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