

# 10: Europe

## Introduction

1. Most railway-specific safety law originates from Europe. ORR works closely with the Department for Transport (DfT) to ensure that GB has the right framework of law and meets its European obligations. European measures are designed to promote market opening across the EU and to improve the competitiveness of rail, while ensuring a robust safety regime is in place.
2. ORR's engagement within Europe, as the GB National Safety Authority (NSA) for railways involves:
  - influencing the development of the European safety regulatory regime;
  - ensuring that our legislation, guidance and liaison enables the rail industry to comply with European requirements;
  - ensuring that the right arrangements for enforcement of the requirements are in place;
  - engaging effectively in the development of harmonisation initiatives; and
  - participating in audit of National Safety Authorities.
3. As the influence from European policy grows, the effectiveness of policies and strategy at the domestic level will be increasingly determined by the success of our engagement within Europe.
4. In our role as NSA we are required to submit an Annual Report<sup>1</sup> to the European Rail Agency (ERA) setting out our activities and the industry achievement against the requirements for that year.

## ORR approach

5. ORR supports the objectives of the EU policy for rail, which align well with our own strategy. We actively engage with the European Commission, ERA and other national safety

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<sup>1</sup> See: <http://www.rail-reg.gov.uk/server/show/nav.1514>

authorities to influence the development of the harmonised regime (much of which is being developed by ERA).

6. We have been successful so far in ensuring that the safety management system is at the heart of the European safety regime. This results in the right responsibilities for duty holders (managing risks on the railways) and NSAs (setting the safety regulatory framework and testing the effectiveness of duty holders' arrangements). As a result, the common safety methods (CSMs) on safety certification, risk assessment and supervision have all been heavily influenced by GB practices.

7. Our engagement in ERA work streams is targeted at the areas which have most implications for GB and where we are best placed to influence. We are currently active in over 20 work streams relating to safety and interoperability. We select our representatives based on their expertise within the specific field. We monitor progress centrally on all this work and ensure that all requirements and actions are communicated within ORR. Some examples of the key work streams are considered below.

## Interoperability

8. The objective of interoperability is to create a harmonised European railway system which enables safe and uninterrupted movement of trains. This is achieved through the harmonisation of technical standards (TSIs) and approval processes. Standardisation of equipment and systems offers significant potential for reducing costs, through economies of scale, and encouraging new entrants. Many of the initiatives introduced by this legislation could further our stated objective of encouraging efficiency and excellence in asset management. This has to be balanced against the risk that the imposition of rigid and inappropriate rules could increase costs and potentially compromise safety. ORR's primary role is to authorise interoperable projects, however revised regulations introduced in 2011 increase our involvement in a number of aspects of the overall process.

9. Initially the scope was restricted to rail routes designated as within the Trans European Network System (TENS). However, revisions to the interoperability directive have widened the scope of the authorisation regime which can now apply both on and off TENs. This will potentially have an effect on how new infrastructure projects are implemented with respect to conformity to TSIs. We are still considering the potential effects and how to ensure compliance.

## ERTMS

10. Although the requirement for full implementation is perceived as long-term, there has already been limited implementation of ERTMS on the GB network.

11. The Cambrian project, 24 class 158s, 3 class 97s and track-side equipment has recently been authorised to be placed into service under interoperability. An in-service trial

between Pwllheli and Harlech has been operating since October 2010. We are now undertaking monitoring activities on the Cambrian project which includes looking at reliability issues.

12. ERTMS is now being implemented in the Thameslink project and it will be implemented on Great Western (in 2016) and East Coast (in 2019).

13. The implementation of GSM-R across the GB rail network is expected to be completed before the end of 2014 with all National Radio Network (NRN) track-side and on-board cab mobile equipment south of the Severn - Wash divide replaced and in operational use before the end of 2012.

## **Entities in charge of maintenance (ECMs)**

14. The revised Railway Safety Directive introduced the concept of an entity in charge of maintenance (ECM) and placed certain duties on them. An ECM has to be assigned for each vehicle and registered as such in the national vehicle register. We, in our role as NSA, will be the enforcement body in GB, as we are for other requirements in ROGS.

15. The revised directive also introduced a certification scheme for all freight vehicles. ORR will act as a certification body in the GB, for two years initially, so we can then assess whether other bodies could carry out this role. There will be further consideration of whether the certification scheme should be extended to all vehicles at some future point.

16. As well as ensuring compliance with the ECM requirements, we need to ensure that our approach is consistent with other member states. We have had extensive engagement in the development of the certification scheme and continue to work closely with ERA on the development of cooperation arrangements between NSAs and also certification bodies.

## **Common Safety Methods (CSMs)**

### **Risk assessment**

17. Since July 2010 the CSM on risk evaluation and assessment has applied to significant technical changes affecting vehicles or significant changes concerning structural subsystems. The application of the CSM on risk evaluation and assessment remains voluntary with respect to operational or organisational significant changes until July 2012.

18. Many rolling stock and infrastructure projects were at an advanced stage when the Regulation came into force and therefore existing domestic processes for assuring safety including safety verification would have applied to them rather than the CSM.

19. We have published guidance on the CSM for GB industry, which supplements the ERA guidance and supports the application of this part of the CSM by stakeholders.

20. Proposals for revision to this CSM will be sent by ERA to the European Commission during 2012. The changes primarily affect the role of assessment bodies and the use of 'risk acceptance criteria'. ORR has worked closely with ERA and other NSAs and has successfully ensured the inclusion of provisions that reduce burdens for 'domestic only' projects.

### **CSM: supervision**

21. In order to provide assurance that duty holders' structural subsystems are operated and maintained in line with all the essential requirements related to safety, ERA has produced two draft regulations, one focussing on NSA supervision and one designed for industry monitoring methods, which applies to ECMs, as well as railway undertakings and infrastructure managers. These requirements are likely to come into force in early 2013.

22. The CSM on supervision will be the foundation of our own supervision strategy to outline how we target our activities and set priorities for supervision. Underpinning this will remain our core principles of proportionality, targeting, consistency, transparency and accountability to our regulatory activity.

### **ORR's strategy for European aspects of health and safety regulation**

Our input and influence within the European framework is key to our strategic aims for the industry to achieve excellence in health and safety culture, risk control and in asset management.

Our strategy for achieving this is to:

- work collaboratively with industry and DfT to actively influence the development of the European safety regulatory framework with the objective of:
  - promoting the GB regulatory approach in the development of harmonisation measures;
  - supporting measures to ensure proper implementation of European legislation in other Member States, and increasing cooperation and ties with other NSAs;
  - helping to facilitate a coordinated GB approach to policy and implementation.
- ensure that current and future changes to EU legislation are communicated to the industry in a clear and timely manner;
- where appropriate, assist the industry or its representatives, through dialogue, in the interpretation and implementation of new legislation; and
- ensure our own staff competence in this area by keeping them informed of developments and trained in any new processes.