
STATUTORY INSTRUMENTS

2019 No. 837

The Rail Safety (Amendment etc.) (EU Exit) Regulations 2019

PART 5

Amendments to EU retained direct legislation in respect of Northern Ireland

CHAPTER 1

Safety certificates and authorisations

Amendments to [Commission Regulation \(EU\) No 1169/2010](#) on a common safety method for assessing conformity with the requirements for obtaining a railway safety authorisation

18.—(1) [Commission Regulation \(EU\) No 1169/2010](#) on a common safety method for assessing conformity with the requirements for obtaining a railway safety authorisation is amended as follows.

(2) Omit Article 1 (subject matter).

(3) In Article 2 (definition)—

- (a) in the heading and in the first paragraph, for “definition” substitute “definitions”; and
- (b) after the definition of “supervision”, insert—

“national safety authority” has the meaning provided for “safety authority” in the Railways (Safety Management) Regulations (Northern Ireland) 2006.”.

(4) In Article 3 (procedures for assessing applications)—

- (a) in paragraph 1, omit “for assessing their conformity with requirements in [Directive 2004/49/EC](#)”;
- (b) in paragraph 3—

(i) for “Union legislation” substitute “legislation in Northern Ireland”;

(ii) after the final sentence, insert “Products or services provided by contractors or suppliers to railway undertakings shall be presumed to conform to safety requirements if the contractors, suppliers or products are certified in accordance with relevant certification schemes established under European Union legislation for the provision of such products and services, unless there are reasonable grounds for believing that they do not so conform.”.

(5) Omit the words following Article 5 (entry into force), up to but not including “Annex I”.

(6) In Annex I (procedure for assessing conformity with requirements for obtaining safety authorisations), in the heading, for “Article 11(1)(a) and (b) of [Directive 2004/49/EC](#)” substitute “regulations 8, 9 and 10 of the Railways (Safety Management) Regulations (Northern Ireland) 2006”.

(7) In Annex II (criteria for assessing conformity with the requirements for obtaining safety authorisations)—

- (a) in the heading, for “Article 11(1)(a) and (b) of [Directive 2004/49/EC](#)” substitute “regulations 8, 9 and 10 of the Railways (Safety Management) Regulations (Northern Ireland) 2006”;

- (b) in point A.4, for “in accordance with Article 4(3) of [Directive 2004/49/EC](#)”, substitute “for the safe operation of the railway”;
 - (c) in point E.3, for “Article 9 and Annex III of [Directive 2004/49/EC](#)” substitute “regulation 4 of the Railways (Safety Management) Regulations (Northern Ireland) 2006”;
 - (d) in point K.3 for “member state level” substitute “a national level”;
 - (e) in point M.2, for “[Commission Regulation \(EC\) No 352/2009](#)” substitute “Commission Implementing Regulation (EU) No 402/2013 as it has effect in Northern Ireland”;
 - (f) in point Q.1, for “national bodies”, substitute “Rail Accident Investigation Branch”.
- (8) In Annex III (principles for supervision after the award of an authorisation)—
- (a) in paragraph 1, omit “as referred to in Article 4(1) and 16(2)(e) of [Directive 2004/49/EC](#)”;
 - (b) in paragraph 7, for “National safety authorities shall be accountable for their decisions in accordance with Article 17(3) of [Directive 2004/49/EC](#)”, substitute “The decisions of national safety authorities shall be subject to judicial review.”;
 - (c) omit paragraph 8.