

The Railways (Interoperability) (Amendment) Regulations 2015

**RPC rating: confirmed as a non-qualifying regulatory
provision**

The proposal can now be confirmed as a non-qualifying regulatory provision as a result of the Department's response to the RPC's initial review. As first submitted, the RPC was unable to confirm the Department's assessment.

Description of proposal

The Department proposes to amend existing regulations to implement two minor technical changes contained in an EU directive and decision. These changes clarify aspects of the administrative requirements associated with major railway work. These consist of:

- Clarifying how to make a declaration that they have complied with Technical Specifications for Interoperability (TSIs) for certain major railway works. Declaring this compliance is already required under existing legislation.
- Clarifying the content of registers to be held by managers of certain major railway infrastructure works. There is already a requirement for managers to hold such registers.

Impacts of proposal

The Department states that the proposal will only affect a very small number of UK infrastructure owners, such as Network Rail, HS1, Eurotunnel and the Association of Train Operating Companies. It will also affect notified bodies, such as regulators, who monitor compliance with TSIs.

The Department states that there will not be any significant costs or benefits associated with the proposal. This has been supported at consultation by Network Rail, who leads on this area on behalf of all affected infrastructure owners. There may be some limited costs from having to record new information in the contents of registers or some limited benefits from extended deadlines to populate the registers. The Department has not monetised these impacts.

Quality of submission

The Department has now resolved two issues in the NQRP confirmation statement, following the RPC's initial review.

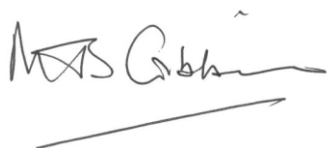
- The Department now includes a clear explanation showing that the proposal does not go beyond the requirements stated in the EU directive and decision, so there is no gold-plating.
- The Department now includes stakeholder evidence and a robust justification for why the measure is extremely unlikely to impose costs of over £1 million on businesses in any year. However, the IA would benefit from including a greater discussion of familiarisation costs before publication.

Departmental assessment

Classification	Non-qualifying regulatory provision (EU)
Equivalent annual net cost to business (EANCB)	Not applicable (low cost non-qualifying regulatory provision)

RPC assessment

Classification	Non-qualifying regulatory provision (EU)
Small and micro business assessment	Not required (low-cost regulation)



Michael Gibbons CBE, Chairman