

Commission Decision of 9 November 2010 on modules for the procedures for assessment of conformity, suitability for use and EC verification to be used in the technical specifications for interoperability adopted under Directive 2008/57/EC of the European Parliament and of the Council (notified under document C(2010) 7582) (Text with EEA relevance) (2010/713/EU)

COMMISSION DECISION

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(2010/713/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community<sup>(1)</sup>, and in particular Article 5(3)(e) and Article 6(1) thereof,

Whereas:

- (1) Technical specifications for interoperability (TSIs) are specifications adopted in accordance with Directive 2008/57/EC. TSIs set all the conditions with which interoperability constituents and subsystems must conform, and the procedures to be followed in assessing conformity and suitability for use of interoperability constituents and EC verification of subsystems.
- (2) Commission Decision 2006/66/EC<sup>(2)</sup> established the modules to be used for conformity assessment of interoperability constituents and EC verification of subsystems of the technical specification for interoperability (TSI) ‘rolling stock-noise’, Commission Decision 2006/861/EC<sup>(3)</sup> did the same for the TSI ‘rolling stock-freight wagons’ and Commission Decision 2006/679/EC<sup>(4)</sup> established modules for the TSI ‘control-command and signalling’ of the trans-European conventional rail system.
- (3) Commission Decisions 2008/217/EC<sup>(5)</sup>, 2008/284/EC<sup>(6)</sup>, 2008/232/EC<sup>(7)</sup> and 2006/860/EC<sup>(8)</sup> established the modules to be used for conformity assessment of interoperability constituents and EC verification of subsystems of the TSI ‘infrastructure’, the TSI ‘energy’, the TSI rolling stock and the TSI ‘control-command and signalling’ of the trans-European high-speed rail system respectively.

- (4) Commission Decisions 2008/163/EC<sup>(9)</sup> and 2008/164/EC<sup>(10)</sup> established the modules to be used for conformity assessment of interoperability constituents and EC verification of subsystems for the TSI ‘safety in railway tunnels’ and for the TSI ‘people with reduced mobility’ of the trans-European conventional and high-speed rail system respectively.
- (5) In accordance with Article 5(3)(e) of Directive 2008/57/EC, TSI have to refer to modules set out in Council Decision 93/465/EEC<sup>(11)</sup>. That Decision has been repealed by Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products<sup>(12)</sup>, and lays down common principles and reference provisions intended to apply across sectoral legislation in order to provide a coherent basis for drawing up, revision or recasts of that legislation.
- (6) However, a specific comprehensive legal framework is already in place for the railway sector which necessitates specific adaptation of the modules of Decision No 768/2008/EC. In particular, the provisions of Directive 2008/57/EC related to conformity assessment and suitability for use of interoperability constituents and EC verification of subsystems require specific adaptation of the modules set out in Annex II to Decision No 768/2008/EC.
- (7) As specific features of rail must be taken into account to ensure consistency of all legislative acts concerning interoperability constituents and subsystems, it is appropriate to lay down modules which are specific for railways.
- (8) To establish a common set of modules for all TSIs it is necessary to introduce them in one legislative act. This Decision should provide such a common set of modules which should enable the legislator to choose the appropriate procedures for conformity assessment, suitability for use and EC verification when drafting or revising TSIs.
- (9) The TSIs which are in force on the date this Decision becomes applicable, should not apply the modules provided for in this Decision until their revision and should be allowed to continue to apply the modules for conformity assessment and suitability for use of interoperability constituents and EC verification of subsystems as defined in the relevant annexes to those TSIs. However, when those TSIs will be revised they should fall within the scope of this Decision.
- (10) In order to provide a better comprehension, a list of terms used in the conformity assessment modules specific for railways and their equivalent in generic modules defined in Decision No 768/2008/EC should be attached to this Decision. Furthermore, a correlation table of the modules used in the TSIs referred to in recitals 2 to 4, the modules used in Decision No 768/2008/EC and the specific modules for railways set out in Annex I to this Decision should be set up.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Committee referred to in Article 29(1) of Directive 2008/57/EC,

HAS ADOPTED THIS DECISION:

- (1) OJ L 191, 18.7.2008, p. 1.
- (2) OJ L 37, 8.2.2006, p. 1.
- (3) OJ L 344, 8.12.2006, p. 1.
- (4) OJ L 284, 16.10.2006, p. 1.
- (5) OJ L 77, 19.3.2008, p. 1.
- (6) OJ L 104, 14.4.2008, p. 1.
- (7) OJ L 84, 26.3.2008, p. 132.
- (8) OJ L 342, 7.12.2006, p. 1.
- (9) OJ L 64, 7.3.2008, p. 1.
- (10) OJ L 64, 7.3.2008, p. 72.
- (11) OJ L 220, 30.8.1993, p. 23.
- (12) OJ L 218, 13.8.2008, p. 82.