

COMMISSION IMPLEMENTING REGULATION (EU) 2021/2238**of 15 December 2021****amending Implementing Regulation (EU) 2019/773 as regards the phasing out of specific cases for rear end signal****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union ⁽¹⁾, and in particular Article 5(11) thereof,

Whereas:

- (1) Point 4.2.2.1.3.2 of the Annex to Commission Implementing Regulation (EU) 2019/773 ⁽²⁾ sets out deadlines after which national authorities in all Member States without exception must accept all freight trains equipped with a rear end signal in the form of two reflective plates, and must cease to require any other type of rear end signal for freight trains.
- (2) Point 4.2.2.1.3.2 outlines the specific cases of several Member States, including Belgium, France, Portugal and Spain, which were authorised to apply notified national rules that require freight trains to be equipped with two steady red lights as a condition to run on sections of their network. Those specific cases should be phased out.
- (3) To ensure that Member States are taking all necessary measures to enable full harmonisation of rear end signals on freight trains at Union level by 1 January 2026, they should report periodically on the implementation of the proposed mitigation measures and take urgent action if deviations from the envisaged plan are identified.
- (4) Belgium, France, Portugal and Spain submitted reports to the Commission on their use of reflective plates, identifying serious obstacles to the planned elimination by 1 January 2022 of national rules along the rail freight corridors specified in accordance with Regulation (EU) No 913/2010 of the European Parliament and of the Council ⁽³⁾.
- (5) The European Union Agency for Railways submitted, on 29 June 2021, the recommendation 'REC TSI OPE 422132' proposing the amendment of point 4.2.2.1.3.2 of the Annex to Implementing Regulation (EU) 2019/773. The Commission, on the basis of this recommendation and taking into account the findings in the reports delivered by Member States, reviewed the dates of harmonisation of reflective plates in the Union. The Commission also concluded that at this moment a revision of the specification set under Appendix E of Commission Regulation (EU) No 321/2013 ⁽⁴⁾ is not required. The Commission gave due consideration to safety and capacity concerns, as well as the cost impact of the transition to harmonisation of the use of reflective plates.
- (6) As a result of the findings in the reports delivered by Belgium, France, Portugal and Spain, and of the review of those findings by the Commission, the deadline of 1 January 2022 for accepting freight trains equipped with two reflective plates along the rail freight corridors specified in accordance with Regulation (EU) No 913/2010 should be postponed for those Member States.

⁽¹⁾ OJ L 138, 26.5.2016, p. 44.

⁽²⁾ Commission Implementing Regulation (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union and repealing Decision 2012/757/EU (OJ L 139I, 27.5.2019, p. 5).

⁽³⁾ Regulation (EU) No 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight (OJ L 276, 20.10.2010, p. 22).

⁽⁴⁾ Commission Regulation (EU) No 321/2013 of 13 March 2013 concerning the technical specification for interoperability relating to the subsystem 'rolling stock – freight wagons' of the rail system in the European Union and repealing Decision 2006/861/EC (OJ L 104, 12.4.2013, p. 1).

- (7) This decision is without prejudice of the ongoing work at the European Union Agency for Railways with a view to further harmonisation of the rear end signal and of the possible future review of Appendix E of Regulation (EU) No 321/2013, which the Commission may adopt bearing in mind the effect on safety, capacity and cost.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee established in accordance with Article 51(1) of Directive (EU) 2016/797,

HAS ADOPTED THIS REGULATION:

Article 1

In point 4.2.2.1.3.2 of the Annex to Regulation (EU) 2019/773, the paragraph 'Phasing out' is replaced by the following:

'Phasing out:

The following deadlines shall apply for accepting freight trains equipped with two reflective plates:

- (1) From 1 January 2022, along the rail freight corridors specified in accordance with Regulation (EU) No 913/2010, with the following exceptions on the lines where steady red lights are an operational requirement for ensuring safety:
 - (a) 1 January 2026 for Belgium and France;
 - (b) 1 January 2025 for Portugal and Spain.
- (2) From 1 January 2026, in the whole European Union rail network.

Member States concerned by the exceptions under (1) (a) and (b) shall provide, by 1 March 2022 at the latest, the Commission with a detailed action plan and precise targets ensuring the elimination of the requirement for red lights as rear end signals. Every 6 months thereafter, those Member States shall provide the Commission with a report on progress made on the use of reflective plates on their network with the aim of Union-level harmonisation of rear end signals by 1 January 2026. Stakeholders shall provide all necessary input to allow Member States to fulfil their reporting duty.

The Commission shall report to the committee referred to in Article 51 of Directive (EU) 2016/797 on the implementation progress of section 4.2.2.1.'

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 15 December 2021.

For the Commission
The President
Ursula VON DER LEYEN
