

Title: The Railways (Interoperability) Regulations 2011	Post Implementation Review
PIR No: DFTPIR0046:	Date: 15/03/2022
Original IA/RPC No: DfT00126	Type of regulation: Domestic
Lead department or agency: DfT	Type of review: Statutory
Other departments or agencies: NA	Date measure came into force: 16/01/2012
Contact for enquiries: Matthew.Bamgbele@dft.gov.uk	Recommendation: Amend
	RPC Opinion: N/A

Background

The Railways (Interoperability) Regulations 2011 (RIR 2011) (“the Regulations”) created a new framework regime for the authorisation to place into service for vehicles and infrastructure used on the UK rail network. The Regulations apply to new, upgrade and renewal work for infrastructure projects and rail vehicles. The process for how this works in practice is that project entities develop a technical file, which includes information on the project’s scope and application of applicable standards, as outlined in the Regulations. This technical file is then assessed by both a third-party Approved and/or Designated Body, and then the relevant Safety Authority, who give the final approval about whether a project is authorised to be placed into service.

RIR 2011 amended the UK’s interoperability regime under the Railways (Interoperability) Regulations 2006 and also transposed the European Union (EU) 2008/57 Interoperability Directive. RIR 2011 focuses on the processes for applying and proving technical standards are complied with, and demonstrating essential requirements, including technical compatibility between subsystems are met, so that they can be safely integrated into the railway network.

Under RIR 2011, there is a requirement to carry out a post-implementation review (PIR) of the Regulations every five years. In line with the review provisions in the Regulations, this latest review considers the impacts of RIR 2011 as a whole, including all the changes made to the domestic regime since its introduction.

A light touch review was deemed most appropriate, as there were some recent changes made to RIR 2011 prior to EU Exit and these changes only came into effect on 1st January 2021 (a few months prior to this review starting). This provided limited time for stakeholders to properly understand the full impact of these changes, and for these changes to be embedded across the industry before the review was to commence. Examples of the changes introduced include the power for the Secretary of State to publish the UK’s own mandatory rail standards, and the removal of the requirement for the UK to approach the European Commission before making exemptions from the Regulations.

The deadline to fulfil this obligation and publish a PIR report is by 16th January 2022. This report is being published shortly after this date, as we considered it important to take additional time to assimilate the responses of stakeholders and the potential opportunities identified as part of the PIR process.

The statutory review of the Regulations was carried out by the Department for Transport (DfT) in the summer of 2021. This report summarises the key findings of the review and the next steps. This is the second PIR of RIR 2011, with the first one taking place in 2016-17. The report from the first review identified that there was an appetite in certain areas to introduce greater flexibility for parts of the UK rail system to help improve UK competitiveness. Greater flexibility for the UK rail freight sector when applying standards, and flexibility for Network Rail, when carrying out infrastructure works on lines that are not part of the Trans European Network, were specific examples identified in some of the responses. The first PIR report recommended that the Department consider amending RIR 2011 at the next suitable opportunity to add more flexibility where possible.

Since publication of the first PIR report, the Government's main priority has been to ensure a smooth transition from EU membership. Until 1 January 2021, there was limited scope for making amendments to the existing interoperability regulations beyond those required for an orderly exit process due to the application of EU law until the end of the transition period and the Government's objective of a smooth transition.

Following the UK's exit from the EU and the end of the transition period, Great Britain (GB) now has greater freedom to determine its regulatory framework for rail technical standards. This greater flexibility, coupled with the Government's ambition through Rail SPEED (Swift, Pragmatic and Efficient Enhanced Delivery), to deliver rail infrastructure more efficiently and at significantly lower cost wherever possible, whilst preserving high levels of safety, made it an opportune time to carry out this review.

As a result of the obligations under the Northern Ireland (NI) Protocol, NI do not have the same degree of flexibility as they are required to apply the EU regulatory framework for interoperability.

Whilst this review is a statutory requirement, we have taken a considered approach to help identify the opportunities offered from EU exit and to ensure that RIR 2011 continue to operate in the best interests of the UK rail sector. As outlined in Section 7, this has involved us requesting evidence beyond the normal requirements of a light-touch assessment.

1. What were the policy objectives of the measure?

The objectives of the Railways (Interoperability) Regulations 2011 when introduced were:

1. To deliver the benefits of standardisation through economies of scale for railway components, improving the economic performance of the UK and wider European railways and the environmental performance of the transport system.
2. To harmonise Member State design assessment, acceptance and approval processes to prevent barriers to trade and to promote a single market for railway products and services.
3. To ensure compatibility between European railways to allow for through running of trains between Member States.

At the time of their introduction these Regulations were intended to benefit the UK and these original policy objectives were devised while the UK was a member state of the EU. Nevertheless, when the Regulations came into force the standardisation of rail technical products was intended to bring benefits to UK rail businesses buying and selling in the EU market. Through standardisation, these benefits were also intended to help lower the costs of the UK railways.

Interoperability was designed to improve the competitive position of all of the EU rail sector, including the UK, through the introduction of a regulatory framework for technical harmonisation and common approval processes for rail projects in Member States. As well as facilitating the through running of trains across the EU, interoperability was also expected to lower the cost of rail through providing economies of scale, as components are built to common standards set out in the Technical Specifications for Interoperability (TSIs).

TSIs are technical and operational standards to be met by each rail subsystem to ensure that it meets the essential requirements and to ensure the interoperability of the EU railways system. Some of the areas TSIs cover include infrastructure, accessibility, energy, signalling, noise and rolling stock. It should be noted that since the completion of the transition period, National Technical Specification Notices (NTSNs) have replaced TSIs in Great Britain (GB). These largely replicated the existing requirements in TSIs. In Northern Ireland, TSIs are still the applicable standard as a result of the application of the Northern Ireland Protocol.

Project entities carrying out rail projects involving the construction of new rail vehicles and infrastructure, or carrying out upgrade and renewal work, are subject to the Regulations. They are required to seek an authorisation to place into service from the national safety authority (NSA) and provide evidence that the relevant technical standards have been met.

The intent when making the 2011 regulations was to fully transpose the requirements of the EU 2008 Interoperability Directive, as well as ensuring that UK rail businesses were not put at a competitive disadvantage through unnecessarily increasing the costs of projects.

The key changes introduced by RIR 2011 were:

- enabling a streamlined type authorisation process for vehicles and infrastructure against technical standards and extending the facility to use the type authorisation process to infrastructure projects.
- making it easier to use vehicles in the UK which have already been authorised against technical standards in another Member State.
- further develop the registers for rail infrastructure and vehicles in line with the relevant EU specifications.
- enable DfT to publish a list of lines and vehicles that are excluded from the Regulations, such as metros, trams and light rail.
- provide for DfT to publish a pre-screening list of projects that meet the definition of upgrade or renewal and are subject to the Regulations to help provide greater clarity to projects.

Since their coming into force, several amendments have been made to the Regulations. The most substantive of these related to EU exit, which corrected inoperabilities that would have otherwise resulted when the UK exited the EU. In total, there have been 4 sets of regulations that implement changes to the UK's interoperability framework as a result of EU withdrawal, which are as follows:

1. The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (2019/345)

This amendment corrected deficiencies that arose as a result of EU Exit and ensured that a clear and accessible domestic legal framework was established for interoperability. This included the creation of a framework for the Secretary of State (SoS) to publish NTSNs under a new Regulation 3A.

2. The Railways (Safety, Access, Management and Interoperability) (Miscellaneous Amendments and Transitional Provision) (EU Exit) Regulations 2019 (2019/1310)

This amendment corrected minor drafting errors in SI 2019/345.

3. The Railways (Interoperability) (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2020 (2020/318)

This regulation made further amendments to both RIR 2011 and SI 2019/345 and corrected a body of retained EU law necessary for the regulatory framework to function correctly after the end of the transition period.

4. The Railways (Miscellaneous Amendments and Revocations and Transitional Provisions) (EU Exit) 2020 (2020/786)

This amendment made changes to SI 2019/345 to reflect the change across the statute book from 1 January 2021 to replace 'exit day' with 'IP Completion Day' as a result of the ratification of the Withdrawal Agreement.

2. What evidence has informed the PIR?

This PIR used a qualitative evaluation approach, using evidence collected by a stakeholder survey and workshops. This approach is in line with the requirements of a light-touch review, as was the case for the 2017 review. We also took into consideration the first PIR report of RIR 2011 and the second PIR of the Railways and Other Guided Transport Systems (Safety) Regulations (ROGS) 2006, which was published in September 2021.

The 2021 survey

The survey was devised to analyse whether the original objectives of RIR 2011 were still appropriate and to understand the experience of stakeholders using the new or updated processes introduced by the regulations (i.e. in getting vehicle authorisations, using the register of infrastructure etc.) This survey was also an opportunity to identify areas of improvement within the regulations. Prior to launching the survey, we tested out the survey questions with a cross section of industry to fine tune questions to make it clearer and easier for stakeholders to provide a response.

Over 300 individuals – representing over 60 organisations - within the rail sector were notified of the survey through a newsflash from the Department's interoperability mailbox. Those notified represented a wide range of organisations across the rail sector (e.g. the freight community, vehicle manufacturers, infrastructure managers, leasing companies, conformity assessment bodies, safety authorities and consultancy services). Stakeholders were given eight weeks to respond. There were 29 responses in total, compared with 14 responses to the previous PIR of RIR 2011.

The survey was split into three sections. The first section was aimed at individuals and consisted of 5 general questions to get broad views about the framework. The second section was aimed at organisations and had 17 questions focused on general feedback from stakeholders on their views and experience of applying the interoperability regulations. Some of these questions were the same as those found in section 1 aimed at individuals. The third section was also aimed at organisations (although individuals were allowed to provide a response) and consisted of 16 more technical questions for organisations that have a deeper interest or involvement in the application of the Regulations. Most questions gave respondents multiple-choice indicators to provide a response to the question as well as a free-text box to elaborate on those views.

Twenty-three organisations responded to the PIR, 20 respondents completed the full survey document and three submitted a tailored response focused on certain technical questions which they wished to provide feedback on.

As previously mentioned, this survey was open to individuals (i.e. members of the public), which is the first time this has been done explicitly for an interoperability PIR. To encourage responses from members of the the public and from organisations who might not normally have responded to this PIR, we used social media platforms to raise awareness, and rail industry bodies were encouraged to make stakeholders aware through their various communication channels. In total, six individuals responded to the survey.

Some types of organisations that did not respond to the 2017 PIR did so during this review, including passenger vehicle manufacturers. Figure 1 provides an overview of responses in terms of the type of organisation. It should be noted that whilst not all respondents to the survey identified their organisation type, some respondents selected multiple options. For example, a respondent may have selected both the option of “Railway Industry Body” and an “Infrastructure Manager”. For this reason, the chart totals more than the number of respondents. The different sizes of the organisations that responded are shown in Figure 2.

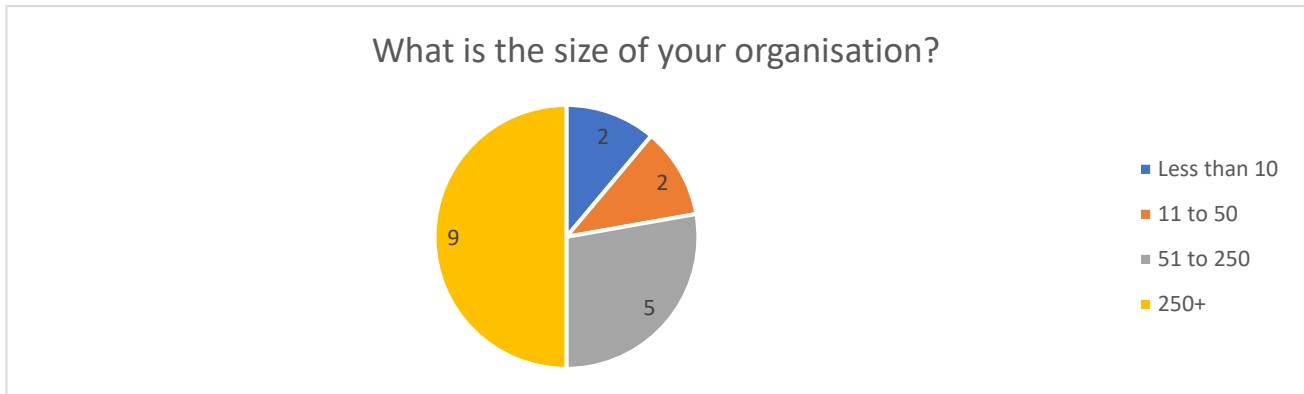
Whilst we did seek to engage with a wide range of organisations, including many small and medium-sized enterprises (SMEs), Figure 2 demonstrates that a majority of respondents were larger organisations.

Following the closure of the survey, we did reengage with some stakeholders to seek clarification on some of the points made in their response. This helped us to ensure that we were accurately reflecting their views in the report.

Figure 1



Figure 2



Some groups did not directly respond to the survey, including train operating companies (TOCs) and freight operating companies (FOCs). However, we understand that these organisations fed into the survey through their representative rail industry bodies, such as the Rail Delivery Group for TOCs, and the Rail Wagon Association for FOCs.

A number of responses to the survey identified areas where there is scope for improvement in the way the interoperability regulations are drafted. Some responses highlighted where there is scope to improve how the regulations are implemented in practice. The areas of improvement are summarised in this document under four key themes: Clarity, Simplification; Transparency; and Compatibility. These themes are further explored in section 7 of this document, which focuses on areas of improvement and opportunities.

DfT officials organised a workshop to talk respondents through the survey, respond to questions and receive any preliminary feedback on the Regulations. The workshop was held virtually on Microsoft Teams to maximise attendance. There were over 140 attendees at the workshop, representing organisations from across a broad range of sectors, helping to ensure broad understanding of the PIR process and supporting a broad consultation process. These included the rail supply sector, rail vehicle manufacturers, leasing companies and industry bodies such as the Rail Safety and Standards Board (RSSB), Rail Delivery Group (RDG) and the Railway Industry Association (RIA).

DfT officials were also invited to meetings and workshops organised or attended by other rail industry groups in the build-up to the launch of the PIR survey, including events held by major trade associations with broad sectoral membership - RIA and RDG. These events were used as an opportunity to provide clarity, flag the importance of the PIR and answer questions from potential respondents.

However, there are a few limitations in the evidence gathered. As noted in Figure 1 and in the text above, for some organisation types there is only one or two respondents of that type (i.e. Local Government Body, Assessment Body, Passenger Group), and some organisation types have no respondents at all.

In addition to the above, as shown in Figure 2 the majority of respondents to the survey are from organisations with 250+ employees, meaning there is less evidence from small or medium sized businesses in particular. Although in line with our expectations, we understand many of these organisations contributed to the survey via their trade associations. This smaller representation of these types of organisations limits the extent to which firm conclusions can be drawn from the data set and has been taken into consideration when outlining the next steps in this report.

Although there were specific questions requesting quantitative data on the impact of the Regulations, very few respondents provided this information. This creates challenges as such data is only held by industry, Whilst the use of qualitative evidence is in-line with the expectation of this review, the lack of quantitative data does provide some limitations on the ability to analyse whether the projected costs and benefits of the Regulations have been realised. To quantify the impact would require significant additional work. There is further discussion of this in Section 7.

We conducted extensive engagement across all sectors of the rail industry to raise awareness of the interoperability PIR and to encourage responses. In the Department's view, we undertook proportionate actions to encourage engagement with a light-touch review. The technical nature of the subject matter meant that some organisations were less likely to respond directly to the PIR, although, as noted above, the response of several industry representative bodies is encouraging. As highlighted in section 8, we plan to undertake further engagement with stakeholders to overcome any limitations in the evidence of this review.

3. To what extent do the policy objectives remain appropriate?

The objectives of the Railways (Interoperability) Regulations 2011 were:

1. To deliver the benefits of standardisation through economies of scale for railway components, improving the economic performance of the UK and wider European railways and the environmental performance of the transport system.

2. To harmonise Member State design assessment, acceptance and approval processes to prevent barriers to trade and to promote a single market for railway products and services; and
3. To ensure compatibility between European railways to allow for through running of trains between Member States.

The evidence gathered from this PIR exercise suggests that, given the UK has now left the EU and has a different loading gauge from most of Europe, some of the original objectives are no longer fully appropriate to the UK. Nevertheless, the evidence from the PIR suggests the objectives have still been achieved to a reasonable extent.

Analysis of whether the original objectives been achieved

To assess objective 1, we asked two questions which focused on the economic and environmental performance of the UK rail network.

- How has RIR 2011 affected the economic performance of the railways, your business or any other activities you are involved in? General Question 9 (GQ9)
- In your view, how has RIR 2011 affected the environmental performance of the UK rail network? General Question 10 (GQ10)

The responses to the question on economic performance (GQ 9) provided a mixed picture, with seven responses including RSSB submitting that the regulations had a positive impact, six responses (including ORR and RDG) were neutral on this question, while Network Rail were one of three organisations who submitted a negative response to this question. There is further discussion on the economic impact of the regulations throughout the report, particularly in Sections 5 and 7. With regards to the impact on the environmental performance (GQ10), the majority of responses to this question were neutral, while two responses were negative. The Department's view is that there is insufficient evidence to conclude that this objective has been fully achieved. However, there is scope for improvements to be made which will enable a stronger economic and environmental performance for the UK rail network.

The question on objective 2 focused on the regulations impact on UK trade and comparisons to the EU.

- Based upon your experience, are you able to provide any information about the impact of RIR 2011 on UK business, including comparisons with EU competitors? General Question 12 (GQ12)

Five respondents to this question were 'positive' about the impact of the regulations on UK business. Two respondents including a rolling stock manufacturer, suggested the current regulations were superior to the 2016 EU Fourth Railway Package, as the current regulations are more straight forward and introduce less unnecessary processes. This feedback was echoed in other positive responses.

However, five responses, including the RWA, were negative. They suggested the way the regulations currently work has introduced more processes into the UK than across the EU. They also said that member states processes were not aligned and that there is an unequal impact of the regulations across the EU's market. These responses taken together alongside the economic impact of the regulations noted in other sections of the report, suggests objective 2 has not been achieved, but that some benefits have been accrued.

To assess objective 3, the question was focused on whether RIR 2011 facilitated the through running of trains between EU member states and GB.

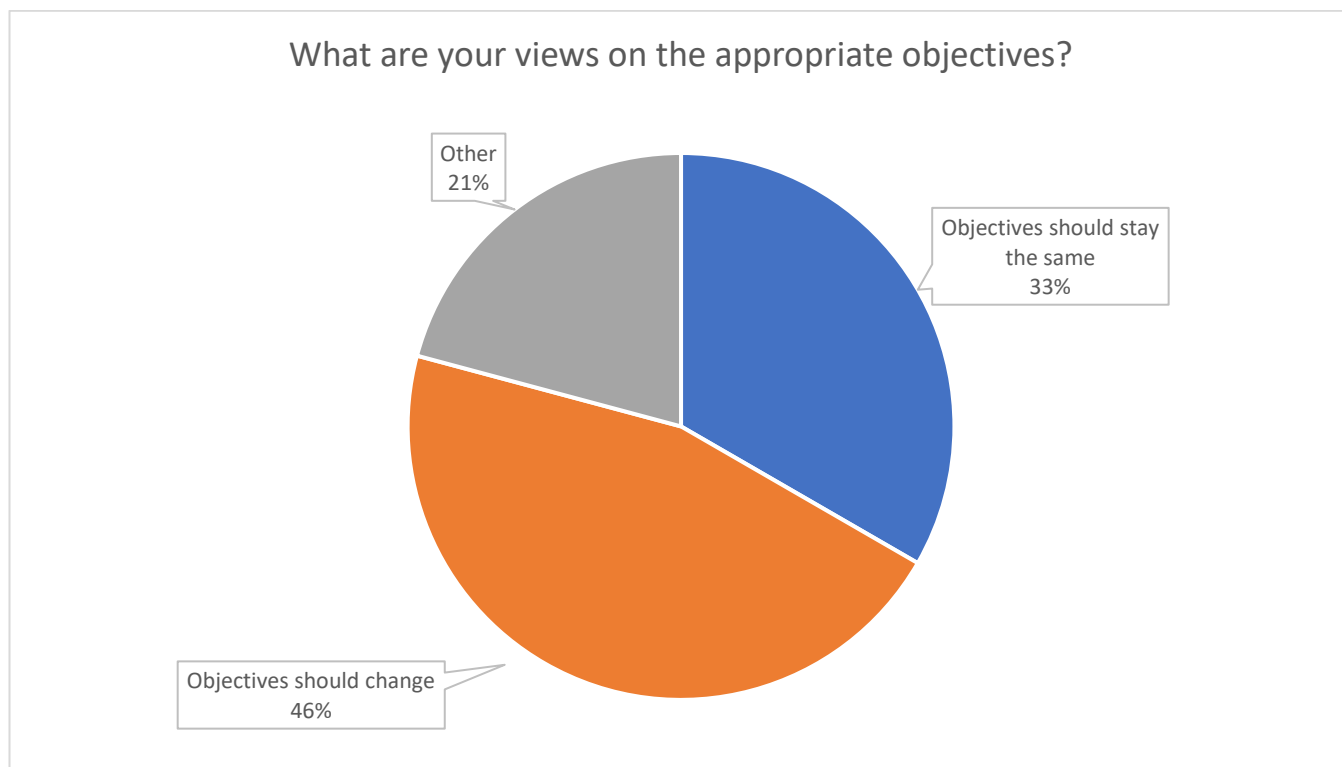
- To what extent has RIR 2011 allowed for through running of trains between EU states and the UK? General Question 8 (GQ8)

57% of responses to this question including the ORR and RSSB said the objective had been achieved for the Channel Tunnel but felt this was not achieved beyond the tunnel. 5 responses, which includes a rolling stock manufacturer and an assessment body, said that this was due to the specific constraints of GB's legacy infrastructure, such as the size of the loading gauge. The Department's view is that due to the through running of trains being limited to the Channel Tunnel and cross border services across the island of Ireland, objective 3 has been achieved to a limited extent.

Analysis on whether the original objectives remain appropriate

Overall, there were varied views on the appropriateness of the objectives of the regulations. As Figure 3 below indicates, 46% of respondents suggested the objectives of RIR 2011 need to change. Respondents in this category include the Rail Delivery Group, Railway Wagon Association and a Certification Body. On the other hand, 33% of respondents, including the ORR and RSSB, were in favour of retaining the existing objectives. However, in the free text box some respondents from this second category noted that minor changes to the objectives may be needed to reflect the UK's exit from the EU. The option "other" in this context includes a mixture of responses, which does not easily fit into the other two options. For example, a respondent suggested that two of the three objectives should be changed, while the other one should remain the same.

Figure 3



Note: The question in the title is a simplified version of that in the full survey.

Concerns were raised by Network Rail regarding whether RIR 2011 was the most appropriate method for achieving the standardisation desired in the first objective. They suggested replacing it with a regime more tailored to UK requirements, with greater levels of self-assurance against standards. A consultancy organisation argued that smaller infrastructure projects could benefit from a more risk-based approach to the regulation authorisation process with self-certification used for projects that are managed by a competent and mature Infrastructure Manager.

RIA stressed the importance of standardisation to the UK rail supply chain. They advised that standards needed to remain aligned with European processes and technical rules, particularly in the areas of rolling stock and command control and signalling equipment. They emphasised the importance of protecting the interests of the UK rail supply sector to avoid creating additional costs through diseconomies of scale.

As we have now exited the EU, there was a general agreement from respondents that the second objective on harmonisation between Member States was no longer applicable. The focus should now be on harmonisation within the UK to reduce costs on the GB railway by enabling more use of ready-made products rather than bespoke ones and to maintain connections, both with the EU and worldwide, to facilitate the ease of exports.

There was consensus that the third objective is significantly less relevant for the UK, as most traffic is UK-based, apart from the passenger and freight trains operating through the Channel Tunnel and HS1 infrastructure, and those operating between Northern Ireland and the Republic of Ireland. As aforementioned, further through-running of trains between the UK and the EU is limited by the specific constraints associated with differing track gauges, limiting the extent to which this third objective can be achieved. However, the Rail Delivery Group (RDG) suggested that we should continue to encourage new operators to run services between the UK, EU states and beyond. More detail on this objective is provided in Section 5.

The majority of stakeholders highlighted that the overall intent of the original objectives was still appropriate, but a reframing of the objectives away from the EU's was now necessary, to focus more on the UK's own objectives.

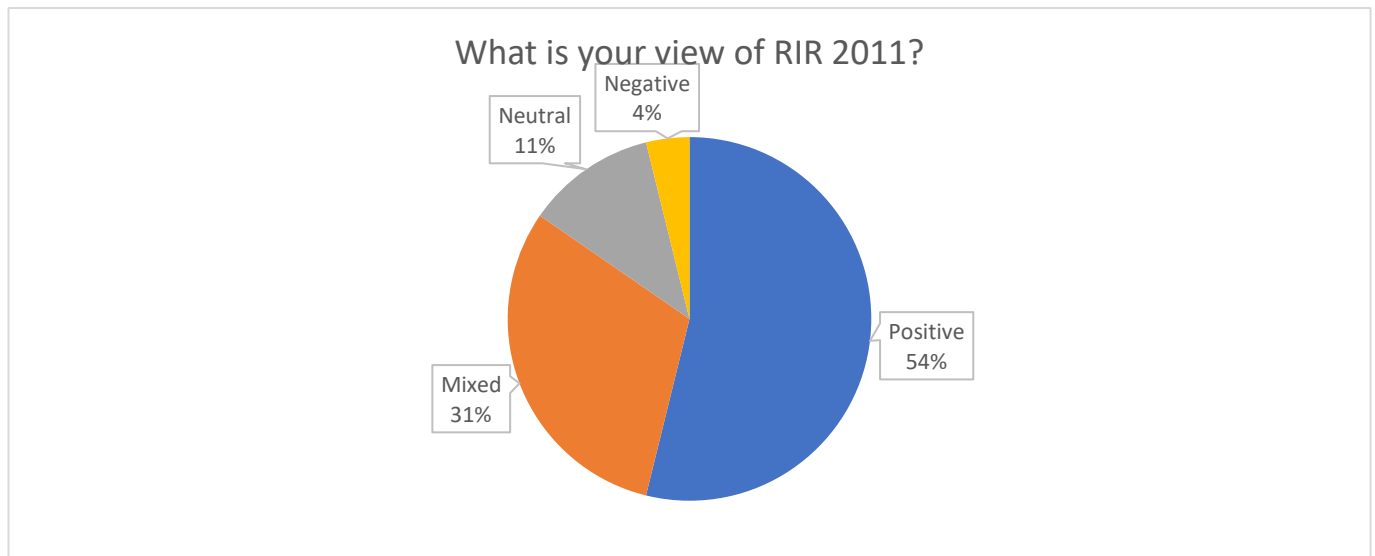
Overall, it is a challenge to effectively assess and monitor the impact of the regulations and whether the objectives have been achieved and remain appropriate. These regulations are derived from an EU directive, and anecdotal evidence from stakeholders suggests that EU member states and the EU commission are finding it challenging to monitor whether the directive's objectives are being achieved and the wider impact of the regulations in each state. This has provided us with no reasonable mechanism of comparison. Now that the UK has left the EU, there is an opportunity for the UK to develop a framework which allows for better monitoring and evaluation mechanisms.

4. Evidence gathered from the General questions

Industry's views on the RIR 2011

Overall, varied views were expressed throughout the PIR survey. One of the early questions focused on the general views of respondents about the Regulations. As Figure 4 demonstrates, most respondents, including RSSB, ORR and RDG, were 'positive' overall about the regulations, with an additional 30% of respondents having 'mixed' views, including Network Rail and RWA. Many of those who expressed a positive or mixed view of the regulations did suggest some changes further on in their response, which indicates that responses that fall within these categories should not be taken as a recommendation that no change is required at all.

Figure 4



Identified issues with the framework

There was a diverse range of suggestions about how the interoperability regime could be further improved to align it more closely with the needs of the rail industry. This section focuses on the specific comments made by certain key stakeholders.

Network Rail made a number of substantive proposals. A summary is set out below:

They suggested that the Regulations should be revoked and replaced with a more stripped back regime focusing on self-assurance. Their main criticism was centred on the additional cost of authorisation, which was in their view, an unintended consequence of RIR 2011. For example, they said that the process to obtain a declaration of verification for interoperability was extremely complex and time consuming. Especially when compared to the process for declaring compliance with standards on the rest of the network, where the interoperability standards are not required. They argued that the requirement to obtain an authorisation for placing into service (APIS) from the ORR, and the time taken for third-party certification, caused unnecessary delays to the projects and higher costs.

They argued that the goal of RIR 2011 needs to be clearer and that more consideration should be given to when an interoperable route is really needed to maximise the benefits of the industry's rolling stock strategy. For example, the greater the different types of vehicles that need to use the infrastructure, the greater the need for an interoperable route to ensure compatibility.

Network Rail, based on their experience, noted that the Regulations require most of the verification and checking carried out by third-party conformity assessment bodies to be done towards the end of the project. They suggested that this has led to the unanticipated effect of causing delays to the opening of railway projects (especially larger ones) and it could encourage project entities not to apply the Regulations in full.

In addition, Network Rail said that it was in the interest of the GB railway system that a standardised approach to compatibility is achieved. This would better enable rail vehicles to be used across various routes on the network. However, they questioned if just applying the requirements of the interoperability regulations was sufficient to address the range of technical factors to ensure compatibility.

The final point made was on the value for money of applying conformity assessment requirements by third parties and they argued that there was a need to justify assessments subject to the costs and benefits which is not factored into the current regime.

The Railway Industry Association (RIA) had a 'neutral' perspective on the Regulations as a whole, but commented that for the supply chain, certainty is more important than interoperability, and that any form of change would need to meet the following criteria:

1. it simplifies processes/ reduces cost,
2. does not reduce safety
3. does not create a situation where UK suppliers are uncompetitive in the export market.

They also stated that for some of their members RIR 2011 had added significant unexpected costs, but they were unable to provide quantitative data to support this argument. They stated that in theory even though the application of RIR 2011 gave increased export opportunities and economies of scale, there was no existing data to confirm this or to understand the financial benefits. Further information on the impact of costs can be found in section 7.

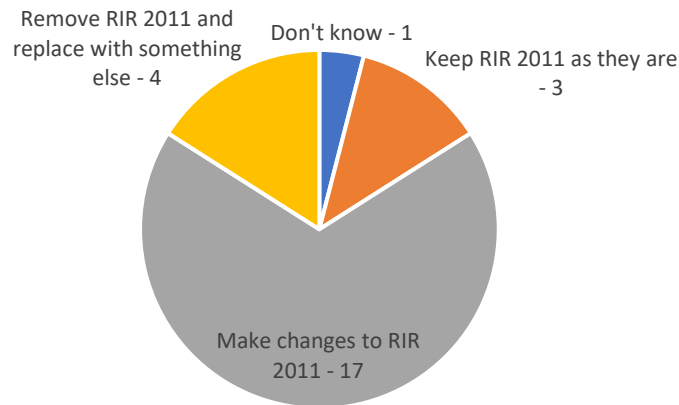
RSSB's view was that RIR 2011 has led to greater harmonisation of standards and that duplication and conflicting requirements between different types of standards had reduced significantly, as per the original objective of the regulations.

As aforementioned in an earlier section, some respondents highlighted that RIR 2011 was more pragmatic and straightforward when compared to the interoperability regime in most of the European Union, particularly after the latest changes (made through the implementation of the EU directive for interoperability 2016/797 and the EU regulation setting out practical arrangements for obtaining a vehicle authorisation 2018/545). For example, a consultancy organisation emphasised this by making the point that in Europe most national safety authorities (NSA) charge for an authorisation whilst in GB the ORR does not charge for this service.

Overall, the majority of stakeholders expressed a view that RIR 2011 should be retained with some amendments, rather than removed, replaced or kept the same, as shown in Figure 5. However as mentioned above, Network Rail, Great Britain's national infrastructure manager, did make a number of comments about the suitability of the current RIR 2011 framework and stated the need for a complete reassessment of the purpose and the need of the Regulations.

Figure 5

What would your recommendations be for the next steps for RIR 2011?



5. Evidence gathered from the technical questions to organisations

The second section of the survey focused upon a more detailed exploration of the technical provisions in the 2011 regulations. This was with a view to seeking the views of respondents about technical elements of the provisions, with the aim of identifying potential opportunities to reduce the time and cost burden on industry. There were seven broad areas covered in this section:

1. the general roles and responsibilities of organisations in RIR 2011
2. defining upgrade/renewal
3. the interaction between safety and interoperability regimes
4. type authorisation
5. the registers of RIR 2011
6. future changes to the European interoperability regime, particularly regarding the Channel Tunnel and Northern Ireland, and
7. the Accessibility Framework.

Roles and Responsibilities of Organisations

There were two questions in the survey that focused on the roles and responsibilities of railway organisations as prescribed under the regulations:

- What are your views on the current roles and responsibilities of a) railway actors and b) regulatory bodies as outlined in RIR 2011? Do you think there should be any changes? (Technical Questions 5 – TQ5).
- What are your views on the competent authorities' roles (for GB the DfT, and for NI the DfI) in making decisions about non-compliance with standards or the need for an authorisation to place into service? Do you think another body should perform this function? (Technical Questions 13 – TQ13)

The responses to TQ5 identified various issues and suggested changes to the roles and responsibilities of rail actors within the industry. This question did not have any multiple-choice 'indicators' and relied solely on free-text responses to enable parties to provide views as to the most appropriate options in their assessment. Nevertheless, 27% of the organisations, including RIA and some of the assessment bodies themselves, suggested that the roles of Approved

Bodies and Designated Bodies should be merged following EU exit. (Note: Approved Bodies assess compliance with the standards within the relevant National Technical Specification Notices and Designated Bodies assess compliance with the standards within the National Technical Rules).

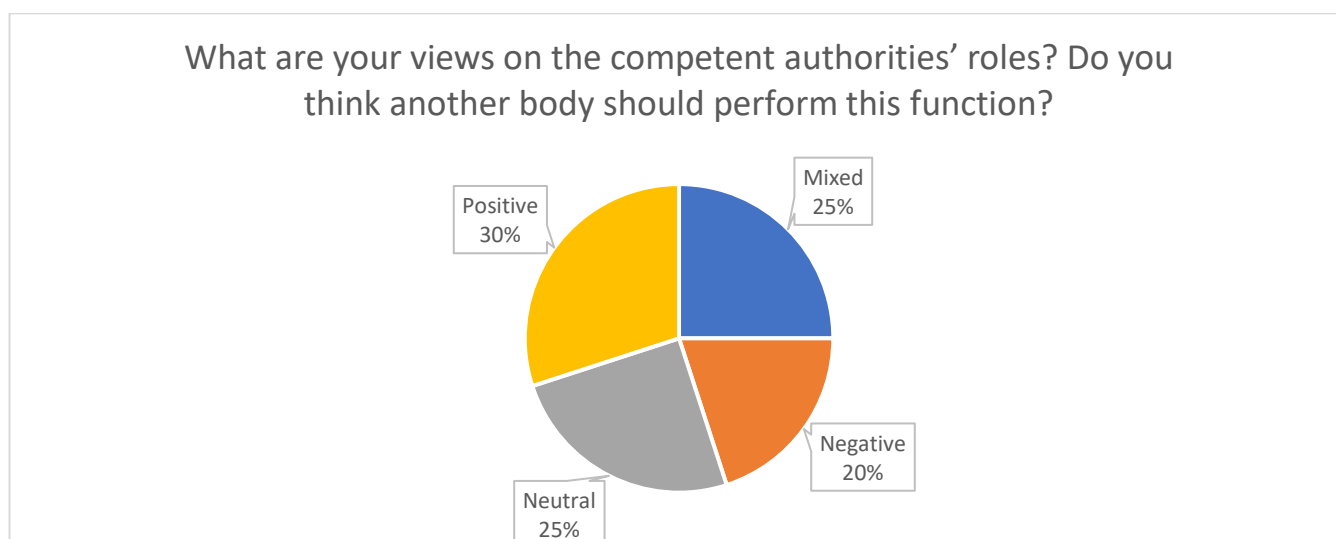
Network Rail proposed removing the need for third-party verification altogether, arguing it was adding costs and time to projects, without providing any additional safety benefits. They suggested that checks by the ORR when authorising projects would adequately cover the work currently done by third-party verification bodies (although these checks rely upon a technical file with certificates issued by these bodies as proof of compliance). The ORR took a different view and supported retaining the current allocation of roles and responsibilities, including third-party checks.

TQ13 focused on the role of the Competent Authority. The role of the Competent Authority set out under RIR 2011, reflects the transposition of the decision-making roles set out in the 2008/57 EU Interoperability Directive, which allocated the role of the competent authority at the member state level. In the UK this was the DfT (although since EU exit this role has been performed by the Department for Infrastructure (Dfi) in Northern Ireland). A specific concern was raised about the role of DfT in making decisions about applications for exemptions as set out in Regulation 13 and 14 of RIR 2011. Network Rail, RDG, RWA and RIA questioned whether the Department was the most appropriate organisation to make decisions effectively on this issue. These respondents also suggested that improvements could be made to incorporate more technical expertise into the Competent Authority role.

Figure 6 highlights the varied views of stakeholders on TQ13, and illustrates there is not a clear consensus, 45% of respondents had a mixed or negative view of the current Competent Authority, whilst 55% were positive or neutral. Similarly, there was not a clear consensus about who might replace DfT as competent authority. Some members of the RWA suggested the RSSB might fulfil this function, as did RIA. Network Rail suggested the Competent Authority role was consistent with the role of the future single guiding mind in Great British Railways (GBR). ORR were also suggested by some respondents, including RDG.

The Department's experience of acting as the competent authority under RIR 2011 is that due to the subject matter, it is necessary to utilise a range of technical expertise and practical knowledge from various sources as part of the decision-making process.

Figure 6



Note: The question in the title is a simplified version of that in the full survey.

Upgrade and renewal

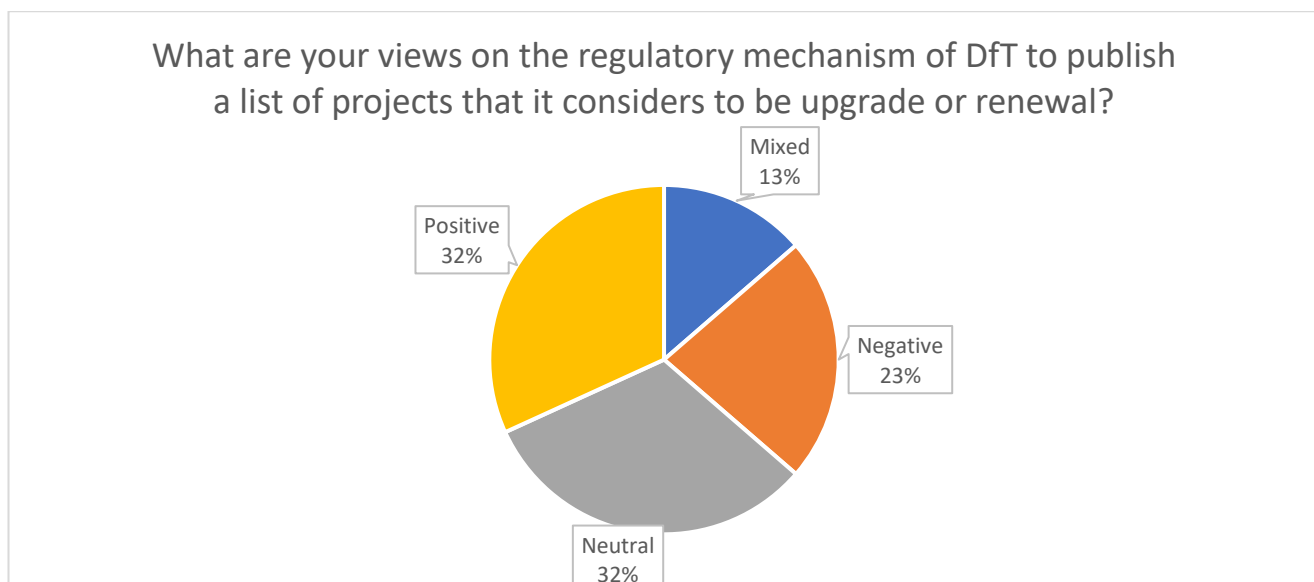
Two questions focused on upgrade and renewal work in the regulations:

- What are your views on the regulatory mechanism for DfT to publish a list of projects that it considers to be upgrade or renewal? (Technical Questions 4 – TQ4)
- What are your views on the requirement for new work, upgrade and renewal to be subject to authorisation? Is it clear which work falls within these categories and could the system be improved? (Technical Questions 12 – TQ12)

A common issue raised by respondents in relation to TQ12 was the confusion over what constitutes an ‘upgrade’ or ‘renewal’ project, and the type of work that requires authorisation under the regulations. 44% of respondents had a negative view of the subject matter in this question. Those with negative views expressed concerns about the clarity of the term’s ‘upgrade’ and ‘renewal’, and suggested guidance might be issued to clear up the confusion. Network Rail expressed concerns that the criteria for determining whether work qualifies as an ‘upgrade’ were not applied consistently, and that an unintentional effect of the drafting is that the threshold was currently too low (i.e. too many projects were regarded as being upgrade). They raised concerns about the excessive time taken to obtain an opinion from DfT on whether an upgrade or renewal project requires an authorisation, with the process seen as overly bureaucratic and not based on a Cost/Benefit analysis.

There is already an existing provision within Regulation 12 of RIR for DfT to publish a list of projects that are upgrade or renewal, which has not been used to date. As noted above, we asked for views on this proposal in TQ4. As Figure 7 below shows, there are varied views within industry about the merits of this proposal, with just under a third of respondents expressing a positive view and just under half of respondents expressing a neutral or mixed view. Those who viewed the provision positively, including ORR, suggested it could add greater clarity for projects, and may even reduce the number of unnecessary applications to DfT under Regulation 13 or 14 of RIR 2011 for projects seeking to determine whether they require authorisation. A smaller (but sizeable) number of respondents were negative about this provision, suggesting it would reduce the flexibility when deciding what constitutes upgrade or renewal. Those with concerns about this mechanism included rolling stock manufacturers.

Figure 7



Another mechanism for providing clarity on upgrade and renewal projects was raised by a vehicle manufacturer. They noted that currently table 17a in the consolidated Rolling Stock - Locomotive and Passenger TSI, which gives further guidance on what constitutes upgrade or renewal for rolling stock, is still being used as a reference in some authorisations, although it is not included within the equivalent NTSN. This vehicle manufacturer suggested providing a similar single source of guidance, similar to this table, for NTSNs.

Another suggestion was to use the safety regime as a mechanism for controlling upgrade or renewal work instead of authorisations under the interoperability regime, or to give type approval to the upgrade and renewal specification itself. This would require organisations to manage and confirm compliance with the required specifications themselves, as is the case for the Infrastructure Manager's Assurance under the ROGS legislation. Periodic auditing of an Infrastructure Manager's compliance with specification of works could then be added to the scope of the existing and ongoing monitoring compliance of safety assurance certification, rather than requiring authorisation of every project.

The Departments experience as the Competent Authority is that there is a lot of confusion across industry on whether certain work is caught by the regulations as upgrade and renewal work, this confusion also extends to the processes that are to be applied under the interoperability regulations. Project entities regularly approach DfT as the Competent Authority with questions about how to navigate through this part of the regulations as they are uncertain about what they are required to do.

Interaction with the rail safety regime

Two questions in the survey focused on the interaction between the UK's rail safety regimes and its interoperability framework:

- Thinking about any possible changes you may have proposed to RIR 2011, are there requirements in the safety or interoperability regimes that you think should remain to ensure the continuing safe operation of the railway? (Technical Questions 1 – TQ1)
- What are your views on how the safety regimes in the UK and RIR 2011 interact? Is it clear how the two regimes work? (Technical Questions 2 – TQ2)

In response to TQ1, all but one respondent said that minimum requirements should remain in place for safety and interoperability. RDG expressed a view that both ROGS and RIR are fit for purpose and should be refined rather than withdrawn. Most respondents indicated that the risk-based safety regime through ROGS should remain. One vehicle manufacturer suggested the financial and timescale benefits of applying the common safety approach that is used in the EU and required by ROGS, rather than an approach unique to the UK, allowed the safety regime to avoid introducing "prohibitive costs".

Similarly, the majority of consultees indicated that a standards-based regime, which RIR 2011 provides, should remain. An assessment body noted that standards are beneficial by providing a consistent and readily accepted means of controlling risks and should be retained. RSSB argued that Regulation 20 should remain in RIR 2011 to set out the ongoing responsibilities of the operator in relation to applicable standards, to ensure the safe operation of the railway. Network Rail, who argued for greater self-assurance in the standards-based regime, suggested ORR should have a duty placed on them to undertake assurance that projects are sufficiently interoperable. They suggested this would need to be done in a "proportionate manner" which takes into account the "significance" of the project under the Common Safety Method for Risk Evaluation and Assessment (CSM-REA), the novelty and complexity of the project, and the previous record of the proposer in designing and building interoperable works.

The PIR of the Railways and Other Guided Transport Systems (Safety) Regulations 2006 (ROGS), was published on 28 September 2021. It found that the interaction between ROGS and RIR is not always clear to stakeholders. This lack of clarity was similarly raised by some consultees in this PIR as an unforeseen consequence of the synergies of the two regimes. Of the 22 respondents to TQ2, 18 (82%) had a negative or mixed view of the interaction between the two regimes, suggesting there is significant room for improvement. Particular issues were raised about some of the definitions contained within the two sets of Regulations. For example, the difference between ‘significant’ under the common safety method for risk evaluation and assessment (CSM-REA), and ‘major’ under RIR 2011 was not seen as clear and caused confusion. The CSM-REA was introduced as part of the safety management system required by mainline duty holders under ROGS. Moreover, some respondents reported that the existence of different types of Assessment Bodies within the two sets of regulations also contributed to misunderstanding and added time and cost to the processes of introducing new rolling stock and infrastructure.

The RSSB suggested that the different legal obligations that apply to those who build and sell products and systems, those who use and operate them, and those who directly interact with these products and systems, has led to a ‘silo’ mentality across the industry. In their view, this has meant that the different organisations involved in introducing a rail project into service only consider themselves responsible for ensuring compliance with standards and safety obligations at certain points in the project. For example, they suggested Railway Undertakings or Infrastructure Managers might not view it as their responsibility to comply with applicable standards, instead believing this is solely the responsibility of the manufacturer or designer of a subsystem, even after it has been placed into service.

Many stakeholders suggested additional guidance on the interaction between the two regimes should be issued to industry in the short-term. In the longer term, the Rail Wagon Association suggested it would be worth exploring the scope to merge or simplify the existing Regulations to reduce confusion and overlaps that can cause additional burdens to business.

Type authorisations

Two questions in the survey focused on the different type authorisations that can be granted under the regulations:

- What are your views on the current vehicle type authorisation process in the regulations? Has it delivered the intended benefit of making it easier to obtain an authorisation for an identical vehicle? Have there been any unintended effects? (Technical Questions 8 – TQ8)
- What are your views on the provisions for enabling a type authorisation process to apply to infrastructure projects under RIR 2011? Has it been widely used by your organisation and led to any benefits or drawbacks? (Technical Questions 9 – TQ9)

Vehicle type authorisations have been issued in a UK rail context as they are mandatory for all authorisations of this kind. However, some criticisms were levelled at the use of these type authorisations in practice. The most common response to TQ8, which asked for views on this provision, was mixed (7 responses). A recurring issue was that whilst the vehicle type authorisation provision is “theoretically valuable” (as noted by RIA), in practice its use has been limited by the fact it is very rare for an identical vehicle to be produced, particularly for passenger vehicles.

There were two main suggestions on how to address this issue. The first was to use the Rolling Stock Library’s design code to describe a vehicle type. The second suggestion was to introduce the concept of a ‘vehicle type variant’ to the regulations. (Note: this is a concept introduced under the EU Interoperability Directive 2016/797 and the related implementing regulations setting out the practical arrangements for vehicle authorisations).

To date, there have been no determination of types for infrastructure. The responses to TQ9 suggested no organisations had a negative view of infrastructure type authorisations in principle. RDG and RIA were amongst the respondents suggesting it might be useful for some projects. Two individuals who responded to the survey had a negative view of this provision, however, their free-text response suggested their view was based on the lack of use of the provision, rather than being opposed to infrastructure type authorisation in principle. The most common suggestion was that type authorisation might be more applicable for infrastructure used for signalling, and hence covered by the Control, Command and Signalling NTSN. Five stakeholders suggested this in their free-text response. The ORR (GB's safety authority responsible for infrastructure type authorisations) indicated signalling was the most likely area for future infrastructure type authorisations. Overhead Line Equipment (OLE) was raised by another respondent as an example of the type of signalling infrastructure that might be appropriate for a determination of type.

A related suggestion was that type authorisation should be used more at the systems level (i.e. beyond vehicle type authorisation). It was suggested that the greater use of type authorisations for infrastructure would reduce costs, increase consistency in design and simplify the regulatory regime to focus on location-specific differences.

Registers

One question was asked in the survey regarding the Register of Infrastructure (RINF) introduced as part of RIR 2011:

- What are your views on the requirements for infrastructure owners to keep a register of infrastructure in line with the retained and corrected EU specification? (Technical Questions 7 – TQ7)

The RINF requirements are set out in Regulation 35 of RIR 2011. Whilst the most common response to TQ7 was positive, most responses raised concerns about the unintended effects of the current version of the RINF. A particular criticism of Regulation 35 was that the register did not contain enough detail to enable projects to ascertain whether infrastructure is compatible with rolling stock, as had been the original intention of this provision. An assessment body reported that many projects are forced to use the route compatibility criteria contained in the Railway Industry Standard (RIS) RIS-8270-RST, which is maintained by the RSSB. This means that the register of infrastructure in its current format is costly for Infrastructure Managers to maintain but is of limited use on its own in determining route compatibility. Several stakeholders commented that this situation is undesirable, and that a decision was needed on whether the RINF could be sufficiently improved to be viable. RSSB offered to help in developing a more practical RINF. Another concern raised by a vehicle manufacturer was that the data in the current register is incomplete and not shared promptly, which causes avoidable delays to projects.

A number of suggestions were made for improving the RINF. One suggestion was to modify RINF and the UK's version of the European Register of Authorised Types of Vehicles (ERATV) database to include data on European Train Control System (ETCS) needed for compatibility assessments. It was suggested that adding this data would improve the functionality of the register in determining route compatibility.

In the open text boxes, some criticisms were made of the unforeseen effects of the National Vehicle Register (NVR). One problem identified was incomplete data or insufficient detail, which limits its ability to determine route compatibility, which is what it was intended to do when introduced. Three stakeholders, including RIA, suggested that RSSB might play a greater role in maintaining the register. RSSB already maintain an R2 database for registration of vehicles for

operation on the GB Mainline Railway, in accordance with RIS-2453-RST. It was suggested that R2 might be modified to become the NVR in place of the Network Rail-managed NVR.

One comment from a stakeholder asked for clarity on whether or not GB will replace the requirements it previously had to upload data on approved vehicle types to the European-level ERATV database. The Department would like to confirm that there is a requirement for the ORR to publish and keep up to date a list of determinations of type for vehicles issued under the regulations. This can be found [on the ORR website](#), although this database was not available at the time the PIR survey was open.

On the issue of registers, the Department can confirm that on several occasions since their implementation, stakeholders have raised concerns about whether the EU register specifications achieve the intended objectives, specifically on whether the register of infrastructure is a helpful tool for assessing the compatibility of vehicles with infrastructure, as there may be more sophisticated means of doing this through the use of Network Rail's asset databases.

Future changes in Europe

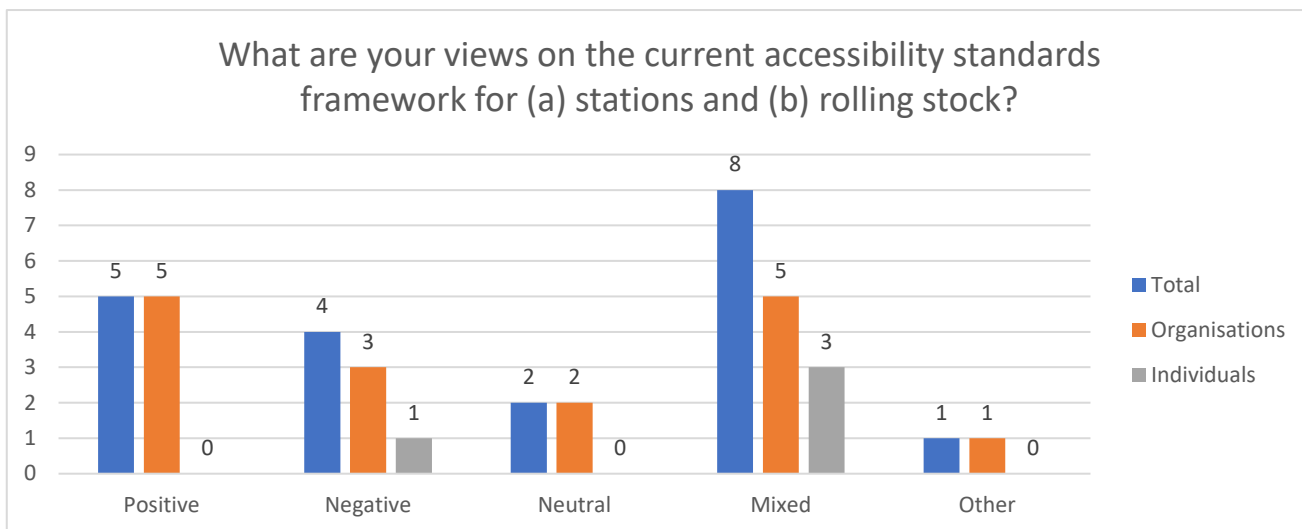
One question in the survey asked for views on the process for authorisation for domestic GB-only vehicles compared to international vehicles (i.e. in the Channel Tunnel or the Enterprise service in Northern Ireland). Most responses (including RIA) suggested that the requirements for GB-only vehicles would inevitably need to be different compared to those for international vehicles. Some respondents, including vehicle manufacturers, considered it desirable to keep pace with European standards, and suggested that the UK should continue to recognise European Notified Bodies (equivalent to Approved Bodies for NTSNs) assessment of vehicles for international services.

Translink, Northern Ireland's Infrastructure Manager, also said that future arrangements for interoperability were a concern for them. Northern Ireland (NI) has different arrangements compared to the rest of GB, as the Northern Ireland Protocol requires them to implement European interoperability directives, to provide the conditions and technical specifications which would be necessary for the placing on the market; putting into service; and free movement of railway products. They suggested they needed more certainty about the requirements and approval mechanisms that they will need to adhere to, particularly in the short to medium term, to help with planning and delivering changes to infrastructure and rolling stock. The Department is currently developing regulatory changes to apply in NI only for interoperability in close collaboration with the DfI and we will keep stakeholders updated on progress with this.

The Accessibility Framework

A range of views were expressed during the technical questions section about the clarity of the accessibility standards framework, which RIR 2011 contributes to. As detailed in figure 8, eight of the 20 respondents to the question had mixed views about the current accessibility framework, with a further four having negative views. Of the other organisations who responded, five of these were positive. The Disabled Persons Transport Advisory Committee (DPTAC) were also consulted as part of this PIR. They expressed a view that the current framework could be improved. In particular, they questioned the logic of including accessibility standards for rolling stock and infrastructure in a set of standards that are aimed at building an interoperable network. Other respondents highlighted concerns about confusion over the applicability of the Rail Vehicle Accessibility Regulations 2010 (RVAR) and the Persons of Reduced Mobility NTSN (PRM NTSN) and the Department's Design standards for accessible railway stations Code of Practice ("the Code of Practice") for infrastructure. In their view, this confusion could lead to inappropriate standards being applied for projects, or at the least, delays in determining which standards apply.

Figure 8



Note: The question in the title is a simplified version of that in the full survey.

Several respondents considered that providing clarity on which accessibility standards apply, would go some way to addressing criticisms of the current framework. They suggested that this could be achieved by more detailed guidance from the department.

A number of respondents favoured reducing the number of Regulations in this area, with the goal of having a single set of applicable Regulations governing accessibility standards for infrastructure and rolling stock.

DPTAC suggested it would be worth exploring having a ‘catch-all’ accessibility framework for rail projects. This would incorporate the current PRM NTSN, RVAR and Code of Practice standards into one “new, specific, and comprehensive” accessibility framework. They also suggested this catch-all regulation might include all other current and planned regulatory components related to accessibility (such as ATPs and the Planned Accessibility Duty). They suggested this new framework would have the benefit of being solely focused on accessibility. DPTAC saw ORR as well-placed to oversee management and enforcement of this framework, with an appropriate range of penalties and other remedies at their disposal to enforce compliance but considered that ORR would likely need additional resource to carry out this role.

6. Opportunities for improvement

Previous sections have highlighted the concerns raised by respondents about the impact of the current regulatory framework as set out in RIR 2011. A range of potential remedies aimed at addressing the concerns were also identified by respondents. We have grouped these into four broad themes:

Clarity

This theme includes areas where respondents have asked for more guidance to help stakeholders understand their current responsibilities under the Regulations. Key messages

from respondents about the areas where there is a need for further guidance include the following topics:

- Reduce confusion about what is an upgrade or renewal and what triggers the application of RIR 2011.
- Clarify the function and relationship of all of the UK domestic railway standards (i.e. NTSNs, NTRs, Railway Group Standards, Railway Industry Standards), and which standards take priority when there is an overlap.
- Clarify the ongoing responsibilities under Regulation 20 for Infrastructure Managers and Railway Undertakings to comply with applicable standards.
- Provide a clear explanation of the responsibilities of the rail actors within the industry across both the safety and interoperability regimes.
- Provide further details on the future arrangements for the Channel Tunnel and Northern Ireland.
- Provide additional guidance on vehicle authorisation for Train Operating Companies (TOCs). The guidance should make it clear what the vehicle authorisation covers and explain how this authorisation interacts with technical compatibility and safe integration.

Simplification

This theme covers a number of comments suggesting the need to reduce the additional burdens and costs imposed on the rail industry by the interoperability regime. Some suggestions that respondents asked the department to consider include the following:

- Full or partial deregulation of the interoperability framework, which would focus on the removal of processes which provide no additional safety benefit bearing in mind the continued application of the safety regime under ROGS.
- Reduce overlapping requirements associated with the third-party verification process and obtaining an authorisation from the Safety Authority.
- Reduce the duplication of work for project entities across both the safety and interoperability regimes (ROGS 2006 and RIR 2011).
- Merge the roles of Approved and Designated Bodies.
- Minimise the number of standards and regulations that cover accessibility for rail passengers.

Compatibility

This theme covers a wide range of comments from respondents which are broadly aimed at preserving and improving the benefits of standardisation to ensure that different systems in the railway can be safely integrated and work together efficiently without the need for bespoke solutions. In particular, these comments focused on the integration of rolling stock with infrastructure and the need for standards to ensure compatibility. Some of the key points under this theme that the department has been asked to consider include:

- Modify the Register of Infrastructure (RINF) to include the more detailed information that would enable it to be used to assess a vehicle's route compatibility, such as ETCS information.
- Improve the type authorisation process for vehicles, to better enable similar rolling stock to those already authorised to be used on other sections of the rail network quicker and at less cost;
- Modify the National Vehicle Register (NVR) to be more like the R2 database currently maintained by RSSB. R2 is seen as a more complete database for determining route compatibility;
- Utilise existing provisions in RIR to develop infrastructure type authorisations in the UK;
- Ensure standards within the UK remain consistent, this will allow existing rolling stock to be compatible with new routes (e.g. HS2).

Transparency

This theme focuses on where respondents have asked for a better understanding about how decisions are made and what good practice looks like. Specific points raised include:

- The need for an explanation of the thought process and criteria for how the Competent Authority issues exemptions to projects under Regulation 13 and 14.
- Utilising existing provisions in RIR for the Secretary of State to publish a list of projects that fall within the definition of upgrade or renewal work.

7. What have been the actual costs and benefits of the regulation and its effects on business?

The original Impact Assessment (IA) that accompanied the introduction of RIR 2011 estimated the overall total costs and benefits for all of the regulatory changes that were introduced by the regulations over a ten-year period (2012- 2022). The Impact Assessment did not examine aspects of the interoperability regime that remained unchanged. The total benefits over this period were identified in the IA as £111M and the costs as £35.8M, with a net benefit of £75.2M.

It is difficult to estimate whether these costs and benefits have been achieved, as few responses in the latest PIR provided usable data and there are no appropriate alternatives to access this data. Nevertheless, as noted in earlier sections, several respondents suggested that RIR 2011 had introduced additional unexpected costs for their businesses. Network Rail cited the Dartmoor Line as one example where its exclusion from the interoperability regulations had led to approximately £1.5m (6.65% of total project cost) in cost savings, when compared to if it had been required to apply the processes under the RIR 2011. Network Rail was also sceptical about whether the intended benefits of the regulations had been realised, particularly in relation to the Register of Infrastructure (RINF).

The RINF was associated with the largest projected costs (£35.8 million) and benefits (£65.4 million) in the 2011 Impact Assessment. However, as noted in section 5, a significant number of respondents are sceptical about the actual value of the RINF. These largely relate to its limitations for determining route compatibility, as was intended in 2011. Similar criticisms were

also raised (as noted earlier) about other measures with projected benefits: vehicle type authorisations (£19.3 million) and infrastructure type authorisations (£1.7 million). The responses received suggests that the actual benefits of the regulations have been lower than estimated in 2011.

8. What next steps are proposed for The Railways (Interoperability) Regulations 2011?

Conclusion

Based upon the responses gathered in this PIR exercise, the Department is clear that there is a need for change, whilst ensuring safety. It recommends that the regulations should be amended and concludes that:

- It remains important to retain the benefits of standardisation for the railway, in particular, as a means of lowering costs, ensuring compatibility between systems (e.g. vehicles and infrastructure), and ensuring competitiveness.
- There remains a need for a regulatory framework for interoperability and the application of standards, but there is a clear opportunity to make improvements.
- It is clear that the original objectives of the interoperability regulations in terms of harmonisation with EU processes are no longer applicable to GB domestic rail services following the UK's exit from the EU, although they remain applicable for international cross-border rail services.
- Given DPTAC's request that the general accessibility standards framework could be improved, this merits further exploration. The Department will consider how best to progress these issues further, in conjunction with other ongoing streams of work, like the Design Standards for Accessible Railway Stations Code of Practice review.
- Given the fundamental concerns of some stakeholders about how the regulations apply to infrastructure projects, such as: the overlap between the interoperability and safety regimes; the perceived additional costs of third-party assurance; and the arguable burdens associated with the authorisation process compared with an alternative system of assurance, there is a need to explore what changes could help address these issues. This will require further detailed exploration, particularly due to the limits of this data set (as outlined in Section 2) and the diverging views on assurance that exist within industry. The overall objective is to deliver these projects efficiently at lower cost, whilst ensuring high levels of safety and maintaining the benefits of standardisation.
- There is a need for greater transparency in terms of decision making under the regulations, particularly in relation to the exercise of the functions of the Competent Authority when enabling non-compliances with standards or the disapplication of the authorisation process. There is a need to explore whether such decisions could be carried out by another body, to improve transparency, utilise technical expertise and ensure there is consistency in decision making.
- There appears to be a persuasive case for simplifying or improving some of the current requirements under the regulations, especially in relation to better utilising: the registers for infrastructure and vehicles as tools for determining route compatibility; the use of type authorisation for both vehicles and infrastructure; and the requirements that should apply to upgrade or renewal work, including simplifying how such work is categorised.

Next Steps

The Department intends to take forward the following three actions as a result of this PIR exercise:

1. To develop guidance to provide additional clarity on the application of the current interoperability regulations. Prior to the publication of this report, new updated guidance [has been made available](#). The guidance addresses some of the points for clarification mentioned above. Nevertheless, further detailed guidance will be necessary to address some of the more complex issues identified by respondents to this PIR. We will engage with stakeholders to determine the exact format of this additional guidance so that it addresses the concerns raised in this PIR. We plan to provide the more detailed guidance by Summer 2022, and it is intended to cover the following:

- The responsibilities of rail actors within the industry across both the safety and interoperability regime.
- The scope of RIR 2011 and what triggers the application of the standards set out in this framework.
- The function and relationship of all of the UK domestic railway standards (i.e. NTSNs, NTRs, Railway Group Standards, Railway Industry Standards), and which standards take priority when there is an overlap.
- The ongoing responsibilities under regulation 20 for infrastructure managers and railway undertakings to comply with applicable standards.
- Details on the future arrangements for the Channel Tunnel and Northern Ireland.
- The responsibilities of Train Operating Companies (TOCs) in relationship to vehicle authorisations, particularly how this authorisation interacts with technical compatibility and safe integration.

2. To work in close partnership with the ORR, RSSB and other industry organisations to make better use of existing provisions within RIR 2011 which may help to reduce the time and cost to projects of applying the regulations. This will include seeking to maximise the possible benefits of the type authorisation process for both vehicles and infrastructure, and focused consideration on the greater use of exclusions for certain lines from the scope of the regulations, and ways of improving the process for upgrade and renewal projects. DfT intends to publish a report in the summer of 2022 providing an update on progress with this workstream.

3. To prioritise further engagement with the rail industry to develop and assess options for potential legislative changes to RIR 2011. It is important that we get this right as the regulations impact other parts of the network, such as HS1, HS2 and Crossrail, as well as passengers, freight industry, and the manufacturers of rail products. The findings from this engagement exercise will be considered as part of the planned consultation already set out in the [Williams-Shapps Plan for Rail](#) (p. 48), which will focus on ensuring that safety roles, rules and standards are appropriate for the future.

As part of the further engagement mentioned above, it will be necessary to look at the options for possible changes in a holistic way. We envisage that these options could be split into two categories (a short/medium and a long term).

Short/Medium Term (commencing spring 2022)

These are areas where DfT intends to actively engage with industry and develop proposals in the short to medium term (i.e. over the next two years). These types of changes would not have an impact on the fundamental roles or responsibilities set out in the regulations or be dependent upon the wider programme of rail reform. The areas could include:

- The scope for enabling alternative forms of assurance for certain types of projects, this could include opportunities for merging the safety and interoperability regime, and also consider how the regulations apply to upgrade or renewal work.
- Merging the Approved and Designated Bodies roles.
- Opportunities for improving the various registers prescribed by the regulations and the roles and responsibilities related to these.
- Improvements to type authorisations for both vehicles and infrastructure.

Long Term (commencing at the end of 2022)

In the longer term, we intend to conduct a more fundamental review of roles, responsibilities and processes in relation to RIR 2011. We will do this as part of the broader consultation on opportunities to optimise the approach to safety under the new system, which the Williams-Shapps Plan announced would be undertaken in due course. The findings from this PIR will contribute to that planned consultation. Subject to the timings of the broader consultation on safety, we plan to begin further engagement with stakeholders on this topic towards the end of 2022 to refine options for consultation, which could include the following:

- The role of the Competent Authority under RIR 2011 in terms of deciding exclusions and enabling non-compliance with standards, and whether another body should perform this function.
- Options to help improve the accessibility standards framework, and the role of the PRM NTSN and the Design Standards for Accessible Railway Stations Code of Practice review, including opportunities for a more unified regime.
- The role of DfT in publishing mandatory technical standards under RIR 2011.

As we develop these next steps, it is the Department's intention to work with stakeholders (including those who responded to this PIR exercise) where appropriate. Any proposed changes to the Interoperability regulations will also need to be considered in light of the wider ongoing work on Rail SPEED.

Sign-off for Post Implementation Review: Chief economist/Head of Analysis and Minister

I have read the PIR and I am satisfied that it represents a fair and proportionate assessment of the impact of the measure.

Signed: [Click here to enter text.](#)



Date:

8/22