

## New regulation on interoperability

05.07.2021

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The regulation the Minister of Infrastructure on interoperability was published in the Official Journal. The regulation enters into force on July 28, 2021, together with the amendment to the Railway Transport Act 2003. These amendments implement provisions of the technical pillar of the 4th railway package.

The new regulation on interoperability specifies:

- the essential requirements of the rail system,
- conditions for carrying out the EC verification of a subsystem,
- procedures for assessing the compliance of subsystems with the relevant national technical specifications and standardization documents, the application of which enables to meet the essential requirements of the rail system, including conformity assessment modules and a list of parameters of a railway vehicle to be checked, in order to verify technical compatibility between a railway vehicle and a rail network,
- the scope of technical documentation which accompanies the declaration of EC verification of a subsystem.

The Commission Implementing Regulation (EU) 2019/250 [\[i\]](#) is valid for templates of EC declarations and certificates for interoperability constituents and structural rail subsystems.

The 4<sup>th</sup> railway package introduced the division into notified bodies (which are testing compliance with TSI) and designated bodies (which are testing compliance with national technical regulations). It means that notified bodies must fulfil additional requirements. The transitional provisions (Article 2 of the Act Amending the Railway Transport Act 2003 [\[ii\]](#)) allow authorized entities and notified bodies to conduct subsystem conformity assessment for compliance with national technical regulations until the President of the Office of Rail Transport designates an entity to perform the tasks of a designated body. This allows to retain the continuity of operations of these bodies regarding the assessment of compliance with national technical regulations. Article 2 of the Act Amending the Railway Transport Act 2003 does not

mean that with designating a body, other notified bodies lose their rights to assess compliance with national technical regulations.

Each body notified under Art. 25i of the Railway Transport Act may assess compliance with national technical regulations until obtaining the authorization of the designated unit.

The provisions of the new regulation (§ 12 of the regulation) apply to the EC verification of subsystems initiated and not completed before the date of entry into force of the new regulation.

The regulation of the Minister of Infrastructure of 7 June 2021 on interoperability is available [here](#).

Legal basis:

[i] Commission Implementing Regulation (EU) 2019/250 of 12 February 2019 on the templates for 'EC' declarations and certificates for railway interoperability constituents and subsystems, on the model of declaration of conformity to an authorised railway vehicle type and on the 'EC' verification procedures for subsystems in accordance with Directive (EU) 2016/797 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 201/2011, OJ L 42, 13.2.2019, p. 9-24.

[ii] Article 2 of the Act Amending the Railway Transport Act 2003 of 17 September 2020, OJ 2020, Item 1778.