

Commission Decision of 15 November 2010 granting the Czech Republic a derogation from the application of Decision 2006/679/EC concerning the technical specification for interoperability relating to the control-command and signalling subsystem of the trans-European conventional rail system to the line Strančice–České Budějovice (notified under document C(2010) 7789) (Only the Czech text is authentic) (2010/691/EU)

COMMISSION DECISION

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granting the Czech Republic a derogation from the application of Decision 2006/679/EC concerning the technical specification for interoperability relating to the control-command and signalling subsystem of the trans-European conventional rail system to the line Strančice–České Budějovice

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(2010/691/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Commission Decision 2006/679/EC of 28 March 2006 concerning the technical specification for interoperability relating to the control-command and signalling subsystem of the trans-European conventional rail system⁽¹⁾, in particular the Annex, Section 7.1.3, thereof,

Whereas:

- (1) Commission Decision 2009/561/EC⁽²⁾ which amended Decision 2006/679/EC, established the implementing rules of the technical specification for interoperability relating to the control-command and signalling subsystem of the trans-European conventional rail system.
- (2) In accordance with Section 7.1.3 of the technical specification for interoperability relating to the control-command and signalling subsystem of the trans-European conventional rail system, the fitting of ERTMS/ETCS is mandatory in the case of an upgrade or new installation of the train protection part of a CCS assembly for railway infrastructure projects receiving financial support from European Regional Development Funds and/or Cohesion Funds.
- (3) When signalling is renewed on short (less than 150 km) and discontinuous sections of a line, the Commission may grant temporary derogation to this rule, provided the Member State concerned forwards a file to the Commission. This file shall contain an economical analysis showing that there is a substantial economical and/or technical advantage in

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putting ERTMS into service at a later date for equipment rather than during the course of the EU-funded project.

- (4) The Commission shall analyse the file submitted and the measures proposed by the Member State and shall inform the committee referred to in Article 29 of Directive 2008/57/EC of the European Parliament and of the Council⁽³⁾ of the result of its analysis. When a derogation is granted, the Member State shall ensure that ERTMS is installed at the latest 5 years after the end of the project and as soon as the section of the line is connected to another ERTMS equipped line.
- (5) The line Strančice–České Budějovice will be gradually upgraded until 2016, whereby some sections are or will be receiving financial support from European Regional Development Funds and/or Cohesion Funds.
- (6) The line Strančice–České Budějovice is shorter than 150 km and is not connected to an already ERTMS equipped line. On 24 January 2010, the Czech authorities sent a request for derogation to the Commission together with a file showing that there is a substantial economical and technical advantage in putting ERTMS into service by the end of 2018 rather than during the course of the EU-funded project.
- (7) In accordance with Article 15 of Regulation (EC) No 881/2004 of the European Parliament and of the Council⁽⁴⁾, the European Railway Agency provided its technical opinion on the request for derogation on 20 May 2010.
- (8) This technical opinion indicated that the file submitted contains the elements required for a derogation but suggested to obtain confirmation that the tender would contain an option for the ERTMS equipment of the line.
- (9) The Czech authorities confirmed on 7 June 2010 that the tender for the last subsection will contain a clear option for the ERTMS equipment of the line.
- (10) The Commission informed the Committee set up by Article 29 of Directive 2008/57/EC of the result of its analysis,

HAS ADOPTED THIS DECISION:

Article 1

The derogation from the obligation to implement the TSI control command and signalling of the trans-European conventional rail for the line Strančice–České Budějovice requested by the Czech Republic is hereby granted.

This derogation is granted until 31 December 2018.

Article 2

This Decision is addressed to the Czech Republic.

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Done at Brussels, 15 November 2010.

For the Commission

Siim KALLAS

Vice-President

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- (1) OJ L 284, 16.10.2006, p. 1.
- (2) OJ L 194, 25.7.2009, p. 60.
- (3) OJ L 191, 18.7.2008, p. 1.
- (4) OJ L 164, 30.4.2004, p. 1.

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