



Department
for Transport

Rail Technical Standards Framework



Rail Technical Standards Framework

Presented to Parliament
by the Secretary of State for Transport
by Command of Her Majesty

September 2021



© Crown copyright 2021

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.uk/official-documents.

ISBN 978-1-5286-2913-3

E02676484 09/21

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by HH Associates Ltd. on behalf of the Controller of Her Majesty's Stationery Office

Table of Contents

SECTION 1: WHAT WE ARE TALKING ABOUT	4
1. Policy area	4
2. Scope	4
3. Definitions	7
SECTION 2: PROPOSED BREAKDOWN OF POLICY AREA AND FRAMEWORK	9
4. Summary of proposed approach	9
5. Detailed overview of proposed framework:	10
6. Detailed overview of proposed framework: non-legislative arrangements	10
7. Detailed overview of areas where no further action is thought to be needed	10
OPERATIONAL DETAIL	11
SECTION 3: PROPOSED OPERATIONAL ELEMENTS OF FRAMEWORK	11
8. Decision making	11
9. Roles and responsibilities of each party to the framework	11
10. Roles and responsibilities of existing or new bodies	12
11. Monitoring and enforcement	12
12. Review and amendment	12
13. Dispute resolution	13
SECTION 4: PRACTICAL NEXT STEPS AND RELATED ISSUES	15
14. Implementation	15

SECTION 1: WHAT WE ARE TALKING ABOUT

1. Policy area

- Rail technical standards (Interoperability)

2. Scope

Overview

Rail Interoperability is an EU-wide technical standards and authorisations regime for new, upgraded and renewed rail infrastructure and vehicles. This regime functions both as a form of manufactured goods regulation – setting specifications and processes for placing certain railway products on the EU market – as well as a system for ensuring safe and technical compatibility between trains and networks with the ambition of creating a single European railway area.

The core regime is set by Directive 2008/57/EC – transposed into UK law through the Railways (Interoperability) Regulations 2011 (RIR 2011) – which has been superseded by Directive 2016/797. Member States were required to transpose the new interoperability directive by 31st October 2020. There is also a suite of EU tertiary legislation that flows from these directives without the need for transposition into domestic law. The relevant EU tertiary legislation was retained in UK law by virtue of the European Union (Withdrawal) Act 2018 and deficiencies in this legislation resulting from the UK's withdrawal from the EU were corrected by the Railways (Interoperability) (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2020.

Technical Standards and conformity assessment

European Technical Specifications for Interoperability (TSIs) set the technical standards that rail components, vehicles and infrastructure must meet to satisfy the essential requirements of the Interoperability Directive. These are: safety, reliability and availability, health, environmental protection, technical compatibility, and accessibility.

TSIs are developed by working parties of the European Union Agency for Railways (EUAR) comprised of technical experts from EU Member States and EU-recognised sector groups. Prior to the end of the transition period, the UK's Rail Safety and Standards Board (RSSB) ran a TSI mirror group with the rail industry to establish a common position for the UK and identify any Specific Cases that were required for the UK, or parts of the UK rail network, for inclusion in the TSI. Specific Cases allowed alternative specifications contained in national technical rules to be applied, subject to agreement with the EUAR and the Commission.

Member States vote on the final version of the TSI at the Commission's Railway Interoperability and Safety Committee (RISC). Prior to the UK's exit from the EU, the Department for Transport and the Office of Rail and Road (ORR) represented the UK at RISC. After a period of scrutiny by the EU Parliament, the TSIs become directly applicable law in EU member states as EU Implementing Acts. The next substantial revision of the TSIs is not expected until 2022.

The TSIs list component-level rail products that can be placed anywhere on the EU market with a manufacturer's EC declaration of conformity attesting compliance with the applicable standards in the TSI. This process usually involves third-party conformity assessment by a notified body and issuing of EC certificates of conformity. Placing on the EU market does **not** guarantee that the component can be used on any EU country's rail network – nor on all rail networks within an individual country. There are various technical differences between Member States' rail networks for historic and geographic reasons. Though interoperability seeks to progressively reduce these differences, the EU's technical standards framework accounts for them by leaving certain areas in TSIs as open points to be filled by the national technical rules of a Member State, or by allowing Specific Cases for alternate requirements in individual countries. The mechanism of Specific Cases already enables some divergence between technical requirements applicable in Northern Ireland and Great Britain. For example, the TSI for locomotives and passenger rolling stock contains a UK Specific Case for coupling that is mandatory for Northern Ireland but voluntary for Great Britain.

The component's EC declaration of conformity forms part of the technical file for the vehicle or infrastructure that it is assembled into. Vehicles and infrastructure also require third party conformity assessment against TSIs by a notified body, which issues EC certificates of verification for inclusion in the technical file. The EC conformity assessment documentation states the conditions of use (e.g. for use on a fully TSI compliant network). This helps to identify whether the component, vehicle or infrastructure may also need to meet additional criteria in national rules to be used on a particular network. If so, this necessitates further assessment against the relevant national rules by a designated body. Once all third-party conformity assessment checks have been made and certification issued for the technical file, the applicant seeking authorisation to use a rail vehicle or infrastructure must draw up an EC declaration of verification confirming that the relevant verification procedures for relevant TSIs and applicable national technical rules have been completed.

The applicant submits the technical file to the relevant national safety authority to obtain authorisation to use the infrastructure or vehicle on a network. For infrastructure, this is an authorisation to place into service. For vehicles, Directive 2016/797 introduces a new concept of 'authorisation to place on the market'. However, as with components, placing on the market does **not** mean that a vehicle can be used anywhere in the EU. The authorisation defines an area of use (e.g. Northern Ireland). If an applicant wishes to use the vehicle on an additional network (e.g. Great Britain), they would have to apply to the relevant safety authority to obtain authorisation for the additional area of use. As with the original authorisation, the applicant would have to supply evidence that the vehicle meets the technical standards for compatibility with the network, and this may require further assessment by a designated body against national technical rules.

Intersection with Devolved Competence

While Northern Ireland has devolved powers for transport, the reservation in paragraph 38 of Schedule 3 to the Northern Ireland Act 1998 states that 'technical standards and requirements in relation to products in pursuance of an obligation under Community law but not standards and requirements in relation to food, agricultural or horticultural produce, fish or fish products, seeds, animal feeding stuffs, fertilisers or pesticides' are reserved. As the EU's rail interoperability framework continues to apply in NI by virtue of Annex II of the NIP, rail interoperability remains a partially transferred – partially reserved policy area. The significant majority of this area is reserved and the reserved subject matter is cross-cutting.

Northern Ireland's Department for Infrastructure (DfI) exercises the following powers under RIR 2011:

- Regulation 12: Publication of a list naming/describing projects/types of projects that are projects for the renewal or upgrading of subsystems.
- Regulation 13: Decisions about applications from project entities about whether an authorisation is required and requirements for additional information to make the decision.

- Regulation 14: Decisions about derogations from TSIs.
- Regulation 22: The ability to charge fees for authorisation and derogation decisions.
- Regulation 46: The granting of dispensations from national technical rules.

The DfI, as the National Safety Authority for Northern Ireland, is also responsible for granting authorisations to place rail vehicles and infrastructure into service and enforcing rail interoperability and safety regulations in Northern Ireland.

The Secretary of State for Transport legislates on Northern Ireland's behalf in terms of transposing EU interoperability legislation, developing and voting on TSIs and notifying national technical rules to the European Commission. Given the nature of the reservation in the Northern Ireland Act, Northern Ireland are unable to legislate comprehensively on their own behalf in this area. Northern Ireland consents to the UK legislating on their behalf in relation to those areas of the interoperability framework that are not transferred. The Secretary of State for Transport also retains the power to notify conformity assessment bodies to the European Commission for assessing products against TSIs.

Effect of EU-Exit

The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019, hereafter referred to as the EU Exit SI, amended RIR 2011 to continue to function in the context of the UK being a third country. The EU Exit SI largely preserves the current regime, processes and roles and responsibilities. The most notable changes are:

- Elimination of EUAR and Commission oversight roles.
- Replacement of TSIs with National Technical Specification Notices (NTSNs) published by the Secretary of State for Transport. At the end of the Transition Period, the NTSNs will contain identical technical requirements to the TSIs in force and maintain the same structure.
- UK-appointed notified bodies that assessed against TSIs will be reclassified as UK approved bodies and assess against NTSNs.
- Conformity assessment documentation against NTSNs will consist of UK declarations and certifications.
- EC conformity assessment documentation against TSIs will continue to be recognised in Great Britain as valid documentation against NTSNs provided that requirements remain aligned (legislation will be amended to set a two-year limit to this in Great Britain). Where an NTSN requirement diverges from the corresponding TSI, additional assessment against the divergence will be necessary.
- Mandatory additional authorisation will be required for vehicles first authorised outside of the UK. This is currently a voluntary requirement in the UK, however the current EU framework allows Member States to make this mandatory.

The EU Exit SI was made prior to the agreement of the Northern Ireland Protocol and written to apply UK-wide. As such, it is inconsistent with some of the Protocol's requirements. Further regulations, hereafter referred to as the NIP Implementation Regulations, will be introduced in 2022 to make the legislation compliant with commitments under the Protocol. Guidance has been provided to the Department for Infrastructure to explain how RIR 2011 (as amended for exit) should be read for Northern Ireland in view of the UK's obligations under the Protocol during the interim period before new legislation is made.

Requirements of the Northern Ireland Protocol

Annex 2 of the Northern Ireland Protocol (NIP) lists EU product legislation which the UK and EU agreed will continue to apply in Northern Ireland after the Transition Period. Although the Protocol gives effect to certain aspects of EU law in Northern Ireland on a provisional basis - subject to consent - delivery and implementation of its provisions is ultimately the UK's responsibility (including, where appropriate, delivery on behalf of devolved Northern Ireland authorities).

The list at Annex 2 to the Protocol includes the recast Rail Interoperability Directive 2016/797 'insofar as conditions and technical specifications for the placing on the market, putting into service and free movement of railway products are concerned' (paragraph 28 of Annex 2). The transposition deadline for this directive was 31/10/2020. The UK was unable to meet the transposition deadline or to transpose the directive by the end of 2020. The Department for Transport (DfT) is nevertheless preparing secondary legislation to implement for Northern Ireland the provisions of the directive that are in scope of the Protocol and this legislation will be introduced in 2022.

Some of the practical impact of this directive's inclusion in the NIP concerns application of tertiary EU legislation made under the directive. Tertiary legislation falling within the scope of paragraph 28 of Annex 2 to the Protocol and made under directive 2016/797 will continue to have direct effect in Northern Ireland by virtue of provision in the Withdrawal Agreement, the NIP and the European Union (Withdrawal) Act 2019.

The EU-UK Trade and Cooperation agreement

The area of policy covered by this Common Framework does not fall directly within the provisions of the Trade and Cooperation Agreement, although both the Common Framework and that agreement will impact significantly on devolved and reserved responsibilities.

3. Definitions

- **Certificate of Conformity** – A third party conformity assessment body issues a certificate of conformity to verify that an interoperability constituent complies with technical standards for placing on the market. UK-wide, these standards are currently contained within TSIs.
- **Certificate of Verification** – The certificate delivered for a subsystem (vehicle or infrastructure) by a third party conformity assessment body regarding the verification of conformity respectively with relevant technical standards and national rules from the design stage to the acceptance stage, before the subsystem is placed on the market or in service, and which covers verification of the interfaces of the subsystem in question with the system into which it is incorporated.
- **Competent Authority** – A Competent Authority is the body responsible for securing the effective implementation of interoperability in its respective territory of responsibility. This includes, for example, transposition of Directives, taking decisions as to whether an authorisation is required for upgrades or renewals and determining derogations from all, or part, of a technical standard. The DfT and DfI are the UK's Competent Authorities.
- **Declaration of Conformity** – A declaration of conformity or suitability for use must be drawn up by any person who places an interoperability constituent on the market to attest that it conforms to requirements in the relevant technical standards.
- **Declaration of Verification** – the applicant seeking authorisation for a vehicle or infrastructure must make a 'declaration of verification' that the subsystem concerned has been subject to the relevant verification procedures and satisfies the requirements of relevant technical standards and national rules.
- **Designated Body** - Conformity assessment bodies designated to assess against national technical rules.
- **DfI** – Department for Infrastructure, the Competent Authority and National Safety Authority for Northern Ireland under RIR 2011.
- **DfT** – Department for Transport, the Competent Authority for Great Britain under RIR 2011.
- **Directive 2016/797** – This directive is a recast of the previous directive on interoperability (2008/57/EC). It forms part of the Technical Pillar of the 4th Railway Package and introduces several changes including new functions for the European Union Agency for Railways. EU Member States (including the UK in the transition period) were required to transpose the directive by 31st October 2020.
- **European Union Agency for Railways (EUAR)** – The EU technical authority responsible for developing TSIs and other interoperability tertiary legislation. The 4th Railway Package has expanded the EUAR's role, including giving it new powers to issue authorisations to place vehicles on the market and approval power over tenders for some digital signalling contracts.
- **Interoperability constituent** – component level rail products whose requirements for placing on the market are set out in the technical standards currently contained within TSIs UK-wide.
- **National Safety Authority** – The authority responsible for granting the relevant authorisations to use infrastructure or a vehicle on a rail network. Under Directive 2016/797, the Safety Authority grants authorisations to place into service for infrastructure and authorisations to place on the market for vehicles.
- **National Technical Rules** - Usually derived from Railway Group Standards published by the RSSB, these standards fill open points in TSIs where further rules are necessary at the national

level. They also provide alternatives to harmonised TSI rules where a Member State has agreed a Specific Case with EUAR and the Commission. The Secretary of State for Transport notifies these rules to the Commission.

- **National Technical Specification Notice (NTSN)** - UK version of TSIs that will apply in Great Britain from 1st January 2021. These will include the same text as TSIs (with Brexit-related inoperabilities fixed) at the end of the TP and will be published by the Secretary of State for Transport without the need for creating new regulations. This will allow Great Britain to keep pace with or diverge from Europe as TSIs are updated.
- **NIP** – the Northern Ireland Protocol to the Withdrawal Agreement lists EU legislation that will continue to apply in Northern Ireland after the Transition Period.
- **NIP Implementation Regulations** – Amendments to RIR 2011 that will transpose parts of Directive 2016/797 to the extent necessary for compliance with the NIP.
- **Notified Body** - Conformity assessment bodies notified to the European Commission by the Secretary of State for Transport to assess against TSIs.
- **Railway Group Standards** – Standards developed by the RSSB's industry standards committees which form the basis of the UK's national technical rules.
- **Railways (Interoperability) Regulations 2011 (RIR 2011)** – the UK domestic legislation which transposed the Interoperability Directive 2008/57/EC.
- **Railways Interoperability and Safety Committee (RISC)** – The committee of Member State representatives that votes on the final versions of TSIs and other tertiary interoperability legislation.
- **Rail Safety and Standards Board (RSSB)** – This is the main rail industry standards-setting body in Great Britain. It is responsible for developing Railway Group Standards, informing UK positions on TSIs, and from 1st January 2021, will advise the DfT on revisions of NTSNs.
- **Specific Cases** – Exceptions listed in TSIs allowing alternate specifications to be applied in individual Member States.
- **Technical Specification for Interoperability (TSI)** – EU wide technical standards developed by EUAR setting mandatory specifications for complying with the essential requirements of the Interoperability Directive. These continue to apply in Northern Ireland after the end of the Transition Period by virtue of the Withdrawal Agreement and Northern Ireland Protocol.
- **UK Approved Body** – UK reclassification of notified bodies for post Transition Period. Approved bodies will assess against NTSNs in Great Britain.

SECTION 2: PROPOSED BREAKDOWN OF POLICY AREA AND FRAMEWORK

4. Summary of proposed approach

The NIP Implementation Regulations will, where those provisions do not have direct effect, legislate to implement Part 2 of the Withdrawal Agreement and the NIP with regards to rail goods and interoperability. This SI will effectively create a split interoperability regime in the UK, with Northern Ireland continuing to apply TSIs developed in the EU, while Great Britain applies its own rail technical standards, which may either align with or diverge from TSIs. The NIP Implementation Regulations are not yet in force due to timescales required for drafting and passing the legislation. These are expected to be in force by summer 2022. Guidance has been provided to DfI setting out how RIR 2011 (as amended for EU Exit) should be applied in Northern Ireland during this interim period in order to comply with NIP obligations.

The UK Government and devolved administrations are committed to ensuring unfettered access of Northern Ireland to the UK internal market so that no new regulatory checks, and no additional approvals are required for placing goods on the market in the rest of the UK.

DfT and DfI officials have agreed that the methods for resolving potential unfettered access issues/internal market issues for interoperable rail products should be covered by a non-legislative framework rather than in the NIP Implementation Regulations. This ensures maximum flexibility for potential future GB divergence from TSIs.

The principle of divergence from TSIs in a Great Britain domestic rail context is in line with relevant international obligations, which are the EU Exit Withdrawal Agreement (incorporating the Northern Ireland Protocol) and the Convention Concerning International Carriage by Rail (COTIF). The existing regime already enables some technical divergence between Great Britain and Northern Ireland. However, excessive divergence on rules for rail products that could be traded between Northern Ireland and Great Britain could potentially make it more expensive for manufacturers to produce products for both rail networks. This Common Framework will help to avoid such circumstances.

The approach set out in this outline is based on the principles for Common Frameworks set out in the Joint Ministerial Committee (EU Negotiations) Communiqué of 16 October 2017. Specifically, it is based on the principles that Common Frameworks will be established where they are necessary in order to:

- enable the functioning of the UK internal market, while acknowledging policy divergence;
- ensure compliance with international obligations;

and that Common Frameworks will respect the devolution settlements and the democratic accountability of the devolved legislatures, and will therefore:

- be based on established conventions and practices, including that the competence of the devolved institutions will not normally be adjusted without their consent; and
- maintain, as a minimum, equivalent flexibility for tailoring policies to the specific needs of each territory as is afforded by current EU rules.

5. Detailed overview of proposed framework:

- N/A

6. Detailed overview of proposed framework: non-legislative arrangements

The administrations considered whether a concordat was required as part of the development of this Common Framework. It has been agreed by all parties that a separate concordat is not required in this instance as it would duplicate information that is already in the Framework Outline Agreement.

7. Detailed overview of areas where no further action is thought to be needed

N/A

OPERATIONAL DETAIL

SECTION 3: PROPOSED OPERATIONAL ELEMENTS OF FRAMEWORK

8. Decision making

The Secretary of State for Transport will decide on the final content of NTSNs, and UK Specific Cases, further to the advice of technical experts from the rail industry in Great Britain and Northern Ireland. It is proposed that the RSSB will undertake the primary advisory role, collating the views of experts from Great Britain and Northern Ireland. It will account for any impact of a proposed divergence on the UK Internal Market through consultation with Northern Ireland experts (most likely to be representatives of Northern Ireland Railways/Translink). The RSSB's current principle functions include developing, agreeing, and maintaining standards for the rail industry. Northern Ireland Railways/Translink has now become an affiliate member of RSSB, so the organisation is ready to perform this role.

In the House of Lords debate on the Interoperability EU Exit SI, the DfT Minister committed to publishing a Written Ministerial Statement if divergence is being considered which will highlight the findings of the RSSB-led consultation process and the Impact Assessment. Therefore, if a situation arises where Great Britain wishes to diverge from TSI requirements that will apply in Northern Ireland, there will be Parliamentary scrutiny before the Secretary of State makes a decision.

The Secretary of State for Transport will also decide whether or not to publish a national technical rule for Great Britain, which may set out the technical detail of a divergent requirement, further to the recommendation of the RSSB (developed through consultation with the Great Britain rail industry and Northern Ireland experts).

Other decision-making powers of the Secretary of State for Transport - including decisions on exemptions, dispensations, decisions on whether authorisation is needed for Great Britain and notification of national technical rules for Northern Ireland – are covered in legislation and legislative guidance.

Agreed outcomes of the ongoing intergovernmental relations review will be reflected in this framework.

9. Roles and responsibilities of each party to the framework

The Secretary of State for Transport's role will be to decide whether or not to publish new or revised NTSNs or national technical rules for Great Britain. These decisions will have to take account of any potential impacts of divergence from TSIs on the UK internal market/unfettered access and commitments made under the NIP. In making these decisions, the Secretary of State will be informed by impact

assessments and consultations undertaken by RSSB in preparation of an NTSN or national technical rule, and assurances given by the DfI and DfT officials.

It will be the DfI's responsibility to ensure that Northern Ireland technical experts contribute to the RSSB's assessment of proposed changes to NTSNs and any national technical rules setting out details of divergence. The role for Northern Ireland experts will be to determine whether any proposed divergent requirements would necessitate additional assessments beyond what has been agreed and to propose changes that would ensure that additional assessments are limited to those necessary for a product's use on a network. Further to this process, it will be the DfI's responsibility to give DfT officials assurance that the proposed NTSN or national technical rule developed by RSSB does not present an internal market/unfettered access issue for Northern Ireland or impede Northern Ireland's obligations under the NIP. DfT officials will also need to confirm this from a UK-wide perspective, and, in the case of NTSNs, state this assurance in the official DfT Impact Assessment.

10. Roles and responsibilities of existing or new bodies

The RSSB will develop and publish Railway Group Standards – in consultation with the rail industry – and make recommendations to the Secretary of State for Transport on standards that should be published as national technical rules, in line with its current remit. It is also proposed that the RSSB will advise the DfT on the content of NTSNs, and the addition of Specific Cases, further to consultation with its members and affiliate members from the rail industry. RSSB will not have a statutory role in advising on NTSNs, which allows flexibility for these arrangements to be modified easily if necessary. However, it is logical that RSSB takes the lead advisory role in practice given its existing remit and technical expertise on informing TSI content.

Further to discussions between the DfT, DfI and RSSB, it was proposed that Northern Ireland Railways/Translink become an affiliate member of RSSB. This will enable Northern Ireland technical experts to work as closely as possible with the RSSB's Standards Committees in developing new Railway Group Standards for publication as national technical rules, and in preparing draft text for new NTSNs. The role for Northern Ireland experts will be to determine whether a proposed divergent requirement for Great Britain would necessitate checks on a rail product beyond the scope agreed as acceptable (i.e. delta assessments and authorisations for use on a network), and propose changes to resolve such issues.

RSSB will be responsible for undertaking wider stakeholder consultation and assessing impacts and will propose new NTSN text to DfT and Railway Group Standards to be published as national technical rules, once it has achieved rail industry agreement via its Standards Committees.

11. Monitoring and enforcement

Monitoring and enforcement of interoperability rules is managed through the National Safety Authorities for Great Britain and Northern Ireland respectively. This is set out in the regulations and does not need to be covered in a non-legislative framework.

12. Review and amendment

Review Stage

The framework should be reviewed following the Northern Ireland Assembly's first vote of consent on the NIP at the end of 2024. A review of this framework is therefore likely to take place in early 2025.

A periodic review of the framework will then take place every 3 years, in line with official or ministerial level meetings.

- The period of 3 years starts from the conclusion of a periodic review and any amendment stages that follow.

During the periodic review, parties to the framework will discuss whether the governance and operational aspects of the framework are working effectively, and whether decisions made over the previous 3 years need to be reflected in an updated non-legislative agreement.

An exceptional review of the framework is triggered by a 'significant issue'.

- A significant issue must be time sensitive and fundamentally impact the operation and/or the scope of the framework (e.g. if there is a major change to the scope of interoperability at EU level or within Great Britain).
- The exceptional review may include a review of governance structures if all parties agree it is required. Otherwise, these issues are handled in the periodic review.
- The same significant issue cannot be discussed within six months of the closing of that issue.

The amendment stage can only be triggered through unanimous agreement by ministers. If parties agree that no amendment is required, the relevant time period begins again for both review types (for example, it will be 3 years until the next periodic review and at least 6 months until the same significant issue can trigger an exceptional review.)

Amendment Stage

Following agreement that all parties wish to enter the amendment stage, parties will enter into discussion around the exact nature of the amendment. This can either be led by one party to the framework or all.

If an amendment is deemed necessary during either type of review, the existing framework will remain in place until a final amendment has been agreed

All amendments to the framework must be agreed by all parties and a new non-legislative agreement signed by all parties.

If parties cannot agree whether or how a framework should be amended this may become a disagreement and as such could be raised through the framework's dispute avoidance and resolution mechanism.

13. Dispute resolution

A disagreement could arise over whether a proposed Great Britain divergence from a TSI would necessitate checks on a railway product. If it is not possible to resolve this disagreement through Northern Ireland technical experts participating in the RSSB standards committee process, the disagreement should be escalated to official level.

A disagreement between parties of this framework becomes a 'dispute' when it enters the formal dispute avoidance and resolution process set out in the overarching MoU on Devolution, that is currently under review.

The goal of this dispute avoidance and resolution mechanism is therefore to avoid escalation to this point, by resolving any disagreements at the lowest possible level.

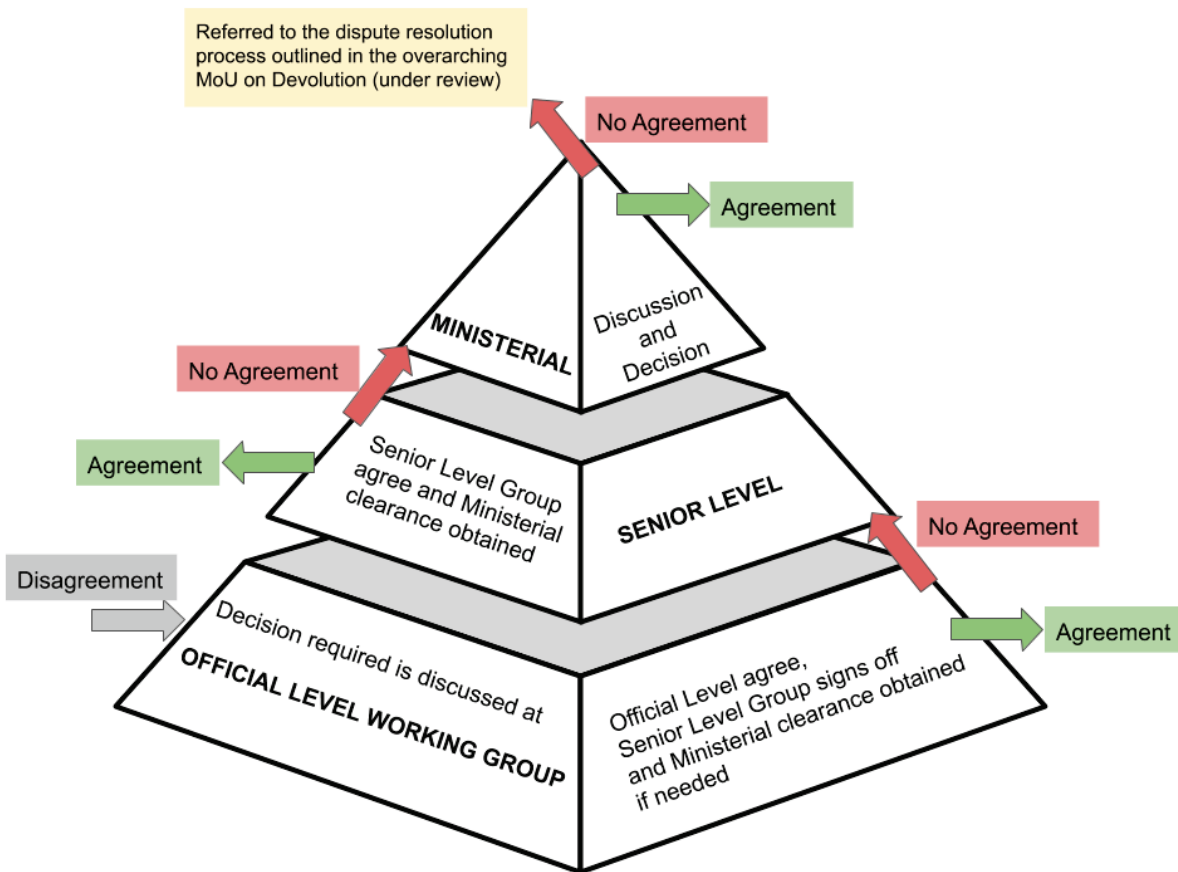
This mechanism will be utilised only when genuine agreement cannot be reached, and divergence would impact negatively on the ability to meet the Common Frameworks principles. In those areas where a common approach is not needed in order to meet these principles an "agreement to disagree" could be considered an acceptable resolution.

The two working groups within this framework are the rail interoperability policy leads within DfI and DfT and the Senior Civil Service leads for rail.

In the event that DfI policy leads consider that there is an issue with a proposed draft NTSN, they should raise the issue directly with DfT policy leads to agree a solution. The solution may require DfT to amend the proposed wording submitted by RSSB.

If the dispute is still unresolved at this level, it will then be escalated to Senior Civil Service level for agreement. If no agreement is reached at this level, it will be escalated for ministerial level discussion and decision between the DfT Minister for Rail and the DfI minister.

The below diagram states the levels of escalation of a disagreement to a dispute and the interaction between each level.



SECTION 4: PRACTICAL NEXT STEPS AND RELATED ISSUES

14. Implementation

This provisional framework outline agreement will need to be published for scrutiny by the UK Parliament and the NI Assembly which may result in the need for further amendment prior to final confirmation and full implementation.

E02676484

978-1-5286-2913-3