
STATUTORY INSTRUMENTS

2019 No. 518

**EXITING THE EUROPEAN UNION
TRANSPORT**

**The Railways (Access, Management and Licensing of Railway
Undertakings) (Amendments etc.) (EU Exit) Regulations 2019**

Sift requirement satisfied 6th March 2019

Made - - - - 7th March 2019

Laid before Parliament 8th March 2019

Coming into force in accordance with regulation 1

**THE RAILWAYS (ACCESS, MANAGEMENT AND
LICENSING OF RAILWAY UNDERTAKINGS)
(AMENDMENTS ETC.) (EU EXIT) REGULATIONS 2019**

PART 1

Introduction

1. Citation, extent and commencement

PART 2

Amendment of subordinate legislation

2. Amendment of the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016
3. In regulation 3 (interpretation)— (a) for the definition of “cross-border...
4. In regulation 4 (scope), in paragraph (2)(b), for “the railway...
5. In regulation 5 (access rights)— (a) in paragraph (4) for...
6. In regulation 7 (cross-border agreements), omit paragraphs 2 to 4...
7. In regulation 8 (management independence), in paragraph (1), for “Member...
8. In regulation 11 (indicative railway infrastructure strategy) omit subparagraphs 1(b)...
9. In regulation 13 (network statement)— (a) in paragraph (4), after...
10. In regulation 15 (infrastructure costs and accounts), in paragraph (6),...
11. In regulation 18 (co-operation in relation to charging systems on...

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12. In regulation 20 (co-operation in the allocation of infrastructure capacity...
13. In regulation 21 (framework agreements)— (a) in paragraph (1) omit...
14. In regulation 25, (declaration of specialised infrastructure), in paragraph (2),...
15. In regulation 26 (congested infrastructure), in paragraph (7), for “at...
16. In regulation 31 (regulatory body), in paragraph (1) for the...
17. In regulation 33 (regulatory decisions concerning international passenger services), in...
18. In regulation 34 (monitoring the rail services markets) omit paragraphs...
19. In regulation 36 (provision of information to the regulatory body),...
20. Omit regulation 37 (cooperation between regulatory bodies).
21. In Schedule 3 (access charging)— (a) in paragraph 1, in...
22. In Schedule 4 (timetable for the allocation process), in paragraph...
23. After Schedule 4, insert new Schedule 4A, as set out...
24. Schedule 6 is amended as follows— (a) in paragraph 2...

PART 3

Revocation of retained EU law

25. Revocation of retained EU law

PART 4

Amendment of retained EU law

26. Commission Implementing Regulation (EU) No 869/2014 of 11 August 2014 on new rail passenger services
27. Save where these Regulations provide otherwise, for “regulatory body”, in...
28. In Article 1(a) for “different Member States” substitute “in the...
29. In Article 2 (definitions)— (a) in the definition of ‘principal...
30. In Article 3 (notification of a planned new international rail...
31. In Article 4 (time frame to request a principal purpose...
32. In Article 6 (information to be provided in the request...
33. In Article 7 (procedure for the principal purpose test), in...
34. In Article 8 (assessment criteria for the principle purpose test)—...
35. In Article 9 (result of the principal purpose test)—
36. In Article 10 (entities having the right to request an...
37. In article 11 (information requirements for the economic equilibrium test) —...
38. In Article 12 (procedure for the economic equilibrium test), paragraph...
39. In Article 15 (result of the economic equilibrium test), in...
40. In Article 16 (reconsideration of a decision resulting from the...
41. In Article 17 (cooperation of the regulatory body with other...
42. In Article 19 (methodology)— (a) in paragraph 1 for “regulatory...
43. After Article 20 (entry into force), omit the words from...
44. Commission Implementing Regulation (EU) 2015/10 of 6 January 2015 on criteria for applicants for rail infrastructure capacity and repealing Implementing Regulation (EU) No 870/2014
45. In Article 2, in the opening words, for “definition applies”...
46. In Article 5 (capability to prepare compliant bids for infrastructure...
47. Omit Articles 6 and 7.
48. After Article 8, omit the words from “This Regulation” to...

49. Commission Implementing Regulation (EU) 2015/909 of 12 June 2015 on the modalities for the calculation of the cost that is directly incurred as a result of operating the train service
50. For “regulatory body”, in each instance where it occurs, substitute...
51. In Article 1 (subject matter and scope), in paragraph 1,...
52. In Article 2 (definitions), after the definition of ‘cost centre’...
53. In Article 3, omit paragraph 2.
54. In Article 4 (non-eligible costs)— (a) in paragraph 1, at...
55. In Article 5 (calculation and modulation of direct unit costs)—...
56. In Article 7 (simplified control)— (a) in paragraph 1, for...
57. Omit Article 9.
58. After Article 10 omit the words from “This Regulation” to...
59. Commission Implementing Regulation (EU) 2016/545 of 7 April 2016 on procedures and criteria concerning framework agreements for the allocation of rail infrastructure capacity
60. For “regulatory body”, in each instance where it is used,...
61. In Article 2 (definitions)— (a) for “Article 3 of Directive...
62. In Article 3 (framework capacity statements), in paragraph 3—
63. In Article 4 (alignment of network statements), omit the words...
64. In Article 5 (allocation of framework capacity), in paragraph 5,...
65. In Article 6 (conclusion of framework agreements), in paragraph 1,...
66. In Article 8 (ceilings for the allocation of framework capacity),...
67. In Article 9 (coordination in case of conflicting requests for...
68. In Article 10 (coordination of conflicting requests for train paths...
69. In Article 11 (adjustment of framework capacity in the framework...
70. In Article 12 — (a) in paragraph 1 omit the...
71. In Article 13 (penalties), in paragraph 1, for “Article 42(4)...
72. Omit Articles 14 and 15.
73. After Article 16, omit the words from “This Regulation” to...
74. Commission Implementing Regulation (EU) 2018/1795 of 20 November 2018 laying down procedure and criteria for the application of the economic equilibrium test pursuant to Article 11 of Directive 2012/34/EU of the European Parliament and of the Council
75. Save where these Regulations provide otherwise, for “regulatory body”, in...
76. Omit Article 2 (scope).
77. In Article 3 (definitions)— (a) in the definition of “economic...
78. In Article 4 (notification of a planned new rail passenger...
79. In Article 5 (deadline for requesting the economic equilibrium test)—...
80. In Article 7 (information requirements for the economic equilibrium test),...
81. In Article 8 (confidentiality), in paragraph 4, omit “according to...
82. In Article 9 (procedure for the economic equilibrium test)—
83. In Article 10 (contents of the economic equilibrium test and...
84. In Article 11 (result of economic equilibrium test)—
85. For Article 12 (cooperation between regulatory bodies competent for a...
86. In Article 14 (methodology), omit paragraph 2.
87. After Article 16, omit the words from “This Regulation” to...

PART 5

Application of retained EU law in Great Britain to new rail passenger services

88. Immediately after the transitory modifications contained in Schedule 6 to...
Signature

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SCHEDULE —

Explanatory Note