

2015 No. 2022

TRANSPORT

RAILWAYS

The Railways (Interoperability) (Amendment) Regulations 2015

Made - - - - *10th December 2015*

Laid before Parliament *17th December 2015*

Coming into force - - *8th January 2016*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 247 of the Transport Act 2000^(a).

Citation and commencement

1. These Regulations may be cited as the Railways (Interoperability) (Amendment) Regulations 2015 and come into force on 8th January 2016.

Amendment to the Railways (Interoperability) Regulations 2011

2.—(1) The Railways (Interoperability) Regulations 2011^(b) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)—

(a) in the definition of “the Directive”—

(i) at the end of (c) omit “and”; and

(ii) at the end of (d) insert—

“and

(e) Commission Directive 2014/106/EU of 5 December 2014 amending Annexes V and VI to Directive 2008/57/EC of the European Parliament and of the Council on the interoperability of the rail system within the Community^(c)”; and

(b) for the definition of “safety assessment report” substitute the following definition—

““safety assessment report” means a report provided in accordance with Article 15 of Commission Implementing Regulation (EU) 402/2013 of 30 April 2013 on the common safety method for risk evaluation and assessment^(d)”.

(3) In regulation 12 (list of projects for the renewal or upgrading of subsystems), in paragraph (2), after “upgrading of” insert “a”.

^(a) 2000 c.38.

^(b) S.I. 2011/3066 amended by S.I. 2013/3023, S.I. 2014/3217 and S.I. 2015/1682.

^(c) O.J. No. L 355, 12.12.2014, p.42.

^(d) O.J. No. L 121, 3.5.2013, p.8, as amended by Commission Implementing Regulation (EU) 2015/1136 (O.J. No. L 185, 14.7.2015, p.6).

(4) In regulation 35 (register of infrastructure), in paragraph (3), for sub-paragraphs (b) and (c) substitute—

- “(b) “the infrastructure specifications”, means the specifications set out in the Annex to the specifications Decision; and
- (c) “the specifications Decision” means the Commission Implementing Decision 2014/880/EU of 26 November 2014 on the common specifications of the register of railway infrastructure and repealing Implementing Decision 2011/633/EU(a).”.

Signed by authority of the Secretary of State

Claire Perry
Parliamentary Under Secretary of State
Department for Transport

10th December 2015

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Railways (Interoperability) Regulations 2011 (“the 2011 Regulations”) in order to implement Commission Directive 2014/106/EU of 5 December 2014 (“the 2014 Directive”) amending Annexes V and VI to Directive 2008/57/EC of the European Parliament and of the Council on the interoperability of the rail system within the Community.

The 2011 Regulations implemented Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (Recast) (O.J. No. L 191, 18.7.2008, p.1) (the “Interoperability Directive”).

Annex V of the Interoperability Directive sets out requirements in relation to an ‘EC’ declaration of verification for rail subsystems. Applicants seeking an authorisation for the placing in service of a structural subsystem (e.g. infrastructure, vehicles) are required to declare, in accordance with the provisions of this Annex, that the subsystem concerned, which has been subject to the verification procedures, satisfies the requirements of the relevant legislation.

Annex VI of the Interoperability Directive describes the procedures for the issue of a certificate of ‘EC’ verification to demonstrate that requirements of relevant EU and national legislation have been met for rail subsystems intended to be placed in service. The Annex sets out the roles of the applicant, notified bodies and designated bodies in that procedure.

The 2014 Directive amends Annex V of the Interoperability Directive to better define the scope and content of the ‘EC’ declaration of verification and clarify the procedures concerning the ‘EC’ declaration of verification where this relates to modifications of existing subsystems and additional verifications carried out by notified bodies.

The 2014 Directive amends Annex VI of the Interoperability Directive to clarify the aim of the verification procedure and the principles concerning the verification procedure in the case of modifications of existing subsystems.

Regulation 2(2)(a) amends the definition of “the Directive” in regulation 2(1) of the 2011 Regulations. The term “the Directive” in the 2011 Regulations (as amended by S.I. 2013/3023 S.I. 2014/3217 and S.I. 2015/1682) was defined as meaning Directive 2008/57/EC as amended by Commission Directive 2009/131/EC (O.J. No. L 273, 17.10.2009, p.12), Commission Directive 2011/18/EU (O.J. No L 57, 2.3.2011, p.21), Commission Directive 2013/9/EU (O.J. No. L 68, 12.3.2013, p.55) and Commission Directive 2014/38/EU (O.J. No. L 70, 11.3.2014, p.20). This

(a) O.J. No. L 356, 12.12.2014, p.489.

amendment now includes in the definition of the Directive a reference to the 2014 Commission Directive.

Regulation 2(2)(b) amends the definition of “safety assessment report” in regulation 2(1) of the 2011 Regulations. In accordance with regulations 5 and 17 of the 2011 Regulations an application for authorisation for the placing in service of any structural subsystem must be accompanied by a technical file which includes the items listed in section 2.4 of Annex VI to the Interoperability Directive. This section includes a safety assessment report from an assessment body on how the risk management process is applied when verification of safe integration of the subsystem is required. The provision of a safety assessment report for these purposes is set out in Article 15 of Commission Implementing Regulation (EU) 402/2013 of 30 April 2013 which has replaced Commission Regulation (EC) 352/2009. Commission Implementing Regulation (EU) 402/2013 establishes a revised common safety method for risk evaluation and assessment as referred to in Article 6(3)(a) of Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community’s railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) (O.J. No. L 164, 30.4.2004, p.44) (relevant amendments to that Directive have been made by Directive 2008/110/EC of the European Parliament and of the Council of 16 December 2008 (O.J. No. L 345, 23.12.2008, p.62)). The Railway Safety Directive is implemented by the Railways and Other Guided Transport Systems (Safety) Regulations 2006 (S.I. 2006/599).

Regulation 2(4) amends the definition of the “infrastructure specifications” in regulation 35(3)(b) and “the specifications Decision” in regulation 35(3)(c) of the 2011 Regulations. Commission Implementing Decision 2011/633/EU (the previous specifications Decision) has been replaced by Commission Implementing Decision 2014/880/EU on the common specifications of the register of railway infrastructure. Regulation 35 of the 2011 Regulations requires owners of infrastructure to keep a register of infrastructure. The register must be maintained in accordance with infrastructure specifications being those set out in the Annex to the specifications Decision.

An impact assessment has not been produced for this instrument as no impact on the costs of business, the public sector, third sector organisations, regulators or consumers is foreseen. An Explanatory Memorandum is available alongside the instrument on the website www.legislation.gov.uk.

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