of 2026 and looks for simplification opportunities in this context.** CER is welcome to contribute by specific suggestions on vehicle authorisation.

The objective of this paper is to make more **precise proposals on what to change in order to make the vehicle authorisation process more efficient and faster**, not taking more than five months. The regulatory texts which should be considered for simplification are the following: ERA Regulation 2016/796, Interoperability Directive 2016/797, VA Implementing Regulation 2018/545.

A new initiative of the European Commission regarding **Military Mobility** overlaps with the above-described simplification initiative. The **authorisation of new rolling stock and the upgrade of existing rolling stock are also a key levers to improve Military Mobility.** CER has already published a Position Paper on Military Mobility in February 2025. The Commission has the intention to present a Regulation on Military Mobility as a legislative initiative addressing military mobility issues. It has launched a Call for Evidence to which CER responded. The future Regulation aims to complement national efforts existing in the areas of military mobility and building on existing military mobility projects in the frameworks of cooperation between Member States. It will establish a new regulatory framework to harmonise national procedures and rules in the areas impacting military mobility movements, including in transport and further areas. It will also introduce emergency measures to ensure uninterrupted military movement in Europe.

NB: Several proposals made in this document suggest changes to the ERA Regulation. Improvements gained by such amendments **would only benefit applications for vehicle authorisation made to the Agency acting as Authorising Entity.** CER considers that the **same improvements should be equally applicable to VA applications submitted to NSA's** when acting as Authorising Entity in case the Area of Use is limited to one Member State.

2. CER Proposals

2.1. Cost effectiveness of Vehicle Authorisation processes

A Cost-Benefit Analysis should be conducted regularly to measure differences between the real results of the European Vehicle Authorisation Process and the expected ones. We assume that differences will be visible, and the minimum objective of every simplification should be to define measures to make the process more efficient and key performance indicators to measure these improvements.

⇒ **Proposed text to be added to the ERA Regulation**

Add to the Article 12 of the ERA Regulation: *"The cost efficiency of the authorisation process shall be checked regularly (at least every 5 years) through a cost-benefit analysis and improvement measures shall be taken accordingly."*

2.2. Smoothing Cross-Border-Operations

Border Sections are « defined » in Article 21.8 of the Interoperability Directive as tracks beyond the border until the next station (or shunting yard) with similar network characteristics.

However, it is still an administrative burden to capture the exact list of applicable (local instead of national) requirements of both concerned National Safety Authorities (NSAs) and/or Infrastructure Managers (IMs). These requirements are sometimes clearly stated in Cross-Border Agreements, however sometimes missing and sometimes excessive (all the national requirements). The European Union Agency for Railways (ERA) shall support Railway Undertakings in using the simplification of vehicle authorisation for Border Sections while supervising existence and correct update of such Cross-Border Agreements.

The current authorisation process requires sending the certification dossier to ERA, followed by the applicant's responsibility to enter the corresponding area of use request in the ERA One-Stop-Shop (OSS). When the applicant submits the request in OSS (cf. Article 12 of the ERA Regulation), an alert is sent to the relevant national authorities. From the moment the request is entered in the OSS, ERA consults the national authorities and requests their opinion regarding compliance with national regulatory frameworks. The overall authorisation timing within ERA is consistently five months. If the request of the extension of the area of use to Border Sections in additional Member States concerns rolling stock that does not require design modifications — since the rolling stock already complies with national/TSI requirements — CER recommends considering reducing the delay granted for response below five months.

Impacted text: Article 20 of the ERA Regulation: *Authorisations for the placing on the market of vehicles*

"The Agency shall issue authorisations for the placing on the market of railway vehicles, and shall be empowered to renew, amend, suspend and revoke authorisations issued by it. For that purpose, the Agency shall cooperate with national safety authorities in accordance with Article 21 of Directive (EU) 2016/797."

⇒ **Proposed text to be added to the ERA Regulation**

Complete Article 20 of the ERA Regulation with the following paragraph: "Without prejudice to Article 21 of Directive (EU) 2016/797, the Agency shall have a role in facilitating the establishment of Cross-Border Agreements between national safety authorities and harmonising their approach across Member States. The Agency shall maintain a publicly accessible list of available Cross-Border Agreements and their necessary supporting documents."²

⇒ **Proposed text to add in Article 21 of the Interoperability Directive**

"18. The national safety authorities of neighbouring Member States may conclude Cross-Border Agreements. These agreements must clearly specify the requirements that vehicles must comply with in order to be authorised under the scope of such agreements."

Which remains compliant with recital (31) of the Interoperability Directive:

(31) Implementation of the provisions on the interoperability of the Union rail system should not give rise to unjustified costs nor undermine the preservation of the interoperability of existing rail networks.

⇒ **Proposed text to add to Article 12 of the ERA Regulation**

After point 1(d), create a point (e):

"(e) the ability for the applicant to notify every specific aspect of his application able to reduce time needed for authorisation delivery, such as extension of area of use which doesn't require any design modification, similarities with any other already authorised type..."

and, after point 4 of article 12 create a point 5:

"5. The Agency shall propose a reduced timeframe of authorisation in case the applicant uses the ability referred to in point (e) of paragraph 1."

For more information on Cross-Border Agreements, please refer to the CER Position Paper on this topic, which is available on the CER website³.

2.3. Maintaining interoperable operation all over Europe based on the RIV/RIC convention

According to the Guidelines for PA/VA published by ERA, RIV wagons / RIC coaches cannot be operated in all the countries for which they were put on the market under RIV / RIC after a change that requires a new authorisation. After the modification, they can only go to countries where they were really used/operated before. The responsibility to document this use relies on the RUs. For CER, the flexibility of the RIV/RIC agreements should be preserved, and vehicles should be able to be operated in all countries for which they were initially authorised after a new authorisation.

² Cf. Sectoral Paper CER, EIM, ERFA, NB-Rail, UIP, UITP, UNIFE "On revising Regulation EU 2016/796"

³ <https://www.cer.be/cer-positions/cross-border-agreements>

A change on RIV/RIC vehicles has to be assessed against the TSIs and – if necessary – the NNTRs. If the change has an effect on the area of use this will be taken into account in the new authorisation but there is no need to reduce the area of use overall due to the latest operation of that vehicle. There is no evidence that the vehicle could no longer be used in the countries it was initially authorised for and there is no evidence of a safety issue.

Therefore, CER proposes revising Guideline 3.11.1.9 and clarifying in the related Application Guides for TSI WAG 7.2.2.4 (7) and TSI LOC&PAS 7.1.4 (7) that the Area of Use for RIV was the whole EU and RIC for coaches the States from the authorisation table (former state-owned railways).

This change is particularly relevant for putting the sector in the position to successfully deploy the Digital Automatic Coupling and face the challenges of Military Mobility.

2.4. Reduction of authorisations costs by facilitating Multiple Type Authorisations and Massive Retrofits

This is an action recommended in the EY 2024 report on OBU ERTMS Cost: it should apply for authorisation of fleets of multiple owners. A quick win is to apply such principle for modification with a similar scope to be installed on different vehicle types (it would be up to the applicant to justify such similarity). It is already allowed to ask for a NoBo assessment for a batch of vehicle-types. It has been applied once in France to get NoBo assessment related to the same GSM-R modification (Bi-modal radio -> GSM-R only radio): the concept of configuration-type was created, and the concerned fleet (thousands of vehicles of 132 different types) were dispatched in twelve “configuration types” requiring only twelve NoBo assessments instead of 132. Despite this improvement, while OSS doesn’t manage multi-type applications, 132 applications have been created.

Massive Retrofit e.g. the implementation of FRMCS or DAC (Digital Automated Coupler) not just addresses different vehicle owners but also different vehicle types. There is one change like the integration of FRMCS into different vehicle types. The concept of authorising changes to existing vehicles/vehicle types in the 4th railway package is based on the structure of vehicle types (Art. 15 and 16 in (EU) 2018/545). Therefore, the same change has to be authorised for each vehicle type which means in the case of DAC implementation several hundred application for new authorisation for the identical change. For massive retrofit a separate authorisation case which orientates on the change itself is needed.

Therefore, the acceptance of generic assessments used as input for a number of projects have to be implemented into the authorisation process. This would reduce assessment efforts and hence could foster future major projects like FRMCS, DAC, ETCS.

The concept of Standard retrofit package (SRP) presented by ERA in the 4th working party meeting on vehicle authorisation on 10th and 11th December 2025 reflects on this idea. The SRP concept needs to be further detailed and aligned.

Furthermore, implementing support by Artificial Intelligence (AI) would help to ensure completeness and plausibility and so help to reduce risk on delays and ineffective effort by authorisation processes.

Intellectual Property Rights for solutions developed by specific operators need to be taken into account.

Impacted text: Article 12 “One-Stop-Shop” of ERA Regulation

Article 12. “1. The Agency shall establish and manage an information and communications system with at least the following one-stop-shop functions: (a) a single entry point through which the applicant shall submit its *application files for type authorisation*, vehicle authorisations for placing on the market and single safety certificates. (...) (d) an early-warning system able to identify at an early stage the needs for coordination between decisions to be taken by national safety authorities and the Agency in the case of different applications requesting similar authorisations or single safety certificates.”

⇒ **Proposed text to modify Article 12 of the ERA Regulation** (on top of proposal in section 2.2)

Article 12. “1. The Agency shall establish and manage an information and communications system with at least the following one-stop-shop functions: (a) a single entry point through which the applicant shall submit its application files for type authorisation (mono vehicle type or multi-type authorisation in case of similar types), vehicle authorisations for placing on the market and single safety certificates. (d) (...) (f) the ability to apply for multiples type- authorisation in case vehicle types are similar while not identical and the ability to apply to type authorisation when changes to several already authorised vehicle types are similar.”

A multi-type application makes it possible to obtain several type authorisations linked to similar modifications on an identical modification scope and that the authorisations are no longer linked once obtained.

2.5. Move towards a more process and organisation-oriented certification instead of a case-by-case approach for VA

Based on Module Decision (EU) 2010/713, the accredited or recognised assessment bodies (NoBo, DeBo) are operating under an outdated legal framework, which may no longer reflects current technical and regulatory realities. Moreover, every modification involves significant costs, as a single vehicle type can have multiple subtypes. This means that maintaining the conformity assessment modules requires substantial resources. In addition, each internal process movement linked to audits consumes extra time and money, especially when workshop processes and operations must be interrupted for audit purposes.

Furthermore, these bodies themselves are often overloaded with work, which leads to additional delays and reduces both planning reliability and availability. In many cases, it is even difficult to find a suitable time slot for the required assessments, as these bodies often have no free capacity — sometimes resulting in them declining new assignments altogether. As a result, some development ideas never materialize. The increase in demand for conformity assessments and certifications also drives up market prices, further burdening such projects.

A change to a more process and organisation-oriented approach to certification for the **entity managing the change** (EMC), instead of certifying the quality management system of the EMC individually for each change managed by the EMC, would reduce the number of certifications and avoid inefficient and double assessments. EMCs and workshops performing vehicle modifications could be audited and supervised in a manner comparable to the system set up for an Entity in Charge of Maintenance (ref. ECM Regulation (EU) 2019/779). This would allow for fewer but more comprehensive audits, ensuring both safety and efficiency.

As an example, the scope of accreditation of maintenance workshops now performing the maintenance delivery function under the ECM Regulation could be extended to include the implementation of modifications based on (an extension of) the existing processes and quality management system of the workshop. As a further step, it could be considered to create an "EMC function", where organisations that meet the requirements for this (in terms of organisation, processes, qualified staff, quality management, etc.) receive privileges for self-certifying changes up to a certain scope and extent. Such an *organisation* accreditation could then be supervised by periodic auditing by an independent external assessment body. Independent external *technical* assessment would only be needed for changes that are out of the accredited scope, e.g. of newly designed and built rolling stock or major modifications. In aviation, this approach has been common practice and successfully been employed for decades.

Such an approach could reduce delays and overall costs, while maintaining a high level of technical assurance. Ultimately, the responsibility for change management should rest primarily with the EMCs, whereas accredited and recognised bodies and authorities should focus on supervision without unnecessarily duplicating processes that increase administrative and financial burdens.

2.6. Delegate the Authorisations for placing on the market of vehicles (APOM) and conduct audits

Although delays for Conformity to Type (CTT) are decreasing (from five to three working days **in average**), the maximum timeframe to rely on remains one month. Even if ERA is improving itself, it doesn't benefit to operations (no planning can rely on any average without huge risks of burden). Using ISO 9000 standards principles the APOM (Authorisation for Placing on the Market) should be **delegated to the applicant**, even if ERA is allowed to audit its process. Such delegation is already in use in case of renewal of vehicles.

Impacted text: Article 12 "One-Stop-Shop" and Article 20 "Authorisations for placing on the market of vehicles" of ERA Regulation

Article 12.: "1. The Agency shall establish and manage an information and communications system with at least the following one-stop-shop functions: (a) a single entry point through which the applicant shall submit its application files for type authorisation, *vehicle authorisations for placing on the market* and single safety certificates. (...)

Article 20: "The Agency shall issue authorisations for the placing on the market of railway vehicles, and shall be empowered to renew, amend, suspend and revoke authorisations issued by it. For that purpose, the Agency shall cooperate with national safety authorities in accordance with Article 21 of Directive (EU) 2016/797."

⇒ **Proposed text to modify Articles 12 and 20 of ERA Regulation**

Article 12.: "1. The Agency shall establish and manage an information and communications system with at least the following one-stop-shop functions: (a) a single entry point through which the applicant shall submit its application files for type authorisation, single safety certificates, *and to declare conformity of vehicles placed on the market.* (...)"

Article 20: "*Based on applicant declaration of conformity to type, the Agency shall issue authorisations for the placing on the market of railway vehicles, while the vehicle can be operated from the moment of the CTT application submission.* The Agency shall be empowered to renew, amend, suspend and revoke authorisations issued by it. For that purpose, the Agency shall cooperate with national safety authorities in accordance with Article 21 of Directive (EU) 2016/797."

2.7. Delegate certification of interoperability constituents and subsystems to Notified Bodies

Today, applicants face double-checks:

- one from assessors (NoBo, AsBo, DeBo), without discussion
- one from ERA on the same documents - although they have been formally approved by a recognized assessor.

Therefore, it is useful to modify both articles 24.1 and 34.1 in consistency to reduce the burden on applicants.

Impacted text: Article 24 of the ERA Regulation "Support for notified conformity assessment bodies" and Article 34 of the ERA Regulation "Monitoring of notified conformity assessment bodies"

Article 24: "1. The Agency shall support the activities of notified conformity assessment bodies as referred to in Article 30 of Directive (EU) 2016/797. That support shall include, in particular, the issue of drafting guidelines for assessing the conformity or suitability for use of an interoperability constituent as referred to in Article 9 of Directive (EU) 2016/797 and of guidelines for the 'EC' verification procedure referred to in Articles 10 and 15 of Directive (EU) 2016/797. (...)"

Article 34 "1. For the purposes of Article 41 of Directive (EU) 2016/797, the Agency shall support the Commission in monitoring the notified conformity assessment bodies through the provision of assistance to accreditation bodies and to the relevant national authorities, and through audits and inspections, as provided for in paragraphs 2 to 6."

⇒ **Proposed Text modifying Article 24 and Article 34 of the ERA Regulation**

Article 24 "1. The Agency shall support the activities of notified conformity assessment bodies as referred to in Article 30 of Directive (EU) 2016/797. That support shall include, in particular, the issue of drafting guidelines for assessing the conformity or suitability for use of an interoperability constituent as referred to in Article 9 of Directive (EU) 2016/797 and of guidelines for the 'EC' verification procedure referred to in Articles 10 and 15 of Directive (EU) 2016/797. *As a consequence, notified conformity assessment bodies are*

fully responsible of the delivered certificate, and ERA shall trust these certificates without any further check of the certificates and their annexes. (...)"

Article 34 "1. For the purposes of Article 41 of Directive (EU) 2016/797, the Agency shall support the Commission in monitoring the notified conformity assessment bodies through the provision of assistance to accreditation bodies and to the relevant national authorities, and through audits and inspections, as provided for in paragraphs 2 to 6, *in order to ensure presumption of conformity for interoperability constituents and subsystems which are certified. A second assessment by the Agency or the National Safety Authorities is therefore not necessary with respect to the relevant requirements.*"

Impacted text: Interoperability Directive (2016/797)

(49) "In order to facilitate the placing on the market of vehicles and to reduce administrative burdens, the notion of a vehicle authorisation for placing on the market that is valid throughout the Union should be introduced. While authorisations for placing on the market allow for commercial transactions of vehicles anywhere on the Union market, a vehicle may only be used within the area of use covered by its authorisation. In that context, any extension of the area of use should be subject to an updated authorisation for the vehicle. It is necessary that vehicles already authorised under earlier Directives also receive an authorisation for placing on the market if they are intended to be used on networks not covered by their authorisation."

Article 15 "[...] 9. The Commission may specify, by means of implementing acts:

(a) the details of the 'EC' verification procedures for subsystems, including the verification procedure in the case of national rules and the documents to be submitted by the applicant for the purposes of that procedure;

(b) the templates for the 'EC' declaration of verification, including in the case of a modification of the subsystem or in the case of additional verifications, the intermediate statement of verification, and templates for documents of the technical file that is to accompany those declarations as well as templates for the certificate of verification.

Those implementing acts shall be adopted in accordance with the examination procedure referred to Article 51(3)."

⇒ **Proposed Text modifying the Interoperability Directive**

(49) "In order to facilitate the placing on the market of vehicles and to reduce administrative burdens, the notion of a vehicle authorisation for placing on the market that is valid throughout the Union should be introduced. *Any overlap between the authorising entity's assessment and the tasks of the notified bodies during the verification process shall be avoided.* While authorisations for placing on the market allow for commercial transactions of vehicles anywhere on the Union market, a vehicle may only be used within the area of use covered by its authorisation. In that context, any extension of the area of use should be subject to an updated authorisation for the vehicle. It is necessary that vehicles already authorised under earlier Directives also receive an authorisation for placing on the market if they are intended to be used on networks not covered by their authorisation."

Article 15 “[...] 9. Any duplication between the assessment carried out by the authorising entity and the tasks of the assessment bodies within the verification procedure should be avoided.”

2.8. Accept roles and their responsibilities

Authorities should focus on periodic audits and controls and let the bodies manage the process (requirements capture, decisions and declarations of applicant, reports of bodies). There should be no systematic double checks by authorities of tasks already completed by bodies.

A conformity assessment body is accredited to check conformity of the project with the scope of the body (TSI/NNTR). There is no need, that the authorising entity checks the contents of the technical files again. This would reduce the efforts with the authorising entities and allow improvement of applications (shorter evaluation period).

⇒ **Proposed simplification to be implemented without changes in the legal framework**

2.9. Clarify the safety related criteria for new authorisation of changes to existing vehicles (type)

The Interoperability Directive 2016/797 states in Article 21, Paragraph 12(b) that in the case of renewal or restructuring of an existing vehicle already authorised for market entry, a new market authorisation is required if the overall safety level of the affected vehicle *could* be impacted by the planned work.

There is an unforeseeable risk for each change of a vehicle **due to the conditional used in this sentence** which leads to arbitrariness. CER recommends to **use the present instead** “is adversely affected” and to **take into account the mitigation measures in the safety assessment**.

As final consequence it is proposed to **rephrase Article 21(12)b)** so that a new authorisation shall be triggered only when the change has a concrete and negative impact on safety and not by just the possibility of an adverse effect by the change. Safety aspects are covered in Requirement Capture process and CSM RA. One involvement of AsBo during process execution is enough.

Impacted text: Article 21 “Vehicle authorisation for placing on the market” of the Interoperability Directive:

Article 21: “12. In the event of renewal or upgrading of existing vehicles which already have a vehicle authorisation for placing on the market, a new vehicle authorisation for placing on the market shall be required if:

- a) changes are made to the values of the parameters referred to in point (b) of paragraph 10 which are outside the range of acceptable parameters as defined in the TSIs;

- b) the overall safety level of the vehicle concerned may be adversely affected by the works envisaged; or
- c) it is required by the relevant TSIs.”

Changing article 21(12) in the Directive will have an impact on the article 15 and 16 of Regulation 2018/545.

⇒ **Proposed text to modifying the Interoperability Directive**

- to **define** in Article 21(12)(b) of Directive (EU) 2016/797 **in more detail** and in a measurable manner an acceptance of changes to the vehicle. This would allow the applicant to find out whether a given change is to be considered as significant, requiring launching a new authorisation process or whether it is minor change, and the notification would be sufficient. **Measurable criteria** would allow the applicant to plan in advance the costs and time frames.
- to **specify the necessary evidence**, its form and scope, or the competences of which entity is eligible to prepare the document, so that these would subsequently be accepted by the Agency.

2.10. Adopt a more pragmatic approach notably STM, ESC and RSC obsolescence, bug fixing and FRMCS component authorisation

Simplification triggered elsewhere in the coming years shall be taken into account, and the consistency of the ERA Regulation with these likely situations shall be anticipated.

2.10.1. Specific Transmission Modules (STM)

In the coming years STMs will have to be removed from trains. However, vehicle owners will face the following decision: a) either not removing the STM and having to maintain it, or b) removing STM but applying for a new authorisation for the vehicle. This might generate a new wave of applications for authorisation.

2.10.2. ESC/RSC obsolescence

Similarly, in the coming years, some ESC and RSC will be phased out according to the plans of the Infrastructure Manager in charge. It is not cost efficient to create a new type-version, or to apply for a new authorisation for a vehicle that has successfully passed ESC and/or RSC checks just because some ESC/RSC are not used anymore.

For an authorisation request to add an existing ESC to an already authorised type, CER suggests considering reducing the authorisation release time since the type itself does not change. Moreover, as stated in point 6.1.2.1 of CCS TSI⁴ “The principle is that a Control-Command and Signalling On-board Subsystem covered by an ‘EC’ declaration of verification is able to run on every Control-Command and Signalling Trackside Subsystem covered by an ‘EC’ Declaration of verification, under the conditions specified in this TSI,

⁴ CCS TSI: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32023R1695>

with no additional verifications". Such passing or removing an ESC or RSC doesn't change anything to the Basic Design Characteristics.

Therefore, the proposition is to withdraw in the CCS TSI Table 7.1 Basic Design Characteristics the ETCS System Compatibility and the ETCS and Radio System Compatibility as Basic Design Characteristics leading to a classification as Article 15.1.c or 15.1.d of Implementing Regulation (EU) 2018/545.

If this proposed change wouldn't be implemented, we would face an inflation of the number of applications due to ESC/RSC. Indeed, any addition or reduction of ESC/RSC for a vehicle type will trigger a new version of the type or new authorisation. Indeed, addition or reduction of ESC/RSC is classified as 15.1.c (2018/545) according to the CCS TSI creating a new version (of the type). Since new versions cannot be created from an existing vehicle type version, each "new" ESC/RSC adjustment on a version will imply a new type authorisation (see Guidelines for PAVA ref ERA1209/222 V2.1, §3.2.2.14). CER advocates pragmatic solutions in order to execute 15.1.c changes subsequently without the need for authorisation.

2.10.3. Bug-fixing

With regard to bug-fixing (either product errors or specification maintenance) all simplifications triggered from the simple principle "the fleet is set to the state already expected during the original authorisation" (as stated in CCS TSI point 7.2.2) shall be drawn.

A bug fix into a generic application that result in type B modifications (as per Regulation 2018/545, Article 15 (1) b) to various specific applications has a significant impact in terms of time and cost on several type. This occurs without effectively improving the technical process of reviewing content, which remains unchanged from what was already tested and authorised for the generic application (this applies to ESCs already tested and authorised on that vehicle). For bug-fixing modifications, CER suggests streamlining the authorisation process without requiring the repetition of documentation associated with the ESC of each specific application. We propose limiting the scope of bug fixes to version 15.1.b to avoid triggering a new authorisation process.

A change in the generic application does not inherently necessitate changes to the specific application or the sub-system integration. This means only the certificate report of the generic application would require a technical update. The sub-system's certificate would only require an administrative upgrade (to update the reference to the generic application certificate). Therefore, a new, full authorisation should not be required for this limited release.

Furthermore, and going beyond bug-fixing, in the coming years FRMCS will be installed on around 40.000 vehicles. However, it is likely that a large amount of the fleet will use "voice only" FRMCS, with very little safety impact or maybe no impact at all. As it was the case when installing GSM-R, installing an EC compliant certified FRMCS should be only declared to the ERA. Moreover, it is likely that further FRMCS application will be installed for purpose of transmitting maintenance data, environment videos, or such kind of applications not linked to ETCS. Such type of modification shall be only declared to ERA.

Impacted text: CCS TSI 2023/1695 point 7.2.1 Generally applicable rules when upgrading or renewing the control-command subsystem or part of them

⇒ **Proposed text to be added at the end of 7.2.1:**

In case the entity managing the change, having a single safety certificate orders the change to a certified ECM, topics mentioned within 7.2.2 are managed under their own responsibility. In case of deviation to the 7.2.2 process, the configuration of the concerned fleet shall be updated and the authorising entity shall be informed of this upgrade.

Impacted text: ERA Regulation 2016/796, article 35 “Monitoring progress of railway safety and interoperability »

⇒ **Proposed text to be added to Article 35:**

Add a point 7: Having regard to Regulation 2019/779, article 8, the Agency reports to the Commission an annual report about checks performed by ECM certification bodies.

2.11. Transfer of National Technical Rules (NNTRs) into TSIs

CER supports **transparency of applicable rules**. Therefore, CER proposes to **integrate all remaining National Technical Rules (NNTR) into European TSIs as specific cases**, as this would enable a TSI assessment only by **one Assessment Body** (NoBo without any DeBo). This would produce a higher transparency of national rules, and the **Reference Document Database (RDD) would become obsolete**.

To achieve such European-wide NoBo certificates, it is needed in a first step to phase out from Annex I all national requirements, and to transfer them in a re-written Annex II aimed to list checks to be made by “national skilled” conformity assessment bodies (DeBos).

Doing this creates the opportunity to include every remaining NNTR as specific case in the future Annex II, producing higher transparency of national requirements, allowing to **phase out the current RDD** and, helping the finalisation of their cleaning-up.

Advantages of this proposal:

- This will **clarify roles and responsibilities** of NoBos / DeBos
- This will achieve a real **European-wide NoBo certificate**, unchanged in case of extension of area of use that wouldn't need any vehicle modifications
- This will **improve skills management** within NoBos and DeBos respectively
- This will **clarify derogation procedure** when necessary: European procedure / national procedure according to the needs of the applicant.

Impacted text: CCS TSI 2023/1695, Annex I chapter 7.7 and Annex II as well as LOC&PAS TSI, WAG TSI and PRM TSI, Annex I chapter 7.3.

⇒ **Proposed text:**

- Change the TSI Annex:

- Transfer point 7.7 “Specific cases” to a re-written Annexe II (list of DeBo checks according to the chosen area of use), unless some specific cases are needed in Annex I for NoBo checks
- **Re-write current NNTR as specific cases** and include them in the newly re-written Annex II

To ensure that all technical rules necessary for the vehicle authorisation are transferred to the TSIs also **network statements** (based on 2012/34/EU) shall not contain technical requirements for vehicles. Requirements on network compatibility shall be included as **specific cases** in the TSI.

2.12. Process Simplifications

The process for pre-engagements should be simplified as the benefit of pre-engagement compared to effort related to it is not visible.

2.12.1. Pre-engagement

Today the pre-engagement process is considered by CER as **time consuming** (three months) and with a **lot of efforts to be made in an early stage of the project** (final technical solution sometimes not defined yet). At the same time, the pre-engagement report/opinion is no document to rely on and argue with.

CER proposes to make the document more reliable (**fixed scope of assessment, freeze of regulations to be applied**) and easier/simpler. If easier and simpler, it could be **less formal** (less inputs needed at an early stage). Regular alignment meetings could be scheduled with authorities during **project execution** instead of a one-time alignment. In this respect, personal negotiations between ERA, as the authorising body, and the applicant, should be supported, whether on a **regular basis**, or also **on demand** to clarify any specific conditions for vehicle authorisation.

2.12.2. Registers

The database registers administrated by ERA, e.g. ERATV, ERADIS and EVR, but also including the OSS, should be better integrated in order to avoid duplication of information between the databases. There should be a **possibility to refer directly to documents in different database registers via hyperlinks**. This would save time, reduce the risk of duplication errors and facilitate pro-active monitoring of pending expiry of certificates.

Today, the OSS application requires several elements that are already provided in other ERA web systems:

- Registration number in case of modification of an existing vehicle — this information should already be available in the EVR.
- IC certificates, which are already stored in ERADIS.
- Subsystem certificates, also available in ERADIS.
- Subsystem Declarations of Verification, which are already present in ERADIS.
- Reference to an ERATV type in its “draft” version, which is currently handled by attaching a PDF of the ERATV type webpage to the OSS application.

Moreover, the EVR refers to the vehicle type number (EIN of the existing type authorisation). It would be logical for this information to flow directly from OSS. Once a vehicle has been authorised through conformity to type, the applicant must request an

update of its registration number. This could be automated through better integration of the tools.

2.13. Simplifying Derogation (request for non-application of TSI)

Requests for non-application of TSI's (Interoperability Directive, Article 7)

The deletion of **partial fulfilment** – which is a specific concept in TSI CCS - will trigger for pragmatic reason (and economic viability) the need to manage efficiently the flow of such derogation requests in the coming years, because the transition period couldn't be tailor-made for every currently faced deviation.

Today, in accordance with Article 7 of the Interoperability Directive, these derogation requests are not and cannot be submitted through the OSS. In fact, TSI derogations are by definition in Article 7 always issued by the NSA, never by ERA. These Art. 7 TSI derogation requests are therefore not sent by an applicant to ERA, nor to an NSA acting as Authorising Entity. They are sent by the national representative of the Member State to EC/DG MOVE.

The four-month period for treating these requests relates to the processing time for these requests by the Member State. In practice, this is often exceeded by several months. The four-month period excludes the time needed for the applicant to prepare and submit its case to its own Member State representative (often also involving the NSA who will eventually issue the derogation) and providing the information needed for the derogation request to the European Commission. If a derogation is granted, one to two more months are generally needed for the NSA to actually issue the derogation to the applicant. This leads to a total of about one year needed for such a derogation request.

From CER perspective, for project management reasons, to increase transparency and to reduce overall processing time, it is essential that at least the timeframe of four months stated in Article 7, Point 7 of the Interoperability Directive is respected, but also that a clear and realistic timeframe is defined and respected for the whole process: from the submission of the initial request by the applicant to its Member State representative up to the issuing of the derogation by the NSA. This may include considering to change the OSS so that the IOD art. TSI derogation requests can be submitted and processed via the OSS by all involved parties (i.e. not just the applicant and the AE, but also the MS representative and EC/DG MOVE).

Impacted text: Article 19 of ERA Regulation 2016/796

⇒ Proposed Text to modify the ERA Regulation

Article 19 "Technical support in the field of railway interoperability" should be modified in point 1 (e) this way: "The agency shall ... (e) *ensure compliance of the timeframe for non-application request stated in article 7 point 7 of Directive 2016/797, and at the request of the Commission, issue opinions to it regarding requests by Member States for non-application of TSIs, in accordance with Article 7 of Directive (EU) 2016/797.*"

About CER

The Community of European Railway and Infrastructure Companies (CER) brings together railway undertakings, their national associations as well as infrastructure managers and vehicle leasing companies. The membership is made up of long-established bodies, new entrants and both private and public enterprises, representing 78% of the rail network length, 81% of the rail freight business and about 94% of rail passenger operations in EU, EFTA and EU accession countries. CER represents the interests of its members towards EU policy makers and transport stakeholders, advocating rail as the backbone of a competitive and sustainable transport system in Europe. For more information, visit www.cer.be or follow us on Twitter [@CER_railways](https://twitter.com/CER_railways) or [LinkedIn](https://www.linkedin.com/company/cer).

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