



2023/2697

6.12.2023

**COMMISSION IMPLEMENTING DECISION (EU) 2023/2697**

**of 1 December 2023**

**accepting the requests submitted by the Italian Republic and the French Republic pursuant to Article 7(4) of Directive (EU) 2016/797 of the European Parliament and of the Council not to apply point 4.2.10.2.1. of the Annex to Commission Regulation (EU) No 1302/2014 to four vehicles V300 Zefiro I-F**

*(notified under document C(2023) 8145)*

**(Only the French and Italian texts are authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to 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 <sup>(1)</sup>, and in particular Article 7(4) thereof,

Whereas:

- (1) On 17 April 2023, Italy submitted to the Commission a request for non-application of point 4.2.10.2.1 'Measures to prevent fire – Material requirements' of the Annex to Commission Regulation (EU) No 1302/2014 <sup>(2)</sup> to the upgrade of four vehicles V300 Zefiro produced by Bombardier, identified with the numbers ETR 1000 -23; -28; -31 and -47, respectively.
- (2) On 11 May 2023, France submitted to the Commission an identical request for the same four vehicles.
- (3) The information provided by the applicants allowed the Commission to carry out the analysis of the requests for non-application.
- (4) The requests concern V300 Zefiro vehicles that were initially purchased in 2010 by Trenitalia S.p.A. (by contract No 14625 of 30 September 2010) as part of a fleet of 50 vehicles for operation on the Italian rail system network. On 22 October 2021, Trenitalia S.p.A. (by contract No 4669) requested the upgrade of three vehicles of the original fleet, for the purposes of operating them on a cross-border service between France and Italy. On 7 November 2021, Trenitalia S.p.A. by letter of intent TRNIT-DACQ.ACQR \P \2022 \0040367, requested the upgrade of one additional vehicle for the same purposes. The upgraded vehicle type is referred to as V300 Zefiro I-F. For the purposes of extending their operation on the French national network, the V300 Zefiro I-F vehicles are equipped with an additional automatic train protection system ('ATP': the bi-standard ERTMS/TVM <sup>(3)</sup> sub-system in 'reduced national' configuration interfaced with the KVB <sup>(4)</sup> train protection sub-system, together with ATESS 3G <sup>(5)</sup> sub-system interfaced with the KVB. The ATP is the only system allowed for operating on lines of the French high-speed network that are not equipped with ERTMS.

<sup>(1)</sup> OJ L 138, 26.5.2016, p. 44.

<sup>(2)</sup> 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 (OJ L 356, 12.12.2014, p. 228).

<sup>(3)</sup> ERTMS: European Rail Traffic Management System; TVM: Transmission voie-machine (track-to-train transmission).

<sup>(4)</sup> KVB: Contrôle de Vitesse par Balises (Speed control by beacons).

<sup>(5)</sup> ATESS 3G: Train data recorder.

- (5) Those four vehicles V300 Zefiro are intended to reinforce the fleet of five high speed trains V300 Zefiro doing the cross-border service between France and Italy and which were subject to the same request for non-application, originally granted by Commission Implementing Decision (2021) 3242 final <sup>(6)</sup> in France and Commission Implementing Decision (2021) 3225 final <sup>(7)</sup> in Italy
- (6) The requests were submitted on the basis of Article 7(1), point (c), of Directive (EU) 2016/797, namely the lack of economic viability of performing the upgrade of the concerned vehicles in full compliance with point 4.2.10.2.1 'Measures to prevent fire – Material requirements' of the Annex to Regulation (EU) No 1302/2014.
- (7) Of the systems listed in recital 4, the KVB version to be interfaced with the bi-standard ERTMS/TVM baseline 2 is no longer produced and is not expected to be produced again in the future. The KVB sub-systems available to the applicant are parts produced before 2011. Most of their components do not conform to the standard EN 45545-2:2013+A1:2015 referred to in point 58 of Appendix J.1 to Regulation (EU) No 1302/2014. Equally, some components of the bi-standard ERTMS/TVM sub-system do not conform to standard EN 45545-2:2013+A1:2015 either. The development of a technical solution conforming to the standard EN 45545-2:2013+A1:2015 would jeopardize the economic viability of the project, as it would require a significant investment of approximately 52 months of development and certification time.
- (8) The alternative specifications applied to all the components referred to in recital 7, with the exception of the Memor Brush, are the French standards NF F 16-101:1988 and NF F 16-102:1992. Those are widely recognised at Union level as they were accepted as an alternative to EN 45545-2:2013 during the transitional period provided for by point 7.1.1.5 of the Annex to Regulation (EU) No 1302/2014, that ended on 1 January 2018. In the case of the 403 grams Memor Brush, the fire resistance category used in previous projects and accepted in accordance with previous versions of the technical specification for interoperability relating to the 'rolling stock – locomotives and passenger rolling stock' subsystem was UL94:HB. For outside parts heavier than 400 grams, the EN 45545-2:2013+A1:2015 standard requires the higher category UL94:V0. It is not required for outside parts lighter than 400 grams. In view of previous experience resulting from a wide use of the ATP system and of the fact that the Memor Brush is only 3 grams above the threshold, the applicant proposes to keep category UL94:HB.
- (9) The lack of a positive decision would imply a delay of 4 years in the availability of new trains capable of performing the same service, with the subsequent economic impact, the shift to more polluting means of transport as well as the lack of synergies between the five V300 Zefiro trains already in service and the vehicles which form the object of this request.
- (10) Based on the arguments presented by the applicants and restated in recitals 7, 8 and 9, the conditions set out in Article 7(1), point (c), and in Article 7(4) of Directive (EU) 2016/797 should be considered fulfilled for the four vehicles to be upgraded as part of the request submitted by France and Italy. Therefore, the request should be accepted.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Committee referred to in Article 51 of Directive (EU) 2016/797,

<sup>(6)</sup> Commission Implementing Decision of 11.5.2021 accepting a request submitted by the French Republic pursuant to Directive (EU) 2016/797 of the European Parliament and of the Council to not apply point 4.2.10.2.1 of the Annex to Commission Regulation (EU) No 1302/2014 to 5 vehicles V300 ZEFIRO, C(2021) 3242 final.

<sup>(7)</sup> Commission Implementing Decision of 10.5.2021 correcting Implementing Decision C(2020) 4326 final accepting a request submitted by the Italian Republic pursuant to Directive (EU) 2016/797 of the European Parliament and of the Council not to apply point 4.2.10.2.1 of the Annex to Commission Implementing Regulation (EU) No 1302/2014 to 5 vehicles V300 ZEFIRO.

HAS ADOPTED THIS DECISION:

#### Article 1

The requests of Italy and France, notified to the Commission on 17 April 2023 and 11 May 2023, for non-application of point 4.2.10.2.1 'Measures to prevent fire – Material requirements' of the Annex to Regulation (EU) No 1302/2014 to the vehicles V300 Zefiro I-F – ETR 1000 -23, – ETR 1000 -28, – ETR 1000 -31 and – ETR 1000 -47, supplied by the company Bombardier Transportation Italy are accepted for the components listed in the following table subject to the condition that they conform to the corresponding alternative standard:

| Name of component                       | Alternative standard        |
|-----------------------------------------|-----------------------------|
| <b>KVB sub-system</b>                   |                             |
| Equiped UEVAL rack                      | NF F 16-101 and NF F 16-102 |
| Display panel STD                       | NF F 16-101 and NF F 16-102 |
| Data visualisation panel STD            | NF F 16-101 and NF F 16-102 |
| Antenna                                 | NF F 16-101 and NF F 16-102 |
| CTV box                                 | NF F 16-101 and NF F 16-102 |
| KVB board specific cables               | NF F 16-101 and NF F 16-102 |
| KVB board casing                        | NF F 16-101 and NF F 16-102 |
| <b>Bi-standard ERTMS/TVM sub-system</b> |                             |
| PSTDA                                   | NF F 16-101 and NF F 16-102 |
| PSTDB                                   | NF F 16-101 and NF F 16-102 |
| TVM Sensor IP-1/P                       | NF F 16-101 and NF F 16-102 |
| TVM Sensor 2G                           | NF F 16-101 and NF F 16-102 |
| TVM Sensor BSP                          | NF F 16-101 and NF F 16-102 |
| BE KARM GPS 72V                         | NF F 16-101 and NF F 16-102 |
| Memor Brush                             | UL94: HB                    |

This Decision applies within the geographic limits of the Italian and French railway networks.

#### Article 2

This Decision is addressed to the French Republic and the Italian Republic.

Done at Brussels, 1 December 2023.

For the Commission  
Adina-Ioana VĂLEAN  
Member of the Commission