

This Statutory Instrument has been made partly in consequence of defects in S.I. 2019/345 and S.I. 2019/677 and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2020 No. 0000

EXITING THE EUROPEAN UNION

TRANSPORT

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

<i>Sift requirements satisfied</i>	2020
<i>Made</i> - - - -	2020
<i>Laid before Parliament</i>	2020
<i>Coming into force in accordance with regulation 1(2)</i>	

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 247 of the Transport Act 2000(a), section 8(1) of the European Union (Withdrawal) Act 2018(b) and paragraph 21 of Schedule 7 to that Act.

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

PART 1

Introduction

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Railways (Interoperability) (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2020.

(2) These Regulations come into force as follows—

- (a) Part 1 and regulation 2 come into force on the 22nd day after the day on which these Regulations are laid;
- (b) regulations 3 to 6 come into force immediately before IP completion day(c);

(a) 2000 c. 38.

(b) 2018 c. 16. Section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) (“the 2020 Act”).

(c) “IP completion day” is defined in section 1A European Union (Withdrawal) Act 2018 (c. 16). Section 1A was inserted by the 2020 Act.

- (c) Parts 3 and 4 and Schedules 1 and 2 come into force on IP completion day.
- (3) Parts 1, 3 and 4, Schedules 1 and 2 and regulations 2 and 5 extend to England and Wales, Scotland and Northern Ireland;
- (4) Regulations 3, 4 and 6 extend to England and Wales and Scotland.

PART 2

Amendments to secondary legislation

Amendments to the Railways (Interoperability) Regulations 2011

- 2.—**(1) The Railways (Interoperability) Regulations 2011(a) 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(b).”.

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(c) 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)(d) of the Railways (Interoperability) Regulations 2011.”.
- (3) In regulation 8—
- (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”.”.

(a) S.I. 2011/3066, amended by S.I. 2015/2022. There are other amending instruments but none is relevant.
(b) OJ L1 139, 27.5.2019, p. 312.
(c) S.I. 2018/1165.
(d) 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.

(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)(a) 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**(b)**, 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-indents),”;

(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**(c)** are amended as follows.

(2) In regulation 2(2)—

(a) in sub-paragraph (a), before the definition of “approved body”, insert—

““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**(d)**”;

(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

(a) Regulation 3B of S.I. 2011/3066 was inserted prospectively by S.I. 2019/345.

(b) S.I. 2019/677.

(c) S.I. 2019/345.

(d) OJ L 138, 26.5.2016, p. 44.

May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004(a);”;”;

(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(b), Article 20(1) of the High-Speed Directive(c) or Article 28(1) of the Directive(d); 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 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—

“(viiiia) 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(e)”.

(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—

(a) OJ L 138, 26.5.2016, p. 1.

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

(c) 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).

(d) 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).

(e) OJ LI 139, 27.5.2019, p. 108.

- “(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(a)—

(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;”.

PART 3

Amendments to retained direct EU legislation

Amendments to Commission Decision 2007/756/EC

7. Commission Decision 2007/756/EC of 9 November 2007 adopting a common specification of the national vehicle register provided for under Articles 14(4) and (5) of Directives 96/48/EC and 2001/16/EC is amended in accordance with regulations 8 to 19.

8. For Article 1 substitute—

“The specifications for the National Vehicle Register provided for under regulation 36 of the 2011 Regulations are set out in the Annex.”.

9. After Article 1, insert —

“Article 1A

1. In this Decision—

“entity in charge of maintenance” and “keeper” have the meanings set out in regulation 2(1) of the Railways and Other Guided Transport Systems (Safety) Regulations 2006(b);

“the 2011 Regulations” means the Railways (Interoperability) Regulations 2011.

2. Unless the context otherwise requires, terms used in this Decision have the meaning set out in the 2011 Regulations.”.

10. Omit Articles 1a and 2.

11. In Article 3, for “Member States” substitute “The registration entity”.

(a) S.I. 2019/837.

(b) S.I. 2006/599. Definitions of “entity in charge of maintenance” and “keeper” were inserted by S.I. 2011/186. There are other amendments but none is relevant.

12. Omit Articles 4, 5 and 6.

13.—(1) The Annex is amended as follows.

(2) In the table in Section 1 (data)—

- (a) at item 1, in the second column of the row marked “Content”—
 - (i) for “Technical Specification for Interoperability (TSI)” substitute “NTSN”;
 - (ii) for “OPE TSI” substitute “OPE NTSN”;
- (b) in item 2—
 - (i) in the second column of the first row, for “Member State and NSA” substitute “Safety Authority”;
 - (ii) in the row marked “Content”, for the text in the second column substitute “Safety Authority that authorised its placing in service”;
 - (iii) in the row marked “Format”—
 - (aa) omit point 2.1;
 - (bb) in point 2.2, for “NSA” substitute “Safety Authority”;
- (c) in item 4, after “EC”, in each place it occurs, insert “or UK”;
- (d) in item 5—
 - (i) for “European Register of Authorised Types of Vehicles (ERATV)” substitute “UK List of Authorised Types”;
 - (ii) for “ERATV”, in each place it occurs, substitute “the UK List of Authorised Types”;
- (e) omit item 11;
- (f) in item 12, for “NSA” substitute “the Safety Authority”.

(3) Omit Section 2 (architecture).

(4) In Section 3 (operating mode)—

- (a) in section 3.1 omit the third indent;
- (b) in the second paragraph of paragraph 3.2.1, for the words from “to the:” to the end of the second indent substitute “to the RE.”;
- (c) in paragraph 3.2.2 omit the final sentence;
- (d) in paragraph 3.2.3—
 - (i) in the fourth indent of the first paragraph, for “REs of all the Member States where the vehicle is registered” substitute “RE”;
 - (ii) in the third paragraph, for ““registration holder”” to the end of the paragraph substitute “owner of the vehicle referred to in regulation 36(8) of the 2011 Regulations”;
 - (iii) in the fifth paragraph—
 - (aa) for “OPE TSI” substitute “OPE NTSN”;
 - (bb) for “registration holder shall inform of” substitute “owner of the vehicle shall inform the RE of”;
 - (cc) omit “the RE of the Member State where the vehicle is registered”;
- (e) in paragraph 3.2.4, for “REs of all the Member States where the vehicle is registered” substitute “RE”;
- (f) omit paragraph 3.2.5;
- (g) in paragraph 3.2.6(1)—
 - (i) omit from “in accordance with Articles 21 to 26 of Directive 2008/57/EC” to “Council”;
 - (ii) for “Articles 21 and 24 of Directive (EU) 2016/797” substitute “the 2011 Regulations”;

- (iii) for “of the Member State where” substitute “with which”;
 - (h) omit paragraph 3.2.6(2);
 - (i) in section 3.3—
 - (i) for “to data of an NVR from a given Member State ‘XX’” substitute “for the relevant entities to data in the UK NVR”;
 - (ii) in the table—
 - (aa) in the first column of the header row, before “Entity” insert “Relevant”;
 - (bb) in the first column of the first row omit “of Member State ‘XX’”;
 - (cc) in the third column of the first row omit “of MS XX”;
 - (dd) in the first column of the second row, for “NSA” substitute “Safety Authority”;
 - (ee) omit the third row;
 - (ff) for the words in the first column of the ninth row substitute “Rail Accident Investigation Branch”;
 - (gg) in the first and second columns of the tenth row, after “EC” insert “or UK”;
 - (hh) in the first column of the eleventh row, for “NSA or the Agency” substitute “the Safety Authority”;
 - (iii) omit the sentence after the table.
- (5) In Section 4 (existing vehicles)—
- (a) in paragraph 4.1.1(a)—
 - (i) for “Countries where there is a unique country code” substitute “Vehicles with numbers issued outside the UK”;
 - (ii) omit from “Countries where there is both” to the end of subparagraph (a);
 - (b) in paragraph 4.1.1(b), for “OPE TSI” substitute “OPE NTSN”;
 - (c) omit paragraph 4.1.2;
 - (d) in the heading to paragraph 4.1.4, after “EC” insert “or UK”;
 - (e) in paragraph 4.1.5—
 - (i) in the heading, for “ERATV” substitute “UK List of Authorised Types”;
 - (ii) omit the second paragraph;
 - (f) omit paragraph 4.1.11;
 - (g) in section 4.2—
 - (i) in the first paragraph—
 - (aa) for “NSA” substitute “Safety Authority”;
 - (bb) omit “of the country where it is located”;
 - (ii) for the second paragraph substitute—

“Existing freight wagons and passenger cars must be registered in the UK NVR.”;
 - (iii) omit the third paragraph;
 - (iv) in the fourth paragraph, for “NSA” substitute “Safety Authority”;
 - (v) in the fifth paragraph—
 - (aa) for “NSA” substitute “Safety Authority”;
 - (bb) omit the third indent.

14.—(1) Appendix 1 (restriction coding) is amended as follows.

(2) In Section 1 (principles)—

- (a) for “Articles 21 to 26 of Directive 2008/57/EC” substitute “the 2011 Regulations”;

- (b) for “Articles 21 and 24 of Directive (EU) 2016/797” substitute “the 2011 Regulations”;
 - (c) omit “harmonised code or a national”.
- (3) In Section 3 (restriction codes)—
- (a) for paragraph 1 substitute—

“1. These codes are available on the website of the European Union Agency for Railways.

The use of non-coded restrictions must be limited to those restrictions that, due to their particular character, are unlikely to be applied to several types of vehicle.”;
 - (b) omit paragraphs 2 to 5.
- 15.**—(1) For the paragraph in Appendix 2 (structure and content of the European Identification Number) substitute—
- “The structure and content of the European Identification Number (EIN), including the codification of the types of documents concerned, are available in a technical document on the website of the European Union Agency for Railways. The United Kingdom country codes are either UK or CT for the Channel Tunnel.”.
- 16.** In Appendix 3 (Withdrawal coding)—
- (a) in the third column of the row for Code 10, for “NSA” substitute “Safety Authority”;
 - (b) in the third column of the rows for “Code 20” and “Code 30”, for “European” substitute “UK”;
 - (c) omit the rows for Codes 31 and 34;
 - (d) in the second indent after the heading “Use of codes”, for “31, 32, 33 and 34” substitute “32 and 33”;
 - (e) after the heading “Registration issues”—
 - (i) in the first indent, for “European” substitute “UK”;
 - (ii) in the third indent, for “Article 1b of Commission Decision 2006/920/EC” to “Decision 2010/640/EU” substitute “the OPE NTSN”.
- 17.** For the form in Appendix 4 (standard form for registration) substitute the form in Schedule 1.
- 18.** In Appendix 5 (glossary)—
- (a) omit the entry for “CIS”;
 - (b) omit the entry for “EC VVR”;
 - (c) omit the entry for “ERA”;
 - (d) omit the entry for “ERATV”;
 - (e) omit the entry for “EU”;
 - (f) omit the entry for “NSA”;
 - (g) before the entry for “NVR”—
 - (i) in the first column, insert “NTSN”;
 - (ii) in the second column, insert “National Technical Specification Notice”;
 - (h) for the entry for “OPE (TSI)—
 - (i) in the first column, for “OPE (TSI)” substitute “OPE NTSN”;
 - (ii) in the second column, for “(TSI)” substitute “NTSN”;
 - (i) omit the entry for “RIC”;
 - (j) omit the entry for “RIV”;
 - (k) omit the entry for “RSRD (TAF)”;
 - (l) omit the entry for “SEDP (TAF)”;

- (m) omit the entry for “TAF (TSI)”;
- (n) omit the entry for “TSI”;
- (o) omit the entry for “VKMR”;
- (p) omit the entry for “VVR”;
- (q) for the entry for “WAG (TSI)”, in the first and second columns, for “(TSI)” substitute “NTSN”;
- (r) omit the entry for “WIMO (TAF)”.

19.—(1) Appendix 6 is amended as follows.

(2) In Part ‘0’ (vehicle identification)—

- (a) in the table, in relation to rolling stock group “Tractive rolling stock and units in a train set in fixed or pre-defined formation”, in the fourth column for technical characteristics omit “[the meaning of these figures is defined by Member States, eventually by bilateral or multilateral agreements]”;
- (b) in the first paragraph after the table, for “In a given country, the” substitute “The”;
- (c) in the second paragraph after the table, beginning “Alphabetical markings” omit subparagraph (a);
- (d) in the last paragraph after the table, beginning “The European Vehicle Number”, for the second sentence substitute “Such technical modifications may require a new authorisation for placing in service in accordance with regulation 13 of the 2011 Regulations.”.

(3) In Part 1 (Vehicle Keeper Marking)—

- (a) in point 1 omit the second paragraph;
- (b) in point 2 omit the second and third paragraphs;
- (c) in point 3, in the first paragraph omit the first indent;
- (d) in point 4—
 - (i) in the second paragraph—
 - (aa) for “applicant’s competent national authority and forwarded to the ERA” substitute “Safety Authority”;
 - (bb) omit the second sentence;
 - (ii) in the third paragraph—
 - (aa) for “competent national authority”, in the first place it occurs, substitute “Safety Authority”;
 - (bb) omit “and the competent national authority will forward the information to the ERA”.

(4) In Part 6 (Interoperability codes used for wagons)—

- (a) in the first column, for “TSI WAG” substitute “WAG NTSN”;
- (b) in relation to the entry for “Other wagons”, in the column marked “9”, omit “not placed in service in EU”.

(5) In Parts 9 to 13—

- (a) for “ERA website”, in each place it occurs, substitute “website of the European Union Agency for Railways”;
- (b) in the second paragraph of each Part omit “(as referred to in Decision 2007/756/EC)” to the end of the paragraph.

Amendments to Commission Implementing Decision (EU) 2018/1614

20.—(1) Commission Implementing Decision (EU) 2018/1614 of 25 October 2018 laying down specifications for vehicle registers referred to in Article 47 of Directive (EU) 2016/797 of the

European Parliament and of the Council and amending and repealing Commission Decision 2007/756/EC is amended as follows.

- (2) Omit Articles 3 to 9.
- (3) Omit the second sentence of Article 10.
- (4) Omit Annex II.

Amendments to Commission Implementing Regulation (EU) 2019/777

21. Commission Implementing Regulation (EU) 2019/777 of 16 May 2019 on the common specifications for the register of railway infrastructure and repealing Implementing Decision 2014/880/EU is amended in accordance with regulations 22 to 30.

22. In Article 1—

- (a) in the heading omit “Common”;
- (b) in paragraph 1—
 - (i) omit “common”;
 - (ii) for “Article 49 of Directive (EU) 2016/797” substitute “regulation 35 of the 2011 Regulations”;
- (c) in paragraph 2—
 - (i) for “Member State” substitute “owner of infrastructure”;
 - (ii) for “computerised in an electronic application” substitute “held in a register”;
 - (iii) omit “common”;
- (d) after paragraph 2, insert—

“3. In this Regulation:

 - (a) “the 2011 Regulations” means the Railways (Interoperability) Regulations 2011;
 - (b) “IP completion day” has the same meaning as in the European Union (Withdrawal Agreement) Act 2020(a).”.

23. In Article 2—

- (a) for the heading substitute “Register of Infrastructure”;
- (b) omit paragraphs 1, 2, 3 and 6;
- (c) in paragraph 4—
 - (i) for “Member State” substitute “owner of infrastructure”;
 - (ii) for “in the RINF Application” substitute “into its register”;
- (d) in paragraph 5—
 - (i) for “Member State” substitute “owner of infrastructure”;
 - (ii) for “the RINF Application” substitute “its register”;
 - (iii) after “maintained” insert “and”.

24. In Article 3, in paragraph 2—

- (a) for “Member States and the Agency” substitute “Owners of infrastructure”;
- (b) omit “via the RINF Application”.

25. Omit Article 4.

26. In Article 5—

- (a) in paragraph 1—

(a) 2020 (c. 1).

- (i) for “Infrastructure managers” substitute “Owners of infrastructure”;
- (ii) for “the RINF Application” substitute “its register”;
- (b) omit paragraphs 2 and 3;
- (c) for paragraph 4 substitute—

“4. Information relating to infrastructure placed in service on or after IP completion day must be entered into the owner’s register before being placed in service.”.

27. Omit Article 6.

28. For Article 7 substitute—

“The Secretary of State may publish an application guide for the specifications for the register of infrastructure.”.

29. After Article 9 omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

30.—(1) The Annex is amended as follows.

- (2) In paragraph 1 (technical scope), for “Union” substitute “UK”.
- (3) In paragraph 2.1 (processes to be supported by the register of infrastructure)—
 - (a) omit subparagraphs (a), (f) and (h);
 - (b) in subparagraph (d), for “Article 14(11) of Directive (EU) 2016/797” substitute “regulation 35(2) of the 2011 Regulations”;
 - (c) in subparagraph (e), for “point (b) of Article 18(4) of Directive (EU) 2016/797” substitute “regulation 17(2) of the 2011 Regulations”.
- (4) In paragraph 2.2 (specific requirements for the register of infrastructure)—
 - (a) in subparagraph (c), for “Member States” substitute “owners of infrastructure”;
 - (b) omit paragraph (e).
- (5) In paragraph 3 (common characteristics)—
 - (a) in the heading omit “common”;
 - (b) omit the first sentence.
- (6) In paragraph 3.1 (definitions)—
 - (a) in point (2) omit “Member States or”;
 - (b) after point (5), insert—

“(6) “EC declaration of verification”, “NTSN”, “TSI” and “UK declaration of verification” have the meanings set out in regulation 2(1) of the 2011 Regulations.”.
- (7) In paragraph 3.2.1, for “Member State” substitute “owner of infrastructure”.
- (8) In paragraph 3.3.2 for “shall specify” substitute “may specify”.
- (9) In paragraph 3.3.3—
 - (a) in the second subparagraph omit “in accordance with” to the end of that subparagraph;
 - (b) omit the fourth subparagraph.
- (10) In Table 1 (items for the register of infrastructure)—
 - (a) in item 1, for “Member State” substitute “owner of infrastructure”;
 - (b) in item 1.1.1.1.1—
 - (i) for the words in the second column substitute—

“UK declaration of verification for track relating to compliance with the requirements of the Infrastructure NTSN, or EC declaration of verification for track made before IP completion day relating to compliance with the Infrastructure TSI”;

- (ii) for the words in the fourth column substitute—
 - “Unique number for UK or EC declaration of verification”;
- (c) in item 1.1.1.1.2, in the fourth column, omit “following the same format requirements as specified for EC declarations in Annex VII of Commission Implementing Regulations (EU) 2019/250”;
- (d) in items 1.1.1.1.2.1 and 1.1.1.1.2.1.2—
 - (i) for the words in the second column substitute “This item is left intentionally blank”;
 - (ii) omit the words in the other columns for that item;
- (e) in item 1.1.1.1.2.2, in the fourth column, for “INF TSI – Commission Regulation (EU) No 1299/2014” substitute “Infrastructure NTSN”;
- (f) in item 1.1.1.1.2.3—
 - (i) for the words in the second column substitute “This item is left intentionally blank”;
 - (ii) omit the words in the other columns for that item;
- (g) in item 1.1.1.1.2.4.4, in the fourth column—
 - (i) for “two EU languages” substitute “English”;
 - (ii) omit “stored by the Agency”;
- (h) in items 1.1.1.1.2.6 and 1.1.1.1.2.8, in the fourth column, omit “according to European standard”;
- (i) in item 1.1.1.1.3.1, in the fourth column, for “European standard” substitute “Infrastructure NTSN”;
- (j) in item 1.1.1.1.3.2, in the fourth column, omit “as defined in European standard”;
- (k) in item 1.1.1.1.3.3, in the fourth column, for “European standard” substitute “the Infrastructure NTSN”;
- (l) in item 1.1.1.1.3.1.1, in the fourth column—
 - (i) for “European standard” substitute “the Infrastructure NTSN”;
 - (ii) for “Regulation (EU) No 1302/2014” substitute “the Infrastructure NTSN”;
- (m) in item 1.1.1.1.3.1.3, in the fourth column, omit “stored by the Agency”;
- (n) in items 1.1.1.1.3.4 and 1.1.1.1.3.5, in the fourth column, omit “(if the line belongs to the TEN)”;
- (o) in item 1.1.1.1.5.1—
 - (i) in the second column, for “TSI” substitute “NTSN”;
 - (ii) in the fourth column, for “TSI” substitute “the Infrastructure NTSN”;
- (p) in items 1.1.1.1.6.4 and 1.1.1.1.6.5, in the fourth column—
 - (i) for “two EU languages” substitute “English”;
 - (ii) omit “stored by the Agency”;
- (q) in items 1.1.1.1.7.5, 1.1.1.1.7.6, 1.1.1.1.7.7, 1.1.1.1.7.8 and 1.1.1.1.7.9—
 - (i) for the words in the second column substitute “This item is left intentionally blank”;
 - (ii) omit the words in the other columns for that item;
- (r) in item 1.1.1.1.7.10, in the fourth column, omit “in accordance with Implementing Regulation (EU) 2019/773”;
- (s) in item 1.1.1.1.7.11, in the fourth column, for “Article 5b of Commission Regulation (EU) No 1304/2014” substitute “the Rolling Stock - Noise NTSN”;
- (t) in item 1.1.1.1.8.2, in the fourth column, for “Member State” substitute “the UK rail system”;
- (u) in item 1.1.1.1.8.5—
 - (i) for the words in the second column substitute—

- “UK declaration of verification relating to compliance with the NTSN relating to railway tunnels, or EC declaration of verification made before IP completion day relating to compliance with the TSI relating to railway tunnels”;
- (ii) for the words in the fourth column substitute—
 - “Unique number for UK or EC declaration of verification”;
 - (v) in item 1.1.1.1.8.6, in the fourth column, omit “following the same format requirements as specified for EC declarations in Annex VII of Commission Implementing Regulations (EU) 2019/250”;
 - (w) in item 1.1.1.1.8.8.1, in the second and fourth columns, for “INF TSI” substitute “the Infrastructure NTSN”;
 - (x) in item 1.1.1.1.8.8.2, in the fourth column, omit “stored by the Agency”;
 - (y) in item 1.1.1.2.1.1—
 - (i) for the words in the second column substitute—
 - “UK declaration of verification relating to compliance with the Energy NTSN, or EC declaration of verification made before IP completion day relating to compliance with the Energy TSI”;
 - (ii) for the words in the fourth column substitute—
 - “Unique number for UK or EC declaration of verification”;
 - (z) in item 1.1.1.2.2.1.3—
 - (i) for the words in the second column substitute “This item is left intentionally blank”;
 - (ii) omit the words in the other columns for that item;
 - (aa) in item 1.1.1.2.3.1, in the second and fourth columns, for “TSI” substitute “NTSN”;
 - (bb) in item 1.1.1.2.4.3—
 - (i) for the words in the second column substitute “This item is left intentionally blank”;
 - (ii) omit the words in the other columns for that item;
 - (cc) in item 1.1.1.3.1.1—
 - (i) for the words in the second column substitute—
 - “UK declaration of verification relating to compliance with the Control, command and signalling NTSN, or EC declaration of verification made before IP completion day relating to compliance with the Control, command and signalling TSI”;
 - (ii) for the words in the fourth column substitute—
 - “Unique number for UK or EC declarations of verification”;
 - (dd) in item 1.1.1.3.2, for “TSI” substitute “NTSN”;
 - (ee) in item 1.1.1.3.2.6, in the fourth column, for “CCS TSI – Commission Regulation (EU) 2016/919” substitute “Control, command and signalling NTSN”;
 - (ff) in item 1.1.1.3.3, for “TSI” substitute “NTSN”;
 - (gg) in item 1.1.1.3.3.3.1, in the fourth column, omit “and stored by the Agency”;
 - (hh) in item 1.1.1.3.4, for “TSI” substitute “NTSN”;
 - (ii) in item 1.1.1.3.4.1—
 - (i) in the second column, for “TSI” substitute “NTSN”;
 - (ii) in the fourth column, for “CCS TSI – Commission Regulation (EU) 2016/919” substitute “Control, command and signalling NTSN”;
 - (jj) in item 1.1.1.3.7, for “TSI” substitute “NTSN”;
 - (kk) in item 1.1.1.3.7.1.3, in the fourth column—
 - (i) for “two EU languages” substitute “English”;
 - (ii) omit “stored by the Agency”;

- (ll) in item 1.1.1.3.7.1.4—
- (i) for the words in the second column substitute “This item is left intentionally blank”;
 - (ii) omit the words in the other columns for that item;
- (mm) in items 1.1.1.3.7.2.1, 1.1.1.3.7.2.2, 1.1.1.3.7.12, 1.1.1.3.7.13, 1.1.1.3.7.14, 1.1.1.3.7.15.1, 1.1.1.3.7.15.2, 1.1.1.3.7.16, 1.1.1.3.7.19, 1.1.1.3.7.21, 1.1.1.3.7.22, 1.1.1.3.7.23, 1.1.1.3.9.1 and 1.1.1.3.9.2, for “TSI”, in each place it occurs, substitute “NTSN”;
- (nn) in item 1.1.1.3.11.2, in the fourth column, for “Regulation (EU) 2019/773” substitute “the Operation and Traffic Management NTSN”;
- (oo) in item 1.1.1.3.11.3, in the fourth column—
- (i) for “two EU languages” substitute “English”;
 - (ii) omit “stored by the Agency”;
 - (iii) for “Implementing Regulation (EU) 2019/773” substitute “the Operation and Traffic Management NTSN”;
- (pp) in item 1.1.1.4.2, in the fourth column omit “stored by the Agency”;
- (qq) in item 1.2.1.0.1.1—
- (i) for the words in the second column substitute—
 - “UK declaration of verification relating to compliance with the Infrastructure NTSN, or EC declaration of verification made before IP completion day relating to compliance with the Infrastructure TSI”;
 - (ii) for the words in the fourth column substitute—
 - “Unique number for UK or EC declaration of verification”;
- (rr) in item 1.2.1.0.1.2, in the fourth column, omit “following the same format requirements as specified for EC declarations in Annex VII of Commission Implementing Regulations (EU) 2019/250”;
- (ss) in item 1.2.1.0.2.1—
- (i) for the words in the second column substitute “This item is left intentionally blank”;
 - (ii) omit the words in the other columns for that item;
- (tt) in item 1.2.1.0.2.2, in the fourth column, for “INF TSI – Regulation (EU) No 1299/2014” substitute “Infrastructure NTSN”;
- (uu) in item 1.2.1.0.2.3—
- (i) for the words in the second column substitute “This item is left intentionally blank”;
 - (ii) omit the words in the other columns for that item;
- (vv) in items 1.2.1.0.3.1, 1.2.1.0.3.2, 1.2.1.0.3.3 and 1.2.1.0.3.4, in the fourth column, for “European standard” substitute “the relevant NTSN”;
- (ww) in item 1.2.1.0.3.6, in the fourth column, omit “stored by the Agency”;
- (xx) in item 1.2.1.0.5.3—
- (i) for the words in the second column substitute—
 - “UK declaration of verification relating to compliance with the Infrastructure NTSN, or EC declaration of verification made before IP completion day relating to compliance with the Infrastructure TSI”;
 - (ii) for the words in the fourth column substitute—
 - “Unique number for UK or EC declaration of verification”;
- (yy) in item 1.2.1.0.5.4, in the fourth column, omit “following the same format requirements as specified for EC declarations in Annex VII of Commission Implementing Regulations (EU) 2019/250”;
- (zz) in items 1.2.1.0.6.3 and 1.2.2.0.0.3—

- (i) for the words in the second column substitute “This item is left intentionally blank”;
 - (ii) omit the words in the other columns for that item;
 - (aaa) in item 1.2.2.0.1.1—
 - (i) for the words in the second column substitute—
 - “UK declaration of verification relating to compliance with the Infrastructure NTSN, or EC declaration of verification made before IP completion day relating to compliance with the infrastructure TSI”;
 - (ii) for the words in the fourth column substitute—
 - “Unique number for UK or EC declaration of verification”;
 - (bbb) in item 1.2.2.0.1.2, in the fourth column, omit “following the same format requirements as specified for EC declarations in Annex VII of Commission Implementing Regulation (EU) 2019/250”;
 - (ccc) in items 1.2.2.0.4.1, 1.2.2.0.4.2, 1.2.2.0.4.3 and 1.2.2.0.4.4, in the fourth column, for “INF TSI – Regulation (EU) No 1299/2014” substitute “the Infrastructure NTSN”;
 - (ddd) in item 1.2.2.0.5.2, in the fourth column, omit “within Member State”;
 - (eee) in item 1.2.2.0.5.3—
 - (i) for the words in the second column substitute—
 - “UK declaration of verification relating to compliance with the NTSN applicable to railway tunnels, or EC declaration of verification made before IP completion day relating to compliance with the TSIs applicable to railway tunnels”;
 - (ii) for the words in the fourth column substitute—
 - “Unique number for UK or EC declaration of verification”;
 - (fff) in item 1.2.2.0.5.4, in the fourth column omit “following the same format requirements as specified for EC declarations in Annex VII of Commission Implementing Regulations (EU) 2019/250”;
 - (ggg) in item 1.2.3.2, in the fourth column, omit “stored by the Agency”.
- (11) Omit Section 4 (high level system overview).

PART 4

Revocation of retained direct EU legislation and amendments to Annex XIII to the Agreement on the European Economic Area

31.—(1) The retained direct EU legislation listed in Schedule 2 is revoked.

(2) In Annex XIII to the EEA agreement so far as that Annex forms part of domestic law by virtue of section 3(2)(b) of the European Union (Withdrawal) Act 2018, omit paragraphs 37ac, 37aca, 37af, 37ag, 37ah, 37ai, 37da, 37db, 37dba, 37dc, 37dd, 37de, 37df, 37dg, 37dh, 37di, 37dj, 37dk, 37dl, 37dm, 37dn, 37do, 37f, 37g, 37ga, 37h, 37i, 37ia, 37m, 37ma, 37n and 37o.

Signed by authority of the Secretary of State for Transport

DO NOT SIGN

Address
Date

Parliamentary Under Secretary of State
Department for Transport

SCHEDULE 1
Standard Form for Registration

Regulation 17

STANDARD FORM FOR REGISTRATION OF AUTHORISED VEHICLES
(in conformity with the Railways (Interoperability) Regulations 2011)

Application for: New Registration Modification Withdrawal

INFORMATION ABOUT THE VEHICLE

1. Number

1.1 European Vehicle Number

1.2 Number previously assigned to the vehicle

2. Safety Authority

Safety Authority which authorised placing in service

.....

3. Manufacturing year

4. EC or UK Reference

4.1 Date of declaration

4.2 EC or UK Reference

4.3 Name of issuing body

4.4 Registered business number

Address of the organisation

4.5 Street and number

4.6 Town

4.7 Country Code 4.8 Postcode

5. Reference to the UK list of authorised types

5bis Series

6. Restrictions

6.1 Restrictions (code)

.....

.....

6.2 Restrictions (text)
.....

INFORMATION ABOUT THE ENTITIES RESPONSIBLE FOR THE VEHICLE

7. Owner

7.1 Name of organisation

7.2 Registered business number

Address of organisation

7.3 Street and number

7.4 Town

7.5 Country Code 7.6 Postcode

8. Keeper

8.1 Name of organisation

8.2 Registered business number

Address of organisation

8.3 Street and number

8.4 Town

8.5 Country Code 8.6 Postcode

8.7 Vehicle Keeper Marking (VKM)

OPERATIONAL INFORMATION

9. Entity in charge of maintenance

9.1 Name of organisation

9.2 Registered business number

Address of organisation

9.3 Street and number

9.4 Town

9.5 Country Code 9.6 Postcode

9.7 Email address

10. Withdrawal

10.1 Mode (code)

10.2 Date

Identification of the entity applying for registration

.....

Name and signature of responsible officer

.....

Date

SAFETY AUTHORITY REFERENCES

11. Allocated European Vehicle Number(1)

12. Authorisation number

13. Placing in service

13.1 Date of authorisation

13.2 Authorisation valid until

Date application received

Date application withdrawn

(1) It is possible to attach a list for several vehicles of the same series or order.

Revocation of retained direct EU legislation

Commission Decision 2009/965/EC of 30 November 2009 on the reference document referred to in Article 27(4) of Directive 2008/57/EC of the European Parliament and of the Council on the interoperability of the rail system within the Community

Commission Decision 2010/713/EU of 9 November 2010 on modules for the procedures for assessment of conformity, suitability for use and EC verification to be used in the technical specifications for interoperability adopted under Directive 2008/57/EC of the European Parliament and of the Council

Commission Decision 2011/155/EU of 9 March 2011 on the publication and management of the reference document referred to in Article 27(4) of Directive 2008/57/EC of the European Parliament and of the Council on the interoperability of the rail system within the Community

Commission Regulation (EU) No 454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem 'telematics applications for passenger services' of the trans-European rail system

Commission Implementing Decision 2011/665/EU of 4 October 2011 on the European register of authorised types of railway vehicles

Commission Regulation (EU) No 665/2012 of 20 July 2012 amending Regulation (EU) No 454/2011 on the technical specification for interoperability relating to the subsystem 'telematics applications for passenger services' of the trans-European rail system

Articles 1 to 4 and Articles 6 to 8 of Commission Decision 2012/757/EU of 14 November 2012 concerning the technical specification for interoperability relating to 'operation and traffic management subsystem' of the rail system in the European Union and amending Decision 2007/756/EC

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

Commission Decision 2013/710/EU of 2 December 2013 amending Decision 2012/757/EU concerning the technical specification for interoperability relating to the 'operation and traffic management' subsystem of the rail system in the European Union

Commission Regulation (EU) No 1236/2013 of 2 December 2013 concerning the technical specification for interoperability relating to the subsystem 'rolling stock – freight wagons' of the rail system in the European Union and amending Regulation (EU) No 321/2013

Commission Regulation (EU) No 1273/2013 of 6 December 2013 amending Regulation (EU) No 454/2011 on the technical specification for interoperability relating to the subsystem 'telematics applications for passenger services' of the trans-European rail system

Commission Regulation (EU) No 1299/2014 of 18 November 2014 on the technical specifications for interoperability relating to the 'infrastructure' subsystem of the rail system in the European Union

Commission Regulation (EU) No 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to the accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility

Commission Regulation (EU) No 1301/2014 of 18 November 2014 on the technical specifications for interoperability relating to the 'energy' subsystem of the rail system in the Union

Commission Regulation (EU) No 1302/2014 of 18 November 2014 concerning a technical specification for interoperability relating to the ‘rolling stock – locomotives and passenger rolling stock’ subsystem of the rail system in the European Union

Commission Regulation (EU) No 1303/2014 of 18 November 2014 concerning the technical specification for interoperability relating to ‘safety in rail tunnels’ of the rail system of the European Union

Commission Regulation (EU) No 1304/2014 of 26 November 2014 on the technical specification for interoperability relating to the subsystem ‘rolling stock – noise’ amending Decision 2008/232/EC and repealing Decision 2011/229/EU

Commission Regulation (EU) No 1305/2014 of 11 December 2014 on the technical specification for interoperability relating to the telematics applications for freight subsystem of the rail system in the European Union and repealing Regulation (EC) No 62/2006

Commission Regulation (EU) 2015/302 of 25 February 2015 amending Regulation (EU) No 454/2011 on the technical specification for interoperability relating to the subsystem ‘telematics applications for passenger services’ of the trans-European rail system

Commission Regulation (EU) 2015/924 of 8 June 2015 amending 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

Commission Regulation (EU) 2015/995 of 8 June 2015 amending Decision 2012/757/EU concerning the technical specification for interoperability relating to the ‘operation and traffic management’ subsystem of the rail system in the European Union

Commission Implementing Decision (EU) 2015/2299 of 17 November 2015 amending Decision 2009/965/EC as regards an updated list of parameters to be used for classifying national rules

Commission Regulation (EU) 2016/527 of 4 April 2016 amending Regulation (EU) No 454/2011 on the technical specification for interoperability relating to the subsystem ‘telematics applications for passenger services’ of the trans-European rail system

Commission Regulation (EU) 2016/912 of 9 June 2016 correcting Regulation (EU) No 1303/2014 concerning the technical specification for interoperability relating to ‘safety in railway tunnels’ of the rail system of the European Union

Commission Regulation (EU) 2016/919 of 27 May 2016 on the technical specification for interoperability relating to the ‘control-command and signalling’ subsystems of the rail system in the European Union

Commission Implementing Regulation (EU) 2017/6 of 5 January 2017 on the European Rail Traffic Management System European deployment plan

Commission Implementing Regulation (EU) 2018/278 of 23 February 2018 amending the Annex to Regulation (EU) No 1305/2014 as regards the structure of the messages, data and message model, Wagon and Intermodal Unit Operating Database, and to adopt an IT standard for the communication layer of the Common Interface

Commission Implementing Regulation (EU) 2018/868 of 13 June 2018 amending Regulation (EU) No 1301/2014 and Regulation (EU) No 1302/2014 as regards provisions on energy measuring system and data collecting system

Commission Implementing Regulation (EU) 2019/772 of 16 May 2019 amending Regulation (EU) No 1300/2014 as regards inventory of assets with a view to identifying barriers to accessibility, providing information to users and monitoring and evaluating progress on accessibility

Commission Implementing Regulation (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the operation and traffic management of the rail system within the European Union and repealing Decision 2012/757/EU

Commission Implementing Regulation (EU) 2019/774 of 16 May 2019 amending Regulation (EU) No 1304/2014 as regards application of the technical specification for interoperability relating to the subsystem ‘rolling stock – noise’ to the existing freight wagons

Commission Implementing Regulation (EU) 2019/775 of 16 May 2019 amending Regulation (EU) No 454/2011 as regards Change Control Management

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

Commission Implementing Regulation (EU) 2019/778 of 16 May 2019 amending Regulation (EU) No 1305/2014 as regards Change Control Management

DRAFT

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (b), (c), (d) and (g) and paragraph 21 of Schedule 7) arising from the withdrawal of the United Kingdom from the European Union. The amendments set out in regulation 2 are made in exercise of powers conferred by section 247 of the Transport Act 2000 which is being used to update out of date cross-references.

These Regulations make amendments in relation to the regulation of railways in the United Kingdom and in particular, the interoperability of the rail system. The interoperability regime sets out the standards that have to be met. Before the IP completion day, Technical Specifications for Interoperability (TSIs) set out the technical and operational standards which must be met by vehicles or components to satisfy the essential requirements, such as safety, reliability and availability, health, environmental protection, technical compatibility and accessibility. After the IP completion day these standards and performance levels will be set out in the new United Kingdom regime of National Technical Specification Notices (“NTSNs”).

Part 2 makes amendments to domestic secondary legislation already made in anticipation of the United Kingdom’s withdrawal from the European Union.

Regulation 2 and regulation 5 amend the Railways (Interoperability) Regulations 2011 and the Railway (Interoperability) (Amendment) (EU Exit) Regulations 2019 to ensure that the United Kingdom’s interoperability regime functions correctly after the transition period following the United Kingdom’s withdrawal from the European Union. Regulation 5 also corrects certain errors in that instrument.

Regulation 3 amends the Rail Passengers’ Rights and Obligations (Amendment) (EU Exit) Regulations 2018 to replace references to TSIs with references to the relevant NTSNs.

Regulation 4 amends the Train Driving Licences and Certificates (Amendment) (EU Exit) Regulations 2019 to correct certain errors in that instrument. References to TSIs are also replaced with references to the relevant NTSN which will apply after IP completion day.

Regulation 6 amends the Rail Safety (Amendment etc) (EU Exit) Regulations 2019 to replace an out-of-date reference in the definition of “common safety methods” to ensure that the correct Commission Implementing Regulation is referenced.

Part 3 amends retained direct EU legislation to correct deficiencies in two principal items of tertiary legislation relating to vehicle registers and registers for railway infrastructure and to ensure that the legislation can continue to function in the United Kingdom after IP completion day.

Part 4 revokes retained direct EU legislation listed in Schedule 2 and amends Annex XIII to the Agreement on the European Economic Area.

The NTSNs applying in the United Kingdom will be published on the gov.uk website after the end of the transition period. Draft copies of the NTSN can currently be found at <https://www.rssb.co.uk/en/Standards-and-Safety/Using-Standards/Understanding-and-Appling-Standards/National-Technical-Specification-Notices-NTSNs> At the end of the transition period hard copies of the NTSNs will be available on request from the Department for Transport, Interoperability Team, Zone 4/26, Great Minster House, London, SW1P 4DR or by emailing interoperability@dft.gov.uk

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is seen.

An Explanatory Memorandum is published alongside the instrument on www.legislation.gov.uk