

24/01/2017

Dear Sir / Madam,

Many thanks for your request for documents relating to the extension of the Interoperability Regulations in the United Kingdom with particular focus on the impact assessment performed. Below, our answer to this request.

The following links provide the access to the various documents concerning the revisions of the UK Interoperability Regulations. These documents may contain the information that you are seeking:

<https://www.gov.uk/government/collections/background-to-rail-interoperability>

This page will give you links to the detailed regulations and the Impact Assessments relating to the UK. The relevant regulations that you seek are the 2011, 2013 and 2014 (Amendment), in particular see these links:

- <http://www.legislation.gov.uk/ukxi/2011/3066/contents/made> (2011)
 - <http://www.legislation.gov.uk/ukxi/2011/3066/impacts> (UK Impact Assessment)
- <http://www.legislation.gov.uk/ukxi/2013/3023/contents/made> (2013 amendment)
 - http://www.legislation.gov.uk/ukxi/2013/3023/pdfs/ukxiem_20133023_en.pdf
(Explanatory Memorandum stating that no impacts compared to the 2011 legislation would be minimal)
- <http://www.legislation.gov.uk/ukxi/2014/3217/contents/made> (2014 amendment)
 - (Explanatory Memorandum stating that no impact had been made as there were “*no impact on the costs of business, the public sector, third sector organisations, regulators or consumers*” foreseen)

You will also need to look at the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016, see this link:

- <http://www.legislation.gov.uk/ukxi/2016/645/regulation/19/made#regulation-19-16>
 - http://www.legislation.gov.uk/ukia/2016/153/pdfs/ukia_20160153_en.pdf (UK Impact Assessment)

As far as we understand the **UK Impact Assessments** regarding the legislative measures for extending the Interoperability Regulations have followed normal UK Practice for impact assessment as outlined in the Green Book and this can be found at:

- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/220541/green_book_complete.pdf

As indicated in the Agency’s Recommendation and report on Scope Extension from 2009 impact assessment undertaken by the Agency should be done for each TSI (Technical Specifications for Interoperability):

- <http://www.era.europa.eu/Document-Register/Documents/IU-ExtScope-20090807-ERA-ExecutiveDirector-Recommendation-V1-00-EN.pdf> (Agency Recommendation on scope extension)

- <http://www.era.europa.eu/Document-Register/Documents/IU-ExtScope-20090807-FinalReport.pdf>
(Agency Report on scope extension, page 49 outlines the principles on impact assessment)

Over the following period the Agency developed with dedicated working parties recommendations for revision of the various TSIs as required (including proposals for extending their scope) accompanied by an impact assessment. Rail sector and national authority representatives (incl. UK experts) participated systematically in these Working Parties. Below, the revised TSIs within the context of scope extension are listed:

- Control Command and Signalling (CCS) TSI
- Energy (ENE) TSI
- Infrastructure (INF) TSI
- Locomotives and Passenger Rolling Stock (LOC PAS) TSI
- Noise (NOI) TSI
- Persons with Reduced Mobility (PRM) TSI
- Rolling Stock - Freight Wagons (WAG) TSI
- Safety in Railway Tunnels (SRT) TSI
- Telematic Applications for Freight (TAF) TSI

For the TSI specific Impact Assessments, the Agency has followed the **European Commission Impact Assessment Guidelines** that can be found at:

- http://ec.europa.eu/smart-regulation/guidelines/ug_chap3_en.htm

If in these TSI specific Impact Assessments there were impacts affecting the UK, then these would have been referred to in the Impact Assessment Report. Otherwise, the focus in these impact assessments takes an overall perspective in terms of advantages and disadvantages as well as per stakeholder group. We would be happy to share these TSI specific Impact Assessments if this would be of interest to you. However, as noted above there would be relative limited information about individual countries, including the UK.

Of importance for the overall impacts relating to scope extension the Agency's report from 2009 mentions that with the exception of infrastructure more than 95% of the railway assets would already be covered by the existing scope of the Interoperability Directive as shown in the Table below (Table 4 from the 2009 report). This implies that the possible cost impact of scope extension would be lower.

	High Speed		Conventional Rail		High Speed & Conventional Rail	
	TEN	off-TEN	TEN	off-TEN	TEN	off-TEN
Infrastructure (lengths of lines, km)	31,043 (100%)	0 (0%)	83,188 (40%)	123,970 (60%)	114,231 (48%)	123,970 (52%)
Rolling stock (vehicles)						
• Locomotives	2,000 ¹		28,642		30,642	
	100%	0%	≈95%	≈5%		
• Vehicles in trainsets, DMUs & EMUs	9,425		48,708		58,133	
	100%	0%	≈90%	≈10%		
• Passenger coaches					51,506	
					>99%	<1%
• Freight wagons	NA	NA	721,105		721,105	
			>99%	<1%	>99%	<1%

Within each TSI it is possible to include so-called Specific Cases that are provisions included to deal with particular circumstances prevailing in a particular Member State. As such, these would allow Member States avoiding adverse impacts of a TSI, which could in certain cases also be relevant in relation to scope extension. A Specific Case should be supported by technical and economic arguments prior to be considered and incorporated in the TSI drafting. In relation to your request, it should be noted that for some of the TSIs listed above there would be UK Specific Cases. We would suggest that you approach the ORR and/or the Department for Transport with a UK Freedom of Information request to ascertain what impact assessments they had produced for any UK Specific Cases.

We hope that the above information points you in the right direction. If you require further information please do not hesitate to contact us again. As this is a broad field of activity it would be important to be as specific as possible concerning your information requirements.

Yours sincerely

A handwritten signature in black ink that reads "Torben Holvad". The signature is written in a cursive style with a large initial 'T'.

Torben Holvad

Corporate Management and Evaluation Unit (CME)

Economic Evaluation Team