

Cabinet Resolution No. (5) of 2022
Concerning the Executive Regulations of Federal Law No. (8) of 2020
Concerning Regulating Railways

The Cabinet,

- Having reviewed:
- The Constitution;
- Federal Law No. (1) of 1972, on the Competences of Ministries and the Powers of Ministers, as amended;
- Federal Decree-Law No. (2) of 2009, Establishing Etihad Rail Company, as amended;
- Federal Law No. (8) of 2020, Regulating Railways, as amended; and
- Based on the Proposal of the Minister of Energy and Infrastructure, as approved by the Cabinet,

Hereby resolves as follows:

Article (1)

Definitions

For the purpose of applying the provisions of this Resolution, the following words and expressions shall bear the meanings assigned thereto respectively, unless the context requires otherwise:

State	: The United Arab Emirates.
Emirate	: Any Emirate of the State.
GCC Countries	: Member States of the Gulf Cooperation Council (GCC).
Ministry	: The Ministry of Energy and Infrastructure.
Minister	: The Minister of Energy and Infrastructure.
Competent Authority	: The federal or local government authority, or the company in which the federal or local government holds a stake.

- Railway** : Railway transportation systems used for transporting the passengers and/or goods and are governed by specific routes designated for operating on single or multiple rails or any other specific system designated as railways, as determined in this Resolution.
- Federal Railways** : A railway network designated by virtue of a resolution of the Cabinet, in agreement with the Member Emirates of the Federal Supreme Council, and which connects the Emirates of the State together or is connected to a railway network outside the State's borders, together with the associated facilities and land.
- Gulf Railways** : Railways which connect two or more GCC Countries.
- Railway Track** : The structure that includes rails, fasteners, concrete sleepers, and track ballasts (or the concrete slab track on which rails are installed), in addition to the underlying subgrade, which enables trains to move by providing a dependable surface for their wheel to roll upon, or any other structure designated by the Ministry as a Railway Track.
- Network** : A system of railway tracks and related systems, equipment and lands used to support, guide, and operate railway vehicles or the relevant matters.
- Network Rules** : The code of systems and procedures applied by the infrastructure manager to ensure safe railway infrastructure and operations.
- Railway Services** : Passenger or cargo transportation services via the Federal Railway. Maintenance services of the Federal Railway Assets shall not be deemed as operation of such Assets.
- License** : The official document issued by the Ministry on the management of the infrastructure or operation of Railway Services.

- Railway Assets** : Networks, stations, cargo facilities or maintenance facilities related to the Federal Railways or any railway vehicle moving on the Federal Railways, and all structures, facilities, systems and software necessary for operating the Federal Railways and enabling the same to run safely, including, inter alia, railways and the structures thereof, service roads, signal, communication and control systems, signals, marks, electrical energy sources, buildings, stations, warehouses, machinery, equipment, structures, corridors, switches, tunnels, bridges, platforms, railings, support services, drainage, and any railway-related constructions or works.
- Infrastructure** : Railway assets, except for railway vehicles.
- Station** : Real property and facilities designated for providing passenger or cargo services and the supplies thereof.
- Infrastructure Manager** : A legal person responsible for the possession, development, management, operation, and maintenance of any part of the infrastructure, except for the provision of the Railway Services.
- Operator** : A legal person licensed to provide the Railway Services.
- Inspector** : An employee of the Ministry authorized to monitor the safety of Railway Services or assets and the operation thereof, conduct technical investigation into any accident or incident and issue necessary recommendations thereon.
- Commissioning** : Operations carried out under controlled conditions by the Railway Operator and the Infrastructure Manager under the relevant safety permit, in order to prove that they are qualified and able to safely perform Railway operations intended to be performed.
- Rail Incident** : Any act or omission that may result in a rail accident which does not cause harmful consequences.

- Rail Accident** : Any unexpected and indeliberate Railway Incident, which produces harmful consequences, within the scope of applying the provisions of the Law.
- Technical Investigation** : An action carried out to identify causes and consequences of the Accident or Incident, and methods for handling the same and ensuring non-recurrence thereof.
- Railway Vehicle** : Cars, locomotives, and mobile equipment that can move on the Railway either by their own power or by towing them with any other vehicle.
- Cargo Facility** : A place designated for loading, unloading, or storing goods.
- Maintenance Facility** : Any real or movable property used for maintaining Railway Vehicles or the relevant purposes, even if it is used for other purposes.
- Notice to Remedy** : A notice given by the Inspector in case there is any violation related to the safety of the Federal Railways, for taking necessary actions to remedy such violation within a specific time limit.
- Prohibition Notice** : A notice given by the Inspector on suspending any activity against the safety of the Federal Railways.
- Standards for Enabling Interoperability** : Joint guidelines on implementing and operating the Gulf Railway and any other documents related to enabling the interoperability approved by the GCC Countries.
- Safety** : The safety of Railway Assets and operations, including infrastructures that overlap with the Railway infrastructure, as well as the safety of individuals, including Railway personnel, passengers and other users of the Federal Railways or their facilities or crossings, and the public in general.
- Safety Zones** : The Railway Track and land adjacent to outer rails on both tracksides of the Railway Track, as determined in this Resolution.

- Protection Zones** : The land adjacent to the Safety Zones and any land identified in agreement with the Competent Authority, as determined in this Resolution.
- Independent Safety Assessor** : Any legal person authorized by the Ministry to review the safety guides and verify the Infrastructure Manager or the Operator's compliance with the safety requirements, in accordance with the safety conditions and guides and the requirements of the Ministry.
- Safety Permit** : The approval issued by the Ministry approving the safety management system of any Infrastructure Manager or any Operator applying for the Authority's approval of such permit.
- Safety Management System** : A systematic and comprehensive management system for managing safety risks.
- Person** : A natural or legal person.
- Law** : Federal Law No. (8) of 2020, Regulating Railways, as amended.

Article (2)

Applicability of the Resolution

The provisions of this Resolution shall apply to the Federal Railways connecting the Emirates of the State with each other or which are connected to Railways outside the State, and to those persons in charge of developing, operating, regulating and maintaining the same, operators and users of the Federal Railway Services. This Resolution shall not apply to Railways governed by local authorities.

Article (3)

Railway Operations

The Railway operations shall include the following:

1. The management, design, building, manufacturing, installation, integration, testing, commissioning, maintenance, modification or suspension of Railway Assets;

2. Moving Railway Vehicles for the purpose of operating Railway Services or building or maintenance of the Railway Infrastructure;
3. Scheduling, tracking, and monitoring Railway Vehicles running or moving on the Railway Infrastructure; and
4. Any other activity designated by the Ministry as Railway operation.

Article (4)

Safety-Related Railway Activities

The Railway activities related to safety shall include the following:

1. Driving or steering Railway Vehicles or any other activity through which the motion of Railway Vehicles can be controlled or affected.
2. Dispatching, receiving and transforming signals or any other activity through which the motion of Railway Vehicles and Railway Tracks can be controlled or affected.
3. Coupling or separating Railway Vehicles.
4. Maintenance, repair, modification, inspection or testing of:
 - a. Railway Vehicles, including verifying the proper functioning of such vehicles before being used;
 - b. The Infrastructure of Railways being operated and maintained; and
 - c. Traffic control, communication and energy systems that support safe operation of Railways.
5. Railway Infrastructure activities pertaining to the design, building, repair, modification, maintenance, monitoring, updating, inspection or testing of the Railway Infrastructure or the associated functions or equipment, including verifying the proper functioning of the Railway Infrastructure before being used.
6. Installation or maintenance of the following:
 - a. Communication systems for the Railway Infrastructure or Vehicles; or
 - b. Means of connecting the direct energy to the Railway Infrastructure or Railway Vehicles or communication system.

7. The activities that include issuance of safety certificates of the Railway Infrastructure or Vehicles or any part of such Infrastructure or Vehicles.
8. The activities of suspending the operation of the Railway Infrastructure or Vehicles or any part of such Infrastructure or Vehicles.
9. The activities of developing, managing or monitoring safe work systems of Railways.
10. The activities of managing or monitoring the safety of Passengers on Railways or any part thereof.
11. Any other activities determined by the Ministry as Railway functions related to Safety.

Licensing of the Infrastructure Manager and the Operator

Article (5)

Licensing Conditions of the Infrastructure Manager and the Operator

1. The Infrastructure Manager and the Operator shall obtain a License from the Ministry before conducting its business. The License conditions shall apply to the Infrastructure Managers and the Operators, without prejudice to the powers conferred under Federal Decree-Law No. (2) of 2009, referred to hereinabove.
2. In order to obtain the said License, the following conditions shall be fulfilled:
 - a. Appropriate technical competence;
 - b. Solvency; and
 - c. Appropriate insurance coverage.

Article (6)

Technical Competence

The applicant shall prove that it possesses an end-to-end management system and has the technical knowledge and expertise necessary for operating as an Infrastructure Manager and/or Operator with respect to the type of operations indicated in the application.

Article (7)

Solvency

1. The License applicant shall:
 - a. Prove that it is able to fulfill its current and potential obligations identified according to realistic predications for the next twelve months; and
 - b. Prove that there are no back taxes or overdue amounts payable to the Competent Authority.
2. The License applicant shall provide the Ministry with its final accounts duly audited. Should such accounts be not available, the applicant shall submit its balance sheet in addition the following details:
 - a. Cash in hand, including bank balances and financial facilities available or which have already been obtained;
 - b. Funds and assets available as a security;
 - c. Capital value;
 - d. Related costs, including costs of purchasing vehicles, land, buildings and facilities; and
 - e. Encumbrances on assets.
3. The Ministry may require the License Applicant to submit auditing reports or any other documents deemed necessary.

Article (8)

Liability Insurance

The License applicant shall submit a document proving that it has obtained an adequate third-party liability insurance or the equivalent arrangements covering obligations that may arise in consequences of Accidents or Incidents.

Article (9)

Procedures of Licensing the Infrastructure Manager and the Operator

1. An applicant for the Infrastructure Manager or the Operator License shall submit its application to the Ministry, as per the relevant form, including all the required documents. The Ministry shall record the application and the License applicant shall be given a notice of receipt.
2. The Ministry shall technically examine the application to ensure that it fulfills all the conditions, requirements and documents required. To that end, the Ministry may conduct inspections and require any documents it deems necessary.
3. The Ministry shall issue its decision on the license application within (30) thirty days following the date on which the application fulfills all conditions. Such a time limit is extendable at the discretion of the Ministry if it deems such extension is required to handle the application. The Ministry may give the applicant a further time extension, not exceeding (30) thirty days, for the completion of documents, before the Ministry's decision being made on the application.
4. If the application is rejected, the Ministry shall inform the License applicant of the rejection reasons. Any Person, whose application is rejected, may file a grievance against the decision within (20) twenty days following the date of the application rejection. The Ministry shall examine and decide on the grievance within (30) thirty days following the date of being received.
5. If the application is approved, the Ministry shall, after the License applicant pays the prescribed fees, issue the License.

Article (10)

Railway Performance Standards

The Ministry shall determine the Railway performance standards, which constitute the minimum standards approved in the State, in coordination with the Competent Authority and any other body designated by the Ministry. The Railway performance standards shall include:

1. Minimum requirements of Railway Assets and operations quality and safety;
2. Indicators of compliance with the minimum requirements of Railway Assets and operations quality and safety; and
3. Standards for Enabling Interoperability, which serve as the regulations that ensure the establishment of a homogenous Railway Network across the entire State, which is compatible with its counterparts of the GCC Countries.

Safety and Protection Zones

Article (11)

Safety Zones

1. The Federal Railway Safety Zones shall consist of the Railway Track and lands on both tracksides, whose boundary extends from the outer rail of the track. Such zone shall be exclusively used to install and maintain the equipment necessary for the safe operation of Railway operations, such as systems of signals, communications and power supply and traffic control and environmental protection equipment.
2. By virtue of agreements with the Competent Authority, the Infrastructure Manager shall regulate the operation and set boundaries of the Safety Zones, and special maps shall be created for such Zones.
3. Any disputes arising out between the Infrastructure Manager and the Competent Authority with regard to the provisions of this Article shall be referred to the Ministry to decide thereon, and the Ministry's decision shall be final and binding.
4. A mechanism for deciding on the disputes referred to in Clause (3) above shall be determined by virtue of a resolution of the Minister.

Article (12)

Protection Zones

1. The Federal Railway Protection Zone shall include the lands, regardless of their owners, adjacent to the Safety Zone boundaries, as well as any land allocated to enable the Protection Zone to perform its functions.
2. The Infrastructure Manager shall, in agreement with the Competent Authority in the Emirate, determine the boundaries of the Protection Zones, and special maps shall be created for such purpose.
3. The Competent Authority shall set the procedures that ensure no License is issued in respect of activities or development constructions that may affect the Safety of Railway Assets and Services within the Protection Zones without prior no-objection is obtained from the Infrastructure Manager to such activities and Infrastructures.
4. Any disputes arising out between the Infrastructure Manager and the Competent Authority in connection with the provisions of this Article shall be referred to the Ministry to decide thereon, and the Ministry's decision shall be final and binding.
5. The subordination of the Protection Zones within the borders of the Emirate shall be as agreed with the Competent Authority in the Emirate.
6. A mechanism for deciding on the disputes referred to in Clause (4) above shall be determined by virtue of a resolution of the Minister.

Article (13)

Conditions and Controls of Exceptional Cases

Exceptional cases or emergencies are the circumstances in which the Infrastructure Manager, in coordination with competent local authorities, shall take actions and steps either to prevent a Rail Accident or to deal with any Rail Accident impacts. Such actions shall be subject to the following controls:

1. Materials, equipment, or protection structures may be temporarily placed at the Railway Protection Zone until the exceptional cases or emergencies cease to exist.
2. If the land of the Railway Protection Zone sustains any damage due to such materials, equipment or protection structures placed at the same, the owner of such land shall be entitled to fair compensation.
3. The compensation payable shall be determined in agreement with the owner of the land, which constitutes part of the Railway inviolable boundary, and the Infrastructure Manager that uses the land on a temporary basis.
4. The Infrastructure Manager shall exert its best efforts to coordinate with the local Competent Authority as soon as possible.

Article (14)

Overlapping with Third Party-Owned Infrastructures

Without prejudice to any conditions or approvals required by the Competent Authorities in the Emirate, works may be implemented by third parties within the Protection Zone of the Federal Railway, subject to the prior approval of the relevant Infrastructure Manager and the Ministry. The exception to the above are local service entities in emergencies that require the implementation of works to avoid damage to the Railway Infrastructure or services provided.

Article (15)

Conditions and Procedures of Issuing Approvals of Third-Party Infrastructure

Overlapping with the Federal Railways

1. In order to issue approvals for overlapping of third-party infrastructure with the Federal Railways, the following conditions shall be fulfilled:
 - a. Works, subject of the approval, shall not endanger the Railway, whether during or after the implementation.

- b. No objection is obtained from the Competent Authorities in the Emirate with regard to the performance of such works.
2. Competent Authorities responsible for granting building permits shall not issue a building permit for constructing any constructions at the Protection Zone of the Federal Railways or any constructions that overlap with the infrastructure of the Federal Railways, unless the application for obtaining such License includes approval issued by the relevant Infrastructure Manager.
3. The relevant Infrastructure Manager shall identify the documents and information required from the no-objection applicants, which shall include, as a minimum, the following:
 - a. Detailed description of activity type or works intended to be implemented;
 - b. Charts including coordinates of the areas for works intended to be carried out, showing the places of overlapping with the Safety and Protection Zones;
 - c. Clear and comprehensive site photos of work areas;
 - d. Designating a consultant appointed to supervise the activities and works, following up on the contractor's compliance with conditions and restrictions of approvals, and reporting the accidents;
 - e. A technical report on activities and works required to be implemented, and the implementation method thereof;
 - f. An assessment of potential risks of activities and works intended to be implemented; and
 - g. Any necessary specialized studies approved by third parties.
4. The Infrastructure Manager may, based on an application submitted thereto by the approval applicant, exempt any activities from any of the conditions set out in Clause (3) above; provided that the exclusion in this regard is reasoned.
5. In order to issue the approvals of third-party Infrastructure overlapping with the Federal Railways, the following procedures shall apply:
 - a. An application shall be submitted to the relevant Infrastructure Manager, supported by the required documents.
 - b. The Infrastructure Manager shall record the application for the approval and the applicant shall be given a notice of receipt.

- c. The Infrastructure Manager shall technically examine the application to ensure that it has fulfilled all the required conditions, requirements, and documents. To that end, the Infrastructure Manager may make field visits and require any further documents or clarifications deemed necessary.
- d. The Infrastructure Manager shall issue a decision on the application for approval within (30) thirty days following the date on which the application fulfills all the conditions. It may extend such a time limit for in special cases that require longer time to examine the application and issue a decision thereon. It may also give the applicant a similar additional time extension for the completion of documents before the application is decided on.
- e. If the application is rejected, the rejection decision shall be reasoned.
- f. The Infrastructure Manager shall maintain an updated record of all the approval applications, documenting all steps of handling the same, and shall make it available to the Ministry without restrictions.

Safety Permits

Article (16)

Safety-Related Functions of the Ministry

In order to ensure that the licensees comply with the provisions of the Licenses granted to them, the Ministry shall undertake the following functions:

1. Issue the Safety Permits and ensure that the holders thereof comply with their conditions;
2. Take necessary actions to ensure the control over the Safety of Railway operation, including verifying the licensees' compliance with the provisions of the Law, the present Resolution and resolutions issued thereunder;
3. Develop and implement plans and programs necessary for inspecting Railways to ensure safe operation;
4. Investigate the Accidents and Incidents according to the procedures, means and methods identified by a resolution of the Minister in this regard;

5. Examine the communications, reports and investigations of Rail Accidents and Incidents and propose recommendations necessary to improve the level of Safety and prevent the recurrence thereof in the future;
6. Examine grievances filed to it, including those related to the Ministry's resolutions and the settlement of disputes related to the relevant Railway Assets and Services, as set out herein; and
7. Any other functions related to its competences, as necessary to implement the provisions of the present Resolution and the resolutions issued thereunder.

Article (17)

Safety Permit Issuance Conditions for Infrastructure Manager

1. In order to issue the Safety Permit for the Infrastructure Manager, the latter shall submit a safety file including the following:
 - a. A complete and accurate description of the Railway Assets and systems or the relevant part thereof for which the Permit is requested.
 - b. The Safety Management System adopted by it.
 - c. Acknowledgement that the Railway Assets and systems, subject of the Permit, are safe and fit for the purpose of their creation.
 - d. A report approved by the Independent Safety Assessor, confirming that the Railway Assets and systems or the relevant part thereof are in a sound condition.
 - e. Operation and maintenance documents of the Railway Assets and systems, subject of the permit.
 - f. A report on risks of the Railway Assets and systems, subject of the permit, and how to mitigate the same to the minimum practically reasonable. Such report shall state whether such risks have been transferred to a third party and a document stating that such party has taken necessary measures to mitigate such risks to the minimum practically reasonable.

- g. A letter stating that the Infrastructure Manager accepts the work from suppliers of assets and systems, subject of the Permit, without prejudice to any responsibilities and contractual warranties of suppliers, and that the responsibility is transferred from them to the Infrastructure Manager following the issue date of the Safety Permit, including the responsibility for any outstanding work or any restrictions related thereto.
 - h. A document stating the formation of an internal committee to monitor and review the operational safety affairs.
 - i. A document stating the cooperation and coordination with other permit holders or other Safety Permit applicants for the same assets and systems or assets and systems that may be affected by the Permit, where the Ministry deems such coordination necessary to ensure the Safety of such assets and systems.
 - j. A document confirming that the approval of Competent Authorities has been obtained in cases where the approval thereof is required, pursuant to the provisions of the Law and the present Resolution.
 - k. A document stating the fulfillment of any other requirements or conditions identified by the Ministry, pursuant to this Resolution or the resolutions issued thereby.
2. Subject to the provisions of Clause (1) above, the Ministry shall set, in coordination with the Competent Authorities in the Emirate, any other conditions for issuing the Safety Permit for the Infrastructure Manager.
3. The Ministry may issue the Safety Permit for the Infrastructure Manager before fulfilling any of the conditions set forth in Clause (1) above, except for the provisions of Clause (j), for the purpose of Commissioning. In this case, the Permit shall be issued following the completion of conditions that have not been fulfilled, within the time limit set by the Ministry, provided that the excluded conditions have no impact on the Safety. Should such conditions be not completed within the set time limit, the Permit shall be null and void.

Article (18)

Safety Permit Issuance Procedures for Infrastructure Manager

The following procedures shall apply for issuing the Safety Permit for the Infrastructure Manager:

1. The applicant shall submit the application for obtaining the Safety Permit to the Ministry, as per the relevant form, including all the required documents. The Ministry shall record the application, and the applicant shall be given a notice of receipt.
2. The Ministry shall technically examine the application to ensure that it has fulfilled all the required conditions, requirements, and documents. To that end, the Ministry may make field visits and require any documents it deems necessary.
3. The Ministry shall issue a decision on the application for obtaining the Permit within (30) thirty days following the date on which the application fulfills all the conditions. The Ministry may give the applicant an additional time extension, not exceeding (60) sixty days, for the completion of documents before issuing its decision on this regard.
4. If the application is rejected, the Ministry shall inform the applicant of the rejection reasons. A Person whose application is rejected may file a grievance against the decision within (20) days from the application rejection date. The Ministry shall examine and decide on the grievance within (30) thirty days following the date of being received.
5. If the application is approved, the Ministry shall, after the Permit applicant pays the fee prescribed in this regard, issue the Safety Permit for the applicant.

Article (19)

Validity Period of Infrastructure Manager's Safety Permit

The Safety Permit granted to the Infrastructure Manager shall be valid for (5) five years, as of the date of being issued, unless a substantial change is introduced to the Railway Assets and systems, subject of the Permit, as, in such case, the Infrastructure Manager shall be required to obtain a new Safety Permit.

Article (20)

Substantial Changes to Railway Systems

1. The following changes shall be considered substantial changes that require the permit holder to apply for a new Safety Permit or amend the Permit granted to the same:
 - a. Changing the Infrastructure Manager or introducing significant changes to its organizational structure or human resources related to the Safety governance;
 - b. Changing the Operator appointed by the Infrastructure Manager or introducing significant changes to its organizational structure or human resources related to the Safety governance;
 - c. Changing the Railway Track or adding new Stations or other facilities;
 - d. Changing any of the main systems required for securing the Safety, such as signal, communication, brake and automation systems; or
 - e. Changing the minimum headway time or increasing train speed above the limits permitted in the Safety Permit.
2. The Ministry shall technically examine the change application to ensure that it fulfills all the required conditions, requirements, and documents. It shall coordinate with Competent Authorities in the Emirate in case of the changes indicated in Paragraphs (c, d and e) of Clause (1) above.
3. The below changes shall be considered changes where the permit holder is required to notify the Ministry thereof. If the Ministry deems that such changes constitute substantial changes due to their size or nature, the Ministry may notify the permit holder thereof with justifications and shall give the permit holder a time limit of (10) ten days to provide its justifications in this regard. The Ministry's decision after examining such justifications shall be final. The permit holder shall be notified of such decision within (10) ten days from receiving its arguments.
 - a. Introducing a change to the Network Rules;
 - b. Modifying specifications of locomotives, vehicles or yellow maintenance vehicles, or adding new locomotives, cars or yellow maintenance vehicles;

- c. Introducing changes to the approved methodology of maintenance adopted by the permit holder;
- d. Introducing a change to the Safety Management System of the permit holder in connection with the system configuration, main features or restrictions listed in the Safety Permit;
- e. Introducing a change to the asset management system of the permit holder in connection with the system configuration, main features or restrictions listed in the Safety Permit; or
- f. Introducing new technologies or operations to the Railway Assets or systems of the permit holder, which have a tangible impact on the safe operation of such assets or systems, or in connection with the restrictions listed in the Safety Permit.

Article (21)

Safety Permit Issuance Conditions for the Operator

1. Upon applying for the Safety Permit for the Operator, the latter shall submit a Safety file including the following:
 - a. The Infrastructure Manager's Safety Permit, subject of operations;
 - b. Details of the scope and nature of Railway operations and services requested to be operated;
 - c. The Safety Management System approved for Railway operations and services requested to be operated;
 - d. A written acknowledgment stating that it understands and recognizes the risks threatening the Safety and how to control over such risks to minimize the same as much as practically reasonable;
 - e. Risk register that covers all potential risks threatening Railway systems and operations before and after the Commissioning, and how to deal with such risks and measures required to be taken thereon;
 - f. A report on the Commissioning results, including testing emergencies approved by the Ministry;

- g. A document stating that the operations have been reviewed by the internal committee formed by the Infrastructure Manager for such purpose, as per the requirements of the adopted Safety Management System;
 - h. A report approved by the Independent Safety Assessor reporting the Safety of Railway operations and services, subject of the Permit, and that the Operator is qualified to run the same;
 - i. A document confirming the cooperation and coordination with other permit holders or other Safety Permit applicants for the same assets and systems or assets and systems that may be affected by the Permit subject if the Ministry deems such coordination necessary to ensure the Safety of Railway operations and services or the Safety of such assets and systems;
 - j. A document stating that the approval of Competent Authorities is obtained in cases where the approval thereof is required, pursuant to the provisions of the Law and the present Resolution; and
 - k. A document confirming the fulfillment of any other requirements or conditions identified by the Ministry, pursuant to the present Resolution or resolutions issued thereby.
2. Subject to the provisions of Clause (1) above, the Ministry shall, in coordination with the Competent Authorities in the Emirate, identify any other conditions for issuing the Safety Permit for the Operator.
 3. The Ministry may issue a Safety Permit for the Operator before completing some of the conditions set forth in Clause (1) above, except for the provisions of Clause (j). In this case, the Permit shall be issued conditional to the completion of conditions that have not been fulfilled, within the time limit to be set by the Ministry; provided that the excluded conditions have no impact on the Safety. Should such conditions be not completed within the set time limit, the Permit shall be null and void.

Article (22)

Safety Permit Issuance Procedures for the Operator

The following procedures shall apply for issuing the Safety Permit for the Operator:

1. The permit applicant shall submit the application for obtaining the Safety Permit to the Ministry, as per the relevant form, including all the required documents. The Ministry shall record the application and the applicant shall be given a notice of receipt.
2. The Ministry shall technically examine the application to ensure that it fulfills all the required conditions, requirements, and documents. To that end, the Ministry may make field visits and request any documents as it deems necessary.
3. The Ministry shall issue a decision on the application for obtaining the Permit within (30) thirty days following the date on which the application fulfilled all the conditions. The Ministry may give the applicant an additional time extension, not exceeding (60) sixty days for the completion documents before issuing its decision on the application.
4. If the application is rejected, the Ministry shall inform the applicant of the rejection reasons. A Person whose application is rejected may file a grievance against the decision within (20) days from the application rejection date. The Ministry shall examine and decide on the grievance within (30) thirty days following the date of being received.
5. If the application is approved, the Ministry shall, after the Permit applicant pays the fee prescribed in this regard, issue the Safety Permit for the applicant.

Article (23)

Validity Period of Operator's Safety Permit

The Safety Permit granted to the Operator shall be valid for (5) five years following the date of its issuance, unless a substantial change is introduced to the Railway Assets and Services, subject of the Permit, where in such case the Operator shall be required to obtain a new Safety Permit.

Article (24)

Suspension or Revocation of Safety Permits Granted to Infrastructure Managers or Operators

The Ministry may, by serving a written notice upon the permit holder, suspend or revoke, in full or in part, Safety Permits granted to the Infrastructure Managers or the Operators in any of the following cases:

1. In cases the permit holder fails to comply with any of the conditions or restrictions set out in the Safety Permit;
2. In case the permit holder applies practices that cause substantial and serious risk to the safety of the Railway Infrastructure or Railway Services, subject of the Permit; or
3. In case risk indicators on a substantial and serious risk to the Safety of Railway Infrastructure or Railway Services, subject of the Permit, have arisen.

The permit holder shall be allowed to file a grievance against the action intended to be taken within (20) twenty days following the date of being notified. The Ministry shall examine and decide on the grievance within (30) thirty days following the date of being received.

Article (25)

Immediate Suspension of Safety Permit

If the Ministry is convinced that there is a substantial and serious risk to the Safety, it may, without being bound by the provisions of Article (24) above, suspend the Safety Permit with immediate effect, either for affected parts and operations only or entirely, where required, until the risk is removed, by serving a written notice to the permit holder.

Article (26)

Amendment, Revocation, or Addition of a Condition or Restriction by the Ministry

1. The Ministry may, at any time, amend or revoke any condition or restriction imposed on the Safety Permit, or impose a new condition or restriction thereon.
2. Before any action is taken pursuant to this Article, the Ministry shall:
 - a. Send a written notice to the permit holder to notify it of the action intended to be taken by the Ministry under this Article. The permit holder shall be given a time limit not less than (20) twenty days to provide it observation in this regard;
 - b. Send a written notice to the permit holder on the action that the Ministry decided to take under this Article; and
 - c. The permit holder shall be allowed to file a grievance against the action intended to be taken within (20) twenty days following the date of being notified. The Ministry shall examine and decide on the grievance within (30) thirty days following the date of being received.

Article (27)

Application for Amendment of Safety Permit

1. The permit holder may submit an application to the Ministry, at any time, to amend the Safety Permit, including the amendment of any conditions or restrictions set out in the valid permit, before initiating any amendments to the scope or nature of the Railway infrastructure or operations covered by this Permit.
2. The amendment application shall be submitted according to the method and form approved by the Ministry, accompanied by the documents supporting the application.

Article (28)

Application for Renewal of Safety Permit

The permit holder shall submit a renewal application of the Safety Permit granted thereto, at least (30) thirty days from the expiry date thereof, using the form approved by the Ministry and a document confirming that it is still fulfilling the permit conditions.

Article (29)

Assignment of the Safety Permit

The permit holder may not assign the Safety Permit.

Article (30)

Exemption from the Safety Permit

The Operator, holding a valid Safety Permit issued by the Competent Authorities of any GCC country, shall be exempt from obtaining a Safety Permit, based on a resolution of the Cabinet on the mutual recognition of Safety Permits, in accordance with the following conditions:

1. Submitting a document proving that it holds a valid Safety Permit issued by the Competent Authority in a GCC country;
2. Submitting a document proving that there is an agreement between it and the relevant Infrastructure Manager in the State, based on the exemption applicant's fulfillment of the Standards for Enabling Interoperability; and
3. Submitting a safety performance report for a previous appropriate period, not less than one calendar year prior to the application, or as may be identified by the Ministry from time to time in this regard.

Article (31)

Safety Management System

The Infrastructure Manager and the Operator shall each have a Safety Management System for its own Railways approved by the Ministry, including the following:

1. Comprehensive and systematic identification and assessment of Safety risks, with regard to the infrastructure and Railway operations which the Infrastructure Manager or the Operator is responsible for, during usual and unusual circumstances, including the emergency management plan of Railway systems and operations in case of an Accident;
2. Systems, procedures and controls that ensure that the risk management requirements are fulfilled, pursuant to the provisions of the Law and the present Resolution, including inspections, expertise, resources and competent staff;
3. Identification of procedures necessary for monitoring, reviewing and modifying safety performance indicators;
4. Identification of risk management measures under agreements and plans that regulate overlapping and interoperability concluded with third parties;
5. Emergency management plan; and
6. An approved program for occupational health and safety management.

Article (32)

Urgent Amendments to the Network Rules

1. The Infrastructure Manager may amend the Network Rules promptly where a direct risk to Safety is found, subject to the following:
 - a. Taking prompt actions to notify the Ministry and the relevant bodies of the proposed amendment and the underlying reasons; and
 - b. Taking necessary actions to mitigate any anticipated negative impacts that may arise from implementing the proposed amendment.
2. No urgent amendment made by the Infrastructure Manager may take effect after (180) one hundred eighty days from its implementation unless the Infrastructure Manager complies with the procedures provided with regard to substantial changes.

Article (33)

Emergency Management Plan

1. The Infrastructure Manager and the Operator shall each have an emergency management plan to be developed in coordination with Competent Authorities. The plan shall include the following:
 - a. Types of emergencies;
 - b. Consequences of each type of emergencies, including assessments of impacts range and potential severity of each type;
 - c. Mechanisms reducing emergency impacts;
 - d. Initial actions of response to emergencies and providing rescue and ambulance services;
 - e. Remedial actions to resume Railway operations and help the affected Persons; and
 - f. Assignment of the roles and responsibilities in emergencies.
2. The Infrastructure Manager and the Operator shall test the emergency management plans to ensure their effectiveness, as per the pace identified in such plan, or after introducing any substantial changes thereto.

Article (34)

Review of Safety Management System

Both the Infrastructure Manager and the Operator shall review the Safety Management System on a regular basis, unless otherwise determined by the Ministry. The following clauses shall be reviewed at least one time a year:

1. Assessment of how the Safety Management System is effective in ensuring the reduction of risks to the minimum practically possible, and how it achieves the safety targets and indicators, whether targets set by the Infrastructure Manager, the Operator or the Ministry;
2. Assessment of the impact of any modifications made as a result of the said review or under Article (20) above; and
3. Observing any recommendations arising from any Prohibition Notices, Notices to Remedy, safety inspections or reviews or investigation of Rail Accidents and Incidents.

The results of such review shall be summarized in the annual performance report to be submitted to the Ministry.

Article (35)

Agreements Regulating Infrastructure Crossover or Overlapping

1. The Infrastructure Manager may enter into agreements that regulate the crossover or overlapping of infrastructures with Railway infrastructures. Such agreements shall include:
 - a. The measures of risk management set out in Article (31) above with regard to the scope of crossover or overlapping, subject of the agreement, including the procedures of identifying, assessing and testing such measures; and
 - b. Roles and responsibilities of parties to the agreement related to such measures, including matters related to the exchange of information necessary to monitor the compliance of the relevant parties.
2. If the Ministry deems that the Infrastructure Manager, the Operator or the Person responsible for organizing crossover or overlapping with the Infrastructure Manager or the Operator refuses to enter into, or unreasonably delays the entry into, an agreement necessary to regulate crossover with other relevant parties, referred to above, the Ministry may send a written notice to the Infrastructure Manager or the Operator stating that an agreement is required to regulate such crossover within a reasonable period, otherwise, the Ministry may, in coordination with the Competent Authorities in the Emirate, issue necessary resolutions regulating such crossover.
3. The Ministry may require, under the notice referred to in Clause (2) above, to be provided with the information that may need for the purpose of developing guidelines and imposing conditions and restrictions under this Article.
4. The Infrastructure Manager and the Operator shall maintain an updated record of all agreements regulating crossover or overlapping concluded by them, along with providing the Ministry with a copy of such record and agreements, as determined by the Ministry.

Article (36)

Accreditation Conditions for Independent Safety Assessor

By virtue of a resolution of the Minister, the conditions of the Independent Safety Assessor accreditation shall be identified according to the following considerations:

1. The accreditation applicant shall be licensed in the State and shall have the Railway systems and operations Safety assessment activity among its activities, or activities equivalent thereto;
2. The accreditation applicant shall have sufficient expertise in Railway systems and operations Safety assessment;
3. The accreditation applicant shall identify the work methodology that it will follow as an Independent Safety Assessor, including the quality assurance systems applicable therewith;
4. The accreditation applicant shall submit a statement of its previous work and its technical staff, or the staff intended to be appointed thereto; and
5. Any other conditions or requirements the Ministry deems necessary.

Article (37)

Reporting Rail Accidents and Incidents

1. Without prejudice to the powers conferred upon the Competent Authorities, the Infrastructure Manager and the Operator shall report any Incidents or Accidents related to Railway operations caused or would have caused property damage, injuries, death, or any other Incidents provided by the relevant resolutions.
2. The resolutions issued by the Minister shall set the time limit for reporting to the Ministry and the forms approved for each category of Incidents or Accidents. The Ministry may commission the Infrastructure Manager or the Operator to conduct an investigation into any of Accidents and Incidents that endanger or may endanger the Federal Railway operations, along with updating it of the investigation results.

Railway Inspection

Article (38)

Functions and Powers of Inspectors

Without prejudice to the functions and powers of judicial police of the Competent Authorities in the Emirate, pursuant to their legislation and competences, the Ministry shall, through its Inspectors, carry out the following functions and powers:

1. Verify the compliance with the provisions of the Law, the present Resolution and resolution issued thereunder;
2. Investigate any violation against the provisions of the Law, the present Resolution and resolutions issued thereunder, and taking actions necessary for the remedy thereof;
3. Monitor the permit holders' compliance with the provisions of permits issued to them;
4. Comply with the provisions of the legislation established in the Emirate; and
5. Any other functions or powers granted to them under the resolutions issued by the Minister.

Article (39)

Inspector's Powers to Get Access

The Inspector may, at any time, get access to any place falling within the Federal Railway Assets or facilities serving the Federal Railways, as being Safety or Protection Zones, where required.

Article (40)

Inspector's Powers

1. The Inspector may get access, without prior notification, to inspect any Person.
2. Upon the Inspector's access to Railway facilities, he shall take all reasonable steps to notify the Person in charge of such place, as provided by the relevant resolutions.
3. In all cases, the Inspector may not notify any Person where such notification would thwart or delay the purpose for which the place is accessed.

Article (41)

Powers of Inspector During Inspections

1. The Inspector may take any of the following actions:
 - a. Inspect the place and examine any of its contents and conduct any investigation in this regard;
 - b. Use any equipment or materials that may be necessary for performing his functions;
 - c. Decide to stop or move any Railway Vehicle;
 - d. Take measurements and conduct surveys;
 - e. Make tests, develop drawings or make recordings, including photos, films, audio, video ... etc.;
 - f. Mark or label Railway Vehicles or any other objects;
 - g. Detect any object (including documents) at the place the Inspector deems it evidence of violation;
 - h. Take a sample from any substance or object for the purpose of analysis, testing or examination;
 - i. Seek the assistance of any Person at the place to complete his job; and
 - j. Exercise any other powers pursuant to the legislation in force.
2. A Person from whom the inspector requests to provide the reasonable assistance may not refuse to comply with such request without a reasonable excuse.
3. For the purpose of this Article, the following shall constitute a reasonable assistance:
 - a. Enabling the Inspector to access to materials and information;
 - b. Unloading Railway Vehicles;
 - c. Operating a locomotive engine; and
 - d. Enabling the Inspector to access to any part of the Railway infrastructure, including the Safety Zones and Protection Zones and to access to Railway Vehicles or any part thereof.
4. The Infrastructure Manager or the Operator may file a complaint with the Ministry if the actions or requirements taken by the Inspector lead to an unsafe situation in Railways, or where such actions or requirements were unjustifiable or beyond the Inspector's scope of

powers, in accordance with the present Resolution and resolutions issued thereunder. The Ministry shall examine the compliant and take a decision thereon within (15) fifteen days following the date of being received.

Article (42)

Obligations of Infrastructure Manager and Operator towards Inspector

The Infrastructure Manager and the Operator shall enable and provide assistance to the Ministry's inspector in the following:

1. Conduct searches and inspection at any part of the Railway parts, infrastructure and Railway Vehicles;
2. Seek the assistance of any Person to help him perform his duties and powers, including meeting and questioning any Person the inspector deems it able to help him in performing his functions;
3. Execute the orders of the Ministry's inspector related to the suspension of any work, moving any Railway Vehicle or prohibiting used materials or equipment;
4. Receive Notices to Remedy, Prohibition Notices and any documents executed by the Ministry's inspector;
5. Protect any evidence at the Accident site through investigation proceedings;
6. Allow any Person authorized by the Ministry's inspector to get access to the inspection site;
7. Conduct any tests, analysis, measurements or statistics for any part of Railway parts, infrastructure and Railway Vehicles that the inspector deems necessary using any tools or equipment decided by the inspector in this regard;
8. Provide the Inspector with any audio or video materials of any part of Railway Assets or operations;
9. Submit any printed or electronic documents the Ministry's inspector deems necessary to carry out his functions and translating them to the language identified by the inspector;
10. Enable the inspector to collect and access to data with all means available, including electronic means;

11. Enable access to Railway buildings and facilities and restricted areas at the Safety Zone to investigate into circumstances of a Rail Incident that had been reported at any time; and
12. Execute proceedings of seizure on materials, samples and evidence that pose a threat to Railway Assets and operations.

Article (43)

Notices to Remedy

The Inspector may issue a Notice to Remedy if he is convinced, based on reasonable grounds, that a permit holder has violated any provisions of the Law, the present Resolution or resolutions issued thereunder, or violates the provisions of the Permit granted thereto. The notice shall include a commission to the permit holder to take a remedial action within a time limit to rectify such violation and prevent the recurrence thereof. The permit holder may be authorized to respond to the Notice to Remedy and submit practical proposals and any supporting documents. The Inspector may revoke the Notice to Remedy and issue an alternative notice.

Article (44)

Extension of Notices to Remedy

By virtue of a written notice to the permit holder, the Inspector may extend the time limit set out in the Notice to Remedy to enable the permit holder to comply with the instructions of the notice, based on a reasoned application from the Permit holder, provided that such application is submitted before the expiry of the time limit set for compliance in the original notice.

Article (45)

Prohibition Notices

1. The Inspector may, after obtaining the relevant required approvals specified in the relevant resolutions, issue a Prohibition Notice in the following cases:
 - a. Carrying out functions related to Railway Assets and operations that cause or will cause a direct risk to Safety, without taking the proper action to prevent such risk.

- b. Carrying out functions, without permission, near the Railway Infrastructure or Railway Vehicles that cause or will cause a direct risk to Safety.
2. The Inspector shall serve the Prohibition Notice in writing to the Person responsible for such functions by which the continuation of such functions, in whole or in part, shall be prohibited.

Article (46)

If the responsible Person against whom the Prohibition Notice is issued fails to take acceptable actions for compliance with such notice, the Ministry may take any actions necessary to secure the Safety of Railway Assets and operations, after warning such Person that the Ministry will take such actions and such Person will be responsible for any consequences thereof.

Article (47)

Where the circumstances require the issuance of a Prohibition Notice on an urgent basis and the Person responsible for the relevant work cannot be reached, the Ministry may take any necessary measures to secure Railway Assets and operations, and the Person responsible for such work will incur any consequences of such measures.

Article (48)

Railway Records

1. The Ministry shall maintain permanent records of Railways, including, as a minimum, the following:
 - a. Licenses of the Infrastructure Managers and the Operators;
 - b. Safety Permits granted to the Infrastructure Managers and the Operators;
 - c. Notices to Remedy and Prohibition Notices;
 - d. Rail Accidents and Incidents; and
 - e. Data of Railway Vehicles.

2. The Ministry may create any other Railway records it deems necessary to enable it to carry out its functions.
3. By virtue of resolutions of the Minister, the form and content of Railway records and Persons in charge of providing data contained therein shall be identified.
4. The Ministry shall keep paper or electronic records throughout the effective term of the Licenses and Permits for a period of at least (25) twenty-five calendar years from the expiry thereof.
5. The Railway records may be destroyed only based on the Minister's prior approval and following the expiry of the period mentioned in Clause (4) above.

Article (49)

Periodic Reports

1. The Infrastructure Manager and the Operator shall each submit an annual report to the Ministry on Safety and operational performance where:
 - a. Such reports shall be in the form approved by the Ministry; and
 - b. Such reports shall contain:
 - Details of Railway Assets;
 - Details of maintenance work and reports;
 - Details of Safety performance of Railway operations by the Operator or the Infrastructure Manager and the appraisal thereof;
 - Details of any shortcomings and violations related to Railway operations made throughout the reported period, or initiatives proposed for the coming period;
 - Any other information or indicators on the Safety performance identified by the Ministry according to this Resolution or resolutions issued thereunder; and
 - Stating and apprising the operational performance of the Railway operator or the Infrastructure Manager.

2. The Infrastructure Manager and the Operator shall submit the report under this Article for the past year within (3) three months at the beginning of every year.

Article (50)

Issuance of Executive Resolutions

The Minister shall issue the executive resolutions necessary for implementing the provisions of this Resolution.

Article (51)

Publication and Entry into Force

This Resolution shall be published in the Official Gazette and shall enter into force thirty (30) days following its publication date.

Mohammed bin Rashid Al Maktoum

Prime Minister

Issued by Us:

Dated: 6th Rajab 1443 AH,

Corresponding to: 7th February 2022 AD