

<p>Title: <b>Post implementation review of the Channel Tunnel (Safety) Order 2007 and the Channel Tunnel (Safety) (Amendment) Order 2013</b></p> <p><b>PIR No:</b> DfTPIR0029</p> <p><b>Lead department or agency:</b> Department for Transport</p> <p><b>Contact for enquiries:</b> bertie.bricusse@df.t.gsi.gov.uk</p>	<b>Post Implementation Review</b>	
	Source of intervention: <b>Domestic</b>	
	Type of regulation: <b>Secondary legislation</b>	
	Type of review: <b>Statutory - other</b>	
	Date of implementation: <b>26/03/2013</b>	
<b>Summary: Renew</b>	<b>RPC Opinion: Not Applicable</b>	

### 1a. What were the policy objectives of the measure?

The Channel Tunnel (Safety) Order (CTSO) 2007 establishes a common regulatory framework for railway safety in the Channel Tunnel (binational regulations negotiated with France), in cooperation with France and in line with the Treaty of Canterbury (1986). In 2013, the Government implemented a new binational regulation to implement EU Directives introduced since 2007 - the Channel Tunnel (Safety) (Amendment) Order 2013 (CTSAO 2013).

The principal purpose of these amendments is to give effect to a new bi-national regulation, with the aim of facilitating a single European market for products and services and ensuring the safe running of trains through the Channel Tunnel.

There were 4 policy objectives to this measure:

1. Bring the Channel Tunnel into line with provisions already in place in the UK and France;
2. Achieve consistency of approach to rail vehicle maintenance across the European Union;
3. Assist railway undertakings to better control risks and costs through assurance that any vehicles they haul have an appropriate maintenance regime in place.
4. Alleviate barriers to trade in the form of duplication, unnecessary costs and delay in the safety authorisation process.

Following the triggering of Article 50, negotiations have begun to exit the EU and until these are concluded the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation, including the regulations in this review.

The scope of this DfT Post Implementation Review (PIR) is to review both CTSO 2007 and the subsequent CTSAO 2013 amendments to that Order. This is an opportunity for the DfT to establish if key stakeholder objectives on the safety regime have been realised in the Channel Tunnel, and if not, where amendments could be made.

### 1b. What were the changes implemented by CTSO 2007 and CTSAO 2013?

The CTSO 2007 brings the 2004/49/EC Directive ("The Railway Safety Directive") into effect for the Channel Tunnel, giving the force of law to the Regulation of the Intergovernmental Commission (IGC) on the Safety of the Channel Fixed Link. The Channel Tunnel Safety Amendment Order 2013 (CTSAO 2013) transposed the 2008/110/EC Directive ("the Directive on vehicle maintenance") and 2009/149/EC Directive ("Common Safety Indicator Directive") into the CTSO 2007 regulations.

Together CTSO 2007 and CTSAO 2013 introduced 14 changes. These changes and whether they have been implemented in full is summarised below:

<b>Changes introduced by CTSO 2007 and CTSAO 2013</b>	<b>Implemented (Yes/No)</b>
1. The Order sets out that the Inter-Governmental Commission (IGC) is the Safety Authority for the Channel Tunnel.	Yes
2. The Concessionaires, who are the infrastructure managers of the Channel Tunnel as well as operating the Shuttle service, must ensure their rolling stock is safe and authorised to run in the Channel Tunnel. The rolling stock needs to be compatible with the infrastructure before it is authorised for use on the Channel Tunnel.	Yes
3. The Order sets out that Concessionaires and all railway undertakings operating in the Tunnel must submit an annual report to the IGC.	Yes
4. The Concessionaires must have a Safety Management system in place.	Yes
5. The Concessionaires may only operate if they have a safety authorisation from the IGC.	Yes
6. A railway undertaking must hold both A and B safety certificates, Part B being issued by the IGC.	Yes
7. The Order provides rights for non-discriminatory access to training for train drivers and staff performing vital safety tasks of any railway undertaking.	Yes
8. Rolling stock not fully covered by the relevant Technical Specifications for Interoperability (TSIs) may not be operated in the Channel Tunnel unless the IGC has authorised it.	Yes
9. The Order and the bi-national Regulation do not affect the operation of Part 1 of the Railways and Transport Safety Act 2003, (which established the "Rail Accident Investigation Branch" for the UK), or the Railways (Accident Investigation and Reporting) Regulations 2005 (SI 2005/1992). Serious accidents may be investigated by the British (Rail Accident Investigation Branch) and French (BEA-TT French Land Transport Accident Investigation Bureau).	Yes
10. The Order makes the ORR responsible for the enforcement of the binational Regulation and treats it as if it were health and safety regulations for the purposes of specified provisions of the Health and Safety at Work etc. Act 1974 ("HSWA").	Yes
11. The Order provides that a breach of a duty requirement or prohibition imposed by certain articles of the bi-national Regulation will, if it causes damage, be actionable in civil proceedings for compensation or other civil remedy. The Order empowers the IGC to impose charges reflecting their administrative costs of processing applications for Part B safety certificates.	Yes
12. An entity in charge of maintenance ("ECM") is required to be identified in the National Vehicle Register ("NVR") and to establish an appropriate maintenance regime for all rail vehicles.	Yes

13. There would be a revised methodology to calculate common safety indicators (“CSIs”).	Yes
14. There would be additional authorisation of rail vehicles for operation in the Channel Tunnel.	Yes

**2. What evidence has informed this PIR?**

This is a low evidence PIR, as it was a very low cost measure, and applied only for the bi-national part of (wider) regulations applied to the Channel Tunnel. This review considers the performance of the whole safety regime for the Channel Tunnel as determined by CTSO 2007 and CTSAO 2013. A low evidence approach was considered proportionate at this stage as the legislation primarily affected government rather than business. As such, one of the key sources informing this review is the available management information detailing the implementation of the changes outlined in Section 1b.

This management information draws on internal records available at DfT and documents available in the public domain issued by the Channel Tunnel Intergovernmental Commission (IGC) in their capacity as the safety authority for the fixed link. The IGC publish a safety report each year in accordance with European directive 2004/49/EC (“The Railway Safety Directive”) which is based on data collected on the Channel Tunnel safety regime from 1<sup>st</sup> January to 31<sup>st</sup> December. These reports document a range information on the safety regime, including the frequency of authorisations to railway undertakings, the general safety performance of the tunnel against common safety indicators, and unexpected incidents where safety may be compromised (such as signals passed at danger, fuel spillages and crossover door incidents). It was recognised that, as a secondary source, this data should be treated with an element of caution. In order to discriminate potential inaccuracies, this data was verified by comparing it with DfT records and cross-analysing the information with stakeholder responses.

In addition to using available management information, additional primary evidence was gathered through a qualitative stakeholder engagement exercise carried out in the summer and autumn of 2017. Participants were provided with a pro-forma to be completed, containing questions about how the regulations had performed against the key issues identified in the impact assessment that accompanied the introduction of CTSO 2007 and CTSAO 2013, as well as including more general questions about the impact of the whole regulations. Whilst the regulations only directly affect a small number of stakeholders (5 in total), the invitation to participate was sent to 250 stakeholders who could potentially have been indirectly affected by the channel tunnel safety regime (including freight operators, rail undertakings, rail operators and relevant national safety authorities). It was felt this approach was the most transparent, and allowed other stakeholders an opportunity to provide comments if they wished to – but, as had been expected given the technical nature of the regulations, no responses from organisations not directly affected by the regulation were received. This does mean that this review is unable to address any indirect impacts of the orders that were experienced by this wider group.

The 5 stakeholders directly affected by the regulations were prioritised for engagement in this review, and 3 of these provided responses that have informed this qualitative stakeholder review:

- Eurotunnel (operator)
- Eurostar (operator)
- Office for Rail and Road (national safety authority)

It is important to recognise the qualitative nature of these findings. These responses cannot be used to directly quantify or measure the impacts of the regulation. Rather, the views of these stakeholders provide an indication of the range of experiences of those directly affected by the regulation, and help to provide a deeper understanding of emergent issues relating to the regulation. It is important to note that 2 of the 5 directly affected stakeholders did not provide a response to this consultation. Because of the qualitative nature of the evidence collected, the responses of other stakeholders should not be used to draw conclusions about experiences and perceptions of those who have not responded.

The analysis presented below presents the key findings from the responses that were received. We believe this a proportionate amount of evidence given the small number of parties affected by the regulations, their low estimated impacts, and our efforts to allow other stakeholders an opportunity to respond.

### 3. To what extent have the regulations achieved their policy objectives?

Overall, the available management information and the responses to the consultation suggest the general policy objectives have been achieved, particularly with regards to the specific changes laid out in Section 1b. The following section sets out the key findings from the available evidence.

*The Inter-Governmental Commission (IGC) is the Safety Authority for the Channel Tunnel and all railway undertakings must be the possession of Part A and Part B Safety Certificates:*

The DfT has sufficient evidence to suggest that the IGC, having been designated the safety authority for the Channel Tunnel, has performed its function of issuing, amending and revoking safety certification for rail undertakings using the Channel Tunnel. Part B safety certification is important for railway undertakings using the Channel Tunnel as it is mandated for cross-channel operations and is valid for 5 years upon the date of issue. Part A safety certificates are given to railway undertakings that operate on the UK mainline only, although some give coverage to enable use of the Channel Tunnel. Since 2010, the IGC has published the Part B certifications issued for both freight and passenger services, for which Part A certification has already been issued. These are listed below:

<b>Part B certification of railway undertakings</b>	<b>Authorisation to place commercial rolling stock into service.</b>
<b>Freight:</b> EWSI (English, Welsh and Scottish Railway International) ( <i>valid until 19 March 2017</i> )	Modalohr NA ( <i>valid from 14 November 2011</i> )
<b>Freight:</b> DB Schenker Rail (UK ) Ltd ( <i>valid until 19 March 2017</i> )	Wagons Sdggmers (s), Sggmrs (s) and Sgns (s) ( <i>valid from 4 October 2012</i> )
<b>Freight:</b> Europorte ( <i>valid until 28 October 2012</i> )	Touax container wagons ( <i>valid from 3 July 2015</i> )
<b>Passenger:</b> Eurostar (UK) Ltd ( <i>valid until 18 April 2017</i> )	Wagons Astra Rail ( <i>valid from 13 November 2015</i> )
<b>Freight:</b> Europorte Channel ( <i>valid until 29 October 2015</i> )	Siemens Velaro e320 trains for Eurostar ( <i>valid from 19 November 2015</i> )
<b>Passenger:</b> DB Schenker Rail (UK) Ltd ( <i>valid until March 2017</i> )	
<b>Freight:</b> GB Freight ( <i>valid until 2 August 2018</i> )	
<b>Freight:</b> DB Cargo Rail (UK) Ltd ( <i>valid until 16 March 2018</i> )	

***Table 1: List of Part B certification of railway undertakings and commercial rolling stock authorisations between October 2010 and December 2017.***

*Waiting period for authorising Part B Safety Certificates:* The high level policy objectives of the regulations aimed to simplify the application process for safety certification. The stakeholder engagement exercise produced mixed responses on whether the waiting time for Part B Safety Certificates represented an acceptable period of time. Some participants saw this as being a protracted process (particularly the one example of a 14 month wait from the beginning of the application). Others stated that the process for obtaining safety certificates had noticeably improved since the Orders were introduced, citing the common approval process as a simpler way of obtaining certification. It should be recognised that the waiting time for Part B certification in 2015 was relatively representative of previous years, with waiting times ranging from 103 days to 116 days for the years 2010 to 2016. The reason for a waiting period is connected to the time required to carry out the necessary inspections before a certification can be issued.

*The Concessionaire must ensure their rolling stock is safe and that rolling stock not fully covered by the relevant Technical Specifications for Interoperability (TSIs) may not be operated in the Channel Tunnel unless the IGC has authorised it:* A combination of the 2011 Railways Interoperability Regulations and the CTSO 2007 has put in place the legal provisions that require an authorisation to place into service for new vehicles against relevant TSIs that are intended for use in the Channel Tunnel. Table 1 includes a list of successful applications to authorise commercial rolling stock for service. The basis for authorisation is that the rolling stock complies with the TSIs set out in the regulations. DfT can therefore note that there is sufficient evidence to indicate that this objective has been met.

*Make the Channel Tunnel Safety Orders compliant with EU Directives:* The Orders have successfully transposed EU Directives on safety and interoperability into the Channel Tunnel safety regime. The respondents were of the view that the binational regulations had been the most effective legal tools for transposing directives in relation to the Channel Tunnel. One respondent to the stakeholder engagement exercise raised the point that amendments to CTSO 2007 may be required in the future in order to reflect the revised arrangements to the Railway Safety Directive and Interoperability Directive proposed from 2019. There was concern that without amendments there could be duplication in effort e.g. (by requiring additional certification and authorisation to that covered by common certification and authorisation for cross border operations issued by the European Union Agency for Railways). Given the Fourth Railway Package is expected to be implemented with revised arrangements within the next 18 months, the sensible decision would be to maintain the orders as they are until replaced by these revised arrangements.

*The Concessionaires and all railway undertakings operating in the Tunnel must submit an annual report to the IGC:* The IGC has managed to collate the safety records of both the Concessionaire and all railway undertakings for the period 2006 to 2016. The annual safety reports have been published on the IGC website and are available at: <http://www.channeltunneligc.co.uk/IGC-reports,27.html?lang=en>

*The Concessionaires must have a Safety Management System (SMS) in place and may only operate if they have a safety authorisation from the IGC:* There is evidence to suggest this has been achieved. The IGC renewed the safety authorisation of the infrastructure manager, Eurotunnel, on 5 April 2014, following the successful implementation of its SMS. The safety authorisation will be set for renewal on 5 April 2019.

The Order provide rights for non-discriminatory access to training for train drivers and staff performing vital safety tasks of any railway undertaking: Railway undertakings that have been authorised to use the Channel Tunnel are required to carry out this function. In the stakeholder-engagement exercise, the body responsible for enforcing the binational Regulation did not raise any examples where this responsibility had been neglected. In turn, DfT accepts that this objective has been achieved.

The Order and the bi-national Regulation do not affect the operation of the Railways and Transport Safety Act 2003: The DfT are aware that the bi-national Regulation has not affected the position of the Rail Accident Investigation Branch (RAIB) as the independent investigator of rail related accidents in the UK. There is evidence that RAIB have effectively cooperated with the French Land Transport Accident Investigation Bureau (BEA-TT) when serious accidents have occurred, which was outlined in the provisions of CTSO 2007. For example, a fire on board a freight shuttle running north of the Channel Tunnel on 17 January 2015 was investigated by both parties, who subsequently delivered recommendations to the Concessionaire. The report for this incident is available at: <https://www.gov.uk/government/news/fire-on-board-a-freight-shuttle-in-the-channel-tunnel-update>.

The Order makes the ORR responsible for the enforcement of the binational Regulation: The DfT acknowledge that the ORR has been recognised as the enforcer of the binational Regulation. DfT also recognise that the mechanism for enforcing the regulations has been implemented, namely the Health and Safety at Work Act 1974, with the power to appoint inspectors and issue improvement or prohibition notices. It was indicated that the mechanisms for enforcing the regulations have worked relatively well. Feedback received from ORR clarified that they had been able to carry out their responsibilities, which is supported by evidence of their intervention. An example of this in action includes an improvement notice issued to Eurotunnel by ORR in August 2015 recommending that it revise its procedural risk analysis for people on board trains in light of the illegal entry of migrants into the Channel Tunnel. However, DfT recognise that there have been some (unsuccessful) legal challenges against ORR, on the basis that the rail undertaking did not recognise the enforcement powers being used against them. It should be highlighted that CTSO 2007 enables the enforcing body of the regulations to use the Health and Safety at Work Act 1974 and the powers it permits. This suggests that railway undertakings need to familiarise themselves with the enforcement powers that can be used against them, namely that inspectors are able to institute prosecutions for breach of the notices, for breach of certain key articles of the bi-national Regulation and for various other offences under section 33 of the 1974 Act (e.g. the offence of intentionally obstructing an inspector in the exercise of his powers or duties).

One respondent to the stakeholder engagement exercise suggested that the CTSA (Channel Tunnel Safety Authority) would benefit from additional enforcement powers. It is important to note that the CTSA remains an advisory body to the IGC (Article 11 of the Treaty of Canterbury). Therefore any changes to the powers of the CTSA would require a change to the Treaty and not the regulations outlined in this PIR.

Entities in charge of maintenance can be identified on the National Vehicle Register (NVR) and have established maintenance regime for all rail vehicles: Network Rail Infrastructure Limited was designated as the appointed Registration Entity (RE) to establish and maintain the GB NVR after being authorised by the ORR. The DfT recognise that this register has functioned effectively and has managed to record approximately 44,000 rail vehicles. We are aware that all vehicles registered to the NVR have maintenance regimes in place in accordance with TSIs and maintenance rules. All respondents to the stakeholder engagement exercise highlighted that the approach to rail vehicle maintenance had become more consistent as a result of the regulations.

There is a revised methodology to calculate common safety indicators (“CSIs”): The transposition of Directive 2009/149/EU into law by CTSO 2007 made one major amendment to the methods for calculating CSIs. The basis for the change was that:

- ‘Indicators related to **costs of all accidents borne by railways**’, would be replaced by ‘indicators related to the **economic impact of accidents on society**’.

The new method to calculate CSIs is one of seven used by NSAs across the EU; which are listed below:

- Significant accidents
- Deaths and serious injuries
- Suicides
- Precursors of accidents
- Technical aspects (level crossings by type and automatic train protection systems)
- Management of safety

The DfT accept that this revision has been implemented by the ORR in their assessments of infrastructure managers and railway undertakings in the UK. Evidence is available to suggest that economic impact of accidents on society has replaced the former method. These are documented in annual safety reports, which have been published on the European Union Agency for Railway’s website online since 2010 and accumulate CSI data from across EU member states. These are available at: <http://www.era.europa.eu/Core-Activities/Safety/Safety-Performance/Pages/Common-Safety-Indicators.aspx>.

There is now additional authorisation requirement for new rail vehicles seeking operation in the Channel Tunnel: The DfT recognises that the IGC has been able to issue additional authorisations, which was the intention of CTSAO 2013. Additional authorisations provide coverage for new vehicles seeking to use the Channel Tunnel. These are issued when a “first authorisation” obtained from the NSA for mainline operations in a given country does not also cover the Channel Tunnel. DfT believe that the change in the regulation has facilitated access to the Channel Tunnel for new vehicles. For example, Eurostar trains produced by Siemens sought an additional authorisation for the Channel Tunnel (valid from 19 November 2015). This was identified by one respondent in the engagement exercise.

A common approval process for Vehicle Authorisations and Safety Certificates has been established: Two responses to the stakeholder engagement exercise welcomed the orders for providing a common approach to approving vehicle authorisations and safety certificates with arrangements in other European countries (in this case the United Kingdom, France and Belgium). However, there is still a need to ensure these processes are properly implemented.

One of the responses to the stakeholder engagement exercise indicated that authorisation for new rolling stock had, on one isolated occasion, been permitted by the IGC without demonstration of its compatibility with the infrastructure, which is currently forcing the Concessionaire to make arrangements to cater for the new rolling stock.

Greater access to new train manufacturers: The Orders were considered to have non-monetised benefits. The additional compatibility given by the transposition of EU Directives was viewed to have created a common reference point for the introduction of new rolling stock. This was said to be enabling operators greater access to new train manufacturers, such as Eurostar, who have obtained a new rolling stock manufacturer for passenger services after the manufacturer gained authorisation to put their vehicles in the Channel Tunnel. Similarly, a new

fleet of Eurotunnel Shuttle vehicles and several new (to the Tunnel) types of freight wagon have entered use on the Channel Tunnel since the orders were introduced. This suggests that the Orders have been largely compatible with the EU's wider aim of creating a single European market for railway services and goods. One of the benefits from improving compatibility is that manufacturers are able to design rolling stock to the latest standards and are therefore EU compliant. This means that railway undertakings do not need to modify their rolling stock when they are placed on the railway.

*New communications systems integrated into the Channel Tunnel:* One respondent to the stakeholder engagement exercise explained that the compatibility given by the transposed Railway Safety and Interoperability Directives had contributed to the integration of new communications systems with the Channel Tunnel infrastructure, namely the Global Systems for Mobile Communications (GSM-R) which was introduced by Eurotunnel in September 2016.

*Improved cooperation between National Safety Authorities:* One respondent to the stakeholder engagement exercise commented on the improved level of cooperation they had observed since CTSO 2007 was introduced, which has brought new bodies into the process for authorising rolling stock. They explained that the CTSA and the ORR had played a key role in co-ordinating the National Safety Authorities from all countries to reach a common understanding as to what would be required for new rolling stock in terms of monitoring and maintenance.

## **Summary**

The evidence available to DfT would suggest that most, if not all, of the Order's objectives have been achieved. There is evidence that most of the changes brought about by the orders have been implemented with their intended effects.

The review has also identified some areas where the provisions could be implemented more effectively. The vehicle authorisation process, in one example, was indicated to have been carried out without due consultation with the Concessionaire, leading to a technical incompatibility between new rolling stock and the infrastructure. The provisions already stipulate that the IGC should consult with the Concessionaire to obtain their opinion when a request for an authorisation or Part B Safety Certificate is received (Article 48 of CTSO 2007). It is therefore important that this is observed so as to prevent potential incompatibilities in the future.

All of these comments on the policy intentions and outcomes seen to date will be fed into consideration of any future measures.

## **4. What were the original assumptions?**

There were no estimated monetised benefits of the CTSO 2007. The Impact Assessment that accompanied CTSAO 2013 assumed the only business costs related to operators familiarising themselves with the requirements, as the Order only applied to the extension of the regulations to the Channel Tunnel. This assumed a one-off cost, and given the small number of operators affected, was assessed as negligible.

In the stakeholder engagement exercise, respondents were asked to provide any information about the costs and benefits of CTSO 2007 and CTSAO 2013 on UK businesses using the



Channel Tunnel at present and in the future. One of the respondents stated that, while it is difficult to monetise the benefits brought by the orders, the consistency they bring with other member states does have a benefit, because they facilitate a common safety management system across the company and also provide the framework for the efficient introduction of new rolling stock. One respondent indicated that the denial of a Part B Safety Certificate to a railway undertaking may have cost the Channel Tunnel €100m in potential revenue. They were unable to provide information outlining how they arrived at this figure. It should be recognized that, in any case, for the IGC to issue safety certification to railway undertakings there must be mutual agreement from the UK and French delegation. In the above case this could not be agreed, therefore the UK did not have leverage to avert this scenario. Another respondent could not comment on costs and benefits, as they are not a business.

## **5. Were there any unintended consequences?**

If substantial delays in the authorisation of a Part B Safety Certificates arise as a result of the legislation, this will have been an unintended consequence. However, it should be recognised that the IGC requires some time to carry out inspections of vehicles before they are in a position to supply additional authorisations. As mentioned in Section 3, the average waiting period for a Safety Certificate for all applications in 2015 was 116 days (approximately 4 months), and stakeholder responses were mixed as to whether this represented an acceptable waiting time. An opportunity to simplify the regulatory process to make this process faster could be difficult, given that the responsibility of the authorisation lies with the IGC who were appointed the safety regulatory in the Treaty of Canterbury.

## **6. Has the evidence identified any opportunities for reducing the burden on business?**

No opportunities for reducing the burden on business were identified. Two modifications to the provisions of the regulations were suggested, which are listed below:

### CTSO 2007 IGC Powers

One respondent to the stakeholder engagement exercise suggested changes to article 4 of CTSO 2007 requesting that the words 'at least' should be removed from the following sentence; '*The tasks of the Intergovernmental Commission, as Safety Authority, within the meaning of Articles 3(g) and 16 of Directive 2004/49/EC, shall be at least the following.*' They asserted that this phrasing generates a certain level of legal uncertainty on what the IGC is allowed to do. While the suggestion is acknowledged, this is a subtle linguistic change which would not necessarily enhance the clarity of this part of the orders. It should be noted that other respondents believed that the authorisation process for vehicles and obtaining safety certificates had improved since the orders were introduced.

### Enforcement Provisions

Another respondent to the stakeholder engagement exercise stated that the responsibility of the enforcer of the binational regulation (the CTSA) could be improved if they were given additional powers to support the IGC's responsibility for enforcement in Article 11 of the Treaty of Canterbury; and/or enforcement by "authorised persons" in the context of section 17 of the Channel Tunnel Act 1987. This suggestion would require a change to the Treaty of Canterbury. There is strong evidence to suggest that the IGC, as the safety authority for the Channel Tunnel, has been able to enforce the provisions of the regulations with the CTSA as the advisory body, suggesting that such a change may be unnecessary. Therefore, the benefits of an amendment may be significantly outweighed by the resources required to enact changes.

## **Recommendation**

The findings of this PIR suggest that DfT should consider renewing the CTSO 2007 and CTSAO 2013. This PIR has captured key management information, supplemented by stakeholder viewpoints, which have identified improvements in the functioning of the Channel Tunnel, including the process for authorising vehicles and obtaining safety certificates. Both of these processes were considered to have become more consistent and compatible with the transposition of EU Directives into the bi-national regulation. The DfT has therefore decided that no changes are required to the legislation.

## **7. For EU measures, how does the UK's implementation compare with that in other EU member states in terms of costs to business?**

The legislation which was introduced by the CTSO 2007 and CTSAO 2013 were designed to align legal structures between the UK and EU and is the only one of its type in Europe where the infrastructure is shared by two nation states. Because this legislation is designed to ensure consistency in application of the orders in the UK and EU member states, it is not anticipated that there were substantial differences in how the EU states were affected. The stakeholder engagement exercise did request the viewpoints of companies that operate both in the UK and within the EU for their perspective on this, although none of the responses to the questionnaire provided any information on this question.

**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: *Ishtiaq Hussein (Head of Rail Evaluation)***

**Date: 23/04/2018**