



2026/2253

14.10.2026

COMMISSION IMPLEMENTING DECISION (EU) 2026/2253

of 12 October 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 Poland not to apply the requirement to install GSM-R in a tunnel set out in Commission Regulation (EU) No 1303/2014

(notified under document C(2026) 7077)

(Only the Polish text is 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 6 November 2025, Poland submitted to the Commission a request for non-application of point 4.2.1.8. (a) of the Annex to Commission Regulation (EU) No 1303/2014 ⁽²⁾ to the modernisation of railway line No 104 Chabówka–Nowy Sącz until 31 December 2032 (the ‘request’). The request was submitted on the basis of Article 7(1), point (c), of Directive (EU) 2016/797.
- (2) Point 4.2.1.8. (a) of the Annex to Regulation (EU) No 1303/2014 sets out the requirement that in tunnels of more than 1 km in length emergency radio communication between the train and the infrastructure manager control centre is to be provided with Global System for Mobile Communications – Railway (GSM-R).
- (3) The project referred to in the request consists of the modernisation of railway line No 104 between Chabówka and Nowy Sącz, specifically including tunnels in sections C1 and D from km 48+ 600 (existing km 49+ 822) to km 61 + 220 (existing km 63 + 965). The installation of GSM-R on the entirety of the line is foreseen in a future project to be completed by 31 December 2032.
- (4) According to the documents submitted by Poland, complying with point 4.2.1.8. (a) of the Annex to Regulation (EU) No 1303/2014 would entail an additional cost of PLN 30 000 000, as in addition to the tunnel sections, additional line sections in the surrounding area would need to be equipped with GSM-R. These additional costs would compromise the economic viability of the project.
- (5) As an alternative provision, Poland proposes to apply Chapter 1.1 of Technical Standards concerning specific technical conditions for the upgrade or construction of railway lines up to $V_{\max} \leq 250$ km/h Volume VII Telecommunications as applicable on 19 February 2026 ⁽³⁾, which lays down the possibility of using either GSM-R or the PKP radio system in a tunnel. The PKP radio system operates on the 150 MHz frequency band and is listed as a Class B voice radio system in point 3.4. of Annex II to Commission Implementing Regulation (EU) 2023/1695 ⁽⁴⁾. This 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 ID PL-FI-2783-1-A ⁽⁵⁾.

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

⁽²⁾ Commission Regulation (EU) No 1303/2014 of 18 November 2014 concerning the technical specification for interoperability relating to ‘safety in railway tunnels’ of the rail system of the European Union (OJ L 356, 12.12.2014, p. 394, ELI: <http://data.europa.eu/eli/reg/2014/1303/oj>).

⁽³⁾ https://www.plk-sa.pl/files/public/user_upload/pdf/Akty_prawne_i_przepisy/Standardy_techiczne/19.02.2026/ST-T7_obowiazuja_od_2026-02-19.pdf.

⁽⁴⁾ 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 (OJ L 222, 8.9.2023, p. 380, ELI: http://data.europa.eu/eli/reg_impl/2023/1695/oj).

⁽⁵⁾ <https://srd.era.europa.eu/national-rules/rule?id=3023>.

- (6) Based on the justification for the request provided by Poland and the alternative provision 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 modernisation of railway line No 104 Chabówka–Nowy Sącz. The request should therefore be accepted.
- (7) 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. The Commission should therefore be provided with any information indicating that the non-application of point 4.2.1.8. (a) of the Annex to Regulation (EU) No 1303/2014 could compromise the safety of the railway system.
- (8) 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 Poland for non-application of point 4.2.1.8. (a) of the Annex to Regulation (EU) No 1303/2014 to the modernisation of railway line No 104 Chabówka–Nowy Sącz is accepted on the condition that the alternative provision proposed by Poland is applied.

Poland shall without undue delay inform the Commission in case it has information that the non-application may reasonably compromise the safety of the railway system.

Article 2

This Decision shall apply until 31 December 2032.

Article 3

This Decision is addressed to the Republic of Poland.

Done at Brussels, 12 October 2026.

For the Commission
Apostolos TZITZIKOSTAS
Member of the Commission