

Guidance

D1 This Annex sets out the Department's "Helpnote" approach to guidance on the interoperability regime and explains how this has been developed in light of stakeholder feedback.

D2 The new Directive contains several revised or completely new provisions, for example type authorisation and cross acceptance, on which additional guidance is required. A number of new draft Helpnotes covering these areas can be found at the end of this Annex on which we would appreciate your comments.

D3 We will continue to develop further Helpnotes as the regime matures and would also welcome your suggestions on additional areas which should be covered. The following sections outline what we have done to review the Helpnote process and further develop this in light of stakeholder feedback.

D4 Please note that, although the draft Regulations (at **Annex B**) are UK-wide in scope, any guidance and all Helpnotes published by the Department are applicable to Great Britain only.

Background

D5 The first interoperability guidance published by the Department, "Guidance to the Railways (Interoperability) Regulations 2006", was a consolidated document. However, the rapid developments and rate of change experienced in the regime subsequently meant that it was an impossible task to update a single volume. It was therefore decided to withdraw this in 2008 in favour of a new, modular, web-based approach known as "Helpnotes" which facilitates the rapid addition of new modules, updating of existing text and removal of redundant material.

D6 Published Helpnotes are available on the Department's web site.

Stakeholder questionnaire

D7 In light of the changes introduced by the new Directive and the necessity of developing a number of additional Helpnotes on its provisions, the Department wished to use this opportunity to

assess the effectiveness of its approach. To inform the development of the Helpnote format, an informal questionnaire was circulated to a small number of stakeholders in July 2009 seeking views on all facets of the guidance and the Department would like to take this opportunity to thank all those who replied. Where possible we have sought to accommodate the suggestions for improvements made and our response on the key areas identified is outlined below.

Objectives & scope

D8 Feedback has demonstrated that, although a number of stakeholders consulted the guidance on a regular basis, many were exposed to the regulatory framework within the context of a specific project and only had recourse to look at material occasionally. This provides a clear indication that guidance remains essential and that it should be accessible to both new and experienced practitioners. Accordingly, all future guidance (and published material when it is updated) will assume no prior knowledge and be drafted as a "user's guide" to the subject matter.

D9 A suggestion that two separate levels of guidance should be available to meet the needs of these groups was discounted due to the additional resource implications that production and updating would impose as was a dedicated, navigatable, web site for similar reasons. We believe that a full suite of Helpnotes, coupled with support through the interoperability e-mail account, will provide a sufficiently high level of assistance.

D10 Key developments - future guidance will:

- assume no prior knowledge;
- be accessible to both new and experienced practitioners; and
- be written as a "user's guide" to the subject matter.

Format

D11 All stakeholders agreed that the Helpnote format should be retained and the 100-400 series structure was clear and logical. However, some criticism was received that navigation around the Department's web site was difficult and that individual Helpnote presentation could be significantly improved. We have sought to

develop these suggestions and the latter are reflected in the new material overleaf.

D12 Many stakeholders also noted that the Helpnote map was difficult to navigate and requested that, once available, a version of the new regulations should be posted on the web site incorporating hypertext links to relevant Helpnotes. This will be added as soon as possible after the new regulations come into force.

D13 We recognise that the relatively small number of Helpnotes currently available makes it difficult to assess the effectiveness of the approach and some stakeholders wished to reserve their views until such time as a more comprehensive suite was available. We intend to continue the process of publishing further Helpnotes in areas which are not affected by the new Regulations whilst these are developed.

D14 Key developments:

- interoperability web pages will be revised to improve navigation;
- copy of Regulations with hypertext links to relevant Helpnotes posted.

Availability

D15 Stakeholders agreed that Helpnotes should be published in a web-only format which would ensure that the latest version was always available when required. It was noted that, as the number of Helpnotes available increased, it would be useful for provision to be made to enable browsers to print off a whole series in one go. Unfortunately we do not have the technical capacity to offer this via the Department's web site at present but will consider whether it is possible for us to make a hard copy pack available on request.

D16 Key developments:

- Helpnotes will remain a web-only publication; and
- consideration will be given to providing hard copy packs on request.

Content

D17 The content of published Helpnotes was generally agreed to be clear but concerns were expressed that much of the current text was restricted to a plain English explanation of the regulations. Whilst this was useful in some respects, stakeholders felt that the guidance should be more comprehensive and cover what is required to achieve compliance and how. It was noted that the difference between statutory and non-statutory obligations was not always clear and that improvements to presentation would ensure the removal of any ambiguity.

D18 A number of areas were flagged as missing from the proposed suite, such as the relationship between interoperability and safety legislation. A draft Helpnote on this issue is included overleaf and the Department will consider developing further Helpnotes to cover the other areas highlighted. A new page will also be added to the Department's web site to enable stakeholders to see the titles of Helpnotes under development.

D19 Individual Helpnotes will also have a new section to flag related guidance, where available, that may be of relevance to the reader.

D20 Key developments:

- less "legalese" and more guidance;
- what is required to achieve compliance and how;
- stronger alignment to specific processes;
- process flow charts where applicable;
- addition of case studies where applicable (we welcome input from stakeholders);
- additional Frequently Asked Questions ("FAQs");
- links to other sources of guidance and useful information.

Review & updating

D21 Whilst individual Helpnotes are version controlled and dated, the process of updating was not considered by many stakeholders to be either clear or transparent and highlighting of any revised text was flagged as a particular concern. It was suggested that a process similar to that in place for amending railway group standards be adopted. We have considered this as something

with which the industry is familiar and have adapted this process for Helpnotes.

D22 An explanation of how the new system will operate will be included in a revised version of Helpnote 100 ("About Helpnotes") but, in particular, any textual changes will be marked **like this** to enable users to immediately identify where revisions have been made to previous iterations. An "archive page" will also be established on the Department's web site to ensure previous versions of Helpnotes remain available to stakeholders.

D23 Key developments:

- clear highlighting of any textual or other revisions; and
- Helpnote archive page established.

Broader information

D24 The questionnaire also included a section on the Department's broader engagement with interoperability stakeholders and the methods via which advice could be sought from the interoperability team. The publication of interoperability "news flashes" was highlighted but stakeholders noted that these were not updated frequently enough to inform projects. This page will therefore be withdrawn from the web site and replaced with a more regular e-mail update service which will allow a pro-active, and much quicker, notification of changes to a wide variety of stakeholders without the necessity of logging onto the Department's web site.

D25 It is envisaged that e-mails will be sent out, for example, when a new Helpnote or TSI is published, other additions are made to the Department's web site or new advice is available from the European Railway Agency and others. The web site will note these revised provisions and how to contact us to add additional names to the list.

D26 On advice, the current method of raising issues with the Department's interoperability team, via e-mail (interoperability@dft.gsi.gov.uk) was considered appropriate although some concerns were raised about the length of time taken to respond. It should be noted that the Department's target to reply to correspondence, including e-mails, is 20 working days

although we are usually able to respond significantly in advance of this deadline.

D27 Stakeholders will appreciate that the queries raised are often of a detailed nature and project-specific and it therefore takes time for the team to understand the nature of the problem and provide appropriate advice. Whilst we are not intending to change this process we have, however, established an automated response to ensure e-mails sent to the interoperability account receive an acknowledgement, a process implemented as a result of questionnaire feedback.

D28 It is, of course, open to stakeholders to telephone members of the Department's interoperability team at any time, as frequently happens, to discuss emerging issues.

D29 Key developments:

- replacement of "news flashes" with more regular e-mail update; and
- acknowledgement for e-mails sent to interoperability@dft.gsi.gov.uk.

New draft Helpnotes

D30 As noted above, the new Directive includes a number of revised or new provisions. We have developed some additional Helpnotes to cover these areas, which include Exclusions from Scope (Helpnote 205), Implementation Plans (207), Type Authorisation (246), Cross Acceptance (247) and the Relationship between Interoperability and Safety (300). Drafts of these can be found at overleaf and we would appreciate your comments.

Question 22:

A number of new Helpnotes have been produced to cover revised or new provisions. Please consider these and let us have any comments on the proposed text.

Exclusions from Scope

Help us to help you	If you have any comments or suggestions for further Helpnotes please e-mail interoperability@dft.gsi.gov.uk
Related Helpnotes	100 - About Helpnotes [hypertext link] 206 - Is my project within scope? [hypertext link]
Audience	This Helpnote is applicable to all projects to introduce new, upgraded or renewed subsystems on the rail system and contains information for Contracting Entities and Infrastructure Managers .
Background	The interoperability regime has previously only been applicable to major projects on the Trans-European Network. RIR 10 has broadened the scope of the regime to cover all projects on the entire "rail system". RIR 10 includes an up front exclusion for all systems whose characteristics include: <ul style="list-style-type: none">• privately owned exclusively operated freight infrastructure and vehicles; and• railways that have a track gauge of under 350mm.
Reg 3(5)	
Reg 3(2)	RIR 10 also provides a mechanism giving the Secretary of State discretion to exclude certain railway systems or rolling stock if they fall within one or more of the following categories: <ul style="list-style-type: none">• metros, trams and other light rail systems;• functionally separate local, urban or sub-urban passenger networks; and/or• strictly local or historical use.
Reg 5(1)	An approved list [hypertext link] of exclusions is published on the Department's web site. Systems can be added, or removed, from the list as necessary following consultation with stakeholders where appropriate. Inclusion in the list gives certainty about whether a particular system is excluded but Contracting Entities and Infrastructure Managers are nevertheless able to apply interoperability voluntarily.
Exclusion List	The initial exclusion list was developed with stakeholders [and was subject to public consultation]. This, and any future versions of the list, will be published on the Department's web site [hypertext link]. The list is split into a number of exclusion categories (listed below) depending on the type of system which is exempt. These categories are derived from the original list included in Article 1(3) of Directive 2008/57/EC . The list is subject to continuous review to ensure it remains current and new systems can be added, or existing systems removed. The process for making amendments is explained below and at Annex A .
Directive 2008/57	
Exclusion categories	Largely to facilitate searching and ease of recognition, the exclusion list includes a number of specific categories which are: A1 Metro systems.

- A2** Tram systems.
- A3** Other light rail systems (other than metro or tram).
- B1** Networks that are functionally separate from the rest of the rail system and intended only for the operation of local, urban or suburban passenger services.
- B2** Railway undertaking operating solely on a network that is functionally separate from the rest of the rail system and intended only for the operation of local, urban or suburban passenger services.
- D1** Infrastructure reserved for "strictly local" use.
- D2** Vehicles reserved for "strictly local" use.
- D3** Infrastructure and vehicles reserved for "historical or touristic" use.

Reg 3(5)

Please note that privately owned railway infrastructure, which would form category **C1**, is automatically excluded and a separate application is not necessary.

FAQs

What can be excluded from scope?

The provisions to provide an exclusion from scope can be applied to rail systems, rail networks, individual rail lines and/or infrastructure, rail vehicles, rail operations and rail services at the discretion of the Secretary of State as long as they come within one or more of the exclusion categories.

Exclusion List

Where can I find the list of excluded systems?

The current list is available on the Department's web site [[hypertext link](#)].

Can additions be made to the list?

Yes; the list is kept under continual review to ensure it remains current. Suggestions for additions must be covered by one of the exclusion categories listed above and must be made on the pro forma at **Annex A**. This is designed to give the Secretary of State information to aid the decision-making process. Further information may be required depending on the scope of the application. If an addition is agreed, a new version of the list will be published on the Department's web site.

What happens if an exclusion is revoked?

If the Secretary of State decides, or representations are made, to remove an exclusion (for example if the implementation planning process indicates that a system has strategic significance to the implementation of interoperability in the UK), the following process will usually be followed:

- The Secretary of State will publish (on the Department's web site) a statement of intention to revoke an exemption indicating the reason.
- A 12 week consultation period will follow to allow representations from stakeholders to be made.
- If the decision to remove is upheld following consultation, the Secretary of State must remove the system from the list immediately.

Document Control

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0.1	N/A

Annex A

Application for Removal from Scope

This pro forma is designed to assist the Secretary of State in deciding whether or not to provide an exclusion from the mandatory application of the Railways (Interoperability) Regulations 2010 ("RIR 10").

Please note: Applicants should first consider whether the system, infrastructure or vehicles are already exempt through **RIR 10 (Regulation 3(5))** which includes an automatic exemption for:

- **privately owned** exclusively operated **freight infrastructure and vehicles**; and
- railways that have a **track gauge of under 350mm**.

Applicants should also consider the **published list** [hypertext link] to ensure that they are not already covered by an existing exclusion.

1 Applicant details

Name:	
Address:	
Postcode:	
Telephone:	
E-mail:	
Company name or organisation (if applicable):	
Please chose a category which best describes you/your company or organisation Small to Medium Enterprise (up to 50 employees) [drop down list]	
Please describe your interest in this system, infrastructure or vehicles?	
<p>[For example: What is your role in the project? What is your relationship to the subsystem?]</p> <p>Please type your answer here:</p>	

2 System details

2a Exemption Category A1 - Metro [drop down list]

Please choose a category from the drop down list above. The exclusion **must** come within the scope of one of these categories, a full explanation of which can be found in Helpnote 205 [hypertext link].

Please explain why this category applies:

Please type your answer here:

2b Technical details

Please provide as much technical information as possible about the system or service for which you are applying for an exemption:

[For example:

What is the system?

What is its extent?

When was, or is, the intended placing in service date (if applicable)?

For infrastructure: What services are/will be operated?

For vehicles: What is the build amount?

For vehicles: Is the system likely to be used in international traffic?]

Please type your answer here:

2c Mechanisms and standards

Can you provide information about what mechanisms and standards might replace interoperability were an exemption to be granted?

[For example:

How will the system be managed under safety verification?

What TSIs or parts of TSIs will be applied (if any)?

What domestic standards will be applied?

What ENs or prENs?

Any other standards?]

Please type your answer here:

3 Consultation

Please provide information about any consultation that may have taken place with stakeholders to inform your application.

[For example, consultation could be with the infrastructure manager, owner, service operator, passenger representatives and local interest groups.]

Please type your answer here:

4 Next steps

Electronic copies of this pro forma are preferable so please e-mail this completed form to interoperability@dft.gsi.gov.uk (you will receive an automatic acknowledgement).

Alternatively, hard copies can be posted to:

EU Rail Safety & Interoperability Branch

Department for Transport
Zone 4/32
Great Minster House
76 Marsham Street
London SW1P 4DR

If submitted in hard copy, your application will be acknowledged by a member of the team on receipt.

If further information is required on any aspect of the above, a member of the team will contact you separately.

Your application will now be considered by the Secretary of State who will make a decision on its merits. You will be notified of the outcome of this process in due course and, if agreed, an exclusion will be granted through an addition to the published list.

Thank you for your application

Implementation Plans

Help us to help you If you have any comments or suggestions for further Helpnotes please e-mail interoperability@dft.gsi.gov.uk

Related Helpnotes **100** - About Helpnotes [hypertext link]
205 - Exclusions from Scope [hypertext link]

Audience This Helpnote is applicable to any project which concerns the renewal and upgrading of the rail system and contains information for **Contracting Entities, Infrastructure Managers and Notified Bodies**.

Background Unless they are excluded from scope (**Helpnote 205** [hypertext link]), all new subsystems placed in service on the rail system must be authorised. The position for renewals and upgrades has been less certain and previously relied on individual **Contracting Entities** deciding whether their project is "major" work.

Reg 3

Reg 12

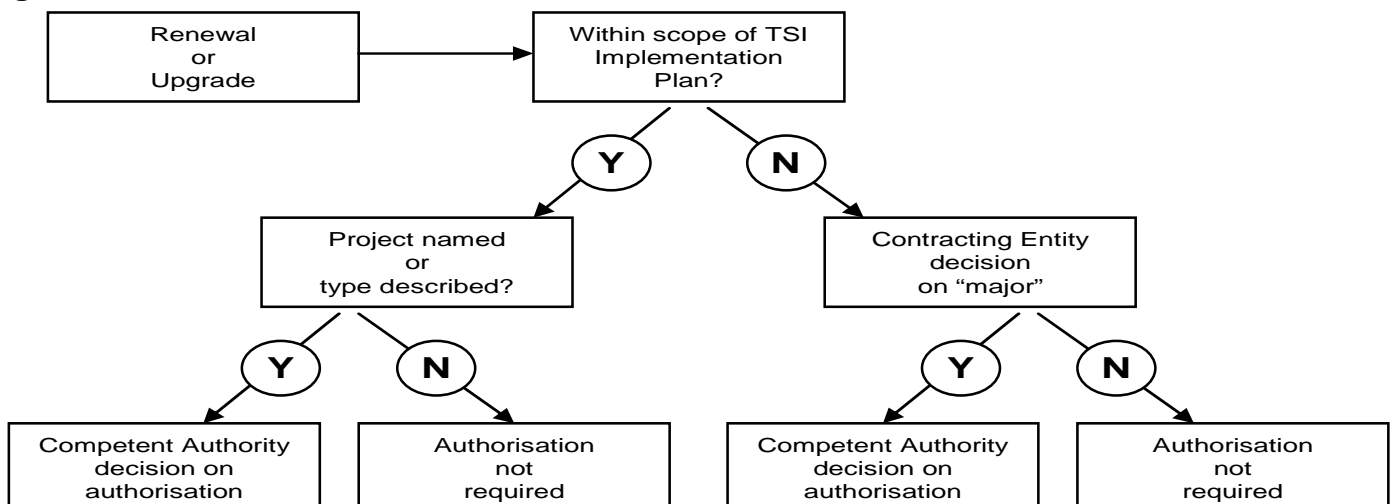
However, we recognise it was difficult for sponsors to assess the wider, strategic, implications of their projects in moving towards a fully interoperable rail system in the United Kingdom. RIR 10 therefore facilitates the development of "implementation plans" for each TSI to provide transparency - if a system is named, or is of a type named, in an implementation plan, then any renewal or upgrading work may have to apply the relevant TSI/s and the **Contracting Entity** should write to the **Competent Authority** to make an adjudication as to whether or not authorisation will be required.

Reg 4

Until individual TSI implementation plans are published, the **Contracting Entity** must write to the **Competent Authority** which will decide the extent of the application of the TSIs and whether an authorisation is required.

Figure 1 outlines this process.

Figure 1 - The Authorisation Decision Process



What next? The Department will establish a formal implementation planning process. It intends to develop this in partnership with stakeholders.

Published Plans [This section will include links to published implementation plans once these become available. The following implementation plan was published in 2007:]
[European Rail Traffic Management System \(ERTMS\)](#) [hypertext link]

FAQs

What will implementation plans contain?
There will not be a set format for implementation plans since each will differ significantly in structure, content and delivery periods depending on its subject. For example, proposals to implement the Control, Command and Signalling TSI are already well developed and the plan for the Energy TSI is dependent on long-term plans for increasing electrification.

However, common to all implementation plans will be a list of projects and types of project which the Competent Authority believes will constitute a renewal or upgrade.

What scope will implementation plans have?
Implementation plans will have a scope broader than the individual projects, or types of project, listed and will also take into account wider strategy, planning and funding issues.

Reg 12(3) However, in deciding whether a project, or type of project, is a renewal or upgrade, the Competent Authority's decision will be informed by statutory criteria including the:

- scale of the project in terms of cost and economic benefits;
- effect on safety, reliability and availability, health, environmental protection and technical compatibility;
- social and economic impacts;
- impact on the accessibility of the rail system to passengers; and
- impact of application to the subsystem and any interfacing subsystems.

How will implementation plans be developed?
Development will be the responsibility of inclusive groups of stakeholders who will draft and consult on what should be included and monitor implementation. Once agreed, draft implementation plans must be presented to the Secretary of State who can adopt, amend or reject them.

Agreed implementation plans will be published on the Department's web site [hypertext link] and notified to the European Commission.

Document Control

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0.1	N/A

Type Authorisation

Help us to help you If you have any comments or suggestions for further Helpnotes please e-mail interoperability@dft.gsi.gov.uk

Related Helpnotes **100** - About Helpnotes [hypertext link]

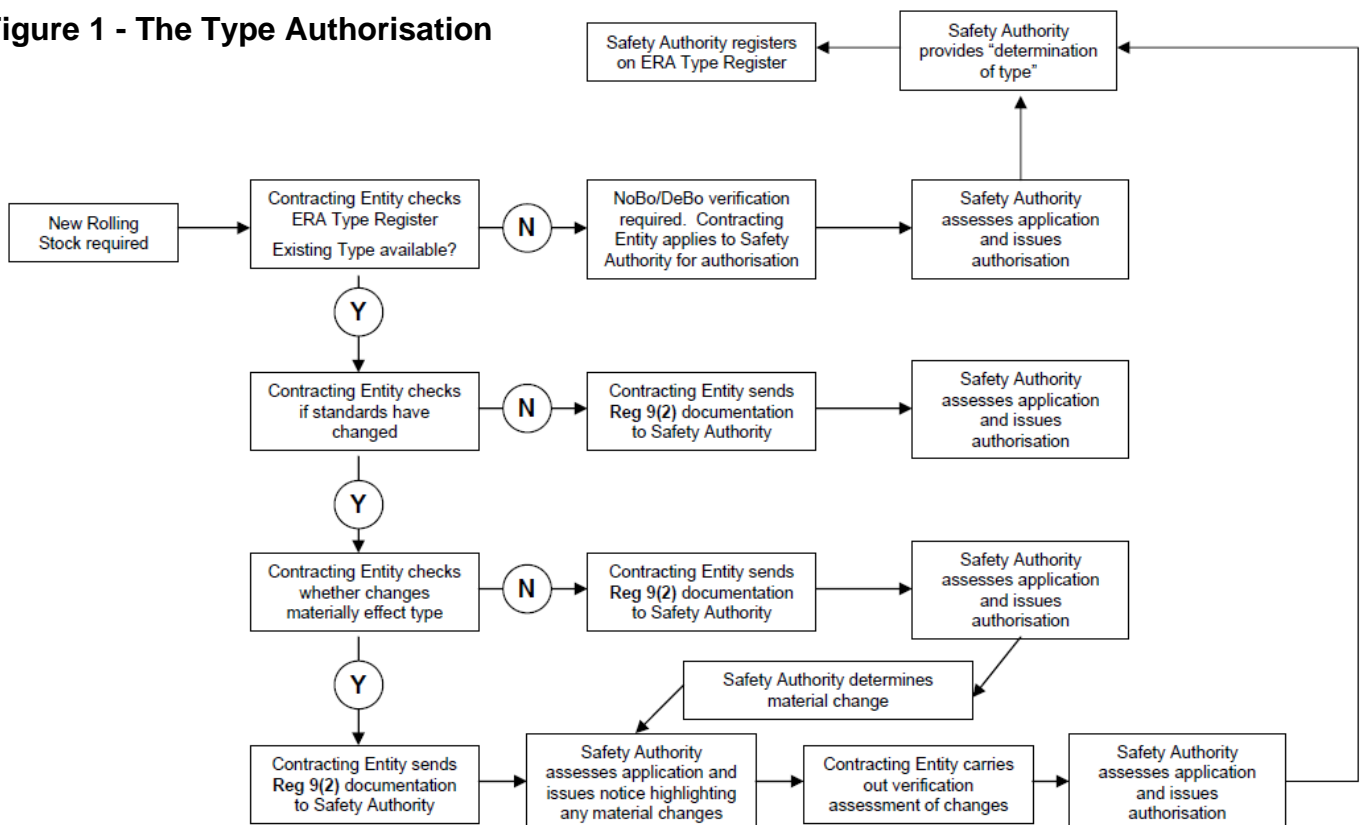
Information for... This Helpnote is applicable to the authorisation of rolling stock only and is aimed primarily at **Contracting Entities** wishing to build new, upgraded or renewed rolling stock or other subsystems.

Background Previously, Contracting Entities were able to build "more of the same" only when exercising a contract option within a set period of the date of first authorisation of a batch of vehicles.

Regs 8-10 RIR 2010 introduces a new, automatic, mechanism for the authorisation of a "type" of new rolling stock. This will only be applicable to subsystems authorised under RIR 2010 and is not retrospective. However, RIR 2010 also provides a mechanism for Contracting Entities to apply voluntarily for type authorisation of upgraded and renewed rolling stock or other subsystems to enable them to take advantage of the benefits this process offers if they wish.

Figure 1 outlines the process as it applies to new rolling stock.

Figure 1 - The Type Authorisation



What now?

Once a decision to build new rolling stock is made, the **Contracting Entity** should check the European Railway Agency's ("ERA's") register of authorised types of vehicle [hypertext link included when available]. If:

No appropriate type is identified the rolling stock will undergo design/build as usual and an application must be made to the **Safety Authority** for authorisation. If an authorisation is granted, a type authorisation will automatically be provided.

An appropriate type is identified the build can proceed on the basis of that type. The **Safety Authority** must then consider authorisation of the new vehicles on the basis of a declaration of conformity to type only instead of a full application for authorisation.

Reg 10

- If any changes to TSIs or NNTRs against which the original type was authorised have been made, the **Safety Authority** will decide whether the original type authorisation remains valid or if the changes materially affect conformity with the original determination of type.
- If not, the build will proceed as if no appropriate type has been identified.
- If, in spite of any changes, the **Safety Authority** determines that the type authorisation remains valid it must assess only those areas where revisions have been made and make an authorisation on this basis.

Reg 8(6)

If a new determination of type is provided, the **Safety Authority** must ensure ERA is notified and information on the new type is sent for inclusion on its register of authorised types.

Please note that type authorisations are only valid in the Member State in which the authorisation is approved (although it is open to **Contracting Entities** to apply for a determination of type in other Member States).

For upgrades/renewals of rolling stock and other subsystems, the process will be the same except existing types will not be recorded in the ERA register of authorised types. **Contracting Entities** should instead approach the **Safety Authority** in the first instance. The rest of the process will be similar.

What next?

Reg 8(6)

ERA has been tasked with producing a model declaration of conformity to type. This will establish the conditions under which a declaration can be submitted and it will outline separate procedures for the placing in service of both TSI-conform and non-TSI conform vehicles [we expect this to be available shortly].

Good practice

- Early engagement with the **Safety Authority** can prevent subsequent delays at the authorisation stage.

Case studies

New Design

A **Contracting Entity** wishes to procure some new rolling stock to replace an aging fleet which is coming to life expiry. It checks the ERA register of authorised types but finds that no existing type meets its requirements and instead decides to develop a brand new vehicle design. The design and build of the new fleet is verified by a **Notified Body** and **Designated Body** as in conformity with the relevant TSIs and NNTRs and a request for authorisation including a technical file and a safety assessment report is submitted to the **Safety Authority**. The **Safety Authority** authorises the new vehicles and, at the same time, also issues a declaration of type and sends the relevant information to ERA for recording on its register of authorised types. Further builds of that type of vehicle, for example for train lengthening, can then be produced on the basis of a declaration of conformity only (see below).

Existing type

A **Contracting Entity** wishes to procure some new rolling stock to replace an aging fleet which is coming to life expiry. It checks the ERA register of authorised types and identifies an existing type which meets its needs. It approaches the manufacturer and requests more of the same. The **Contracting Entity** checks that no changes have been made to the TSIs or NNTRs which might materially affect the original type authorisation and submits a declaration of conformity to that type to the **Safety Authority**. The **Safety Authority** then assesses the application and may issue an authorisation on the basis of that declaration only.

If the **Contracting Entity**, or the **Safety Authority**, considers that a material change has been made, the **Contracting Entity** will need to ensure a verification assessment is carried out on the changes only. These are then submitted to the **Safety Authority** for consideration and it will issue an authorisation on the basis of the changes only and provide a new determination of type.

Renewals/Upgrading

A **Contracting Entity** wishes to perform a C6 overhaul of a large fleet of older rail vehicles. It wants to make identical changes, for example the installation of a passenger information system, to the entire fleet and appoints a **Notified Body** and **Designated Body** to check that its intentions are in conformity with the relevant TSIs and NNTRs. A request for authorisation is then submitted to the **Safety Authority**. The **Safety Authority** authorises the refurbishment programme and, at the same time, also issues a declaration of type for the scope of the changes which are being made. The **Contracting Entity** will then be able to take advantage of this declaration of type for refurbishment across its entire fleet or identical changes to other rail vehicles without the need to submit a separate technical file.

FAQs

Why should type authorisation interest me?

Previously, if a manufacturer wished to build essentially identical vehicles for different **Contracting Entities**, then both fleets would need to go through the full authorisation process. Once a design of rolling stock is authorised and a determination of type issued for its placing in service, however, the **Safety Authority** is required to authorise additional vehicles of the same design on the basis of a declaration of conformity only. This should significantly shorten the authorisation process and remove the necessity and cost of, for example, compiling and submitting a separate technical file.

What about existing types?

Type authorisation is a new process for the interoperability regime and it is envisaged that the register of types will grow over time. The process is not retrospective and will only apply to subsystems which have been authorised under RIR 2010.

Document Control

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Cross Acceptance

Help us to help you If you have any comments or suggestions for further Helpnotes please e-mail interoperability@dft.gsi.gov.uk

Related Helpnotes **100** - About Helpnotes [hypertext link]

Audience This Helpnote is applicable to all rolling stock subsystems which will be operated in a different Member State from that in which they were authorised or placed into service and contains information for **Contracting Entities**, **Infrastructure Managers** and **National Safety Authorities**.

Background The suite of rolling stock TSIs is not yet complete and it will take some time before all trains are replaced or upgraded to full TSI-conformity. Until that point, where there is a gap in the TSI framework, for example if a TSI is under development, rules for placing into service, for example notified national technical rules ("NNTRs"), ensure that the essential requirements are still met. Although these rules may have been developed in isolation, many of them are nevertheless compatible or equivalent in scope across all Member States.

Cross acceptance is a mechanism which facilitates mutual recognition of these rules across all Member States thereby allowing parameters to be checked only once (unless it is uniquely specific to a particular infrastructure). In this way, it aims to reduce the costs or authorisation by eliminating duplication. It also provides clarity for those rules which cannot be mutually recognised.

What now? Member States are already required to notify the Commission of any NNTRs they have specified and the Department publishes a list [hypertext link] of these.

In order to establish cross acceptance between Member States' NNTRs and other rules for placing into service, three steps are necessary:

- developing a list of parameters to be checked during placing in service;
- defining which rules apply to each parameter; and
- comparing the different rules and establishing equivalence.

Directive 2008/57 A revised Annex VII to Directive 2008/57/EC was adopted on 16 October 2009 (Directive 2009/13/EC). This sets out, at a high level, the list of parameters which must be checked in conjunction with the placing in service of non-TSI conform vehicles.

A detailed list of parameters has also been agreed and was adopted by the Commission on 30 November 2009 (Decision 2009/965/EC). This detailed list provides the basis for the reference document referred to in Article 27(4) of Directive 2008/57/EC.

The setting up and maintenance of the reference document is the route through which the European Railway Agency ("ERA") analyses, compares, evaluates and categorises the NNTRs.

The Office of Rail Regulation has worked with the Rail Safety & Standards Board, the Department for Regional Development Northern Ireland, the Channel Tunnel Inter-Governmental Commission and HS1 Ltd to determine a full list of rules for placing vehicles into service in the UK.

The rules will be listed in a National Reference Document which is structured according to the cross acceptance parameters list. The UK National Reference Document will, alongside Documents for each of the other Member States, form part of the ERA Reference Document. The Department for Transport will be asked to sign-off the UK Document. The Commission will then seek to adopt the full ERA Reference Document in summer 2010.

Cross acceptance already exists between some Member States, usually those with common borders, but will not become a reality across the European Union until this work is completed.

NNTR classification

For each parameter, national rules must be classified according to one of three groups:

"**A**" international standards and rules deemed to be equivalent, in safety terms, to the rules of other Member States;

"**B**" rules which do not fall into groups **A** or **C**; and

"**C**" rules which are associated with technical infrastructure characteristics.

Rules of a "strictly local" nature do not need to be recorded, although these must still be notified to the Commission.

What next?

The Department, as the Member State representative, will be responsible for agreeing the information contained in the UK National Reference Document. We will continue to work in partnership with stakeholders, including the Office of Rail Regulation, Rail Safety & Standards Board, the Department for Regional Development Northern Ireland and the Channel Tunnel Inter-Governmental Commission to determine the rules which are applied in the UK and their appropriate categorisation against the three groups.

FAQs

What is cross acceptance?

Cross acceptance is a mechanism which facilitates mutual recognition of rules for placing into service, processes and authorisations across all Member States. This will allow certain parameters to be checked only once, at placing in service, if an operator wishes to run a train across Member State borders.

What are the benefits?

Whilst it will take a significant amount of effort to establish, once operational,

cross acceptance has some significant benefits. For example, it will allow greater transparency of requirements through simplification, predictability of timescales and a reduction in the geographical diversity of requirements. It will also reduce the costs of the authorisation process in all Member States.

When will it become a reality?

A lot of work will be required before cross acceptance is operational in practice but the European Railway Agency expects to present the Commission with a first version of the Reference Document for adoption in summer 2010.

Other guidance

[Notified National Technical Rules](#), Department for Transport Web Pages
Current, draft and project-specific NNTRs and a catalogue of older NNTRs

[European Railway Agency Cross Acceptance Unit](#) Web Pages
The vision and mission of ERA's Cross Acceptance Unit and contact information

[Assessment of Compatibility \(GE/RT8270\)](#), Rail Safety & Standards Board, September 2007

Document Control

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Relationship between Interoperability & Safety

Help us to help you If you have any comments or suggestions for further Helpnotes please e-mail interoperability@dft.gsi.gov.uk

Related Helpnotes **100** - About Helpnotes [hypertext link]

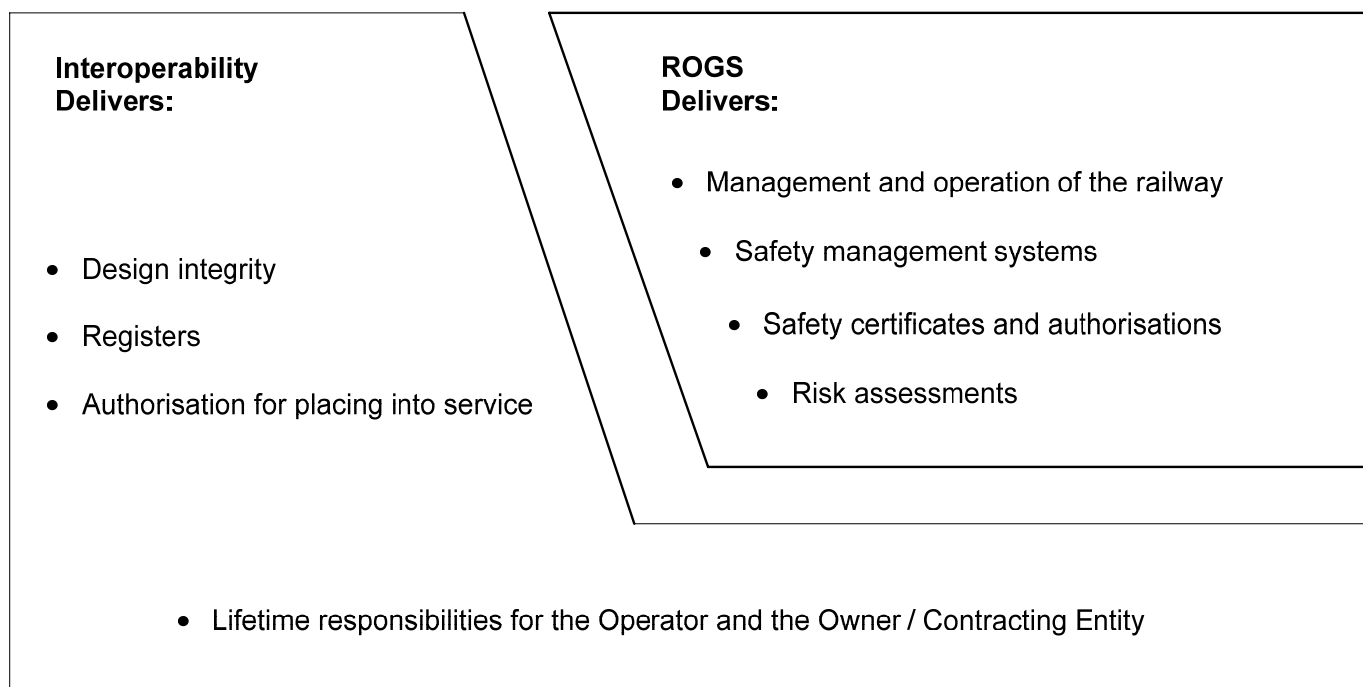
Audience This Helpnote is applicable to the ongoing management of safety on the railway and contains information for **Contracting Entities** and the **Owners** or **Operators** of assets which have been authorised under the interoperability regime.

Background The interoperability and safety regimes in Great Britain work in tandem to ensure that all new subsystems placed in service are safe and remain so throughout their operational life.

Reg 4
Schedule 3
ROGS The interoperability authorisation process confirms that the subsystem meets the essential requirements, which include safety, and is ready to be placed into service. However, the mechanism for placing into service and ongoing operational safety requirements then come under the [Railways and Other Guided Transport Systems \(Safety\) Regulations 2006](#) ("ROGS").

Figure 1 illustrates this relationship.

Figure 1 - The relationship between interoperability & ROGS



Future work
ROGS 4

Any major work on infrastructure or authorised rolling stock will trigger re-authorisation under interoperability. Minor works and engineering change at any time during the subsystem's life can be carried out in accordance with

Reg 20

ROGS although the operator must also continue to ensure that the essential requirements continue to be met and that any interoperability constituents are correctly installed, used and maintained.

Technical File

The lifetime responsibilities for the **Owner** or **Operator** relate to the design specifications of the subsystem and the changes that are made to this over time. The Technical File must be maintained and updated to ensure that it remains an accurate and reliable record of the design and construction attributes of the subsystem. The Technical File must accompany the subsystem throughout its life and must be handed over if this is sold or ownership transferred to another person.

Reg 19 & Sch 6

FAQs

Using interoperability to satisfy ROGS

ROGS 5(4)

Contracting Entities can use the interoperability authorisation process to satisfy ROGS placing in service requirements since it provides a written safety verification scheme where the **Notified Body** fulfils the role of the competent person.

Does interoperability authorisation deliver a higher level of safety?

Whilst safety is a key factor, the primary purpose of RIR is to ensure work contributes to an increase in the overall interoperability of the rail system. Interoperability and key safety characteristics of design and build are delivered by ensuring that the interfaces between subsystems, for example between trains and the infrastructure on which they run, are compatible.

In this way, the authorisation process is being used to transform testing for safety from an assessment of every individual interface for every subsystem into a business of verifying that standards - which are already known to achieve a safe interface - have been met. This is the principle upon which the interoperability authorisation process is based.

Other guidance

[A Guide to ROGS](#), Office of Rail Regulation, July 2009

[Railway Safety - Good Practice Guide](#), Rail Safety & Standards Board, January 2003

[The ATOC Guide to Vehicle Change](#), Association of Train Operating Companies, May 2007

Document Control

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