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► **B** REGULATION (EU) 2020/2222 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 23 December 2020

on certain aspects of railway safety and connectivity with regard to the cross-border infrastructure linking the Union and the United Kingdom through the Channel Fixed Link

(Text with EEA relevance)

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**REGULATION (EU) 2020/2222 OF THE EUROPEAN
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of 23 December 2020

**on certain aspects of railway safety and connectivity with regard to
the cross-border infrastructure linking the Union and the United
Kingdom through the Channel Fixed Link**

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Article 1

Subject matter and scope

1. This Regulation lays down specific provisions, in view of the ending of the transition period referred to in Article 126 of the Withdrawal Agreement, for certain safety authorisations and safety certificates issued under Directive 2004/49/EC and certain licences of railway undertakings issued under Directive 2012/34/EU, referred to in paragraph 2.

2. This Regulation shall apply to the following authorisations, certificates and licences, which are valid on 31 December 2020:

- (a) safety authorisations issued under Article 11 of Directive 2004/49/EC to infrastructure managers for the management and operation of cross-border infrastructure linking the Union and the United Kingdom through the Channel Fixed Link;
- (b) safety certificates issued under Article 10 of Directive 2004/49/EC to railway undertakings established in the United Kingdom and using the cross-border infrastructure linking the Union and the United Kingdom through the Channel Fixed Link;
- (c) licences issued under Chapter III of Directive 2012/34/EU to railway undertakings established in the United Kingdom and using the cross-border infrastructure linking the Union and the United Kingdom through the Channel Fixed Link.

Article 2

Definitions

For the purposes of this Regulation, relevant definitions in Directives 2012/34/EU and (EU) 2016/798 and the delegated and implementing acts adopted under those Directives and under Directive 2004/49/EC shall apply.

Article 3

Validity of safety authorisations, safety certificates and licences

1. The safety authorisations referred to in point (a) of Article 1(2) shall remain valid for two months from the date of application of this Regulation.

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2. ►**M1** The safety certificates referred to in point (b) of Article 1(2) shall remain valid for 15 months from the date of application of this Regulation. ◀ They shall be valid only for the purpose of reaching the border crossing station and terminal of Calais-Fréthun from the United Kingdom or departing from that station and terminal to the United Kingdom.

3. ►**M1** The licences referred to in point (c) of Article 1(2) shall remain valid for 15 months from the date of application of this Regulation. ◀ By way of derogation from Article 23(1) of Directive 2012/34/EU, those licences shall be valid only on the territory situated between the border-crossing station and terminal of Calais-Fréthun and the United Kingdom.

*Article 4***Rules and obligations regarding safety authorisations, safety certificates and licences**

1. Safety authorisations, safety certificates and licences governed by Article 3 of this Regulation are subject to the rules applicable to them in accordance with Directives 2012/34/EU and (EU) 2016/798, and in accordance with the implementing and delegated acts adopted under those Directives.

2. The holders of safety authorisations, safety certificates and licences referred to in Article 1(2), and, as appropriate, the authority issuing them, when different from the national safety authority in whose territory the infrastructure is situated in the Union and under whose competence the border-crossing station and terminal of Calais-Fréthun falls, shall cooperate with that national safety authority and deliver to it all relevant information and documents.

3. Where information or documents have not been delivered within the time limits set in requests made by the national safety authority referred to in paragraph 2 of this Article, the Commission may, upon notification by the national safety authority, adopt implementing acts to withdraw the benefit conferred on the holder pursuant to Article 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 7(2).

4. Holders of safety authorisations, safety certificates and licences referred to in Article 1(2) of this Regulation shall inform without delay the Commission and the European Union Agency for Railways of any actions by other competent safety authorities, which may conflict with their obligations under this Regulation, Directive 2012/34/EU or Directive (EU) 2016/798.

5. Before withdrawing the benefits conferred pursuant to Article 3, the Commission shall in due time inform the national safety authority referred to in paragraph 2 of this Article, the authority having issued the safety authorisations, safety certificates and licences referred to in Article 1(2), and the holders of such authorisations, certificates and licences of its intention to proceed to such withdrawal, and shall provide them with the opportunity to make their views known.

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6. As regards the licences referred to in point (c) of Article 1(2) of this Regulation, for the purposes of paragraphs (1) to (5) of this Article, references to a national safety authority shall be understood as references to a licencing authority defined in point (15) of Article 3 of Directive 2012/34/EU.

*Article 5***Monitoring compliance with Union law**

1. The national safety authority referred to in Article 4(2) shall monitor the railway safety standards applied to railway undertakings established in the United Kingdom using the cross-border infrastructure referred to in point (a) of Article 1(2), and applied to that cross-border infrastructure. In addition, the national safety authority shall check that infrastructure managers and railway undertakings comply with the safety requirements set out in Union law. Where appropriate, the national safety authority shall provide the Commission and the European Union Agency for Railways with a recommendation for the Commission to act in accordance with paragraph 2 of this Article.

The licencing authority referred to in Article 4(2), in conjunction with Article 4(6), of this Regulation shall monitor whether the requirements of Articles 19 to 22 of Directive 2012/34/EU continue to be met in relation to railway undertakings licensed by the United Kingdom referred to in point (c) of Article 1(2) of this Regulation.

2. Where the Commission has justified doubts that the safety standards applied to the operation of cross-border railway services or infrastructure falling within the scope of this Regulation or the part of the same infrastructure that is situated in the United Kingdom are in line with the relevant provisions of Union law, it shall without undue delay adopt implementing acts to withdraw the benefit conferred on the holder pursuant to Article 3. The power to adopt implementing acts shall apply *mutatis mutandis* where the Commission has justified doubts in respect of the fulfilment of the requirements referred to in the second subparagraph of paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 7(2).

3. For the purposes of paragraph 1 of this Article, the national safety authority or the licensing authority referred to in Article 4(2), in conjunction with Article 4(6), may request information from the relevant competent authorities, setting a reasonable time limit. Where those relevant competent authorities do not provide the information requested within the established time limit, or provide incomplete information, the Commission may, upon notification by the national safety authority or licencing authority referred to in Article 4(2), in conjunction with Article 4(6), as appropriate, adopt implementing acts to withdraw the benefit conferred on the holder pursuant to Article 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 7(2).

4. Before withdrawing the benefits conferred pursuant to Article 3, the Commission shall in due time inform the national safety authority referred to in Article 4(2), the authority having issued the safety authorisations, safety certificates and licences referred to in Article 1(2) and the holders of such authorisations, certificates and licences, as well as the national safety authority and the licensing authority of the United Kingdom, of its intention to proceed to such withdrawal, and shall provide them with the opportunity to make their views known.

▼B*Article 6***Consultation and cooperation**

1. The competent authorities of the Member State concerned shall consult and cooperate with the competent authorities of the United Kingdom as necessary in order to ensure the implementation of this Regulation.
2. The Member State concerned shall, upon request, provide the Commission without undue delay with any information obtained pursuant to paragraph 1 or any other information relevant for the implementation of this Regulation.

*Article 7***Committee**

1. The Commission shall be assisted by the committee referred to in Article 51 of Directive (EU) 2016/797 and by the committee referred to in Article 62 of Directive 2012/34/EU. Those committees shall be committees within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

*Article 8***Entry into force and application**

1. This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.
2. It shall apply from 1 January 2021.

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3. This Regulation shall cease to apply on 31 March 2022.

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This Regulation shall be binding in its entirety and directly applicable in all Member States.