

## **Roles, Responsibilities and Interactions**

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Who and What is a Project Entity?

**Audience** This Helpnote is applicable to all interoperability projects and contains information for all practitioners who wish to understand how the regime operates but is aimed primarily at **Project Entities**.

**Background** RIR 2011 establishes a delivery mechanism for interoperability which requires collaboration between a variety of different bodies across both the private and public sectors.

This Helpnote provides a quick-start guide and overview of the principal protagonists and their roles in the overall business process. These are the following:

- Competent Authority
- Contracting Entity
- Designated Body
- European Commission
- European Railway Agency
- Member State\*
- Notified Body
- Operator
- Owner
- Project Entity
- RISC\*
- Safety Authority

\* denotes a body for which no legal definition exists in RIR 2011 (see glossary Helpnote).

**Figure 1** illustrates the linkages between these parties and the main purpose of their interactions.

## **Glossary Helpnote**

A brief summary of these bodies can be found in the Glossary Helpnote but **Annex A** includes a more detailed description of their key responsibilities and interactions and, where available, refers to definitions in RIR 2011.

## **Annex A**

The rail system is made up of different subsystems, for example: rolling stock, energy, infrastructure and control-command & signalling. In order to use a new subsystem, or one that has been upgraded or renewed, in the UK the person who uses it (possibly the infrastructure manager or the railway

undertaker)) needs to have an interoperability “placing in service” authorisation from the safety authority. In Great Britain the safety authority role is carried out by the **Office of Rail Regulation (ORR)**. In Northern Ireland it is the **Department for Regional Development Northern Ireland (DRDNI)** and for the Channel Tunnel it is the **Intergovernmental Commission (IGC)**.

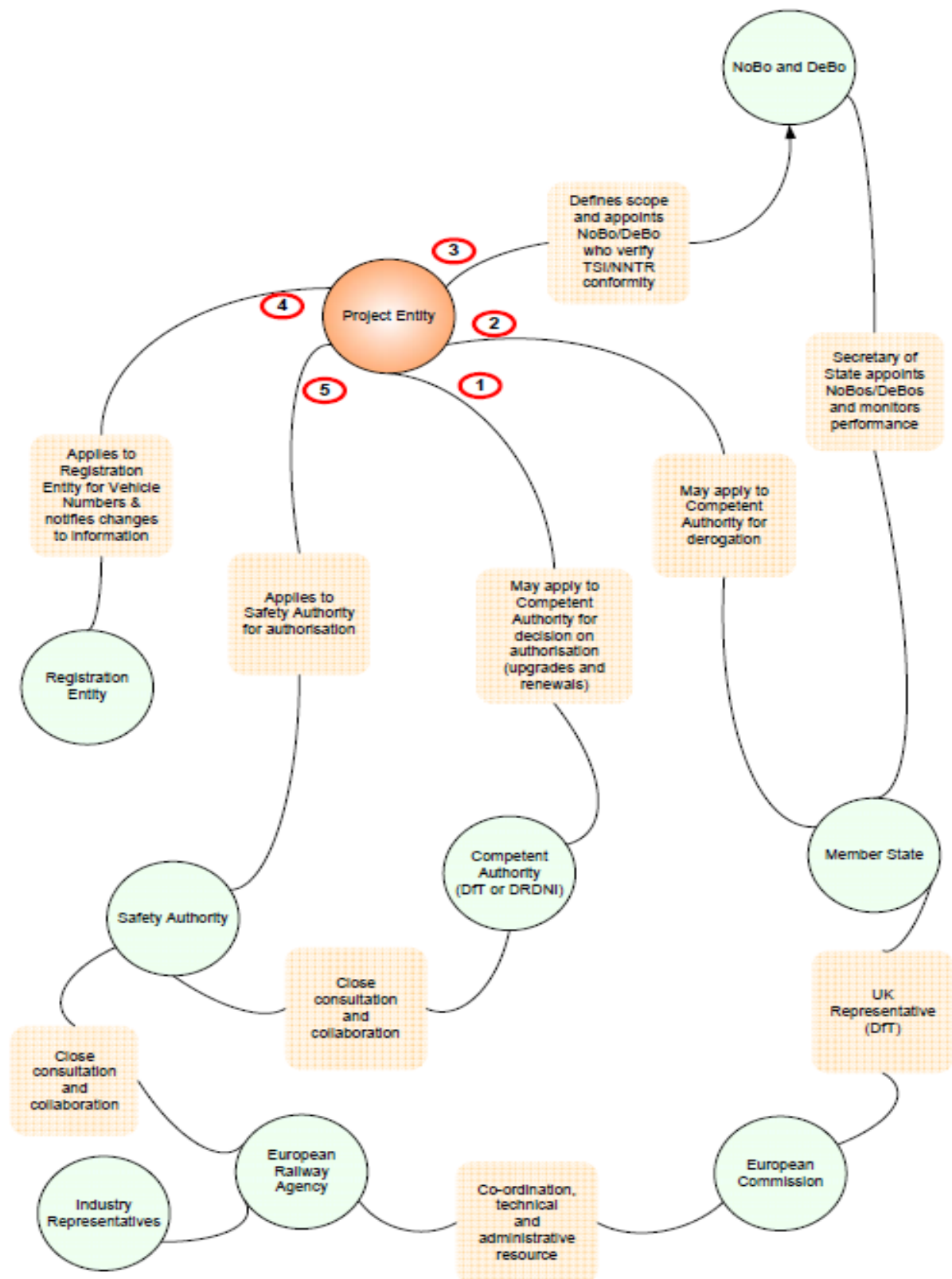
The person who applies for the authorisation could be a supplier of rolling stock, or infrastructure. They only need to seek one authorisation for placing into service to enable the first use in the UK on the rail system; there is no requirement for subsequent authorisations. The safety authority needs to be satisfied that the subsystem meets a number of essential requirements, these are: safety; reliability and availability; health; technical compatibility; environmental protection. A project will employ a third party (a **Notified Body** appointed by DfT) who checks that the subsystem meets the requirements by checking against transparent standards that have an EU wide basis, known as Technical Specifications for Interoperability (TSIs). An authorisation is needed if the subsystem is used on or off the Trans European Network (TEN). However, some parts of the network are out of scope of the regulations, such as metros, trams and other light rail systems.

The TSIs may cover one or a number of subsystems, and these documents are subject to revision from time to time after they are first issued. A file is compiled by the **Notified Body** to prove the standards are met. Not all of the standards they check against will be EU wide ones and some will be particular to each Member State; these are national technical rules that must be notified by each Member State to the Commission. These are checked by **Designated Bodies** who are also appointed by DfT in the same way as **Notified Bodies**.

## **Overlaps**

RIR 2011 distinguishes between the **Project Entity**, the **Owner** and the **Operator** and places specific responsibilities on each during the project and operational phases of the subsystem. In practice, the **Project Entity** may well be the contracting entity who contracts with another person for that person to design, construct, renew or upgrade a subsystem, or it may be a manufacturer, in some cases it could be the authorised representative of a contracting entity or manufacturer. In practice, the project entity may well be the **Owner** or **Operator** – or another body – and this role may be handed from one to another during the life of the project. It is essential that the relevant parties recognise which role, or roles, they are playing at any given point in the life of the subsystem. For example, in some cases there could potentially be more than one body that could fulfil the role of the project entity, if this is the case it is recommended that they establish among themselves as early as possible who will be carrying out this role under RIR 2011. Further detail can be found in the other Helpline notes.

**Figure 1 – Summary of Roles and Responsibilities**



## **FAQs**

### **What about the assessment body for Common Safety Methods?**

Common Safety Methods (“CSMs”) are a single, European Union-wide, approach to describe how safety levels, achievement of safety targets and compliance with other safety requirements are assessed. They apply whenever a change of the operating conditions or new material imposes new risks on railway infrastructure or operations.

## **352/2009**

Commission Regulation 352/2009 deals with the adoption of a common safety method on risk evaluation and assessment. The Regulation requires an independent assessment of the correct application of CSMs by railway undertakings or infrastructure managers. The proposer is able to choose the assessment body, which can be either internal or external in the UK, depending on the complexity of the project. The process for making that decision must be recorded in the proposer’s safety management system and the assessment body must meet all of the criteria set out in the Regulation including, for example, freedom from commercial influence or bias

## **Other guidance**

### **Document Control**

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2.0	October 2012

## **Roles, Responsibilities & Interactions**

## **Annex A**

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### **Competent Authority Reg 2(1)**

RIR 2011 defines a **Competent Authority** as:

(a) in Great Britain, the Secretary of State; and

(b) in Northern Ireland, the Department for Regional Development.

**Key responsibilities:** securing the effective implementation of interoperability, taking decisions as to whether authorisation is required, granting derogations from the need to comply with all, or part, of a Technical Specification for Interoperability (“TSI”), appointing Notified Bodies (“NoBos”) and Designated Bodies (“DeBos”).

**Key interactions:** European Commission, European Railway Agency, Safety Authority, Contracting Entities.

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### **Contracting Entity**

#### **Reg 2(1)**

RIR 2011 defines a **Contracting Entity** as:

“...the person in relation to a project who contracts or intends to contract with another person for that other person to design, construct, renew or upgrade a subsystem.”

In practical terms, the **Contracting Entity** is the body by which, or for which, a project is carried out. The Contracting Entity leads the project through the interoperability process, manages the project risks, and bears overall responsibility for the project – including compliance with RIR 2011.

**Key interactions:** Competent Authority, Safety Authority, Notified Body, Designated Body.

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### **Designated Body**

#### **Reg 2(1)**

RIR 2011 defines a **Designed Body** (“DeBo”) as:

“...a person appointed under regulation 31 as a designated body.”

#### **Reg 31**

**DeBos** are independent third parties appointed by the Secretary of State for Transport to assess and verify conformity with Notified National Technical Rules (“NNTRs”). RIR 2011 enables conditions to be specified in their appointment.

#### **Reg 6(7)**

Since these bodies are new to the regulatory framework, RIR 2011 contains provisions to enable **Notified Bodies** (“NoBos”) to continue to assess NNTRs until 16 January 2013.

**Key responsibilities:** to assess and verify conformity with applicable NNTRs and issuing certificates of verification.

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**Key interactions:** Competent Authority, Notified Bodies, Contracting Entity, Safety Authority.

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**European Commission**

The **European Commission** (“the Commission”) is the executive branch of the European Union. It is responsible for proposing legislation, implementing decisions including Technical Specifications for Interoperability (“TSIs”), upholding the Union's treaties and the general day-to-day running of the Union.

**Key responsibilities:** setting the policy framework for the interoperability regime through the relevant Directives and an active role in agreeing in certain cases derogations for TSIs by Member States.

**Key interactions:** European Railway Agency, European Union Member States, Safety Authority.

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**European Railway Agency**

The purpose of the **European Railway Agency** (“ERA”) is to help to create a pan-European integrated railway by reinforcing safety and interoperability. Its main task is to develop economically viable common technical standards (including Technical Specifications for Interoperability or “TSIs”) and approaches to safety, working closely with the rail industry, national authorities, and European institutions. It provides support, technical advice and opinions to the **European Commission** (“the Commission”).

**881/2004  
1335/2008**

**ERA** was established by **Regulation 881/2004** (amended by **Regulation 1335/2008**) which also specifies its work.

**2008/57/EC**

**Key responsibilities:** From time to time, in accordance with **Directive 2008/57/EC**, the **Commission** issues a mandate to **ERA** to undertake specific tasks.

**ERA’s** role also includes reviewing and monitoring Member States’ implementation of, and progress towards, achieving interoperability. **The Commission** may also ask **ERA** for its advice on derogations and other issues, such as possible TSI errors, proposed by Member States.

**Key interactions:** European Commission, Competent Authority, Safety Authority.

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**Member State**

The **United Kingdom** (“UK”) is one of the 27 Member States of the European Union. It is represented in that arena, for the purposes of interoperability, by the **Department for Transport** (“DfT”).

**Key responsibilities:** development, negotiation and voting on new or revised Directives and advice on other issues requested by the **European Commission** through its seat on **RISC** including new or revised Technical Specifications for Interoperability (“TSIs”).

**Key interactions:** European Commission, other European Union Member States, Competent Authority, Safety Authority.

<b>Notified Body</b>	RIR 2011 defines a <b>Notified Body</b> (“NoBo”) as a body which has been:
<b>Reg 30</b>	<ul style="list-style-type: none"> <li>• appointed by the Strategic Rail Authority (until its demise in 2006);</li> <li>• appointed by the Secretary of State; or</li> <li>• appointed by a Member State other than the United Kingdom.</li> </ul>
<b>Reg 31</b>	<b>NoBos</b> are independent third parties appointed by the Secretary of State for Transport or other European Union Member States to assess and verify conformity of interoperability constituents and subsystems with relevant Technical Specifications for Interoperability (“TSIs”) and, until 16 January 2013, with Notified National Technical Rules (“NNTRs”).
<b>Reg 6(7)</b>	To qualify for appointment, a prospective <b>NoBo</b> or <b>DeBo</b> must demonstrate they fulfil the criteria set out in Annex VIII of <b>Directive 2008/57/EC</b> which concern independence, integrity, confidentiality and competence. Individual NoBo/DeBo appointments will specify the subsystems for which they are deemed to be competent.
<b>2008/57/EC</b>	<p><b>Key responsibilities:</b> to assess and verify conformity with applicable TSIs and issuing certificates of verification or intermediate statements of verification.</p> <p><b>Key interactions:</b> Competent Authority, Designated Bodies, Contracting Entity.</p>
<b>Operator</b>	RIR 2011 defines the operator, in relation to the use of an interoperability constituent or a project subsystem, as:
<b>Reg 2(1)</b>	“...the infrastructure manager or railway undertaking having the management of that interoperability constituent or project subsystem for the time being.”
<b>Reg 20</b>	<b>Key responsibilities:</b> ensuring subsystems are operated and maintained in conformity with relevant Technical Specifications for Interoperability (“TSIs”) or Notified National Technical Rules (“NNTRs”), ensuring any interoperability constituents are correctly installed, used for their intended purpose and maintained in effective working order and good repair.
<b>Reg 27</b>	<b>Key interactions:</b> Contracting Entity (if not itself), Safety Authority.
<b>Owner</b>	RIR 2011 defines an “owner”, in relation to a structural subsystem, as:
<b>Reg 2(1)</b>	“...any person who has an estate or interest in, or right over that subsystem,

	and whose agreement is needed before another may use it.”
<b>Reg 19</b>	<b>Key responsibilities:</b> retention and updating of subsystem documentation including the technical file. The project entity (if not the owner of the subsystem) must pass documentation to the owner within 60 days of the date of the authorisation. The owner must update the documentation and pass it to the new owners of the subsystem.
<b>Reg 35</b>	
<b>Reg 36</b>	
	Infrastructure owners must keep a register of infrastructure or procure that the register is kept.
	Updating of information to the registration entity for the National Vehicle Register (“NVR”)
	<b>Key interactions:</b> Project Entity (if not itself), Safety Authority, registration entity.
<b>Project entity</b>	A shorthand term used in RIR 2011 to denote a contracting entity or manufacturer (or authorised representative of either of these).
<b>Reg 2 (1)</b>	The <b>Railways Interoperability and Safety Committee</b> (“RISC”), is a standing committee composed of European Union Member States and chaired by a representative of the <b>European Commission</b> (“the Commission”).
<b>RISC</b>	
<b>1999/468/EC</b>	
	<b>Key responsibilities:</b> to provide advice to the Commission on any matter relating to the implementation of interoperability including new or revised Technical Specifications for Interoperability (“TSIs”).
	<b>Key interactions:</b> European Commission, other European Union Member States, European Railway Agency, Safety Authorities.
<b>Safety Authority</b>	RIR 2011 defines <b>Safety Authority</b> as meaning:
<b>Reg 2(1)</b>	“...the Office of Rail Regulation except— (a) in relation to Northern Ireland, where it means the Department for Regional Development; and (b) in relation to the Channel Tunnel system, where it means the Intergovernmental Commission.”
<b>2004/49/EC</b>	The <b>Safety Authority</b> is the national body entrusted with tasks regarding safety in accordance with the <b>Railway Safety Directive 2004/49/EC</b> , "the Safety Directive"). The Safety Directive requires the <b>Safety Authority</b> to be independent in its organisation, legal structure and decision making from any railway undertaking, infrastructure manager, applicant or procurement entity.  In Great Britain, including the United Kingdom’s part of the Channel Tunnel, the Office of Rail Regulation is also the enforcement authority. In Northern Ireland the Health and Safety Executive for Northern Ireland has this



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responsibility.

In practice, while retaining their independence, the Office of Rail Regulation as the Safety and Enforcement Authority for RIR 2011 and the Department for Transport, as Competent Authority and having policy responsibility for RIR 2011 and interoperability, work in collaboration to deliver as coherent and effective a regulatory system as possible for the benefit of the rail industry.

**Key responsibilities:** considers applications for authorisation or reauthorisation of new, renewed or upgraded subsystems, determinations of type, assists Competent Authority in assessing requests for derogations, enforcement.

**Key interactions:** European Railway Agency, Competent Authority, Contracting Entity, Owner, Operator.