



Department for Transport

Lord Boswell
Chairman of the European Union
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From the Parliamentary
Under Secretary of State
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Dear Lord Boswell

6340/19 Proposal for a regulation of the European Parliament and of the Council on certain aspects of railway safety and connectivity with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union

On 28 February I provided your Committee with an Explanatory Memorandum (EM) on the above proposed Regulation. I am writing now to bring you up to date with some further, and very welcome, developments.

As reported in the EM, the Council Working Group and the European Parliament TRAN Committee had considered the proposal without making amendments and it was therefore expected to be finally adopted without change. However, an ad hoc working group has since looked at the proposed Regulation and revised the text, resulting in a substantial expansion of the original proposal.

There are two particularly significant improvements to the proposed Regulation. Firstly, the provisions have now been expanded to cover rail safety certificates, train driver licences and operator licences as well as safety authorisations.

Secondly, the Regulation would now apply, also positively, to services both through the Channel Tunnel and on the island of Ireland, since it has been amended to cover rail services as well as cross-border infrastructure. However, UK licences and certificates will only remain valid on border-crossing sections, up to Calais Frethun (France) and Dundalk (Ireland) designated as the relevant border-crossing stations. This means that both Eurostar and Northern Ireland Railways will have to continue with contingency measures to ensure continuity of operations beyond these stations, something with which Government continues to actively support them.

The amended proposal also extends the validity of the safety authorisation, train driver licences, operator licences and safety certificates to nine months from the date the UK leaves the EU, an increase on the three-month extension in the original proposal.

In addition, the amendments include various obligations on the UK to continue to align with EU rules in these areas, for these specific services only, for the duration of the extension period and to cooperate with the sharing of information with EU National Safety Authorities as appropriate. The nine-month extension is conditional on the UK maintaining alignment and can be withdrawn.

As you know, the Government's priority continues to be to work towards a Withdrawal Agreement. However, we welcome the improved contingency measures in the amended Regulation which will further support the smooth continuation of cross-border rail services both through the Channel Tunnel and on the island of Ireland if no deal is reached. We are committed to maintaining an effective, coherent rail services safety regime for the Channel Tunnel and on the island of Ireland and continue to work closely with other Member States on this issue. The extended recognition period for UK and IGC-issued licences, authorisations and certificates for cross-border rail operations as well as infrastructure is therefore also very welcome.

The timetable for the proposal remains broadly as I set out in the EM, with approval by the European Parliament plenary now scheduled for 13 March and final adoption at a subsequent meeting of the Council of Ministers on 18 or 19 March. However, given the changes made in working group we also expect that there will be a 'mini trilogue' with the European Parliament on 11 March.

The Government will wish to support the proposal when it is put to the Council of Ministers on 18 or 19 March, and I would therefore be grateful if

the Committee could clear from scrutiny or grant a 'scrutiny waiver' before that date.

I am writing in similar terms to Sir William Cash MP, Chair of the Commons European Scrutiny Committee, and am copying this letter to Chris Johnson, Clerk to your Committee, Jessica Mulley, Clerk to the Commons Committee, Arnold Ridout, Legal Adviser to the Commons Committee, Les Saunders, Department for Exiting the European Union and Margaret Browne, departmental scrutiny coordinator.

Yours,

Andrew

ANDREW JONES