

Draft

Order on the technical compatibility of vehicles with the railway network [1\)](#)

The following is laid down by virtue of Sections 40(8), 56, 60(6), and 64(4) of the Railways Act, cf. Consolidation Act No 1091 of 11 August 2023, and by authorisation under Section 4(1) of Order No 1625 of 12 December 2023 on the tasks, powers, right of appeal, and the notifications of certain regulations from the Danish Transport Authority:

Scope

Section 1. This Order lays down provisions on technical compatibility requirements for:

- 1) Vehicles that are to be authorised to be driven on the part of the Danish railway network that is covered by 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 (henceforth referred to as the Interoperability Directive).
- 2) Non-electric vehicles intended for use on both on the railway network referred to in point 1 and on the S-rail network.

Paragraph 2. The Order closes relevant open points in the TSIs concerned.

Paragraph 3. The Order shall be applied when a designated body is to issue a compatibility certificate for a vehicle or vehicle series on the basis of a type-examination certificate, cf. Section 3(3).

Definitions

Section 2. The following definitions apply for the purposes of this Order:

- 1) Notified bodies: The bodies that have been authorised to assess conformity or suitability for use of interoperability constituents and to perform the EC verification procedure of the subsystems.
- 2) Compatibility certificate: The certificate of verification issued by the designated body as documentation that a vehicle is compatible with the network on which it is to be used. The certificate of verification shall cover all structural subsystems of a vehicle.
- 3) Vehicle: A rail vehicle with or without traction and which runs on its own wheels on a railway section. A vehicle consists of one or more structurally and functionally defined subsystems or parts of such subsystems.

- 4) Notified national technical regulations: The national technical regulations which Denmark – pursuant to the Interoperability Directive – has notified to the European Commission.
- 5) Technical compatibility: A vehicle's technical compatibility with the infrastructure at the network level. Route-specific conditions are not included in the verification of technical compatibility.
- 6) TSI: Technical Specification for Interoperability adopted pursuant to the Interoperability Directive and applicable to each subsystem or part of a subsystem with a view to meeting the essential requirements and ensuring interoperability of the trans-European rail system.
- 7) LOC & PAS TSI 2011/291/EU: Commission Decision of 26 April 2011 concerning a technical specification for interoperability relating to the rolling stock subsystem — 'Locomotives and carriages' of the trans-European conventional rail system (Official Journal 2011 L, No 139, pp. 1-151).
- 8) LOC & PAS TSI 1302/2014/EU: Commission Regulation (EU) No 1302/2014 of 18 November 2014 concerning a technical specification for interoperability relating to the 'rolling stock — locomotives and passenger rolling stock' subsystem of the rail system in the European Union.
- 9) WAG TSI 2006/861/EC: Commission Decision of 28 July 2006 concerning the technical specification of interoperability relating to the subsystem rolling stock — freight wagons of the trans-European conventional rail system (2006/861/EC).
- 10) Open points: Points where the subject matter is necessary for interoperability, but where requirements have not yet been set out in the TSI.
- 11) Designated bodies (DeBo): The bodies that have been designated — pursuant to the Order on requirements for designated bodies in the rail sector — to assess vehicle conformity with notified national technical regulations.

Verification procedure and technical requirements

Section 3. In order for a designated body to issue a compatibility certificate, it must verify that the vehicle or vehicle series in question meets the requirements in Annexes 1-5. The designated body shall apply the annexes or tables in annexes to which a vehicle's certificate of verification from a notified body belongs.

Annexes 1-5 apply:

- 1) When a notified body has verified a vehicle in accordance with LOC & PAS TSI 2011/291/EU, the designated body shall verify all of the requirements in Table A of Annex 1.
- 2) When a notified body has verified a vehicle in accordance with LOC & PAS TSI 1302/2014/EU or LOC & PAS TSI 1302/2014/EU with one or more of the following amendments 2018/868/EU, 2019/776/EU, 2020/387/EU, and/or 2023/1694/EU, or a subsequent amendment or version of the TSI, the designated body shall verify all of the requirements in Table B of Annex 1.

- 3) When a notified body has verified a vehicle in accordance with WAG TSI 2006/861/EC or a subsequent amendment or version, the designated body shall apply Annex 2.
- 4) If the vehicle also contains the CCS (mobile control-command and signalling) subsystem, the designated body shall also verify all of the requirements in Annex 3.
- 5) If an on-track machine is designed in accordance with EN 14033-1:2011 on technical requirements for operation, the designated body shall verify all of the requirements in Annex 4.
- 6) If a vehicle does not fall under Nos 1-5, the designated body shall verify all of the requirements in Annex 5.

Paragraph 2. In addition to verifying the relevant requirements in Annexes 1-5, the designated body shall check the values for vehicle characteristics in Annexes 6-8.

Paragraph 3. A type-examination certificate in accordance with Module SB or design examination certificate in accordance with Module SH1 shall be issued as documentation of compliance with the requirements in Annexes 1-5 at the type level. The compatibility certificate shall then be prepared on the basis of the type-examination certificate, cf. Module SD or SF, or on the basis of the design examination certificate, cf. Module SH1. The modules are described in Commission Decision 2010/713/EU of 9 November 2010 on modules for the procedures for assessment of conformity, suitability for use and EC verification to be used in the technical specifications for interoperability adopted under the Interoperability Directive.

Section 4. Verification of Danish STMs (Specific Transmission Modules) shall be carried out by a designated body that is designated specifically for STM verification. STM verification shall be carried out in accordance with the verification instructions for DK-STM BL3, BDK doc. ID IN 655.00 Q4236.

Derogation

Section 5. The Danish Transport Authority may, in special cases, derogate from the provisions of this Order, when deemed otherwise compatible with the considerations underlying the provisions concerned, including applicable EU legislation.

Entry into force

6. This Order shall enter into force on 1 July 2024.

Paragraph 2. Order No 1465 of 5 December 2016 on the technical compatibility of vehicles with the railway network is repealed.

Paragraph 3. Compatibility certificates issued prior to the entry into force date of the Order will remain valid in accordance with their content.

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¹⁾ This Order has been notified as a draft in accordance with Directive 2015/1535/EU of the European Parliament and Council (the Information Procedure Directive).