



2026/2021

14.9.2026

COMMISSION IMPLEMENTING DECISION (EU) 2026/2021

of 10 September 2026

laying down rules for the application of Directive (EU) 2016/797 of the European Parliament and of the Council as regards a request from the Republic of Finland not to apply the requirement to install a radio system set out in Commission Implementing Regulation (EU) 2023/1695

(notified under document C(2026) 6247)

(Only the Finnish and Swedish 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 ⁽¹⁾, and in particular Article 7(4) thereof,

Whereas:

- (1) On 21 May 2025, Finland submitted to the Commission a request for non-application of points 7.3.1.1 (2) and (3) and 7.3.2.1 (2) and (3) of Annex I to Commission Implementing Regulation (EU) 2023/1695 ⁽²⁾ to the Finnish rail network and all rolling stock circulating on the network ('the request'). The request was submitted on the basis of Article 7(1), point (c), of Directive (EU) 2016/797. The file has been completed with the notification of the adopted national rules and the European Union Agency for Railways completed assessment of the rules on 24 July 2026.
- (2) Point 7.3.1.1 (2) of Annex I to Implementing Regulation (EU) 2023/1695 sets out the requirement to install Global System for Mobile Communications – Railway ('GSM-R') or the Future Railway Mobile Communication System ('FRMCS') trackside when upgrading a radio subsystem already in service in such a way that it changes the functions or the performance of the subsystem. Pursuant to point 7.3.1.1 (3) of Annex I to Implementing Regulation (EU) 2023/1695 it is required to install GSM-R or FRMCS when ETCS level 2 is implemented and needs data radio communication.
- (3) Point 7.3.2.1 (2) of Annex I to Implementing Regulation (EU) 2023/1695 sets out the requirement to install GSM-R on-board rolling stock intended to circulate on a line that includes a radio block centre (RBC) when upgrading a radio subsystem already in service in such a way that it changes the functions or the performance of the subsystem. Pursuant to point 7.3.2.1 (3) of Annex I to Implementing Regulation (EU) 2023/1695 it is required to instal GSM-R when ETCS level 2 or level 1 is implemented and needs data radio communication.
- (4) The project referred to in the request consists of installing a Finnish pre-FRMCS communication system on the Finnish railway infrastructure and rolling stock circulating in Finland alongside the deployment of the European Train Control System (ETCS) level 2. This upgrades the existing Finnish Class B radio system in most of its functions.
- (5) The current Finnish Class B train protection system will become obsolete in 2035 and should be replaced by the ETCS. The replacement of the Finnish Class B train protection system should start now to be completed by 2035, while it would be unsafe to postpone the start of the ETCS deployment until FRMCS deployment is possible.

⁽¹⁾ OJ L 138, 26.5.2016, p. 44, ELI: <http://data.europa.eu/eli/dir/2016/797/oj>.

⁽²⁾ Commission Implementing Regulation (EU) 2023/1695 of 10 August 2023 on the technical specification for interoperability relating to the control-command and signalling subsystems of the rail system in the European Union and repealing Regulation (EU) 2016/919 (OJ L 222, 8.9.2023, p. 380, ELI: http://data.europa.eu/eli/reg_impl/2023/1695/oj).

- (6) According to the documents submitted by Finland, complying with points 7.3.1.1 (2) and (3) and 7.3.2.1 (2) and (3) of Annex I to Implementing Regulation (EU) 2023/1695 on the Finnish rail network and rolling stock circulating on the network, by installing GSM-R, would entail an additional installation cost of EUR 100 000 000 and additional yearly operation cost of EUR 2 000 000. Additionally, GSM-R is expected to become obsolete by early 2030s and difficult to maintain by 2035. All these reasons would compromise the economic viability of the project.
- (7) As alternative provisions to the implementation of points 7.3.1.1 (2) and (3) and 7.3.2.1 (2) and (3) of Annex I to Implementing Regulation (EU) 2023/1695, Finland proposes to apply, during the transition period before FRMCS is installed trackside and onboard, regulations of the Finnish Transport and Communications Agency (Traficom) on the pre-FRMCS communication system for trackside and rolling stock equipment, which lays down the technical specifications of the Finnish pre-FRMCS radio system. That national rule has been notified to the Commission and to the European Union Agency for Railways pursuant to Article 14(1), point (c), of Directive (EU) 2016/797, under rule FI-FI-2684-2-A for the trackside pre-FRMCS equipment and for onboard the 'rules for Pre-FRMCS radio system' ⁽³⁾.
- (8) Finland further proposes to make the on-board equipment of the Finnish pre-FRMCS radio system available free of charge and in a timely manner to any entity intending to operate vehicles on the Finnish network before the Finnish infrastructure is equipped with FRMCS. Such vehicles should also be allowed not to apply points 7.3.2.1 (2) and (3) of Annex I to Implementing Regulation (EU) 2023/1695. Finland proposes to upgrade the track-side equipment to FRMCS compliant radio system three years after the availability of FRMCS products, which upgrade is assumed to be possible by 31 December 2035 at the latest.
- (9) Finland also proposes to perform an economic analysis in 2033 of the perspective of migrating the entire fleet and network to FRMCS.
- (10) Based on the justification for the request provided by Finland and the alternative provisions proposed, the conditions set out in Article 7(1), point (c), and Article 7(4) of Directive (EU) 2016/797 can be considered as fulfilled for the Finnish railway network and all rolling stock circulating on the network. The request should therefore be accepted.
- (11) Safety, as set out by Directive (EU) 2016/797, is an essential requirement which is to be met by the Union rail system, the subsystems and the interoperability constituents, including interfaces. Finland should therefore be required to provide the Commission with any information indicating that the non-application of points 7.3.1.1 (2) and (3) and 7.3.2.1 (2) and (3) of Annex I to Implementing Regulation (EU) 2023/1695 could compromise the safety of the railway system.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Committee referred to in Article 51(1) of Directive (EU) 2016/797,

HAS ADOPTED THIS DECISION:

Article 1

The request of Finland for non-application of points 7.3.1.1 (2) and (3) and 7.3.2.1 (2) and (3) of Annex I to Implementing Regulation (EU) 2023/1695 to the Finnish rail network and all rolling stock circulating on the network is accepted on the condition that the alternative provisions proposed by Finland are applied.

Finland shall inform the Commission without undue delay where it becomes aware that the non-application may compromise the safety of the railway system.

Article 2

This Decision shall apply until 31 December 2035.

⁽³⁾ rdd.era.europa.eu/rdd/NTRManagementPage.aspx?ntrid=65849&readonly=true.

Article 3

This Decision is addressed to the Republic of Finland.

Done at Brussels, 10 September 2026.

For the Commission
Apostolos TZITZIKOSTAS
Member of the Commission
