
STATUTORY INSTRUMENTS

2020 No. 318

The Railways (Interoperability) (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2020

PART 2

Amendments to secondary legislation

Amendments to the Railways (Interoperability) Regulations 2011

- 2.—(1) The Railways (Interoperability) Regulations 2011(1) are amended as follows.
- (2) In regulation 35—
- (a) in paragraph (2)(a), for “Article 5 of the specifications Decision” substitute “Article 3 of the specifications Regulation”;
 - (b) in paragraph (3)—
 - (i) in sub-paragraph (b), for “Decision” substitute “Regulation”;
 - (ii) for sub-paragraph (c) substitute—
 - “(c) “the specifications Regulation” means Commission Implementing Regulation (EU) 2019/777 of 16 May 2019 on the common specifications for the register of infrastructure and repealing Implementing [Decision 2014/880/EU\(2\)](#).”.

Amendments to the Rail Passengers’ Rights and Obligations (Amendment) (EU Exit) Regulations 2018

- 3.—(1) The Rail Passengers’ Rights and Obligations (Amendment) (EU Exit) Regulations 2018(3) are amended as follows.
- (2) In regulation 7—
- (a) at the end of sub-paragraph (e), omit “and”;
 - (b) at the end of sub-paragraph (f) insert—
 - “; and
 - (g) after paragraph 17 insert—
 - “(18) “NTSN” has the meaning set out in regulation 2(1)(4) of the Railways (Interoperability) Regulations 2011.”.
- (3) In regulation 8—

(1) [S.I. 2011/3066](#), amended by [S.I. 2015/2022](#). There are other amending instruments but none is relevant.

(2) OJ L1 139, 27.5.2019, p. 312.

(3) [S.I. 2018/1165](#).

(4) Regulation 2(1) of [S.I. 2011/3066](#) was prospectively amended by [S.I. 2019/345](#). There are other amending instruments but none is relevant.

- (a) for sub-paragraph (a) substitute—
 - “(a) for paragraph 2 substitute—
 - “2. The NTSN relating to the subsystem ‘telematics applications for passenger services’ (the TAP NTSN) applies for the purposes of this Regulation.”;”;
- (b) after sub-paragraph (a) insert—
 - “(aa) omit paragraph 3;”;
- (c) for sub-paragraph (b) substitute—
 - “(b) in paragraph 4, for “the TSI” substitute “the TAP NTSN”.”.
- (4) For regulation 13 substitute—
 - “13. In Article 21—
 - (a) in paragraph 1, for “TSI” substitute “NTSN”;
 - (b) after paragraph 2 insert—
 - “3. In this Article “the NTSN for persons with reduced mobility” means the NTSN published for that purpose by the Secretary of State pursuant to regulation 3(B)(5) of the Railways (Interoperability) Regulations 2011.”.”.

Amendments to the Train Driving Licences and Certificates (Amendment) (EU Exit) Regulations 2019

- 4.—(1) In regulation 2 of the Train Driving Licences and Certificates (Amendment) (EU Exit) Regulations 2019(6), after paragraph (21) insert—
 - “(22) In sub-paragraph 8 of Schedule 4—
 - (a) in sub-paragraph (2), for the words from “Annex to Commission Decision” to “amending [Decision 2007/756/EC](#)” substitute “NTSN relating to the ‘operation and traffic management’ subsystem of the rail system”;
 - (b) after sub-paragraph (3) insert—
 - “(4) In this paragraph, “NTSN”, “subsystem” and “rail system” have the meanings set out in regulation 2(1) of the Railways (Interoperability) Regulations 2011.”.”.
- (2) In regulation 3(5)(d)—
 - (a) for paragraph (i) substitute—
 - “(i) omit the first indent (including its two sub-indent),”;
 - (b) for paragraph (ii) substitute—
 - “(ii) omit the second indent,”.

Amendments to the Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019

- 5.—(1) The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019(7) are amended as follows.
 - (2) In regulation 2(2)—
 - (a) in sub-paragraph (a), before the definition of “approved body”, insert—

(5) Regulation 3B of [S.I. 2011/3066](#) was inserted prospectively by [S.I. 2019/345](#).

(6) [S.I. 2019/677](#).

(7) [S.I. 2019/345](#).

- “the 2016 Directive” means 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⁽⁸⁾”;
- (b) in sub-paragraph (g), after “Annex IV of the Directive”, insert “or in accordance with Articles 9 and 10 of the 2016 Directive”;
- (c) in sub-paragraph (h), in the definition of “EC verification assessment procedure”, after “Annex VI to the Directive” insert “or Annex IV to the 2016 Directive”;
- (d) after paragraph (k) insert—
- “(ka) after the definition of “European specification” insert—
- ““European Union Agency for Railways” means the Agency established by Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004⁽⁹⁾”;
- (e) for sub-paragraph (m) substitute—
- “(m) after the definition of “European vehicle number” insert—
- ““EU notified body” means a body which either—
- (a) has been appointed by an EU Member State and notified by the EU Member State concerned to the European Commission and the other EU Member States pursuant to Article 20(1) of the Conventional Directive⁽¹⁰⁾, Article 20(1) of the High-Speed Directive⁽¹¹⁾ or Article 28(1) of the Directive⁽¹²⁾; or
- (b) has been notified to the European Commission in accordance with Chapter VI of the 2016 Directive;
- unless its appointment has been terminated or its notification has been withdrawn”;
- (f) in sub-paragraph (q), in the definition of “ISV”—
- (i) after “issued by” insert “any one of the following”;
- (ii) in sub-paragraph (b), after “Annex VI to the Directive” insert “or in accordance with section 2 of Annex IV to the 2016 Directive”;
- (g) in sub-paragraph (aa), after “the High Speed Directive,” insert “or the 2016 Directive,”;
- (h) after sub-paragraph (aa), insert—
- “(ab) in the definition of “TSI conform authorisation”, after “placed in service” insert “or placed on the market”.”.
- (3) For regulation 2(7)(d) substitute—
- “(d) after paragraph (3) insert—
- “(4) The requirements set out in paragraph (1) apply to a vehicle even if there is an extant authorisation granted in an EU Member State or by the European Union Agency for Railways. A person wishing to put a vehicle into use in the UK beyond the Channel

⁽⁸⁾ OJ L 138, 26.5.2016, p. 44.

⁽⁹⁾ OJ L 138, 26.5.2016, p. 1.

⁽¹⁰⁾ Directive 2001/16 of 19 March 2001 on the interoperability of the conventional rail system (OJ L 110, 20.4.2001, p. 1).

⁽¹¹⁾ Directive 96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail system (OJ L 235, 17.9.1996, p. 6).

⁽¹²⁾ Directive 2008/57/EC of 17 June 2008 on the interoperability of the rail system within the Community (Recast) (OJ L 191, 18.7.2008, p. 1).

Tunnel system which has such an authorisation must apply for an authorisation under regulation 6.”.”.

(4) In regulation 2(9)(c), after paragraph (viii), insert—

“(viii) in sub-paragraph (d), after “the Directive”, insert “or Article 24 of the 2016 Directive”.”.

(5) In regulation 2(13)(b), at the end of new paragraph (6A) insert—

“as that Decision has been amended by Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 amending Commission Regulations (EU) No 321/2013, (EU) No 1299/2014, (EU) No 1301/2014, (EU) No 1302/2014, (EU) No 1303/2014 and (EU) 2016/919 and Commission Implementing Decision 2011/665/EU as regards the alignment with Directive (EU) 2016/797 of the European Parliament and of the Council and the implementation of specific objectives set out in Commission Delegated Decision (EU) 2017/1474(13)

(6) In regulation 2(21)(c), at the end of new paragraph (1A), for “3B(6)” substitute “3B(7)”.

(7) For regulation 2(34)(d) substitute—

“(d) after paragraph (2) insert—

“(3) This regulation does not apply in relation to the Channel Tunnel system.”.”.

(8) In regulation 2(39), after sub-paragraph (g) insert—

“(ga) omit paragraph (4);”.

(9) After regulation 2(41) insert—

“(41A) In regulation 35—

(a) in paragraph (2)(c), for “a publicly accessible website” substitute “request by an applicant for authorisation under these Regulations, or by an approved body”;

(b) after paragraph (2) insert—

“(2A) The owner must make the information requested under paragraph (2)

(c) available within 28 days of receiving the request.”.”.

(10) In regulation 2(42) omit sub-paragraph (e).

(11) For regulation 2(47) substitute—

“(47) In regulation 42—

(a) in the heading, after “EC” insert “or UK”;

(b) in paragraph (1), for “regulation 25” substitute “relevant EU law, or the UK declaration of conformity or suitability for use has not been drawn up in accordance with the requirements of regulation 25 and Schedule 7”;

(c) for paragraph (2)(a) substitute—

“(a) state that the Office of Rail and Road or the Health and Safety Executive for Northern Ireland considers that the EC declaration of conformity or suitability for use has not been drawn up in accordance with the requirements of relevant EU law, or the UK declaration of conformity or suitability for use has not been drawn up in accordance with the requirements of regulation 25 and Schedule 7;”.”.

(12) In Schedule 1, in the new Schedule 2, for the ninth indent of paragraph (2.4.1) substitute—
“All trains must have an emergency lighting system of sufficient intensity and duration on board.”.

(13) In Schedule 3, in the new Schedule 4—

(a) for the first sentence of the first paragraph of paragraph (2.3.1) substitute—

“The approved bodies responsible for the UK verification must assess the design, production and final testing of the subsystem and must draw up the UK certificate of verification intended for the project entity. In turn, the project entity must draw up the UK declaration of verification.”;

(b) for paragraph (2.3.2) substitute—

“(2.3.2) Where an ISV has been issued, whether by an approved body, an EU notified body, or a designated body, the approved body responsible for the verification of the subsystem must take the ISV into account, and before issuing its UK certificate of verification, must:

- (a) verify that the ISV correctly covers the relevant requirements of the NTSNs,
- (b) check all aspects that are not covered by the ISV, and
- (c) check the final testing of the subsystem as a whole.”;

(c) in paragraph 2.4(c)(iii), for “the UK verification” substitute “the verification”;

(d) for the first unnumbered paragraph of paragraph 3.2 substitute—

“The designated body must draw up the UK certificate of verification intended for the project entity.”.

(14) In Schedule 6, in the new Schedule 7, in paragraph 2—

(a) for the first line substitute—

“The UK declaration of conformity or suitability for use must cover:”;

(b) in the second unnumbered paragraph, for “stages will draw” substitute “stages must draw”.

(15) In Schedule 7, in the new Schedule 8, in paragraph 7, for “The staff of the body are” substitute “The staff of the body must be”.

(16) In Schedule 8, for paragraph 3(a)(i) substitute—

“(i) in the definition of “national safety rules”, for “covered by a TSI” substitute “covered by an NTSN”.”.

Amendments to the Rail Safety (Amendment etc.) (EU Exit) Regulations 2019

6. In regulation 3(2) of the Rail Safety (Amendment etc.) (EU Exit) Regulations 2019(14)—

(a) in sub-paragraph (c), in the new definition of “common safety methods”, for sub-paragraph (c) substitute—

“(c) Commission Delegated Regulation (EU) 2018/761 establishing common safety methods for supervision by national safety authorities after the issue of a single safety certificate or a safety authorisation;”;

(b) after sub-paragraph (j), insert—

“(ja) omit the definition of “technical specifications for interoperability;”.