



EUROPEAN  
COMMISSION

Brussels, **XXX**  
[...] (2025) **XXX** draft

**COMMISSION IMPLEMENTING REGULATION (EU) .../...**

**of **XXX****

**amending Commission Regulation: (EU) No 321/2013 concerning the technical specification for interoperability relating to the ‘rolling stock — freight wagons’ subsystem of the rail system in the European Union (‘WAG TSI’)**

(Text with EEA relevance)

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## **amending Commission Regulation: (EU) No 321/2013 concerning the technical specification for interoperability relating to the ‘rolling stock — freight wagons’ subsystem of the rail system in the European Union (‘WAG TSI’)**

(Text with EEA relevance)

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 5(11) thereof,

Whereas:

- (1) Commission Regulation (EU) No 321/2013<sup>2</sup> lays down the technical specifications for interoperability relating to ‘rolling stock — freight wagons’ subsystem of the rail system in the Union (‘WAG TSI’).
- (2) Commission Delegated Decision (EU) 2017/1474<sup>3</sup> sets out specific objectives for the drafting, adoption and review of technical specifications for interoperability.
- (3) Pursuant to Article 5(4) of Delegated Decision (EU) 2017/1474 the WAG TSI are to ensure consistency and avoid any overlap with the Regulations concerning the International Carriage of Dangerous Goods by Rail<sup>4</sup> (‘RID’) as regards technical requirements applicable to vehicles.
- (4) To achieve that objective, the European Union Agency for Railways identified technical requirements needing to be transferred from RID to TSI WAG as well as initiated a risk analysis to identify new requirements to be addressed
- (5) In order to harmonise the responsibilities and competences for vehicle authorisation, enhance transparency, improve the quality of the assessment and streamline administrative processes, those RID vehicle requirements should be transferred from RID to the WAG TSI. The assessments of the vehicle prior to authorisation should be performed by a notified body.

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

<sup>2</sup> Commission Regulation (EU) No 321/2013 of 13 March 2013 concerning the technical specification for interoperability relating to the subsystem ‘rolling stock — freight wagons’ of the rail system in the European Union and repealing Decision 2006/861/EC (OJ L 104, 12.4.2013, p. 1, ELI: <http://data.europa.eu/eli/reg/2013/321/oj>).

<sup>3</sup> Commission Delegated Decision (EU) 2017/1474 of 8 June 2017 supplementing Directive (EU) 2016/797 of the European Parliament and of the Council with regard to specific objectives for the drafting, adoption and review of technical specifications for interoperability (OJ L 210, 15.8.2017, p. 5, ELI: [http://data.europa.eu/eli/dec\\_del/2017/1474/oj](http://data.europa.eu/eli/dec_del/2017/1474/oj)).

<sup>4</sup> Convention concerning International Carriage by Rail of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999, Appendix C.

- (6) Following several incidents due to a failure to properly secure semi-trailers to the pocket wagon carrying it, several actions to develop solutions ensuring the safe loading, safe transport and overall safe operation involving semi-trailers carried on pocket wagons were initiated. Newly developed technical requirements such as a new interoperability constituent 'device to secure semi-trailers on pocket wagons', values and procedures to assess the locking force, indicators showing the locking status, as well as the respective marking on the wagon, should be included in the WAG TSI.
- (7) To ensure safe operation in high crosswind scenarios, it is also necessary to verify the newly developed requirement relating to the vertical upward locking force for the existing and already authorised wagons. This measure was identified by the ERA impact assessment as the least impactful because in case of lack of verification of the locking force for existing wagons, the resulting impact would be the need to exchange the device to secure semitrailers and, if this is not possible, to use another vehicle for the transport of goods other than semi-trailers. The compliance should be marked on the vehicle easily visible for respective parties monitoring or supervising the retroactive application.
- (8) As technologies specifically developed for freight rolling stock, such as the digital automatic coupling, provide different mechanical characteristics as well as digital functions, relating to freight monitoring but also to train protection and train control, it is essential that all requirements related to compatibility with trackside train detection equipment are complied with. The arrangements for integrating possible future requirements, such as the introduction of digital automatic coupling, to carry dangerous goods and equally non-dangerous goods with equivalent or higher safety level should therefore be laid down.
- (9) Furthermore, the Swedish specific case related to hot axle box detectors was reduced in scope, which enhances common requirements at EU level and thus benefits the vehicle authorisation process.
- (10) The inclusion of the new requirements transferred in relation to the transport of dangerous goods, the new requirements in relation to spark arresters and the new requirements in relation to devices to secure semi-trailers, do not require specific new competences for the assessment of conformity of interoperability constituents or the verification of subsystems. The amendments introduced by this Regulation therefore do not affect the rules on the notification, including accreditation and recognition, of the conformity assessment bodies for the purposes of Commission Regulation (EU) 321/2013.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 51 of Directive (EU) 2016/797.

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EU) No 321/2013 is amended in accordance with the Annex to this Regulation.

## *Article 2*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission*  
*The President*  
*Ursula von der Leyen*