

17 December 2019

BY EMAIL ONLY

To: Northern Ireland Railways Company Limited
NIR Networks Limited
NIR Operations Limited
Department for Infrastructure, Northern Ireland
Consumer Council, Northern Ireland

Dear all

Implementing Regulation on Service Facilities: consultation conclusions

1. On 5 July 2019 we consulted you on proposed updated guidance, reflecting the European Commission's *Implementing Regulation (EU) 2017/2177 of 22 November 2017 on access to service facilities and rail-related services* (the Implementing Regulation). This letter sets out our conclusions. It also serves as a reminder about service facility descriptions and compliance with the Implementing Regulation and other relevant legislation.
2. We also explain here the changes we have made to reflect *The Railways Infrastructure (Access, Management and Licensing of Railway Undertakings) (Amendment) Regulations (Northern Ireland) 2019* (the 2019 Regulations).

Service facility descriptions

3. One important legal obligation introduced by the Implementing Regulation is that service providers¹ must produce and maintain Service Facility Descriptions (SFDs) covering each of their service facilities. These include freight terminals, stations, light maintenance depots, sidings, marshalling yards, stabling yards and other such facilities. Service providers must send their SFDs, or a web link, to the infrastructure manager for inclusion in its network statement. As this is arguably the most significant change introduced by the Implementing Regulation, we consider it worth highlighting.

Common template

4. Infrastructure Managers² have developed a common template for use across the EU that service providers may use. Our guidance emphasises that this template is not mandatory, although we encourage its use.

¹ Technically referred to in the Implementing Regulation as *operators of service facilities*.

² Through the Rail Net Europe (RNE) network.

Responses

5. We had one response to our consultation from Translink for which we are grateful.
6. Translink found our proposed changes to the guidance helpful and had no significant comments to make. It highlighted some formatting issues, which we have addressed. It also asked whether we planned a further update to the guidance to reflect the changes brought about by the 2019 Regulations.

Updated guidance and the 2019 Regulations

7. We have revised our guidance in the light of comments received, which includes taking the opportunity to make some further changes to the guidance to reflect the amendments made through the 2019 Regulations. These latter changes have meant that it has taken us longer than originally intended to issue our revised guidance.
8. The revised guidance will be available on our website³.

Compliance with the legislation: responsibility of infrastructure managers, railway undertakings and service providers

9. This guidance reflects significant elements of the legislation about which infrastructure managers, railway undertakings and service providers should be aware. It also explains ORR's policy and processes. However, we do not cover every aspect of the legislation and it is the responsibility of individual businesses to ensure that they are compliant with the law.
10. In particular, while this guidance reflects some of the changes to provisions in the NI Regulations introduced by the 2019 Regulations, it does not cover every change introduced. We recommend that you read the NI Regulations in full and as amended.

Yours faithfully



Gerry Leighton

³ [Northern Ireland regulation](#)

