Republic of Latvia

Cabinet

Regulation No. 374

Adopted 9 June 2020

**Regulations Regarding Railway Interoperability**

*Issued pursuant to*

*Section 3.1, Paragraph four, Section 43.2, Paragraphs eight and nine, Section 43.3, Paragraph two, Section 43.4, Paragraph three, Section 43.5, Paragraphs four and seventeen of the Railway Law and Section 7, Paragraphs one and two of the law On Conformity Assessment*

**I. General Provisions**

1. The Regulation prescribes:

1.1. the essential requirements (Annex 1) for the European Union rail system, subsystems, and interoperability constituents, including interfaces (hereinafter – the essential requirements);

1.2. the procedures by which the State Railway Technical Inspectorate (hereinafter – the Inspectorate) shall take a decision to allow an applicant not to apply one or several technical specifications for interoperability or parts thereof;

1.3. the requirements for the placement of subsystems on the market and for the conformity assessment thereof;

1.4. the requirements for the placement on the market of interoperability constituents and for the conformity assessment thereof;

1.5. the procedures by which the Inspectorate shall issue, suspend, and revoke authorisations for placing fixed installations in service;

1.6. the procedures by which Commission Implementing Regulation (EU) 2018/545 of 4 April 2018 establishing practical arrangements for the railway vehicle authorisation and railway vehicle type authorisation process pursuant to Directive (EU) 2016/797 of the European Parliament and of the Council (hereinafter – Regulation (EU) 2018/545) is applied in Latvia;

1.7. the procedures by which the Inspectorate shall issue, suspend, renew, amend, or revoke an authorisation for the placement on the market of freight wagons and passenger wagons on a track gauge of 1520 mm (hereinafter – the wagons on a track gauge of 1520 mm).

2. The following terms are used in the Regulation:

2.1. technical specification – a document specifying the technical requirements to which a product, a subsystem, a process, or a service conforms;

2.2. European specification – the European standard referred to in Article 2(1)(b) of Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (hereinafter – Regulation (EU) No 1025/2012) which has been registered in the status of a national standard of Latvia, the European technical assessment or common technical specification referred to in the Law on the Procurements of Public Service Providers;

2.3. notified body – a conformity assessment authority for interoperability constituents and structural subsystems accredited by the national accreditation authority and notified to the European Commission in accordance with the laws and regulations regarding the procedures for establishing the Notification Commission, and also the procedures by which the Commission takes a decision and notifies the European Commission of the conformity assessment authorities which carry out the conformity assessment in the regulated sphere, or another conformity assessment authority for interoperability constituents and structural subsystems notified by a European Union Member State or a State of the European Economic Area;

2.4. national requirement assessment authority – a product certification, inspection, or management system certification authority which corresponds to the requirements referred to in Paragraph 20 of this Regulation, has been accredited by the national accreditation authority in accordance with the laws and regulations regarding the assessment, accreditation, and supervision of conformity assessment authorities, and which assesses the conformity of structural subsystems with the national requirements referred to in this Regulation;

2.5. product – a product obtained as a result of production process, including an interoperability constituent and a subsystem;

2.6. basic parameters – any regulatory, technical, or operational conditions that are critical to interoperability and are indicated in the relevant technical specifications for interoperability;

2.7. upgrading – any major modification work on a subsystem or a part thereof which improves the overall performance of the subsystem, causing changes in the technical documentation accompanying the ‘EC’ declaration of verification if there is the relevant technical documentation;

2.8. renewal – any major substitution work on a subsystem or a part thereof which does not change the overall performance of the subsystem;

2.9. existing rail system – an infrastructure which includes tracks and fixed installations of the existing rail network, and also vehicles of all categories and origin travelling on that infrastructure;

2.10. repair – substitution in the framework of maintenance which is preventive or corrective replacement of components by parts of identical functions and operating parameters;

2.11. contracting entity – a business entity, a public person or institution thereof which enters into contracts and orders the design, construction, manufacture, upgrading, or renewal of subsystems of the rail system;

2.12. project at an advanced stage of development – a project the planning or construction stage of which has reached a point where a change in the technical specification may compromise the intended viability of the project;

2.13. harmonised standard – a European standard, as defined in Article 2(1)(c) of Regulation (EU) No 1025/2012;

2.14. type of vehicle – a type which defines the basic design characteristics of the vehicle that are included in the type or design examination certificate described in the relevant verification model;

2.15. series of vehicles – several identical vehicles of the same type;

2.16. design operating state – a regular operating mode and expected degraded operating mode (including wear) which correspond to the range and conditions indicated in the technical documentation and maintenance documentation;

2.17. acceptable means of compliance of the European Union – an opinion issued by the European Union Agency for Railways which determines how to achieve conformity with the essential requirements;

2.18. acceptable means of compliance of Latvia – an opinion issued by the Inspectorate which determines how to achieve conformity with the essential requirements;

2.19. manufacturer – any natural or legal person that manufactures a product in the form of interoperability constituents, a subsystem, or vehicles or has them designed or manufactured (constructed) and markets them under its name or trademark;

2.20. authorised representative – any natural or legal person that has been registered in the European Union and has received a written authorisation of the manufacturer or contracting entity to act on behalf of the relevant manufacturer or contracting entity when performing specific tasks;

2.21. person with reduced mobility – any person who suffers from permanent or temporary physical, mental, intellectual, or sensory impairments which, in interaction with various barriers, may hinder his or her full and effective use of transport on an equal basis with other passengers, or whose mobility in using transport is reduced due to age;

2.22. overall performance of the subsystem – functionality of the subsystem according to the essential requirements, technical specifications for interoperability, national requirements, and also strict local requirements and restrictions indicated in the railway infrastructure register (hereinafter – the local conditions);

2.23. ‘EC’ verification – a procedure which is carried out by a contracting entity or a manufacturer of a subsystem or an authorised representative thereof in order to demonstrate that the requirements of the relevant directly applicable European Union legal acts and the national requirements applicable to the subsystem have been complied with, and it may be allowed to place the relevant subsystem in service or place it on the market.

3. In accordance with the Law on the Procurements of Public Service Providers, technical specifications prepared by a contracting entity which are necessary for the supplementation of European specifications or other standards to be used within the Union may not be in conflict with the essential requirements.

**II. Conformity Assessment Authorities**

4. The notified body shall conform to the following requirements:

4.1. the notified body has the status of a legal person;

4.2. the notified body is capable of carrying out all the conformity assessment tasks assigned thereto in the relevant technical specification for interoperability and in respect of which it has been notified regardless of whether those tasks are carried out by the notified body itself or on its behalf while the notified body takes responsibility for it;

4.3. according to the conformity assessment procedures to be performed and the types and categories of products in respect of which it has been notified, the notified body has the following:

4.3.1. the necessary employees with appropriate technical knowledge and sufficient experience in order to perform conformity assessment activities;

4.3.2. a description of the procedures in place according to which conformity assessment must be performed, ensuring the transparency thereof and the ability to apply such procedures;

4.3.3. an appropriate policy and procedures in place that distinguish between the tasks it carries out as a notified body and other activities;

4.3.4. appropriate procedures for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question, and the serial nature of the production process;

4.3.5. the means necessary for the performance of the technical and administrative tasks related to the conformity assessment activities in an appropriate manner, and access to all the necessary equipment or facilities and premises;

4.4. civil liability of the notified body is insured in respect of the activities it is entitled to perform;

4.5. employees of the notified body respect professional confidentiality with regard to all information obtained in performing conformity assessment activities (except for information which is provided to the competent authorities of the European Union Member State in which the activities are performed);

4.6. the notified body participates in the relevant standardisation activities and participates, directly or by designated representatives, in coordination working groups of notified bodies organised by the European Commission in respect of conformity assessment in the European Union rail system, and also ensures that information regarding the relevant activities is available to its employees who carry out conformity assessment. The notified body shall use the decisions and documents prepared by the working group of notified bodies as guidelines in its operation;

4.7. the notified body that has been notified in respect of a trackside control-command and signalling subsystem or on-board control-command and signalling subsystem participates in the working group of notified bodies of the European Rail Traffic Management System (ERTMS) referred to in Article 29 of Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004 (hereinafter – Regulation (EU) 2016/796), or ensures that the information on the activities performed by the abovementioned working group is available to the employees who carry out conformity assessment. The notified body shall use the guidelines developed by the abovementioned working group in its operation. If the notified body deems that it is inappropriate or impracticable to apply the guidelines, it shall submit to the working group its observations for consideration in order to improve the guidelines continuously.

5. In order to ensure objectiveness of the notified body, it shall correspond to the following requirements:

5.1. the notified body operates as a third party which is independent from performers of economic activity (associations thereof) that are engaged in the design, production, supply, installation, use, or maintenance of the product to be assessed thereby;

5.2. if the notified body is a member of an association or foundation which is related to the design, production, supply, installation, use, or maintenance of the products to be assessed, it proves its independence and the absence of any conflict of interests;

5.3. the objectiveness of the notified body, its management and employees is ensured upon performing conformity assessment activities;

5.4. the management and employees of the notified body that are responsible for the conformity assessment are not the designers, manufacturers, suppliers, installers, purchasers, owners, users, or maintainers of the products to be assessed, nor the authorised representatives thereof. It shall not preclude them from using the assessed products for the operation of the notified body or personal purposes;

5.5. the management and employees of the notified body that are responsible for the conformity assessment are not directly related to the design, production or construction, marketing, installation, use, or maintenance of these products, and do not represent any parties engaged in such activities;

5.6. the management and employees of the notified body do not become engaged in any activities (including consulting) which may be in conflict with independence of their decision and integrity in relation to the assessment activities assigned to the notified body;

5.7. the notified body ensures that activities of its subsidiaries and subcontractors will not affect the confidentiality, objectiveness, and impartiality of the conformity assessment;

5.8. the notified body and its employees carry out conformity assessment professionally, in good faith, and shall be technically competent. The relevant staff shall be free of any influence (including financial) which might affect their decision or conformity assessment results, in particular from persons or groups of persons that are interested in the result of these activities;

5.9. the refund scheme of the management and employees of the notified body that perform conformity assessment activities does not depend on the number of assessments carried out or the results thereof.

6. Employees of the notified body who are responsible for the performance of conformity assessment activities shall have the following:

6.1. in-depth technical and vocational training regarding all the relevant conformity assessment activities;

6.2. sufficient knowledge of the requirements in relation to the conformity assessment activities to be performed and proper competence to perform them;

6.3. appropriate knowledge and understanding of the essential requirements, the applicable harmonised standards, and the relevant laws and regulations (including legal acts of the European Union);

6.4. abilities required to draw up certificates, documentation, and conformity assessment reports which demonstrate that the conformity assessment has been carried out.

7. If the conformity assessment authority certifies its conformity with the criteria laid down in the relevant applicable harmonised standards or the parts thereof to which references are published in the Official Journal of the European Union, it shall be considered conforming to the requirements referred to in Paragraphs 4, 5, and 6 of this Regulation, insofar as the applicable harmonised standards cover these requirements.

8. If the notified body concludes a contract with a subcontractor for the performance of specific conformity assessment tasks or assigns the performance of such tasks to its subsidiary, it shall ensure that the subcontractor or subsidiary conforms to the requirements referred to in Paragraphs 4, 5, and 6 of this Regulation, and inform the Ministry of Economics thereof. The notified body shall assume full responsibility for the activities performed by subcontractors or subsidiaries wherever these activities are performed.

9. The notified body shall only assign the performance of a specific conformity assessment activity to a subcontractor or subsidiary with the agreement of the client.

10. The notified body shall keep the documents regarding the assessment of competence of a subcontractor or subsidiary and the conformity assessment activities performed by them in accordance with the relevant technical specification for interoperability, so that the abovementioned documents are available to the Ministry of Economics.

11. The notified body shall carry out conformity assessment in accordance with the conformity assessment procedures and requirements provided for in the relevant technical specification for interoperability.

12. The notified body shall carry out conformity assessment in a proportionate manner, avoiding unnecessary burdens for the parties concerned, taking account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question, and the serial nature of the production process, but it shall nevertheless respect the degree of rigour and the level of protection required for the compliance of the product with the requirements of this Regulation.

13. If the notified body finds that a manufacturer has failed to comply with the requirements laid down in the relevant technical specifications for interoperability or the relevant harmonised standards, or the technical specifications, it shall require the manufacturer to take appropriate corrective measures, and it shall not issue a conformity certificate.

14. Where, in the course of monitoring conformity after issue of a conformity certificate, the notified body finds that a product no longer complies with the relevant technical specifications for interoperability or the relevant harmonised standards, or the technical specifications, it shall require the manufacturer to take appropriate corrective measures to rectify non-compliances, and shall suspend or withdraw the certificate issued if the non-compliance poses a security risk.

15. Where corrective measures are not taken or do not have the required effect, the notified body shall restrict, suspend, or withdraw the certificates issued, as appropriate.

16. The notified body shall inform the Ministry of Economics of the following:

16.1. any refusal, restriction, suspension, or withdrawal of a certificate;

16.2. any circumstances affecting the scope and conditions of notification;

16.3. any requests for information from the market surveillance institutions in respect of conformity assessment activities;

16.4. the conformity assessment activities performed in the notified sphere and any other activities, including cross-border activities and subcontracting (upon request).

17. The notified body shall inform the Inspectorate of any refusal, restriction, suspension, or withdrawal of a certificate.

18. The notified body shall provide information on negative and (upon request) also positive conformity assessment results to other notified bodies performing similar conformity assessment activities which refer to the same products.

19. The notified body shall, by means of the European Railway Agency Database of Interoperability and Safety (ERADIS), submit to the European Union Agency for Railways the ‘EC’ certificates of verification for subsystems, the ‘EC’ conformity certificates for interoperability constituents, and the ‘EC’ certificates of suitability for use for interoperability constituents.

20. The national requirement assessment authority shall assess the conformity of products with the national requirements. In order to carry out the obligations of the national requirement assessment authority, the authority shall conform to the requirements laid down in Paragraphs 4, 5, and 6 of this Regulation and operate in accordance with the procedures laid down in Paragraphs 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 of this Regulation, except for that the obligations of the authority refer to the national requirements, rather than the technical specifications for interoperability. Obligations of the national requirement assessment authority may also be carried out by the notified body if the accreditation sphere thereof covers the conformity assessment of the compliance with the national requirements of Latvia.

21. In order to perform conformity assessment activities and implement procedures set out in the conformity assessment modules A1, A2, C1, C2, CA1, and CA2 which have been indicated in the technical specifications for interoperability, an applicant may use an accredited internal unit which is clearly separated in the organisational structure of the relevant applicant and is not engaged in the design, production, supply, installation, use, or maintenance of the products to be assessed, and also conforms to the following requirements:

21.1. the unit has been accredited by the national accreditation authority in accordance with the laws and regulations regarding the assessment, accreditation, and supervision of conformity assessment authorities;

21.2. the unit and its employees are identifiable in terms of organisation, and it has reporting methods in place which ensure objectiveness;

21.3. the unit and its employees are not responsible for the design, production, supply, installation, use, or maintenance of the products to be assessed, and they do not become engaged in any activities which may be in conflict with independence of their decision or integrity in relation to the assessment activities;

21.4. the unit only provides services to an applicant the part of which constitutes this unit.

22. An applicant the part of which constitutes the unit referred to in Paragraph 21 of this Regulation or the national accreditation authority shall provide information on the accreditation of the unit to the Ministry of Economics upon request thereof.

**III. Interoperability Constituents and Conformity Assessment Thereof**

23. It shall be permitted to place an interoperability constituent on the market for use in the trans-European rail system if it conforms to the essential requirements and the manufacturer or an authorised representative thereof has drawn up an ‘EC’ declaration of conformity or suitability for use in respect thereof. The ‘EC’ declaration of conformity or suitability for use shall certify that the procedures specified in the relevant technical specifications for interoperability have been applied to the interoperability constituents in order to assess the conformity or suitability for use, and also that the interoperability constituent conforms to the conditions specified in the relevant technical specifications for interoperability or the European specifications which have been developed to satisfy the abovementioned conditions.

24. Irrespective of whether the technical specifications for interoperability provide for derogations from specific parameters or not, the conformity or suitability for use shall be assessed in respect of all interoperability constituents indicated in the technical specifications for interoperability.

25. The notified body shall assess the conformity or suitability for use of the interoperability constituent indicated in the technical specifications for interoperability upon receipt of an application from the manufacturer or an authorised representative thereof, mutually agreeing upon the time and place of and procedures for assessment.

26. Upon carrying out the conformity assessment, the notified body shall use the modules for conformity assessment procedures in accordance with the conditions of the technical specifications for interoperability.

27. If an interoperability constituent corresponds to the requirements referred to in this Regulation, the notified body shall issue to the manufacturer or an authorised representative thereof an assessment certificate which demonstrates conformity or suitability for use of the constituent in accordance with the requirements of 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 (hereinafter – Regulation (EU) 2019/250).

28. The manufacturer or an authorised representative thereof shall draw up an ‘EC’ declaration of conformity or suitability for use of an interoperability constituent in accordance with the requirements of Regulation (EU) 2019/250 and the provisions included in the relevant technical specifications for interoperability.

29. If so required by the technical specification for interoperability, an ‘EC’ declaration of conformity or suitability for use shall be accompanied by the following:

29.1. a certificate issued by the notified body or bodies in respect of the actual conformity of one interoperability constituent, considered in isolation, with the relevant technical specifications for interoperability;

29.2. a certificate issued by the notified body or bodies in respect of the suitability for use of one interoperability constituent, considered as a component of the rail system, in particular with regard to the relevant functional requirements.

30. An ‘EC’ declaration of conformity or suitability for use and accompanying documents shall be signed by the responsible official of the manufacturer or an authorised representative of the manufacturer, or a person who has been authorised by the manufacturer or the authorised representative of the manufacturer to sign them (indicating the date of signing).

31. If, in addition to the requirements of this Regulation, the laws and regulations in the fields not directly applied to the rail system are also applicable to the interoperability constituents, an ‘EC’ declaration of conformity or suitability for use shall indicate conformity of the interoperability constituents with such requirements.

32. If the manufacturer or an authorised representative thereof fails to ensure the conformity of interoperability constituents or parts of constituents with the requirements of this Regulation and has failed to draw up an ‘EC’ declaration of conformity or suitability for use, it shall be ensured, instead of the manufacturer, by a person who offers interoperability constituents on the market or by a person who manufactures or installs interoperability constituents of different origin or parts of constituents for its own use.

33. If technical specifications for interoperability provide for periods of transition for certain rail products as interoperability constituents which have already been placed on the market prior to the entering into effect of the corresponding technical specification for interoperability, such constituents shall be considered conforming to the requirements of this Regulation.

34. Interoperability constituents without an ‘EC’ declaration of conformity or suitability for use may be used as spare parts for the subsystems that are allowed for operation prior to the entering into effect of the corresponding technical specification for interoperability.

35. The Inspectorate shall perform market surveillance of interoperability constituents. The Inspectorate shall, according to its competence, take the necessary measures so that only such interoperability constituents are on the market and in operation which have been appropriately manufactured, maintained, and used and do not endanger the safety of rail traffic.

36. If the interoperability constituents that are intended for use in the European Union rail system conform to the requirements of this Regulation, the Inspectorate shall not prohibit, restrict, or impede the placing thereof on the market The Inspectorate shall not require any checks which have already been conducted when drawing up an ‘EC’ declaration of conformity or suitability for use.

37. If, upon performing market surveillance in accordance with Regulation No 765/2008/EC of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (hereinafter – Regulation No 765/2008), the Inspectorate finds that the ‘EC’ declaration of conformity or suitability for use has been drawn up incorrectly, the manufacturer or an authorised representative thereof has an obligation to ensure conformity of an interoperability constituent with the requirements and to eliminate the non-conformity of the relevant declaration of conformity, taking into account the requirements of the Inspectorate. If the non-conformity is not eliminated, the Inspectorate shall, in accordance with the requirements of Regulation No 765/2008, take a decision to restrict or prohibit the placing on the market of the relevant interoperability constituent.

38. If, upon performing market surveillance in accordance with the requirements of Regulation No 765/2008, the Inspectorate finds that an interoperability constituent included in the declaration of conformity and placed on the market when used for the intended purpose does not conform to the essential requirements, it shall, in accordance with the requirements of Regulation No 765/2008, take a decision to restrict or prohibit the use of the interoperability constituent, or require the body which has drawn up the ‘EC’ declaration to withdraw the constituent from the market or recall it.

39. The Inspectorate shall inform the European Commission of the decisions referred to in Paragraphs 37 and 38 of this Regulation in order to achieve withdrawal of the interoperability constituent from the European Union market.

**IV. Procedures for the Taking of a Decision by the Inspectorate to Allow an Applicant Not to Apply One or Several Technical Specifications for Interoperability or Parts Thereof**

40. An applicant (a manufacturer, a contracting entity or an authorised representative thereof) may suggest that one or several technical specifications for interoperability or parts thereof are not applied to a specific project, provided that the project complies with one of the following criteria:

40.1. the design, construction, upgrading, or renewal of a subsystem or a part thereof has been initiated prior to the entering into effect of the technical specification for interoperability or amendments thereto, which is at an advanced stage of development as at the day of entering into effect of the technical specification for interoperability or amendments thereto, or to which the contract that is already in the course of performance is applicable;

40.2. following an accident or a natural disaster, the conditions for the restoration of the rail network do not economically or technically allow for partial or total application of the relevant technical specifications for interoperability. In this case the technical specifications for interoperability shall not be applicable only for the time period until renewal of the rail network;

40.3. a project provides for renewal, extension, or upgrading of an existing subsystem if the application of the corresponding technical specifications for interoperability compromises economic viability of the project or compatibility with the existing rail system, since the infrastructure parameters (the loading gauge, the track gauge, space between tracks or electrification voltage) in the corresponding technical specifications for interoperability are not compatible with the parameters of the existing subsystem;

40.4. vehicles are intended for the rail network with a track gauge of 1520 millimetres and are used or intended to be used for carriage to and from third countries;

40.5. it is intended to construct a new subsystem or to renew or upgrade an existing subsystem which constitutes a separated rail network or a network isolated from the rest of the European Union rail network as a result of special geographical conditions.

41. If a project complies with any of the criteria referred to in Paragraph 40 of this Regulation, an applicant shall submit to the Inspectorate the technical assignment documentation for the project of the intended construction, renewal, or upgrading of the subsystem which contains at least the information indicated in the directly applicable legal acts of the European Union.

42. The Inspectorate shall examine the technical assignment documentation for the project of the construction, renewal, or upgrading of the subsystem and, taking into account the conditions for the implementation of the requirements set out in the relevant technical specification for interoperability, take a decision on conditions under which the subsystem may be accepted into service, indicating the technical specifications for interoperability or parts thereof which are not applicable to the construction, renewal, or upgrading of the specific system. Vehicles to which the technical specifications for interoperability are not applicable may be used in a railway infrastructure corresponding to the technical specifications for interoperability.

43. An applicant shall, according to the decision of the Inspectorate, follow the rules which are intended to be applied instead of the technical specification for interoperability.

44. If a project complies with the criteria referred to in Sub-paragraph 40.1 of this Regulation, the Inspectorate shall, within one year after entering into effect of each technical specification for interoperability or amendments thereto, inform the European Commission of the list of projects that are being implemented and are at an advanced stage of development.

45. If a project complies with the criteria referred to in Sub-paragraph 40.2 of this Regulation, the Inspectorate shall notify the European Commission of its decision not to apply one or several technical specifications for interoperability or parts thereof.

46. If a project complies with the criteria referred to in Sub-paragraph 40.1, 40.3, 40.4, or 40.5 of this Regulation, the Inspectorate shall send to the European Commission a request to approve a decision not to apply one or several technical specifications for interoperability, appending the documentation referred to in Paragraph 41 of this Regulation including a justification for the request and the alternative rules that are applicable instead of the technical specification for interoperability.

47. If one or several technical specifications for interoperability or parts thereof are not applied to a vehicle, an applicant shall submit the documentation referred to in this Chapter through a contact point of the European Union Agency for Railways.

**V. Subsystems and Conformity Assessment Thereof**

48. Subsystems shall consist of the elements referred to in Annex 2 to this Regulation, and they shall conform to the essential requirements, the technical specifications for interoperability, the national requirements, and also the local conditions. For the purpose of ensuring such conformity, acceptable means of compliance of the European Union and Latvia may be applied.

49. For implementing the essential requirements, the Inspectorate may specify acceptable means of compliance of Latvia in the following cases:

49.1. if the technical specifications for interoperability do not cover or do not fully cover specific aspects of the essential requirements, including in open questions;

49.2. if, in accordance with the procedure referred to in Chapter IV of this Regulation, it is determined that one or several technical specifications for interoperability or parts thereof will not be applied;

49.3. if requirements that are not included in the relevant technical specification for interoperability are applicable in a specific case;

49.4. if for specifying the existing systems the national requirements are used the objective of which is solely to assess the technical compatibility of a vehicle and a rail network;

49.5. with regard to rail networks and vehicles to which the technical specifications for interoperability are not applicable;

49.6. in order to determine urgent preventive measures following a rail traffic accident.

50. A contracting entity or manufacturer of a structural subsystem or an authorised representative thereof shall certify conformity of the subsystem with the requirements of this Regulation by drawing up an ‘EC’ declaration of verification.

51. In order to draw up an ‘EC’ declaration of verification necessary for placing on the market and placement in service, a contracting entity, a manufacturer, or an authorised representative thereof shall request the conformity assessment authority or authorities designated by it for this purpose to apply the ‘EC’ verification procedure.

52. The notified body which is responsible for the overall ‘EC’ verification of a subsystem shall commence the fulfilment of its obligations from the design stage and continue to do so during the entire time of construction (production) until the subsystem is placed on the market or placed in service. The abovementioned condition in accordance with the relevant technical specification for interoperability shall also cover verification of interfaces of the subsystem in question in the system into which it is incorporated.

53. Verification which is carried out by the notified body in accordance with this Regulation shall constitute a procedure by which the notified body checks and certifies that the subsystem conforms to the relevant technical specifications for interoperability. This procedure shall not affect the obligation of a contracting entity, a manufacturer, or an authorised representative thereof to comply with other applicable laws and regulations and to ensure verification which is carried out by the conformity assessment authorities in accordance with the laws and regulations applied to the subsystem in the fields not directly applied to the rail system.

54. If it is permitted by the relevant technical specifications for interoperability, the notified body may issue certificates of verification for one or several subsystems or individual parts of such subsystems.

55. A subsystem or individual parts thereof shall be checked at each of the following stages:

55.1. the design of the subsystem;

55.2. the establishment of the subsystem (including civil engineering works, manufacturing, interoperability constituent assembly, and overall adjustment);

55.3. the general operational testing of the subsystem.

56. Upon request of a contracting entity, a manufacturer, or an authorised representative thereof, verification may be carried out for parts of the subsystem or applied solely to specific stages of the verification procedure. In such cases verification results may be documented in an intermediate statement of verification which is issued by the notified body selected by the contracting entity, the manufacturer, or the authorised representative thereof. The intermediate statement of verification shall indicate a reference to the technical specifications for interoperability the conformity with which has been assessed.

57. A contracting entity, a manufacturer, or an authorised representative thereof may request an intermediate statement of verification for any of the parts in which he or she decides to divide a subsystem. Each part shall be checked at each stage, as provided for in Paragraph 56 of this Regulation. The contracting entity, the manufacturer, or the authorised representative thereof may request an intermediate statement of verification at the design stage (including type examinations) and at the establishment stage for the entire subsystem or any of the parts in which the contracting entity, the manufacturer, or the authorised representative thereof has decided to divide the subsystem.

58. The notified body may issue an intermediate statement of verification which applies to specific stages of the verification procedure or specific parts of the subsystem. The notified body shall draw up the intermediate statement of verification in accordance with the requirements of Regulation (EU) 2019/250, including templates for documents to be used, and the provisions included in the relevant technical specifications for interoperability.

59. The notified body responsible for checking establishment of a subsystem shall have continuous access to construction sites, production workshops (facilities), warehouses, and also, where necessary, industrial production or testing facilities and territory which is directly related to the fulfilment of obligations of the notified body. A manufacturer, a contracting entity, or an authorised representative thereof shall ensure that the notified body has access to all documentation necessary for the assessment (for example, implementation plans and technical documentation concerning the subsystem).

60. The notified body responsible for checking the establishment of a subsystem shall perform monitoring examinations (audits) on a regular basis in order to ascertain the conformity with the relevant technical specifications for interoperability. A monitoring examination (audit) report shall be presented to a contracting entity, a manufacturer, or an authorised representative thereof who is responsible for the establishment of the subsystem. Where necessary, the notified body shall request the presence of persons appointed by the contracting entity, the manufacturer, or the authorised representative thereof at specific stages of construction work or production.

61. Representatives of the notified body may visit a construction site or production workshops without a notice. During such visits the notified body shall perform a complete or partial monitoring examination (audit). A visit report or monitoring examination (audit) report shall be presented to a contracting entity, a manufacturer, or an authorised representative thereof who is responsible for the establishment of the subsystem.

62. If the appropriate technical specification for interoperability contains such requirement, the notified body shall monitor a subsystem where an interoperability constituent has been installed in order to assess the suitability thereof for use in the intended rail system.

63. If an intermediate statement of verification has been issued, the notified body responsible for the overall verification of a subsystem shall take it into account and, prior to issuing a certificate of verification:

63.1. check whether the intermediate statement of verification covers correctly all the relevant requirements of the technical specifications for interoperability;

63.2. check all aspects not covered by the intermediate statement of verification;

63.3. perform general operational testing of the entire subsystem.

64. The notified body responsible for the overall verification of a subsystem shall assess the design, establishment, and overall operational testing of the subsystem, and also draw up an ‘EC’ certificate of verification which is intended for a contracting entity, a manufacturer, or an authorised representative thereof who in turn draws up an ‘EC’ declaration of verification. The declaration of verification shall indicate a reference to the technical specifications for interoperability the conformity with which has been assessed. The notified body shall draw up the ‘EC’ certificate of verification in accordance with the requirements of Regulation (EU) 2019/250, including templates for the documents to be used, and the relevant requirements of the technical specifications for interoperability. If the certificate of verification is issued for specific parts of the subsystem, the requirements of this Chapter, insofar as they are applicable to the verification of the subsystem, shall also be applied to the verification of parts of subsystems.

65. If conformity of a subsystem with all the relevant technical specifications for interoperability has not been assessed (for example, if there are derogations from specific parameters, if a technical specification for interoperability is applied partly for upgrading or renewal, during transitional period in the technical specification for interoperability, or in a specific case), the certificate of verification shall indicate a precise reference to the technical specifications for interoperability or parts thereof the conformity of which has not been examined by the notified body during the verification procedure.

66. A contracting entity, a manufacturer, or an authorised representative thereof shall draw up an ‘EC’ declaration of verification of a subsystem. The contracting entity, the manufacturer, or the authorised representative thereof shall assume responsibility and certify that the relevant verification procedures are suitable for the relevant subsystem and it conforms with the requirements of the directly applicable legal acts of the European Union, and also the national requirements and the local conditions. The ‘EC’ declaration of verification and accompanying documents shall be dated and signed by the contracting entity, the manufacturer, or the authorised representative thereof.

67. A contracting entity, a manufacturer, or an authorised representative thereof shall draw up an ‘EC’ declaration of verification in accordance with the requirements of Regulation (EU) 2019/250, including templates for the documents to be used, and the relevant requirements of the technical specifications for interoperability.

68. A contracting entity, a manufacturer, or an authorised representative thereof shall be responsible for drawing up the technical documentation and shall append it to an ‘EC’ declaration of verification. The abovementioned technical documentation shall contain all necessary documents which reflect parameters of a subsystem and, where necessary, all documents which certify conformity of interoperability constituents. It shall also include all data on conditions and limits for use, and also instructions concerning servicing, constant or routine monitoring, adjustment and maintenance.

69. Each notified body involved in the verification of a subsystem shall, in respect of the documentation referred to in Paragraph 68 of this Regulation, draw up a document indicating the extent of activities carried out thereby.

70. The technical documentation accompanying an ‘EC’ declaration of verification shall be drawn by a contracting entity, a manufacturer, or an authorised representative thereof and shall include the following information:

70.1. technical characteristics linked to the design, including general and detailed drawings necessary for the execution of works, electrical and hydraulic diagrams, control-circuit diagrams, description of data processing and automatic systems which is sufficiently detailed for documenting the verification of conformity carried out, and also documentation on operation and maintenance, and any other information which refers to the specific subsystem;

70.2. a list of interoperability constituents incorporated into the subsystem to which European specifications are applicable (including European standards) which are necessary to achieve interoperability in the European Union rail system;

70.3. the documentation referred to in Paragraph 68 of this Regulation which has been compiled by each notified body involved in the verification of the subsystem and which includes the following:

70.3.1. copies of the ‘EC’ declarations of verification and, where necessary, copies of the ‘EC’ declarations of suitability for use which have been drawn up in respect of the interoperability constituents referred to in Sub-paragraph 70.2 of this Regulation and accompanied, where applicable, by the corresponding calculation notes, and also copies of the records of the tests and examinations carried out by the notified bodies on the basis of the common technical specifications;

70.3.2. intermediate statements of verification that accompany the certificate of verification (if any), and also the results of verification carried out by the notified body of the validity of the intermediate statements of verification;

70.3.3. a certificate of verification issued by the notified body (accompanied by the corresponding calculation notes) which has been approved by a signature and which states that the subsystem conforms to the requirements of the relevant technical specifications for interoperability (mentioning any reservations recorded during the verification process and not withdrawn yet). The certificate of verification shall also be accompanied by the examination and audit reports drawn up by the relevant notified body in accordance with the requirements laid down in Paragraphs 60 and 61 of this Regulation;

70.3.4. certificates of conformity assessment issued in accordance with the laws and regulations applied to the subsystem in the fields not directly applied to the railway system;

70.3.5. if, in accordance with Sub-paragraphs 101.3 and 119.3 of this Regulation, verification of safe integration is required, the relevant technical documentation shall include an assessor’s report on the application of the common safety method on risk assessment in accordance with the Commission Implementing Regulation (EU) No 402/2013 of 30 April 2013 on the common safety method for risk evaluation and assessment and repealing Regulation (EC) No 352/2009 (hereinafter – Regulation (EU) No 402/2013).

71. Documentation shall be drawn up and correspondence relating to the course of the ‘EC’ verification procedure shall be performed in the official language of the European Union Member State in which the manufacturer, the contracting entity, or the authorised representative thereof has been registered, or in an official language of the European Union accepted by the manufacturer, the contracting entity, or the authorised representative thereof.

72. A contracting entity, a manufacturer, or an authorised representative thereof shall keep a copy of the technical documentation accompanying an ‘EC’ declaration of verification throughout the service life of the subsystem. Upon request, the contracting entity, the manufacturer, or the authorised representative thereof shall send it to the European Union Agency for Railways, the Inspectorate, or the competent authority of another European Union Member State.

73. The notified body shall publish in the European Railway Agency Database of Interoperability and Safety (ERADIS) information on the following:

73.1. the applications received for verification and intermediate verification;

73.2. the applications received for assessment of conformity and suitability for use of interoperability constituents;

73.3. the intermediate statements of verification issued;

73.4. the refusals to issue an intermediate statement of verification;

73.5. the conformity certificates and the ‘EC’ certificates of suitability for use issued;

73.6. the refusals to issue a conformity certificate or an ‘EC’ certificate of suitability for use;

73.7. the certificates of verification issued;

73.8. the refusals to issue a certificate of verification.

74. If the national requirements are applied to a subsystem, the national requirement assessment authority referred to in Paragraph 20 of this Regulation shall, upon request of a contracting entity, a manufacturer, or an authorised representative thereof, check and certify that the subsystem conforms to the national requirements notified to the European Commission and the European Union Agency for Railways.

75. The national requirement assessment authority shall comply with the requirements referred to in Paragraphs 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, and 69 of this Regulation by referring obligations of the authority to the national requirements and the local conditions rather than the technical specifications for interoperability.

76. The national requirement assessment authority shall draw up a certificate of verification which is intended for an applicant. The certificate shall contain a precise reference to the national requirements and the local conditions the conformity with which has been checked by the national requirement assessment authority in the verification process.

77. If the national requirements apply to the vehicle subsystems within the vehicle, the national requirement assessment authority shall divide a certificate into two parts, one part including references to the national requirements strictly related to the technical compatibility between the vehicle and the specific rail network, and the other part – references to other national requirements.

78. The national requirement assessment authority shall draw up documentation which accompanies the certificate of verification with regard to the conformity with the national requirements. Upon applying the national requirements, a manufacturer, a contracting entity, or an authorised representative thereof shall include it in the technical documentation referred to in Paragraph 68 of this Regulation which accompanies an ‘EC’ declaration of verification. This documentation shall provide technical data relevant for the assessment of conformity of the subsystem with the national requirements.

79. In respect of the rolling stock subsystem to which the technical specifications for interoperability are not applicable, a contracting entity, a manufacturer, or an authorised representative thereof shall draw up technical documentation in accordance with the requirements referred to in Annex 3 to this Regulation. The national requirement assessment authority shall carry out conformity assessment of the subsystem by assessing conformity of all the basic parameters included in Annex 4 to this Regulation with the national requirements and the local conditions.

80. The national requirement assessment authority shall carry out conformity assessment of the rolling stock subsystem referred to in Paragraph 79 of this Regulation in accordance with the modules for the conformity assessment procedures to be used in the technical specifications for interoperability. In any case, it shall be permitted to use a module combination – the type examinations together with the unit verification.

81. If an approval certificate issued by the conformity assessment authority of another European Union Member State for a freight wagon or passenger wagon on the track gauge of 1520 mm or a special type of vehicle does not certify the conformity of the vehicle with the national requirements of Latvia, the national requirement assessment authority may certify the conformity of the type of vehicle with the national requirements and the infrastructure to be used in accordance with the procedures referred to in Paragraph 83 of this Regulation.

82. If a freight wagon or passenger wagon on the track gauge of 1520 mm or a special vehicle has been built outside the European Union and a type approval certificate has been issued by the conformity assessment authority of a country which is a contracting party to the Organisation for Cooperation of Railways (OSJD), the national requirement assessment authority may certify the conformity of the vehicle type with the national requirements and the infrastructure to be used in accordance with the procedures referred to in Paragraph 83 of this Regulation.

83. An applicant who wishes to place on the market the vehicle types referred to in Paragraphs 81 and 82 of this Regulation shall ensure that documentation of the relevant vehicle is available to the national requirement assessment authority in order to identify accurately the origin of the vehicle and the conformity thereof with the infrastructure to be used and the national requirements. The national requirement assessment authority shall carry out the assessment on the basis of the documentation available. If the volume of the documentation is not sufficient for the issue of a certificate, the national requirement assessment authority shall, upon agreement with the owner or user of the vehicle, examine the vehicle which corresponds to the freight wagon or passenger wagon on the track gauge of 1520 mm or special type of vehicle by using non-destructive test methods.

84. If a freight wagon or passenger wagon on the track gauge of 1520 mm or a special vehicle has been built in a country which is a contracting party to the Organisation for Cooperation of Railways (OSJD) outside the European Union and conforms to the vehicle type assessed in accordance with Paragraph 82 of this Regulation, the national requirement assessment authority shall certify the conformity of the specific vehicle with the vehicle type by assessing only the conformity of the vehicle with the national requirements which were assessed, upon performing the certification referred to in Paragraph 83 of this Regulation.

85. In the cases referred to in Paragraphs 81, 82, and 84 of this Regulation, the conformity of freight wagons on the track gauge of 1520 mm with the national requirements may, without involvement of the national requirement assessment authority, be certified by a State stock company which manages the 1520 mm-gauge State public-use railway infrastructure on the basis of the information at its disposal and the documentation of the freight wagon.

86. An application for obtaining an operational authorisation for fixed installations, together with the documentation to be submitted, shall be drawn up in the Latvian language. In order to obtain an authorisation for placing a vehicle on the market in Latvia, the Inspectorate or the European Union Agency for Railways may request that parts of the documents submitted together with the application are translated into the Latvian language. The national requirement assessment authority shall draw up documentation in the Latvian language.

87. If a modification other than repair is carried out in a subsystem for which an ‘EC’ declaration of verification has been drawn up, and a manufacturer or contracting entity that carries out such modification demonstrates that the modification does not affect the main characteristics of the construction of the subsystem which are relevant to ensure the conformity of the basic parameters of the subsystem with the requirements, the manufacturer or contracting entity shall renew references to the documents which are included in the technical documentation accompanying the ‘EC’ declaration of verification. A new ‘EC’ declaration of verification need not be drawn up.

88. If a modification other than repair is carried out in the subsystem for which an ‘EC’ declaration of verification has been drawn up, and a manufacturer or contracting entity that carries out such modification indicates that the modification affects the main constructive characteristics of the subsystem which are relevant to ensure the conformity of the basic parameters of the subsystem with the requirements:

88.1. the notified body and the national requirement assessment authority shall only carry out the relevant and necessary checks and assess only those parts of the subsystem which have been modified and their interface with non-modified parts of the subsystem;

88.2. the contracting entity, the manufacturer, or the authorised representative thereof shall draw up a new ‘EC’ declaration of verification.

89. Prior to renewing or upgrading a rolling stock subsystem with the track gauge of 1520 mm which composes a freight or passenger wagon, a performer of renewal or upgrading of the rolling stock subsystem, a contracting entity ordering renewal or upgrading, or an authorised representative thereof shall submit to the Inspectorate the technical assignment documentation for the respective project and obtain from the Inspectorate a decision on the conditions for non-application of the technical specifications for interoperability, and also the conditions for placing on the market of the vehicle and vehicle type in accordance with the requirements of this Regulation.

90. Upon renewing or upgrading several identical subsystems according to the authorisation for placing a vehicle type on the market which has already been issued, the decision referred to in Paragraph 89 of this Regulation shall not be requested repeatedly.

91. For the purpose of maintaining the operational capacity and ensuring the level of safety, a repair shall be performed to the vehicle subsystems within the vehicle, providing for an inspection or replacement, adjustment and examinations of the assemblies and sets of the subsystems (hereinafter – the repair of the vehicle). Upon performing the repair of the vehicle, the basic parameters shall be restored in accordance with the values and requirements which have been indicated in the technical documentation referred to in Paragraph 70 of and Annex 3 to this Regulation, and the maintenance programme following the frequency and carrying out all assigned works.

92. Where a manufacturer has not specified the service life, it shall be considered that the service life of a vehicle is 30 years. In order to extend the service life specified by the manufacturer, the repair of the vehicle shall be performed. For this purpose a business entity shall select the national requirement assessment authority which assesses the technical condition of the vehicle in order to determine whether it is possible to extend the service life thereof. Where the strength of the bearing structure of the vehicle is sufficient and extension of the service life is possible, the business entity shall ensure that a project is developed for the repair of the vehicle with extension of the service life, indicating the preferred service life. The national requirement assessment authority shall assess the conformity of the project and repair performed with the technical documentation referred to in Paragraph 70 of and Annex 3 to this Regulation, taking a decision to extend the service life of the vehicle.

93. If the maintenance programme provides for checks after the repair of the vehicle (for example, in respect of the running gear, powerplants, interfaces with the infrastructure), they shall be ensured by an entity in charge of maintenance of the vehicle in accordance with the procedures laid down in the local conditions.

94. An entity in charge of maintenance of the vehicle shall certify performance of the repair of the vehicle in accordance with the procedures laid down in the local conditions.

95. The Inspectorate shall not require any checks which have already been conducted as part of the procedure for drawing up an ‘EC’ declaration of verification or in other European Union Member States if the conformity with the identical requirements under identical operational conditions has been verified.

96. The Inspectorate shall consider as conforming to the essential requirements those structural subsystems forming the rail system for which ‘EC’ declarations of verification have been drawn up that, depending on a specific subsystem, have been drawn up by applying the technical specifications for interoperability and the national requirements.

97. If the Inspectorate finds that a structural subsystem for which an ‘EC’ declaration of verification has been drawn up and accompanied by technical documentation does not, fully or partly, conform to the requirements of this Regulation, in particular if the subsystem does not conform to the essential requirements, the Inspectorate shall request that additional checks are conducted.

98. The Inspectorate shall immediately inform the European Commission of any additional checks requested, giving its reasons for doing so. The Inspectorate shall indicate whether non-conformity with the requirements of this Regulation is caused by the following:

98.1. failure to comply with or incorrect application of the essential requirements or any technical specification for interoperability. In this case the Inspectorate shall call on the European Commission to pursue remedies against the European Union Member State in which a person who has drawn up an ‘EC’ declaration of verification has been registered, and request that this Member State takes appropriate measures;

98.2. non-conformity of the technical specification for interoperability with the requirements.

99. The interoperability constituents and subsystems conforming to the requirements of the applicable standards or the parts thereof to which references have been published in the form of the European Commission communication in the Official Journal of the European Union shall be considered as conforming to those essential requirements that are covered by such standards.

**VI. Authorisation for Placing Fixed Installations in Service**

100. It shall only be permitted to use a fixed installation after placing thereof in service in accordance with the procedures laid down in this Chapter.

101. In order to place fixed installations in service, a contracting entity, a manufacturer, or an authorised representative thereof shall submit an application to the Inspectorate. The following documents shall accompany the application:

101.1. the ‘EC’ declarations of verification referred to in Chapter V of this Regulation accompanied by the related technical documentation;

101.2. the documents demonstrating technical compatibility of the subsystems with the rail system in which they are integrated on the basis of the relevant technical specifications for interoperability, national requirements, and registers;

101.3. the documents demonstrating safe integration of the subsystems on the basis of the relevant technical specifications for interoperability, national requirements, and common safety methods referred to in the Railway Law;

101.4. regarding the trackside control-command and signalling subsystems in which the European Train Control System (ETCS) or equipment of the global system for mobile communication for railways (GSMR) is used:

101.4.1. a positive decision by the European Union Agency for Railways which has been taken in accordance with Paragraph 102 of this Regulation and Article 22 of Regulation (EU) 2016/796;

101.4.2. documents confirming conformity with the result of the procedure referred to in Paragraph 106 of this Regulation and Article 30(2) of Regulation (EU) 2016/796, if after receipt of a positive decision by the European Union Agency for Railways draft public procurement specifications or a description of the intended technical solutions have been changed;

101.5. if the laws and regulations regarding railway construction standards are also applied to the subsystem or part thereof – the documentation demonstrating conformity with the requirements of these laws and regulations;

101.6. the information on procedures which will ensure the use, servicing, and maintenance of the subsystems in order in accordance with the essential requirements.

102. In order to ensure coherent implementation and interoperability of the European Rail Traffic Management System (ERTMS) in the European Union in respect of trackside control-command and signalling subsystems in which the European Train Control System (ETCS) and (or) equipment of the global system for mobile communication for railways (GSMR) is used, a contracting entity or a representative thereof (any natural or legal person) shall, prior to a call for tenders in a public procurement procedure which is related to the fixed trackside equipment of the European Rail Traffic Management System (ERTMS), submit a request for approval of the European Union Agency for Railways.

103. The request indicated in Paragraph 102 of this Regulation which applies to individual projects or a set of projects, a line, a group of lines, or a rail network shall be accompanied by a document that includes the following:

103.1. draft public procurement specifications or a description of the intended technical solutions;

103.2. documentary evidence of the conditions necessary for technical and operational compatibility of the subsystems with the vehicles which are intended to be used in the relevant rail network;

103.3. documentary evidence of the conformity of the intended technical solutions with the relevant technical specifications for interoperability;

103.4. any other applicable documents, for example, an opinion of the Inspectorate, declarations of verification, or conformity certificates.

104. Submission of the requests indicated in Paragraph 102 of this Regulation to the European Union Agency for Railways for the receipt of approval, submission and circulation of documents, all information requests, and also notification of decisions shall occur through a contact point of the European Union Agency for Railways.

105. The Inspectorate shall provide an opinion on the request indicated in Paragraph 102 of this Regulation:

105.1. prior to submission of a request to the European Union Agency for Railways if so required by a contracting entity or a representative thereof;

105.2. after submission of a request to the European Union Agency for Railways if so required by the European Union Agency for Railways.

106. If draft public procurement specifications or a description of the intended technical solutions is changed after a positive decision by the European Union Agency for Railways, a contracting entity or a representative thereof shall immediately inform the European Union Agency for Railways and the Inspectorate through a contact point of the European Union Agency for Railways by applying the procedures referred to in Article 30(2) of Regulation (EU) 2016/796.

107. Prior to placing a fixed installation in service the Inspectorate shall verify the following:

107.1. the documentation submitted;

107.2. whether safe integration of the subsystem has been assessed in accordance with the requirements of Regulation (EU) No 402/2013;

107.3. the technical compatibility of the fixed installation with the system into which it is being integrated;

107.4. how the provisions of the technical specifications for interoperability and national requirements for the operation and maintenance of the fixed installation are followed.

108. If a fixed installation corresponds to the requirements specified in this Regulation, the Inspectorate shall grant an operational authorisation.

109. Prior to renewal or upgrading of the existing subsystems, a contracting entity, a manufacturer, or an authorised representative thereof shall send project documentation to the Inspectorate. The Inspectorate shall inform the contracting entity, the manufacturer, or the authorised representative thereof that the documentation is complete or require additional information, specifying a reasonable time period for the submission thereof. If the intended renewal or upgrading does not affect general safety level of the relevant subsystem, the Inspectorate shall not grant a new operational authorisation for the fixed installation.

110. Prior to renewal or upgrading of the existing subsystems the Inspectorate (but in respect of the projects of the fixed trackside equipment of the European Rail Traffic Management System (ERTMS) – the Inspectorate in cooperation with the European Union Agency for Railways) shall examine the documentation referred to in Paragraph 109 of this Regulation and take a decision to place a fixed installation in service repeatedly in the following cases:

110.1. the intended works may adversely affect general safety level of the relevant subsystem;

110.2. this is required by the relevant technical specifications for interoperability;

110.3. this is required by the plans for implementation of the technical specifications for interoperability;

110.4. changes have been made in the parametric values on the basis of which the fixed installation has been placed in service.

111. Upon placing a fixed installation in service, the Inspectorate shall perform monitoring of the operation thereof according to its competence by monitoring safety management systems of users of the fixed installation. The Inspectorate shall apply the assessment and verification procedures specified in the laws and regulations in the field of railway safety, and also in the common safety methods referred to in the Railway Law and in the relevant technical specifications for interoperability.

112. If, upon performing monitoring during operation of a fixed installation in accordance with the requirements of the Railway Law, the Inspectorate finds that the fixed installation does not conform to the requirements of this Regulation, including the essential requirements, it shall agree with the holder of the authorisation on a plan for the rectification of non-conformities. If during monitoring the Inspectorate establishes a security risk, it shall apply temporary safety measures, including prohibiting operation of the fixed installation or a part thereof.

113. The Inspectorate shall take a decision to suspend an authorisation for placing fixed installations in service if the holder of the authorisation has failed to rectify the non-conformities referred to in Paragraph 112 of this Regulation within one month after the time period specified in the plan for the rectification of non-conformities and the fixed installation does not conform to the requirements of this Regulation, including the essential requirements.

114. The Inspectorate shall take the decision to revoke an authorisation for placing fixed installations in service if the holder of the authorisation:

114.1. has provided false statements or hidden information related to the safety of rail traffic;

114.2. has performed activities during application of temporary safety measures the performance of which is restricted or prohibited;

114.3. has failed to perform activities for revocation of temporary safety measures within three months from the moment of application thereof.

**VII. Procedures for Applying the Requirements of Regulation (EU) 2018/545 in Latvia**

115. If the area of use of the vehicle covers a network or networks only in Latvia, the Inspectorate as the authorising entity shall issue, suspend, revoke, or amend an authorisation for placing a vehicle or vehicle type on the market in accordance with Regulation (EU) 2018/545 in conformity with the requirements laid down in this Regulation and Regulation (EU) 2018/545.

116. If the area of use of the vehicle covers a network or networks not only in Latvia but also in another European Union Member State, and an authorisation for placing a vehicle or vehicle type on the market is issued by the European Union Agency for Railways, the Inspectorate as the national safety authority for the area of use within the meaning of Regulation (EU) 2018/545 shall perform the functions specified in Regulation (EU) 2018/545 in conformity with the requirements referred to in this Regulation.

117. Prior to submitting an application to the Inspectorate in order to obtain an authorisation for placing a vehicle on the market, an applicant (an owner, a user, a manufacturer of the vehicle, a performer of upgrading, a contracting entity or an authorised representative thereof) shall ensure that relevant declarations of verification have been drawn up for the vehicle mobile subsystems within the vehicle.

118. An applicant shall submit the information referred to in Regulation (EU) 2018/545 in relation to the area of use in Latvia in the Latvian language.

119. An applicant shall annex to an application for the authorisation for placing a vehicle on the market the documentation of the vehicle or vehicle type including the documentary evidence of the following:

119.1. the placing on the market of the vehicle mobile subsystems within the vehicle on the basis of ‘EC’ declarations of verification;

119.2. the technical compatibility of the vehicle subsystems within the vehicle on the basis of the relevant technical specifications for interoperability and national requirements;

119.3. the safe integration of the vehicle subsystems within the vehicle on the basis of the relevant technical specifications for interoperability, national requirements, and common safety methods referred to in the Railway Law, in particular an assessor’s report on the application of the common safety method on risk assessment in accordance with Regulation (EU) No 402/2013;

119.4. the technical compatibility of the vehicle with the network of the area of use thereof (including checks demonstrating it) which has been determined on the basis of the relevant technical specifications for interoperability, national requirements, railway infrastructure register, and Regulation (EU) No 402/2013.

120. The Inspectorate shall evaluate the documentation referred to in Paragraph 119 of this Regulation in order to verify the completeness, conformity, and consistency of documentation in respect of the relevant technical specifications for interoperability, national requirements, and local conditions.

121. As part of the evaluation, the Inspectorate shall require that tests are conducted in the rail network and issue a temporary permission to an applicant to use the vehicle for tests in the railway infrastructure. The applicant may also request such temporary permission to conduct the tests prior to submitting an application for obtaining the authorisation for placing the vehicle on the market.

122. In order to obtain a temporary permission to test the vehicle in the railway infrastructure, an applicant shall submit to the Inspectorate an application indicating the manufacturer of the vehicle or the performer of upgrading, the identification of the vehicle type, and the identification number of the vehicle. The application shall be accompanied by the following:

122.1. the information on technical parameters of the vehicle;

122.2. the information on the rail network or a part thereof where tests of the vehicle are to be conducted;

122.3. the information on participants of the tests of the vehicle;

122.4. the intended programme for tests of the vehicle;

122.5. the information on the time period for conducting the intended tests;

122.6. the certification of the holder of the single safety certificate or safety permit regarding the fact that checks will occur under conditions of the single safety certificate or safety permit;

122.7. the assessor’s report on the application of the common safety method on risk assessment in accordance with Regulation (EU) No 402/2013 for conducting tests of the vehicle in which also the interface management has been assessed.

123. The Inspectorate shall indicate the following in a temporary permission to test the vehicle in the railway infrastructure:

123.1. the applicant;

123.2. the manufacturer of the vehicle or the performer of upgrading;

123.3. the identification of the vehicle type;

123.4. the identification number of the vehicle;

123.5. the holder of the single safety certificate or safety permit who will ensure that tests of the vehicle are conducted;

123.6. the railway infrastructure manager (if checks are planned in the railway infrastructures which are managed by several railway infrastructure managers, all railway infrastructure managers shall be indicated);

123.7. the rail network or a part thereof where tests of the vehicle are to be conducted;

123.8. the notified body if it participates in the conduct of the tests;

123.9. the national requirement assessment authority if it participates in the conduct of the tests;

123.10. the conditions for and restrictions on the conduct of the tests of the vehicle;

123.11. the validity period of the permission.

124. An applicant shall, on the basis of a temporary permission issued by the Inspectorate, in cooperation with a railway infrastructure manager, test the compatibility of the vehicle with the infrastructure in which it is incorporated. The applicant shall submit to the infrastructure manager the technical documentation necessary for organising tests.

125. If one or several technical specifications for interoperability or parts thereof are not applied, the Inspectorate shall only issue an authorisation for placing a vehicle on the market after application of the procedure set out in Chapter IV of this Regulation.

126. The Inspectorate shall indicate information in the authorisation for placing a vehicle on the market in accordance with Chapter 7 of Regulation (EU) 2018/545, including the following:

126.1. the area of use;

126.2. the parametric values set out in the technical specifications for interoperability, national requirements, and local conditions that are necessary for checking the technical compatibility of the vehicle and the area of use;

126.3. the conformity of the vehicle with the relevant technical specifications for interoperability, national requirements, and local conditions in relation to the parameters referred to in Sub-paragraph 127.2 of this Regulation;

126.4. the conditions and other restrictions on the use of the vehicle.

127. If renewal or upgrading affects vehicles for which an authorisation for placing a vehicle on the market has already been issued, a new authorisation shall be required in the following cases:

127.1. changes have been made in the parametric values referred to in Sub-paragraph 126.2 of this Regulation and they are no longer within the acceptable limits laid down in the technical specifications for interoperability, national requirements, and local conditions;

127.2. the intended works may adversely affect general safety level of the relevant vehicle;

127.3. this is required by the relevant technical specifications for interoperability.

128. An applicant shall draw up a declaration of conformity of a vehicle to an authorised vehicle type in accordance with the requirements laid down in Regulation (EU) 2019/250 and applying the following procedures:

128.1. the verification procedures of the relevant technical specifications for interoperability;

128.2. if the technical specifications for interoperability are not applicable, the conformity assessment procedures which have been specified in the B+D, B+F and H1 modules referred to in the technical specifications for interoperability.

129. An authorisation for placing a vehicle type on the market shall be registered in the European register of authorised vehicle types.

130. If a vehicle or series of vehicles conforms to an authorised vehicle type, the Inspectorate shall issue an authorisation for placing a vehicle on the market without any additional checks on the basis of a declaration of conformity of the abovementioned vehicle to an authorised vehicle type submitted by an applicant.

131. If changes are made in the relevant technical specifications for interoperability or national requirements on the basis of which an authorisation for placing a vehicle type on the market has been issued, the technical specifications for interoperability or national requirements shall indicate whether the authorisation for placing the vehicle type on the market which has already been issued is still valid or must be updated through amending it. If the authorisation must be updated, the Inspectorate shall only conduct checks in respect of the requirements changed.

132. Updating of an authorisation for a vehicle type shall not affect the authorisations for placing vehicles on the market which have already been issued on the basis of the authorisations for placing a specific vehicle type on the market that have been granted previously.

**VIII. Procedures by Which the Inspectorate shall Issue an Authorisation for Placing a Wagon on the Track Gauge of 1520 mm on the Market**

133. The Inspectorate may place a wagon type on the track gauge of 1520 mm on the market if:

133.1. technical documentation (Annex 3) has been drawn up in respect of the wagon type on a track gauge of 1520 mm which characterises the structure, technical characteristics, and also operational and maintenance programmes of the relevant wagon on the track gauge of 1520 mm. The technical documentation shall include a description of all the basic parameters indicated in the technical specifications for interoperability or in Annex 4 to this Regulation;

133.2. the wagon on the track gauge of 1520 mm corresponds to the laws and regulations governing the technical operation of railway;

133.3. the wagon on the track gauge of 1520 mm corresponds to the design solution of a specific wagon;

133.4. the wagon on the track gauge of 1520 mm corresponds to the railway infrastructure of its area of use;

133.5. conformity assessment of the wagon on the track gauge of 1520 mm has been carried out, including checks and tests.

134. In order to place a wagon type on the track gauge of 1520 mm on the market, an applicant shall submit an application to the Inspectorate. The application shall be accompanied by the following:

134.1. the declarations of verification issued in accordance with the requirements of Chapter V of this Regulation, together with all annexes;

134.2. the technical documentation referred to in Annex 3 to this Regulation;

134.3. the certifications of the technical and operational characteristics showing the conformity with the railway infrastructure;

134.4. the documents demonstrating that the operation of the wagon type on the track gauge of 1520 mm has been authorised in the third countries concerned;

134.5. if operation of a wagon type on the track gauge of 1520 mm has already been authorised in another European Union Member State, the records showing the operating history, maintenance, and technical modifications undertaken after placing on the market in another European Union Member State;

134.6. the certifications of the technical and operational characteristics, indicating the parameters characterising the type referred to in Annex VIII to Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 amending Commission Regulations (EU) No 321/2013, (EU) No 1299/2014, (EU) No 1301/2014, (EU) No 1302/2014, (EU) No 1303/2014 and (EU) 2016/919 and Commission Implementing Decision 2011/665/EU as regards the alignment with Directive (EU) 2016/797 of the European Parliament and of the Council and the implementation of specific objectives set out in Commission Delegated Decision (EU) 2017/1474 (hereinafter – Regulation (EU) 2019/776).

135. The Inspectorate shall evaluate the documentation referred to in Paragraph 134 of this Regulation in order to verify the completeness, conformity, and consistency of the documentation in respect of the relevant technical specifications for interoperability, national requirements, and local conditions.

136. The Inspectorate shall take a decision to issue an authorisation for placing on the market a wagon type on the track gauge of 1520 mm in accordance with the following procedures:

136.1. where technical specifications for interoperability have been applied to some of the technical parameters of the wagon on the track gauge of 1520 mm, the conformity with the requirements of the technical specifications for interoperability shall be verified;

136.2. in respect of other technical parameters and the wagon type on the track gauge of 1520 mm in general the following shall be verified:

136.2.1. the conformity with the national requirements and local conditions;

136.2.2. the technical compatibility between the wagon on the track gauge of 1520 mm and the relevant infrastructure;

136.2.3. the procedures for the operation and maintenance of the wagon on the track gauge of 1520 mm.

137. As part of the evaluation, the Inspectorate shall require that tests are conducted in the rail network and issue a temporary permission to an applicant to use the vehicle for tests in the railway infrastructure. The applicant may also request such temporary permission to conduct the tests prior to submitting an application in order to obtain the authorisation for placing the vehicle on the market.

138. In order to obtain a temporary permission to test the vehicle in the railway infrastructure, an applicant shall submit to the Inspectorate an application indicating the manufacturer of the vehicle or the performer of upgrading, the identification of the vehicle type, and the identification number of the vehicle. The application shall be accompanied by the following:

138.1. the information on technical parameters of the vehicle;

138.2. the information on the rail network or a part thereof where tests of the vehicle are to be conducted;

138.3. the information on participants of the tests of the vehicle;

138.4. the intended programme for tests of the vehicle;

138.5. the information on the time period for conducting the intended tests;

138.6. the certification of a holder of the single safety certificate or safety permit regarding the fact that checks will occur under conditions of the single safety certificate or safety permit;

138.7. the assessor’s report on the application of the common safety method on risk assessment in accordance with Regulation (EU) No 402/2013 for conducting tests of the vehicle in which also the interface management has been assessed.

139. A temporary permission issued by the Inspectorate to test the vehicle in the railway infrastructure shall indicate the following:

139.1. the applicant;

139.2. the manufacturer of the vehicle or the performer of upgrading;

139.3. the identification of the vehicle type;

139.4. the identification number of the vehicle;

139.5. the holder of the single safety certificate or safety permit who will ensure that tests of the vehicle are conducted;

139.6. the railway infrastructure manager (if checks are planned in the railway infrastructures which are managed by several railway infrastructure managers, all railway infrastructure managers shall be indicated);

139.7. the rail network or a part thereof where tests of the vehicle are to be conducted;

139.8. the notified body if it participates in the conduct of the tests;

139.9. the national requirement assessment authority if it participates in the conduct of the tests;

139.10. the conditions for and restrictions on the conduct of the tests of the vehicle;

139.11. the validity period of the permission.

140. In order to verify the criteria referred to in Paragraph 136 of this Regulation, the Inspectorate may request additional information on risk assessment in accordance with Regulation (EU) No 402/2013.

141. If amendments to the directly applicable legal acts of the European Union or national requirements change the conditions for the issue of authorisations for placing on the market a wagon type on the track gauge of 1520 mm, the holder of the authorisation shall, upon request of the Inspectorate, submit an application for renewal of the authorisation accompanied by documents which demonstrate compliance with the impact of the changes. The Inspectorate shall only assess impact of such changes on the authorisation for placing on the market of the wagon type on the track gauge of 1520 mm.

142. The Inspectorate shall draw up a decision to place on the market a wagon type on the track gauge of 1520 mm as an authorisation indicating the following:

142.2. the holder of the authorisation;

142.2. the manufacturer or the performer of upgrading;

142.3. the identification of the wagon type;

142.4. the tank code if a tank wagon is intended for the carriage of dangerous goods;

142.5. the letter code (for a freight wagon);

142.6. the conditions for and restrictions on the operation of the wagon type;

142.7. the basic parameters characterising the wagon type indicated in Annex VIII to Regulation (EU) 2019/776;

142.8. any other parameters characterising the wagon type which have not been indicated in Annex VIII to Regulation (EU) 2019/776 but are relevant to this type.

143. If, upon performing monitoring during operation of a vehicle in accordance with the requirements of the Railway Law, the Inspectorate finds that the vehicle or vehicle type does not conform to any of the applicable essential requirements, the Inspectorate shall apply temporary safety measures, including restricting or prohibiting the use of the vehicle or vehicle type.

144. An authorisation for placing on the market a wagon type on the track gauge of 1520 mm shall be suspended, revoked, or amended in accordance with the procedures laid down in Chapter 8 of Regulation (EU) 2018/545. If the authorisation for placing on the market of the wagon type on the track gauge of 1520 mm is suspended, revoked, or amended, an authorisation for placing on the market a vehicle corresponding to this type shall be concurrently suspended, revoked, or amended.

145. A vehicle corresponding to the wagon type on the track gauge of 1520 mm may be placed on the market if:

145.1. the wagon type on the track gauge of 1520 mm has been placed on the market;

145.2. the required declarations of conformity and conformity assessment certificates have been issued for the vehicle;

145.3. the required tests in the railway infrastructure have been conducted;

145.4. the vehicle is in operational capacity.

146. In order to obtain an authorisation for placing on the market a vehicle corresponding to the wagon type on the track gauge of 1520 mm, an applicant shall:

146.1. submit to the Inspectorate an application and the following documents:

146.1.1. the declaration of the conformity of the vehicle with the authorised vehicle type together with all annexes regarding the specific vehicle;

146.1.2. the results of the tests conducted in the railway infrastructure;

146.1.3. the certification of the fact that an entity in charge of maintenance has been specified for the vehicle;

146.2. present the vehicle to the Inspectorate at the time and place agreed in advance.

147. The Inspectorate shall invite a representative of an applicant and a public-use railway infrastructure manager to the examination of the vehicle presented in accordance with Sub-paragraph 146.2 of this Regulation. If it is not intended to use the vehicle in the public-use railway infrastructure, a representative of a private-use railway infrastructure manager in the infrastructure of which it is intended to use the vehicle shall be invited to the examination of the vehicle.

148. The Inspectorate shall draw up a decision to place on the market a vehicle corresponding to the wagon type on the track gauge of 1520 mm as an authorisation indicating the following:

148.1. the holder of the authorisation;

148.2. the manufacturer or the performer of upgrading;

148.3. the identification of the wagon type;

148.4. the number of the wagon;

148.5. the tank code if a tank wagon is intended for the carriage of dangerous goods;

148.6. the letter code (for a freight wagon);

148.7. the conditions for and restrictions on the operation of the wagon.

149. The Inspectorate shall inform the European Union Agency for Railways of the placing on the market of a wagon type on the track gauge of 1520 mm.

**IX. Closing Provisions**

150. The following Regulations are hereby repealed:

150.1. Cabinet Regulation No. 1211 of 28 December 2010, Regulations on the Construction, Upgrading, Renewal, Conformity Assessment and Authorisation for Placing in Service of the Rolling Stock (*Latvijas Vēstnesis*, 2011, Nos. 3, 168; 2012, No. 93; 2013, No. 109; 2015, Nos. 66, 237; 2018, No. 245);

150.2. Cabinet Regulation No. 1210 of 28 December 2010, Regulations Regarding the Interoperability of Trans-European Rail System (*Latvijas Vēstnesis*, 2011, Nos. 2, 168; 2013, No. 214; 2014, No. 256; 2016, No. 14).

151. The decisions taken in accordance with the Cabinet Regulation No. 1210 of 28 December 2010, Regulations Regarding the Interoperability of Trans-European Rail System, shall be valid in accordance with the conditions included therein.

152. The decisions taken in accordance with the Cabinet Regulation No. 1211 of 28 December 2010, Regulations on the Construction, Upgrading, Renewal, Conformity Assessment and Authorisation for Placing in Service of the Rolling Stock, shall be valid in accordance with the conditions included therein.

153. Decisions to place a set of the railway rolling stock in operation and to place a type of the railway rolling stock in operation which have been taken in accordance with the Cabinet Regulation No. 1211 of 28 December 2010, Regulations on the Construction, Upgrading, Renewal, Conformity Assessment and Authorisation for Placing in Service of the Rolling Stock, shall be considered respectively as authorisations for placing vehicles or vehicle types on the market.

154. The Regulation shall come into force on 16 June 2020.

**Informative Reference to the European Union Directives**

The Regulation contains legal norms arising from:

1) 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;

2) Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety.

Prime Minister A. K. Kariņš

Minister for Transport T. Linkaits

**Annex 1**

Cabinet Regulation No. 374

9 June 2020

**Essential Requirements**

**1. General requirements for safety and operational capacity**

1. Design, manufacture and assembly, maintenance and supervision of the elements affecting safety (in particular the elements affecting train movements) shall guarantee safety to the extent corresponding to the objective of the rail network, including the operation in degraded situations.

2. Wheel-rail contact parameters shall comply with the stability requirements required in order to guarantee safe movement at the maximum authorised speed. In moving at the maximum authorised speed, the parameters of brake equipment shall provide a possibility to stop within a specific brake distance.

3. The elements used shall withstand any normal or exceptional operational load throughout the entire service life. The safety repercussions of any accidental failures are limited appropriately.

4. The design of fixed installations and rolling stock has been created and the materials used have been selected so that the generation, propagation, and effects of fire and smoke are limited in the event of fire.

5. Any devices intended for users shall be so designed as not to impair the safe operation of such devices or the health and safety of users if they are used in a foreseeable manner safeguarding against erroneous use.

6. Supervision and maintenance of the fixed and movable elements affecting train movements shall be organised, carried out, and evaluated in such a manner as to ensure operation thereof under the intended conditions.

**2. General requirements for health protection**

7. It is prohibited to use in trains and railway infrastructure the materials which, when used for the intended purpose, constitute a health hazard to the persons having access to them.

8. Materials shall be selected, deployed, and used in such a way as to restrict the emission of harmful or dangerous fumes or gases, particularly in the event of fire.

**3. General requirements for environmental protection**

9. The environmental impact of establishment and operation of the rail system shall be assessed and taken into account at the design stage of the rail system.

10. Materials not causing fumes or gases which are harmful or dangerous to the environment, particularly in the event of fire, shall be used in trains and infrastructure.

11. The rolling stock and energy supply systems shall be designed and manufactured in such a way as to be electromagnetically compatible with the installations, equipment, and public or private communication systems with which they might interfere.

12. The rail system shall be established and used so as not to cause inadmissible level of noise in the vicinity of railway infrastructure and in the driver’s cab of the train.

13. Operation of the rail system shall not give rise to an inadmissible level of ground vibrations for the areas close to the tracks which interfere with the performance of other activities in a normal state of maintenance.

**4. General requirements for technical compatibility**

14. Technical parameters of the railway infrastructure and fixed installations shall be mutually compatible as well as compatible with the parameters of the trains to be used in the rail system. This requirement shall also include safe integration of the rolling stock subsystem and compatibility thereof with the railway infrastructure.

15. If conformity with these characteristics proves difficult on certain sections of the network, temporary solutions which ensure compatibility in the future may be implemented.

**5. General requirements for accessibility**

16. The infrastructure subsystems and the rolling stock subsystems shall be accessible to persons with reduced mobility in order to ensure access on an equal basis with others by way of the prevention or removal of barriers, and by way of other appropriate measures which include the design, construction, renewal, upgrading, maintenance, and operation of the relevant parts of the subsystems to which the public has access.

17. Traffic operation and management subsystems and subsystems for telematics applications for the carriage of passengers shall provide the necessary solutions to ensure that persons with reduced mobility have access on an equal basis of others by way of the prevention or removal of barriers, and by way of other appropriate measures.

**6. Specific requirements for the infrastructure subsystem**

18. Safety requirements:

18.1. appropriate measures shall be taken to prevent access to or undesirable intrusions into installations;

18.2. measures shall be taken to limit the dangers to which persons are exposed, in particular when trains pass through stations;

18.3. infrastructure objects which are accessible to the public shall be designed and made in such a way as to limit any human safety hazards (for example, stability, fire, access, evacuation, platforms, etc.);

18.4. appropriate safety conditions shall be applied to the movement in very long tunnels and viaducts.

19. The infrastructure subsystems, insofar as they are accessible to the public, shall also be accessible to the persons with reduced mobility in compliance with the requirements of Paragraphs 16 and 17 of this Annex.

**7. Specific requirements for the energy supply subsystem**

20. Operation of the energy supply systems shall not impair the safety either of trains or persons (passengers, operating staff, trackside dwellers, and third parties).

21. The functioning of the electrical or thermal energy supply system shall not cause environmental damage beyond the specified limits.

22. The electricity and thermal energy supply systems used shall ensure that trains achieve the specified performance levels. Electricity energy supply systems shall be compatible with the collection devices fitted to the trains.

**8. Specific requirements for the control-command and signalling subsystem**

23. The control-command and signalling installations and procedures used shall ensure that trains travel with a safety level which corresponds to the objective set for the establishment of the network. The control-command and signalling subsystem shall continue to ensure safe passage of trains permitted to run under degraded conditions.

24. All new railway infrastructure objects and new rolling stock manufactured or developed after adoption of a control-command and signalling subsystem shall be tailored to use of those subsystems.

25. The control-command and signalling equipment installed in a train drivers’ cab shall ensure normal operation under the specified conditions throughout the rail system.

**9. Specific requirements for the rolling stock subsystem**

26. The design of rolling stock and vehicle coupling shall be created in such a way as to protect the areas intended for passengers and driving a train in case of a collision of vehicles or vehicle derailment.

27. The electrical equipment shall not impair the safety and functioning of the control-command and signalling installations.

28. The braking methods and impact cause by braking shall be compatible with the design of tracks, engineering structures, and signalling systems.

29. Measures shall be provided restricting access to elements with electrical voltage so as not to endanger human life.

30. Devices shall be installed enabling passengers to inform a train driver and on-board staff to communicate with the passengers in case of an emergency.

31. The safety of passengers embarking or disembarking from a train shall be ensured. The access doors shall be equipped with release and closure controls that guarantees passenger safety.

32. The existence of emergency exits shall be ensured and relevant signs shall be placed.

33. Appropriate safety conditions shall be applied to the movement in very long tunnels.

34. Trains shall be equipped with emergency lighting of sufficient intensity and duration.

35. Trains shall be equipped with a speaker system which provides means of communication to the passengers from on-board staff.

36. Passengers shall be provided with easily understandable and complete information on rules applicable to the passengers both in railway stations and on trains.

37. The design of the vital equipment, the running, traction and braking equipment, and also of the control-command system shall enable continuous train movement in a specific degraded situation, without adverse effect for the equipment remaining in service.

38. The electrical equipment shall be compatible with the operation of the control-command and signalling installations.

39. If electric traction is used, parameters of the current-collection devices shall ensure the movement of trains through the energy-supply subsystem for the rail system.

40. Parameters of the rolling stock shall be such as to allow it to travel on any line on which it is expected to operate it, taking into account the relevant climatic conditions.

41. Trains shall be equipped with a device recording motion parameters, and harmonisation of the data collected and the processing of information shall be ensured.

42. The rolling stock subsystems, insofar as they are accessible to the public, shall also be accessible to the persons with reduced mobility in compliance with the requirements of Paragraphs 16 and 17 of this Annex.

**10. Specific requirements for the maintenance subsystem**

43. The technical installations and procedures used by the maintenance centres shall guarantee safe operation of the subsystems and not endanger human health and safety.

44. The technical installations and procedures used in the maintenance centres may not cause environmental damage beyond the permissible levels.

45. The maintenance installations for rolling stock shall ensure safety, health and comfort operations of maintenance to be carried out on any stock for which they have been designed.

**11. Specific requirements for the traffic operation and management subsystem**

46. Alignment of the rail network operating rules and the qualifications of train drivers, on-board staff, and staff in the train management control centres shall guarantee safe operation of the rail system, taking into account the different requirements of cross-border and domestic services.

47. The maintenance operations and intervals thereof, the training and qualifications of the maintenance and command-control centre staff, and also the quality assurance system introduced in the command-control and maintenance centres shall ensure a high level of safety.

48. The maintenance operations and intervals thereof, the training and qualifications of the maintenance and command-control centre staff, and also the quality assurance system introduced in the command-control and maintenance centres shall ensure a high level of system reliability and availability.

49. Alignment of the rail network operating rules and the qualifications of vehicle drivers, on-board staff, and traffic managers shall ensure operating efficiency of the rail system, taking into account the different requirements of cross-border and domestic services.

50. Appropriate measures shall be taken so that operating rules provide for the necessary functionality which ensures accessibility for persons with reduced mobility.

**12. Specific requirements for the subsystem for telematics applications for the carriage of passengers and freights**

51. The telematics applications shall guarantee quality service for passengers and carriers of goods, particularly in terms of technical compatibility.

52. The databases, software and data communication protocols shall be developed in a manner allowing maximum data (except for confidential commercial data) interchange between different applications and operators, and easy access to the information for users.

53. The methods of use, management, updating and maintenance of the databases, software and data communication protocols shall guarantee efficiency of the telematics system and the quality of the services.

54. The interfaces between the telematics systems and users shall comply with the minimum requirements for ergonomics and health protection.

55. In storing and transmitting information related to safety, appropriate requirements shall be followed with regard to completeness and reliability.

56. Appropriate measures shall be taken so that the subsystems for telematics applications for the carriage of passengers provide for the necessary functionality which ensures accessibility for persons with reduced mobility.

Minister for Transport T. Linkaits

**Annex 2**

Cabinet Regulation No. 374

9 June 2020

**Elements of the Subsystems**

1. Infrastructure – the tracks, points, level crossings, engineering structures (bridges, tunnels etc.), station elements associated with the railway (including entry points, platforms, access areas, service areas, toilets and information systems, and also aspects of accessibility thereof in respect of people with disabilities and persons with reduced mobility), safety and protective equipment.

2. Energy supply – the electrification system, including overhead lines and trackside of the electricity consumption measuring and supply system.

3. Trackside control-command and signalling – all the trackside equipment required to ensure safety of train traffic and to control movements of trains authorised to travel on the relevant network.

4. On-board control-command and signalling – all the on-board equipment required to ensure safety of train traffic and to control movements of trains authorised to travel on the relevant network.

5. Traffic operation and management:

5.1. the procedures and related equipment enabling a coherent operation of different structural subsystems, both during normal and degraded operation, including in particular railway shunting work and train driving, traffic planning and management;

5.2. the professional qualification which may be required for any railway operations.

6. Telematics applications:

6.1. the applications for the carriage of passengers which include systems providing passengers with information before and during the journey, reservation and payment systems, luggage management and management of connections between trains and with other modes of transport;

6.2. the applications for the freight traffic which include information systems (real-time monitoring of freight and trains), marshalling and allocation systems, reservation, payment and invoicing systems, management of connections with other modes of transport and production of electronic accompanying documents.

7. Rolling stock – a structure of the body, a command-control system for all train equipment, power supply units, traction and energy conversion units, on-board equipment for the measuring of electricity consumption and charging, braking and coupling mechanism, running gear (for example, bogies and axles), suspension, doors, man and machine interfaces (drivers, on-board staff and passengers, including accessibility for people with disabilities and persons with reduced mobility), passive or active safety devices and requisites for the health of passengers and on-board staff.

8. Maintenance – the procedures, associated equipment, logistics centres for maintenance work and reserves allowing the mandatory corrective and preventive maintenance to ensure the interoperability of the European Union rail system and the performance required.

Minister for Transport T. Linkaits

**Annex 3**

Cabinet Regulation No. 374

9 June 2020

**Technical Documentation**

1. The basic document under the technical documentation shall be an operating manual for the rolling stock that sets out operating, repair and maintenance conditions of the rolling stock.

2. Operating manual for the rolling stock shall include the following information:

2.1. a technical description of the rolling stock:

2.1.1. an operating mode and general characteristics of the rolling stock;

2.1.2. a description of the basic parameters indicated in the technical specifications for interoperability or in Annex 4 to this Regulation;

2.2. a description of the operating requirements for the rolling stock:

2.2.1. safety requirements;

2.2.2. procedures for the operation of rolling stock;

2.2.3. information on typical damages to the rolling stock and methods for their rectification;

2.3. maintenance programmes for the rolling stock:

2.3.1. frequency of repair and maintenance works;

2.3.2. works to be performed for the repair and maintenance and scope thereof;

2.3.3. limit values of characteristics.

3. The technical documentation shall include the following:

3.1. a description of all the basic parameters indicated in the technical specifications for interoperability if a vehicle conforms to the technical specifications for interoperability or the parts thereof;

3.2. a description of the basic parameters indicated in Annex 4 to Cabinet Regulation No. 374 of 9 June 2020, Regulations Regarding Railway Interoperability, if a vehicle does not conform to all the relevant technical specifications for interoperability, including if a vehicle is covered by exceptions and technical specifications for interoperability shall not be applicable thereto.

Minister for Transport T. Linkaits

**Annex 4**

Cabinet Regulation No. 374

9 June 2020

**Controllable Basic Parameters**

1. General documentation.

General documentation (an operating manual for the rolling stock that sets out the following information – a technical description of the rolling stock; application and general characteristics of the rolling stock; basic parameters of the rolling stock indicated in Annex VIII to Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 amending Commission Regulations (EU) No 321/2013, (EU) No 1299/2014, (EU) No 1301/2014, (EU) No 1302/2014, (EU) No 1303/2014 and (EU) 2016/919 and Commission Implementing Decision 2011/665/EU as regards the alignment with Directive (EU) 2016/797 of the European Parliament and of the Council and the implementation of specific objectives set out in Commission Delegated Decision (EU) 2017/1474, including pneumatic, hydraulic and electrical diagrams, the characterisation of devices and description of their operation and arrangement; a description of the operating requirements for the rolling stock, including safety requirements, procedures for the operation of rolling stock, information on typical damages to the rolling stock and methods for their rectification, procedures for transferring a damaged rolling stock; a maintenance programme for the rolling stock, including frequency of repair and maintenance works, works to be performed for the repair and maintenance and scope thereof, limit values of characteristics).

2. Structure and mechanical parts.

Mechanical integrity and interfaces of the rolling stock (including equipment and coupling devices thereof, crossing bridges), strength of the structure and equipment (for example, seats) of the rolling stock, permissible load, passive safety (including internal and external safety in case of an accident).

3. Track interaction and gauging.

Mechanical interfaces with infrastructure (including statistical and dynamical features, clearances and loading gauge, track gauge, motion part).

4. Brake equipment.

Operation of brake equipment (including wheel slide protection, brake equipment and braking in the service braking mode, sudden braking mode and in braking mode while standing).

5. Equipment intended for passengers.

Equipment intended for passengers and passenger comfort (for example, windows and doors intended for passengers, needs for persons with disabilities, and persons with reduced mobility).

6. Environmental conditions and aerodynamic effects.

Environmental impact on the rolling stock and impact of the rolling stock on the environment (including aerodynamic conditions, interface of the rolling stock with the trackside part of the rail system, and interface with the environment).

7. Requirements for external warning devices, markings, functions and integrity of software.

External warning devices, markings, functions and integrity of software (for example, safety-related functions with an impact on train and wagon movement).

8. Onboard power and control devices.

Onboard traction, electrical and control systems, the interface of the rolling stock with the energy supply subsystem and all aspects associated with electromagnetic compatibility.

9. Equipment intended for the staff, interfaces and environment.

Onboard devices intended for the staff, interfaces, working conditions and environment (including driver’s cabin, interface of the driver and machinery).

10. Fire safety and evacuation.

11. Servicing.

Onboard facilities and interfaces for servicing.

12. Onboard control, command and signalling facilities.

All the onboard equipment affecting traffic safety, and also equipment for control-command of the trains authorised to use a specific railway network, and their effects on the trackside control-command and signalling subsystem.

13. Specific operational requirements.

Specific operational requirements for the rolling stock (for example, operation in degraded mode, renewal of working capacity of the rolling stock).

14. Freight traffic facilities.

Specific requirements for freight traffic and environmental protection (including specific equipment for the carriage of dangerous goods).

Minister for Transport T. Linkaits