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DECISION n°258

of the Management Board of the European Union Agency for Railways establishing procedures for decision-making by the Executive Director in relation to authorisations for placing vehicles on the market, single safety certificates, and ERTMS track-side approvals - repealing MB Decisions n°194, n°209, n°219 and n°234

THE MANAGEMENT BOARD OF THE EUROPEAN UNION AGENCY FOR RAILWAYS,

Having regard to Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways (hereinafter referred to as “the Agency”) and repealing Regulation (EC) No 881/2004 (hereinafter referred to as “Regulation (EU) 2016/796”), and in particular Articles 14, 20, 21, 22 and 51(1) (d) thereof,

Having regard to 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 (hereinafter referred to as “Regulation (EU) 2018/545”), and in particular Articles 16(4) and 24(2) thereof,

Whereas:

- 1) *There is a need to ensure that decisions on authorisations, certifications, and approvals are taken within the legally set time limits, as well as decisions and opinions in accordance with Regulation (EU) 2018/545 and that business continuity in case of absences of the decision maker is ensured; appropriate delegations of powers should be adopted from the Executive Director to staff members in terms of business continuity, availability of expertise and controls at the appropriate levels,*
- 2) *“Long-term absence” means an absence whereby the Executive Director is not in a position to take decisions/is incapacitated during more than five consecutive working days,*
- 3) *Taking into account the change in the function of Head of the Planning and Approvals Delivery Unit,*
- 4) *Extending the expiration date from the end of 2021 to the end of 2022,*
- 5) *For legal clarity the existing procedures are consolidated in one text and therefore MB decisions n° 194, n°209, n°219 and n°234 are replaced by this decision.*

HAS DECIDED AS FOLLOWS:***Article 1- Delegations of Powers***

1. When taking decisions regarding the delivery of authorisations, certifications and approvals in accordance with Articles 14, 20, 21, 22 of Regulation (EU) 2016/796, taking decisions and issuing opinions in accordance with Articles 16(4) and 24(2) of Regulation (EU) 2018/545, the Executive Director shall ensure that the appropriate measures on transparency, controls, and business continuity are respected.
2. The powers of the Executive Director with respect to the decisions referred to in paragraph 1 above, including any renewal, amendment, suspension or revocation thereof and including as well acts related to appeal or arbitration proceedings before the Board(s) of Appeal (hereinafter “Decisions”), may be delegated during an absence of the Executive Director or when other exceptional circumstances so require.
3. The Decisions shall be signed on behalf of the Executive Director, in the following order, by:
 - (i) Mr. C. Carr as the Head of Executive Office and Communication Unit, or in his absence
 - (ii) by Mr I. Mendez as the Head of the Planning and Approvals Delivery Unit, or in his absence and the absence of Mr. C. Carr
 - (iii) by Mr P. Guido as the Head of Railway Systems Department.
4. The Team Coordinator of the conformity to type team in the Planning & Approvals Delivery Unit, the Team Leader for Vehicle Authorisations and the Team Leader for Single Safety Certificates within the Planning and Approvals Delivery Unit shall each be authorised to sign on behalf of the Executive Director respectively vehicle authorisations on the basis of conformity to an authorised vehicle type and purely administrative updates of Single Safety Certificates. In their absence, such Decisions shall be signed on behalf of the Director by the Team Leader for Vehicle Authorisations or in his absence, by the Head of the Planning and Approvals Delivery Unit or in his absence, by the Head of Executive Office and Communication Unit.
4. The Executive Director remains solely responsible and accountable to the Management Board for any decision adopted by any delegate in accordance with paragraphs 2,3 and 4 above except that in the case of a long term absence of the Executive Director, the persons having delegation of powers under such paragraphs shall be accountable to the Management Board.

Article 2 – Repeals

The following decisions are repealed:

- 1) DECISION n°194 of the Management Board of the European Union Agency for Railways establishing procedures for decision -making by the Executive Director in relation to authorisations for placing vehicles on the market, single safety certificates, and ERTMS track-side approvals adopted on 24 January 2019;
- 2) DECISION n° 209 of the Management Board of the European Union Agency for Railways amending MB Decision n°194 establishing procedures for decision-making by the Executive Director in relation to

authorisations for placing vehicles on the market, single safety certificates, and ERTMS track-side approvals adopted on 25 September 2019;

3) DECISION n° 219 of the Management Board of the European Union Agency for Railways amending MB Decision n°194 establishing procedures for decision-making by the Executive Director in relation to authorisations for placing vehicles on the market, single safety certificates, and ERTMS track-side approvals adopted on 27 November 2019;

4) DECISION n° 234 of the Management Board of the European Union Agency for Railways amending MB Decision n°194 establishing procedures for decision-making by the Executive Director in relation to authorisations for placing vehicles on the market, single safety certificates, and ERTMS track-side approvals adopted on 18 June 2020.

Article 3 – Entry into force and validity

1. The present decision shall enter into force on the date following that of its adoption. It shall be published on the Agency's website.
2. This decision shall cease to apply on 31 December 2022 and can be revoked at any time.
3. Where exceptional circumstances so require, the Management Board may at any time, by way of a decision, suspend temporarily or otherwise amend, in whole or in part, the delegation of powers under this decision.

For the Management Board

The Chairwoman
Clio LIÉGEOIS