

Sector Position on the Extension of the Area of Use

With this sector position paper, ALLRAIL, CER, ERFA, FEDECRAIL, UIP and UNIFE express their views on the “**provisions for the extension of the area of use**” and “**EC type or design examination certificate**” as described in the Annexes to the draft Commission Implementing Regulation amending Commission Regulations (EU) No 321/2013, No 1299/2014, No 1300/2014, No 1301/2014, No 1302/2014, No 1303/2014 and No 1304/2014 and Commission Regulation (EU) 2016/919 as regards provisions for the extension of area of use and clarification on transition provisions and applicable standards.

We commonly believe that good provisions were defined by the European Commission to facilitate an extension of the area of use for railway vehicles without unnecessary bureaucratic burden. Nevertheless, we believe that the requirements in the above-mentioned draft legal text for the

- **EC type or design examination certificate**
- **The extension of the area of use for vehicles that must be still in use at least 18 months and the**
- **CSS**

are not appropriate. The table below contains our amendments and the respective justifications:

Reference	Topic	EC Proposal	Sector proposal	Justification
Annex I	EC type or design examination certificate	The end of the validity period of the new EC type or design examination certificate shall be the earliest from the following two dates: the end of the validity period of the original EC type or design examination certificate, or the end of the validity period of the additional EC type or design examination certificates.’	Delete this requirement	The defined end of the validity period of the new EC type or design examination certificate as “early as possible” is critical for RUs as they lose the flexibility they have now (e.g. issue of release orders of a framework contract). Long term this might lead to unnecessary changes of the fleet and hence unnecessary costs It might as well lead to more diversity in the fleet and problems with obsolescence of spare parts.
Annex II	EC type or design examination certificate	The end of the validity period of the new EC type or design examination certificate shall be the earliest from the following two dates: the end of the validity period of the original EC type or design	Delete this requirement	See Justification for Annex I

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		examination certificate, or the end of the validity period of the additional EC type or design examination certificates.'		
Annex II	Extension of the area of use	In the absence of full conformity with this TSI, Point 2 applies to rolling stock authorised in accordance with Directive 2008/57/EC or put in operation before 19 July 2010 and still in use at least 18 months in the last 3 years, when requesting an extension of its area of use in accordance with Article 21(13) of Directive (EU) 2016/797.	Delete this requirement	<p>This paragraph is redundant because sufficient safeguards already exist regarding the technical state of the vehicle – maintenance controlled by an ECM – and safe operation of the vehicle – the operator's SMS. Implementation is likely to lead to the unintended consequence of stifling the market in rolling stock as it becomes more difficult to move vehicles.</p> <p>Indeed it should surely follow that any vehicle registered in an NVR is capable of operation and hence there is no reason why its Area of Use could not be extended.</p> <p>In any case it appears that the definition of an "old" vehicle is anything before Directive 2016/797. With vehicle economic and efficient market lives of 40 years or more such "new" vehicles cannot possibly be regarded as "old". Realistically only vehicles introduced prior to, say, 2000, could be regarded as "old".</p> <p>Setting an arbitrary timescale of 18 months out of 3 years would seem to be neither necessary nor desirable. It is entirely feasible that a fleet of trains, even a modern one, could be off lease for longer than 18 months. It would be dangerous to specify any timescale because if a fleet were out of service for a longer period but could be brought back into use in another Area, it would not benefit from the Annex II provisions and would have to fully comply with the latest TSI. This</p>

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Reference	Topic	EC Proposal	Sector proposal	Justification
				could be uneconomic and result in the fleet being scrapped.
Annex III	CCS	Whole Annex III	Delete the requirements	<p>For the extension of the area of use for a vehicle, the technical compatibility between the vehicle and the network that forms the new part of the area of use (articles 21 and 23 of the Interoperability Directive and article 39 of PA VA) applies exclusively. Therefore, it is our understanding, that there shall be no compulsory ETCS retrofit in case of the extension of the area of use.</p> <p>With the new Interoperability Directive, the PA VA, and the CCS TSI in force, we believe that there is no need for such additional provisions and recommend refraining from such amendment of the legal provision in force.</p>