

Official Journal of the European Union

L 188



English edition

Legislation

Volume 63

15 June 2020

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⁽¹⁾ Text with EEA relevance.

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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DECISIONS

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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2020/777

of 12 June 2020

amending Implementing Regulation (EU) 2018/763 as regards the dates of application and certain transitional provisions following the extension of the transposition deadline of Directive (EU) 2016/798 of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety ⁽¹⁾, and in particular Article 10(10) thereof,

Whereas:

- (1) Directive (EU) 2016/798 was amended by Directive (EU) 2020/700 ⁽²⁾ in order to give Member States the possibility to extend the deadline to bring into force the national laws, regulations and administrative provisions necessary to comply with the provisions referred to in Article 33(1) of Directive (EU) 2016/798.
- (2) The assessment of applications for a safety certificate in accordance with Directive 2004/49/EC of the European Parliament and of the Council ⁽³⁾, for which the safety certificate had to be issued before 16 June 2020, might be delayed because of the COVID-19 outbreak. Therefore, in the Member States that have notified the Agency and the Commission in accordance with Article 33(2) of Directive (EU) 2016/798 and where Directive (EU) 2016/798 is to apply from 16 June 2020, the national safety authority ('NSA') should, at the request of the applicant, continue the assessment beyond that date. The NSA should finalise that assessment and issue the safety certificate before 30 October 2020.
- (3) With regard to Member States that have notified the European Union Agency for Railways ('the Agency') and the Commission in accordance with Article 33(2a) of Directive (EU) 2016/798, the application of certain provisions of Commission Implementing Regulation (EU) 2018/763 ⁽⁴⁾ should be postponed and apply from 31 October 2020. Transitional provisions set out in Implementing Regulation (EU) 2018/763 should also be adapted.
- (4) Applicants may have compiled applications in accordance with Implementing Regulation (EU) 2018/763 in view to the current application deadline. Applications drawn up in accordance with Implementing Regulation (EU) 2018/763 should include all the necessary evidence for the safety certification of railway undertakings under either Directive 2004/49/EC or Directive (EU) 2016/798. Therefore, applicants should be allowed to submit, to national

⁽¹⁾ OJ L 138, 26.5.2016, p. 102.

⁽²⁾ Directive (EU) 2020/700 of the European Parliament and of the Council of 25 May 2020 amending Directives (EU) 2016/797 and (EU) 2016/798, as regards the extension of their transposition periods (OJ L 165, 27.5.2020, p. 27).

⁽³⁾ 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 (OJ L 164, 30.4.2004, p. 44).

⁽⁴⁾ Commission Implementing Regulation (EU) 2018/763 of 9 April 2018 establishing practical arrangements for issuing single safety certificates to railway undertakings pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council, and repealing Commission Regulation (EC) No 653/2007 (OJ L 129, 25.5.2018, p. 49).

safety authorities in Member States that have notified the Agency and the Commission in accordance with Article 33 (2a) of Directive (EU) 2016/798, applications which list evidence in accordance with Implementing Regulation (EU) 2018/763. National safety authorities should accept those applications without requiring a revised application.

- (5) Implementing Regulation (EU) 2018/763 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 28(1) of Directive (EU) 2016/798.
- (7) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2018/763 is amended as follows:

- (1) in Article 2, point (5) is replaced by the following:

‘(5) “relevant date” means 16 June 2019 as regards those Member States that have not notified the Agency and the Commission in accordance with Article 33(2) of Directive (EU) 2016/798 that they have extended the transposition period of that Directive. It means 16 June 2020 as regards those Member States that have notified the Agency and the Commission in accordance with Article 33(2) of Directive (EU) 2016/798 that they have extended the transposition period of that Directive and that have not notified the Agency and the Commission in accordance with Article 33(2a) of Directive (EU) 2016/798. It means 31 October 2020 as regards those Member States that have notified the Agency and the Commission in accordance with Article 33(2a) of Directive (EU) 2016/798 that they have further extended the transposition period of that Directive.’;

- (2) Article 15 is amended as follows:

- (a) the following paragraph 4a is inserted:

‘4a. Notwithstanding paragraphs 1 to 4, in those Member States that have notified the Agency and the Commission in accordance with 33(2) of Directive (EU) 2016/798 and where Directive (EU) 2016/798 shall apply from 16 June 2020, the NSA shall, at the request of the applicant, continue to carry out the assessment of the applications for a safety certificate in accordance with Directive 2004/49/EC, beyond 16 June 2020, provided that it shall issue the safety certificate before 30 October 2020.

Where a NSA recognises that it will not be able to issue a safety certificate before 30 October 2020, it shall inform the applicant and the Agency immediately and paragraphs 2 to 4 shall apply.’;

- (b) the following paragraph 6a is inserted:

‘6a. Where the area of intended operation is not limited to one Member State, a single safety certificate issued by the Agency between 16 June 2020 and 30 October 2020 shall exclude the network or networks in any of the Member States that have notified the Agency and the Commission in accordance with Article 33(2a) of Directive (EU) 2016/798. The national safety authorities of the Member States that have made such a notification shall:

- (a) treat a single safety certificate issued by the Agency as equivalent to the part of the safety certificate issued in accordance with point (a) of Article 10(2) of Directive 2004/49/EC;
- (b) issue, from 16 June 2020, safety certificates in accordance with point (b) of Article 10(2) of Directive 2004/49/EC with a validity period not extending beyond that of the single safety certificate.’;

- (c) paragraph 7 is replaced by the following:

‘7. In the cases referred to in point (a) of paragraph 2 and in paragraphs 6 and 6a of this Article, the national safety authority shall cooperate and coordinate with the Agency to undertake the assessment of the elements set out in point (a) of Article 10(3) of Directive (EU) 2016/798. In doing so, the Agency shall accept the assessment referred to in point (a) of Article 10(2) of Directive 2004/49/EC carried out by the national safety authority.’;

(d) a new paragraph 8 is added:

‘8. Between 16 June 2020 and 30 October 2020, in Member States that have notified the Agency and the Commission in accordance with Article 33(2a) of Directive (EU) 2016/798, applicants for a safety certificate for the purposes of Directive 2004/49/EC may submit to the national safety authorities a file compiled in accordance with Annex I.

Applications for safety certificates in accordance with this Regulation shall be accepted by the national safety authorities referred to in the first subparagraph for the purposes of Directive 2004/49/EC.’;

(3) Article 16 is replaced by the following:

‘Article 16

Repeal

Regulation (EC) No 653/2007 is repealed with effect from 16 June 2019.

However, it shall continue to apply until 15 June 2020 in respect of those Member States that have notified the Agency and the Commission in accordance with Article 33(2) of Directive (EU) 2016/798 that they have extended the period for transposition of that Directive and that have not notified the Agency and the Commission in accordance with 33 (2a) of Directive (EU) 2016/798.

It shall continue to apply until 30 October 2020 in respect of those Member States that have notified the Agency and the Commission in accordance with Article 33(2a) of Directive (EU) 2016/798 that they have extended the period for transposition of that Directive.’;

(4) in Article 17, the second subparagraph is replaced by the following:

‘It shall apply from 16 June 2019 in the Member States that have not notified the Agency and the Commission in accordance with Article 33(2) of Directive (EU) 2016/798.

It shall apply from 16 June 2020 in the Member States that have notified the Agency and the Commission in accordance with Article 33(2) of Directive (EU) 2016/798 and that have not notified the Agency and the Commission in accordance with Article 33(2a) of Directive (EU) 2016/798.

It shall apply in all Member States from 31 October 2020.

However, paragraphs (1), (2), (3) and (7) of Article 15 shall apply from 16 February 2019 and Article 15(6) shall apply from 16 June 2019, in all Member States.

Articles 15(6a) shall apply from 16 June 2020 in all Member States.

Article 15(8) shall apply from 16 June 2020 in Member States that have notified the Agency and the Commission in accordance with Article 57(2a) of Directive (EU) 2016/797.’.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 12 June 2020.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2020/778**of 12 June 2020****amending Implementing Regulation (EU) 2019/773 as regards the dates of application following the extension of the transposition deadline of Directive (EU) 2016/797 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 ⁽¹⁾, and in particular Article 5(11) thereof,

Whereas:

- (1) Directive (EU) 2016/797 was amended by Directive (EU) 2020/700 ⁽²⁾ in order to give Member States the possibility to extend the deadline to bring into force the national laws, regulations and administrative provisions necessary to comply with the provisions referred to in Article 57(1) Directive (EU) 2016/797.
- (2) With regard to the Member States that have notified the European Union Agency for Railways ('the Agency') and the Commission of their intention to extend the transposition period of Directive (EU) 2016/797 in accordance with Article 57(2a) thereof, the application of certain provisions of Commission Implementing Regulation (EU) 2019/773 ⁽³⁾ should be postponed until 31 October 2020.
- (3) Due to the measures following the COVID-19 pandemic, activities relating to the elimination of national rules on the rear end signal of a freight train could not be performed as planned. Member States should have three additional months to deliver to the Commission reports on their use of reflective plates referred to in point 4.2.2.1.3.2 of the Annex to Implementing Regulation (EU) 2019/773. The deadline for reviewing the specifications with a view to harmonising the requirements on the rear end signal of a freight train for the whole Union should be adapted accordingly.
- (4) Implementing Regulation (EU) 2019/773 should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 51(1) of Directive (EU) 2016/797.
- (6) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2019/773 is amended as follows:

- (1) in Article 6, the fifth subparagraph is replaced by the following:

'Section 4.2.2.5 and Appendix D1 of the Annex to this Regulation shall apply from 16 June 2020 in the Member States that have notified the Agency and the Commission in accordance with Article 57(2) of Directive (EU) 2016/797 and that have not notified the Agency and the Commission in accordance with Article 57(2a) of Directive (EU) 2016/797.'

⁽¹⁾ OJ L 138, 26.5.2016, p. 44.

⁽²⁾ Directive (EU) 2020/700 of the European Parliament and of the Council of 25 May 2020 amending Directives (EU) 2016/797 and (EU) 2016/798, as regards the extension of their transposition periods (OJ L 165, 27.5.2020, p. 27).

⁽³⁾ Commission Implementing Regulation (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union and repealing Decision 2012/757/EU (OJ L 139I, 27.5.2019, p. 5).

Section 4.2.2.5 and Appendix D1 of the Annex to this Regulation shall apply from 31 October 2020 in the Member States that have notified the Agency and the Commission in accordance with Article 57(2a) of Directive (EU) 2016/797.;

- (2) in point 4.2.2.1.3.2 of the Annex, in the subparagraph after 'Reports:', the date '30 September 2020' is replaced by '31 December 2020';
- (3) in point 4.2.2.1.3.2 of the Annex, in the subparagraph after 'Phasing out:', the date '31 March 2021' is replaced by '30 June 2021'.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 12 June 2020.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2020/779**of 12 June 2020****amending Implementing Regulation (EU) 2019/250 as regards the dates of application following the extension of the transposition deadline of Directive (EU) 2016/797 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 ⁽¹⁾, and in particular Article 9(4), Article 15(9) and Article 24 (4) thereof,

Whereas:

- (1) Directive (EU) 2016/797 was amended by Directive (EU) 2020/700 ⁽²⁾ in order to give Member States the possibility to extend the deadline to bring into force the national laws, regulations and administrative provisions necessary to comply with the provisions referred to in Article 57(1) of Directive (EU) 2016/797.
- (2) With regard to the Member States that have notified the European Union Agency for Railways ('the Agency') and the Commission of their intention to extend the transposition period of Directive (EU) 2016/797 in accordance with Article 57(2a) thereof, the application of certain provisions of Commission Implementing Regulation (EU) 2019/250 ⁽³⁾ should be postponed until 31 October 2020.
- (3) Implementing Regulation (EU) 2019/250 should therefore be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 51(1) of Directive (EU) 2016/797.
- (5) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2019/250 is amended as follows:

- (1) in Article 11, the second subparagraph is replaced by the following:

'The Annex to Regulation (EU) No 201/2011 shall continue to apply to declaration of conformity to type referred to in Article 26(4) of Directive 2008/57/EC until 15 June 2020 in the Member States that have notified the Agency and the Commission in accordance with Article 57(2) of Directive (EU) 2016/797 and that have not notified the Agency and the Commission in accordance with Article 57(2a) of Directive (EU) 2016/797.

The Annex to Regulation (EU) No 201/2011 shall continue to apply to declaration of conformity to type referred to in Article 26(4) of Directive 2008/57/EC until 30 October 2020 in the Member States that have notified the Agency and the Commission in accordance with Article 57(2a) of Directive (EU) 2016/797.;

⁽¹⁾ OJ L 138, 26.5.2016, p. 44.

⁽²⁾ Directive (EU) 2020/700 of the European Parliament and of the Council of 25 May 2020 amending Directives (EU) 2016/797 and (EU) 2016/798, as regards the extension of their transposition periods (OJ L 165, 27.5.2020, p. 27).

⁽³⁾ Commission Implementing Regulation (EU) 2019/250 of 12 February 2019 on the templates for 'EC' declarations and certificates for railway interoperability constituents and subsystems, on the model of declaration of conformity to an authorised railway vehicle type and on the 'EC' verification procedures for subsystems in accordance with Directive (EU) 2016/797 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 201/2011 (OJ L 42, 13.2.2019, p. 9).

(2) the fourth subparagraph of Article 12 is replaced by the following:

‘This Regulation shall apply from 16 June 2020 in the Member States that have notified the Agency and the Commission in accordance with Article 57(2) of Directive (EU) 2016/797 and that have not notified the Agency and the Commission in accordance with Article 57(2a) of Directive (EU) 2016/797.

It shall apply in all Member States from 31 October 2020.’

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 12 June 2020.

For the Commission

The President

Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2020/780**of 12 June 2020****amending Regulation (EU) No 445/2011 and Implementing Regulation (EU) 2019/779 as regards measures to extend the validity of certain certificates of rail entities in charge of maintenance and certain transitional provisions due to the COVID-19 pandemic****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety ⁽¹⁾, and in particular Article 14(6) thereof,

Whereas:

- (1) Member States have informed the Commission about difficulties to renew certain certificates of rail entities in charge of maintenance ('ECM'), due to the measures following the COVID-19 pandemic.
- (2) The renewal of ECM certificates or certificates in respect of outsourced maintenance functions for freight wagons delivered in accordance with Commission Regulation (EU) No 445/2011 ⁽²⁾, when their validity has just expired or is about to expire, may not be possible as a result of those measures that have become necessary in view of the COVID-19 pandemic and that were put into effect in some Member States from 1 March 2020. In particular, ECM certification bodies may not be able to carry out all preliminary work required for renewing an ECM certification or certification of outsourced maintenance functions in due time in accordance either with Regulation (EU) No 445/2011 or, as from 16 June 2020, with Commission Implementing Regulation (EU) 2019/779 ⁽³⁾.
- (3) In order to ensure business continuity, the validity of ECM certificates and certificates in respect of outsourced maintenance functions issued in accordance with Regulation (EU) No 445/2011, expiring between 1 March 2020 and 31 August 2020 should be extended for 6 additional months. This should be without prejudice to the application of Article 7(7) of Regulation (EU) No 445/2011 when a certification body finds that an entity in charge of maintenance no longer satisfies the requirements on the basis of which it issued the ECM certificate or certificate in respect of outsourced maintenance functions.
- (4) Due to the COVID-19 pandemic, it is appropriate to allow for more time for the implementation of the requirements on safety-critical components and the application of the new regime to vehicle other than freight wagons. The transitional provisions of Implementing Regulation (EU) 2019/779 should therefore be adapted.

⁽¹⁾ OJ L 138, 26.5.2016, p. 102.

⁽²⁾ Commission Regulation (EU) No 445/2011 of 10 May 2011 on a system of certification of entities in charge of maintenance for freight wagons and amending Regulation (EC) No 653/2007 (OJ L 122, 11.5.2011, p. 22).

⁽³⁾ Commission Implementing Regulation (EU) 2019/779 of 16 May 2019 laying down detailed provisions on a system of certification of entities in charge of maintenance of vehicles pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 445/2011 (OJ L 139I, 27.5.2019, p. 360).

- (5) Regulation (EU) No 445/2011 and Implementing Regulation (EU) 2019/779 should therefore be amended accordingly.
- (6) Since 1 March 2020, the validity of certain ECM certificates might have already expired. In order to avoid any legal uncertainty, the extension of the validity of ECM certificates should therefore apply from 1 March 2020.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 51(1) of Directive (EU) 2016/797 of the European Parliament and of the Council ⁽⁴⁾.
- (8) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 7 of Regulation (EU) No 445/2011 paragraph 4 is replaced by the following:

- ‘4. Without prejudice to the provisions of Article 15(6) of Commission Implementing Regulation (EU) 2019/779 ^(*), an ECM certificate shall be valid for a period up to 5 years. The holder of the certificate shall without delay inform the certification body of all significant changes in the circumstances applying at the time the original certificate was awarded to allow the certification body to decide whether to amend, renew or revoke it.

^(*) Commission Implementing Regulation (EU) 2019/779 of 16 May 2019 laying down detailed provisions on a system of certification of entities in charge of maintenance of vehicles pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 445/2011 (OJ L 139I, 27.5.2019, p. 360).’.

Article 2

Implementing Regulation (EU) 2019/779 is amended as follows:

- (1) in Article 15, paragraph 5 is replaced by the following:

‘5. All entities in charge of maintenance for vehicles other than freight wagons and vehicles listed in Article 15(1) of Directive (EU) 2016/798, which are not subject to paragraphs 2 to 4, shall comply with this Regulation by 16 June 2022 at the latest.’;

- (2) in Article 15, the following paragraph 6 is added:

‘6. Without prejudice to any procedure that the certification body may take by virtue of the provisions of Article 7(7) of Regulation (EU) No 445/2011, the validity of ECM certificates and certificates in respect of outsourced maintenance functions issued in accordance with that Regulation, expiring between 1 March 2020 and 31 August 2020 shall be extended for 6 additional months.’;

- (3) in Article 17, the second subparagraph is replaced by the following:

‘It shall apply from 16 June 2020. However, Article 4 shall apply from 16 June 2021 and Article 15(6) shall apply from 1 March 2020.’.

⁽⁴⁾ 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 (OJ L 138, 26.5.2016, p. 44).

Article 3

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 12 June 2020.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2020/781**of 12 June 2020****amending Implementing Regulation (EU) 2018/545 as regards the dates of application and certain transitional provisions following the extension of the transposition deadline of Directive (EU) 2016/797 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 ⁽¹⁾, and in particular Article 21(9) thereof,

Whereas:

- (1) Directive (EU) 2016/797 was amended by Directive (EU) 2020/700 ⁽²⁾ in order to give Member States the possibility to extend the deadline to bring into force the national laws, regulations and administrative provisions necessary to comply with the provisions referred to in Article 57(1) Directive (EU) 2016/797.
- (2) The assessment of applications for a vehicle type authorisation or a vehicle authorisation for placing on the market in accordance with Directive 2008/57/EC of the European Parliament and of the Council ⁽³⁾, for which the relevant authorisations had to be issued before 16 June 2020, might be delayed because of the COVID-19 outbreak. Therefore, in the Member States that have notified the Agency and the Commission in accordance with Article 57(2) of Directive (EU) 2016/797 and where Directive (EU) 2016/797 is to apply from 16 June 2020, the national safety authority ('NSA') should, at the request of the applicant, continue the assessment beyond that date. The NSA should finalise that assessment and issue the authorisation before 30 October 2020.
- (3) With regard to Member States that have notified the European Union Agency for Railways ('the Agency') and the Commission of their intention to extend the transposition period of Directive (EU) 2016/797 in accordance with Article 57(2a) thereof, the application of certain provisions of Commission Implementing Regulation (EU) 2018/545 ⁽⁴⁾ should be postponed and apply from 31 October 2020. Transitional provisions set out in Implementing Regulation (EU) 2018/545 should also be adapted.
- (4) Applicants may have compiled applications in accordance with Commission Implementing Regulation (EU) 2018/545 in view to the current application deadline. For the purposes of both Directive 2008/57/EC and Directive (EU) 2016/797, vehicles are to comply with technical specifications for interoperability and relevant national rules and meet the essential requirements. Applications drawn up in accordance with Implementing Regulation (EU) 2018/545 should include all the necessary evidence for either the placing in service of vehicles under Directive 2008/57/EC or the placing on the market of vehicles under Directive (EU) 2016/797. Therefore, applicants should be allowed to submit, to national safety authorities in Member States that have notified the Agency and the Commission in accordance with Article 57(2a) of Directive (EU) 2016/797, applications which list evidence in accordance with Commission Implementing Regulation (EU) 2018/545. National safety authorities should accept those applications without requiring a revised application.
- (5) Implementing Regulation (EU) 2018/545 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 51(1) of Directive (EU) 2016/797.

⁽¹⁾ OJ L 138, 26.5.2016, p. 44.

⁽²⁾ Directive (EU) 2020/700 of the European Parliament and of the Council of 25 May 2020 amending Directives (EU) 2016/797 and (EU) 2016/798, as regards the extension of their transposition periods (OJ L 165, 27.5.2020, p. 27).

⁽³⁾ 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 (OJ L 191, 18.7.2008, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) 2018/545 of 4 April 2018 establishing practical arrangements for the railway vehicle authorisation and railway vehicle type authorisation process pursuant to Directive (EU) 2016/797 of the European Parliament and of the Council (OJ L 90, 6.4.2018, p. 66).

- (7) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2018/545 is amended as follows:

- (1) in Article 2, point (17) is replaced by the following:

‘(17) “relevant date” means 16 June 2019 as regards those Member States that have not notified the Agency and the Commission in accordance with Article 57(2) of Directive (EU) 2016/797 that they have extended the transposition period of that Directive. It means 16 June 2020 as regards those Member States that have notified the Agency and the Commission in accordance with Article 57(2) of Directive (EU) 2016/797 that they have extended the transposition period of that Directive and that have not notified the Agency and the Commission in accordance with Article 57(2a) of Directive (EU) 2016/797. It means 31 October 2020 as regards those Member States that have notified the Agency and the Commission in accordance with Article 57(2a) of Directive (EU) 2016/797 that they have further extended the transposition period of that Directive.’;

- (2) Article 55 is amended as follows:

- (a) the following paragraph 4a is inserted:

‘4a. Notwithstanding paragraphs 1 to 4, in those Member States that have notified the Agency and the Commission in accordance with Article 57(2) of Directive (EU) 2016/797 and where Directive (EU) 2016/797 shall apply from 16 June 2020, the NSA shall, at the request of the applicant, continue to carry out the assessment of the applications for a vehicle type authorisation and/or a vehicle authorisation for placing on the market in accordance with Directive 2008/57/EC, beyond 16 June 2020, provided that it shall issue the vehicle type authorisation and/or vehicle authorisation before 30 October 2020.

Where a NSA recognises that it will not be able to issue a vehicle type authorisation and/or vehicle authorisation before 30 October 2020, it shall inform the applicant and the Agency immediately and paragraphs 2 to 4 shall apply.’;

- (b) the following paragraph 5a is inserted:

‘5a. A vehicle authorisation and/or vehicle type authorisation issued by the Agency between 16 June 2020 and 30 October 2020 shall exclude the network or networks in any of the Member States that have notified the Agency and the Commission in accordance with Article 57(2a) of Directive (EU) 2016/797. The NSAs of the Member States that have made such a notification shall:

- (a) treat a vehicle type authorisation issued by the Agency as equivalent to the authorisation for types of vehicles issued in accordance with Article 26 of Directive 2008/57/EC and apply paragraph 3 of Article 26 of Directive 2008/57/EC as regards that vehicle type;

- (b) accept a vehicle authorisation issued by the Agency as equivalent to the first authorisation issued in accordance with Article 22 or 24 of Directive 2008/57/EC and issue an additional authorisation in accordance with Article 23 or 25 of Directive 2008/57/EC.’;

- (c) paragraph 6 is replaced by the following:

‘6. In cases referred to in point (a) of paragraph 2 and in paragraphs 5 and 5a, the NSA shall cooperate and coordinate with the Agency to undertake the assessment of the elements set out in point (a) of Article 21(5) of Directive (EU) 2016/797.’;

- (d) the following paragraph 7a is added:

‘7a. Freight wagons compliant with paragraph 7.1.2 of the Annex of WAG TSI Regulation (EU) No 321/2013 and with a vehicle authorisation for placing on the market shall be treated between 16 June 2020 and 30 October 2020 as vehicles with an authorisation for placing into service for the purpose of Directive 2008/57/EC by Member States that have notified the Agency and the Commission in accordance with Article 57(2a) of Directive (EU) 2016/797.’;

- (e) a new paragraph 8 is added:

‘8. Between 16 June 2020 and 30 October 2020, in Member States that have notified the Agency and the Commission in accordance with Article 57(2a) of Directive (EU) 2016/797, applicants for an authorisation for placing in service of a vehicle or a type authorisation for the purposes of Directive 2008/57/EC may submit to the national safety authority a file concerning the vehicle or vehicle type compiled in accordance with Articles 29(1) and 30(1) and complying with Annex I.

Applications for an authorisation for placing in service of a vehicle or a type authorisation in accordance with this Regulation shall be accepted by the NSA for the purposes of Directive 2008/57/EC.;

(3) in Article 56, the second subparagraph is replaced by the following:

It shall apply from 16 June 2019 in the Member States that have not notified the Agency and the Commission in accordance with Article 57(2) of Directive (EU) 2016/797.

It shall apply from 16 June 2020 in the Member States that have notified the Agency and the Commission in accordance with Article 57(2) of Directive (EU) 2016/797 and have not notified the Agency and the Commission in accordance with Article 57(2a) of Directive (EU) 2016/797.

Articles 55(5a) and 55(7a) shall apply from 16 June 2020 in all Member States.

Article 55(8) shall apply from 16 June 2020 in Member States that have notified the Agency and the Commission in accordance with Article 57(2a) of Directive (EU) 2016/797.

This Regulation shall apply in all the Member States from 31 October 2020.‘.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 12 June 2020.

For the Commission

The President

Ursula VON DER LEYEN

COMMISSION DELEGATED REGULATION (EU) 2020/782**of 12 June 2020****amending Delegated Regulations (EU) 2018/761 and (EU) 2018/762 as regards their dates of application following the extension of the transposition deadline of Directive (EU) 2016/798 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety ⁽¹⁾, and in particular Article 6a in conjunction with Article 27a thereof,

Whereas:

- (1) Directive (EU) 2016/798 was amended by Directive (EU) 2020/700 of the European Parliament and of the Council ⁽²⁾ in order to give Member States the possibility to extend the deadline to bring into force the national laws, regulations and administrative provisions necessary to comply with the provisions referred to in Article 33(1) of Directive (EU) 2016/798.
- (2) With regard to the Member States that have notified the European Union Agency for Railways (the 'Agency') and the Commission of their intention to extend the transposition period of Directive (EU) 2016/798 in accordance with Article 33(2a) of that Directive, the application of certain provisions of Commission Delegated Regulations (EU) 2018/761 ⁽³⁾ and (EU) 2018/762 ⁽⁴⁾ should be postponed until 31 October 2020.
- (3) Delegated Regulations (EU) 2018/761 and (EU) 2018/762 should therefore be amended accordingly.
- (4) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 10 of Delegated Regulation (EU) 2018/761, the second subparagraph is replaced by the following:

'It shall apply from 16 June 2019.

However, Article 5(2) and paragraphs (1) and (2) of Article 8 shall apply from 16 June 2020 in the Member States that have notified the Agency and the Commission in accordance with Article 33(2) of Directive (EU) 2016/798 that they have extended the transposition period of that Directive, and that have not notified the Agency and the Commission in accordance with Article 33(2a) of Directive (EU) 2016/798 that they have further extended that transposition period.

Article 5(2) and paragraphs (1) and (2) of Article 8 shall apply from 31 October 2020 in the Member States that have notified the Agency and the Commission in accordance with Article 33(2a) of Directive (EU) 2016/798 that they have further extended the transposition period of that Directive.'

⁽¹⁾ OJ L 138, 26.5.2016, p. 102.

⁽²⁾ Directive (EU) 2020/700 of the European Parliament and of the Council of 25 May 2020 amending Directives (EU) 2016/797 and (EU) 2016/798, as regards the extension of their transposition periods (OJ L 165, 27.5.2020, p. 27).

⁽³⁾ Commission Delegated Regulation (EU) 2018/761 of 16 February 2018 establishing common safety methods for supervision by national safety authorities after the issue of a single safety certificate or a safety authorisation pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 1077/2012 (OJ L 129, 25.5.2018, p. 16).

⁽⁴⁾ Commission Delegated Regulation (EU) 2018/762 of 8 March 2018 establishing common safety methods on safety management system requirements pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulations (EU) No 1158/2010 and (EU) No 1169/2010 (OJ L 129, 25.5.2018, p. 26).

Article 2

Delegated Regulation (EU) 2018/762 is amended as follows:

(1) Article 5 is replaced by the following:

'Article 5

Repeal

Regulations (EU) No 1158/2010 and (EU) No 1169/2010 are repealed with effect from 31 October 2025.;

(2) in Article 6, the second subparagraph is replaced by the following:

'It shall apply from 16 June 2019 in the Member States that have not notified the Agency and the Commission in accordance with Article 33(2) of Directive (EU) 2016/798.

It shall apply from 16 June 2020 in the Member States that have notified the Agency and the Commission in accordance with Article 33(2) of Directive (EU) 2016/798 that they have extended the period for transposition of that Directive and that have not notified the Agency and the Commission in accordance with Article 33(2a) of Directive (EU) 2016/798 that they have further extended that transposition period.

It shall apply in all Member States from 31 October 2020.'

Article 3

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 12 June 2020.

For the Commission

The President

Ursula VON DER LEYEN

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2020/783

of 12 June 2020

amending Decision 2012/757/EU as regards measures to adapt the frequency of periodic medical examination of railway staff undertaking safety-critical tasks other than train drivers due to the COVID-19 pandemic

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 ⁽¹⁾, and in particular Article 5(11) thereof,

Whereas:

- (1) Member States have informed the Commission about difficulties to renew certain certificates or licences of staff undertaking safety-critical tasks other than train drivers, due to the measures following the COVID-19 pandemic.
- (2) As a result of those measures, the frequency of periodic medical examinations of staff undertaking safety-critical tasks other than train drivers set out in point 4.7.2.2.1 of Annex I to Commission Decision 2012/757/EU ⁽²⁾ could not be met. To ensure the continuity of service, an additional six months period to complete those examinations should be granted. This should be without prejudice to additional medical examinations or increased frequency when the state of health of the member of the staff requires so.
- (3) Decision 2012/757/EU should therefore be amended accordingly.
- (4) Since 1 March 2020, staff undertaking safety-critical tasks might have not been able to meet the frequency of periodic examinations because of the COVID-19 pandemic. In order to avoid any legal uncertainty, the extension of the period within which periodic medical examinations is to be completed should therefore apply from 1 March 2020.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Committee referred to in Article 51(1) of Directive (EU) 2016/797.
- (6) In order to ensure that the measures provided for in this Decision are effective, this Decision should enter into force on the day following that of its publication in the *Official Journal of the European Union*,

⁽¹⁾ OJ L 138, 26.5.2016, p. 44.

⁽²⁾ Commission Decision 2012/757/EU of 14 November 2012 concerning the technical specification for interoperability relating to the 'operation and traffic management' subsystem of the rail system in the European Union and amending Decision 2007/756/EC (OJ L 345, 15.12.2012, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

In Annex I to Decision 2012/757/EU, the following subparagraph is added in point 4.7.2.2.1:

‘Without prejudice to point 4.7.2.2.3 concerning additional medical examinations and/or psychological assessments, where here a periodic medical examination should have been completed between 1 March 2020 and 31 August 2020, the period within which it must be completed is extended by 6 months. The extension shall not apply when the medical doctor has set an increased frequency of examination, unless the Member State decides otherwise. The railway undertaking and the infrastructure manager shall have in place procedures to control the risk that staff attend for work unfit for work.’

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 12 June 2020.

For the Commission

The President

Ursula VON DER LEYEN

ISSN 1977-0677 (electronic edition)
ISSN 1725-2555 (paper edition)



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

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