

**EXPLANATORY MEMORANDUM TO
THE ROAD TUNNEL SAFETY REGULATIONS 2007
2007 No. 1520**

1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2 Description

2.1 The Road Tunnel Safety Regulations 2007 transpose into UK law Directive 2004/54/EC of the European Parliament and of the Council on minimum safety requirements for tunnels in the Trans-European Road Network (“the Directive”), published in the *Official Journal of the European Union* on 30 April 2004.

3 Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4 Legislative Background

4.1 Concern about tunnel safety arose because of fires in the Mont Blanc and Tauern tunnels in 1999 and the St Gotthard tunnel in 2001. The Directive is a response to these disasters.

4.2 The Directive is based on Article 71 (common transport policy) of the Treaty establishing the European Union. It applies to all 25 EU member states.

4.3 The Regulations transpose the requirements of the Directive, but do not introduce further obligations or broaden its application to other tunnels. A transposition note is attached at Annex II.

5 Territorial Extent and Application

5.1 The Regulations apply to the whole United Kingdom.

6 European Convention on Human Rights

6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7 Policy background

7.1 The Directive is a response to tragic events and, although the UK has a good road safety record, the Government has no wish to see such events repeated on UK roads.

- 7.2 The provisions of the Directive provide a flexible approach to ensure tunnel safety, and allow tunnel owners to take a pragmatic, risk based view of what provisions are appropriate. Accordingly, the Government believes that it does not place an undue burden on tunnel owners.
- 7.3 Although the Directive applies to road tunnels on the TERN which are longer than 500 metres in length (there are currently seven such tunnels in the UK, and one which will come into scope shortly), its preamble encourages Member States to implement comparable safety levels for other road tunnels. The Government believes that, while the Regulations provide an impetus for other tunnel owners to adopt its standards, no particular arrangements are needed for tunnels beyond the Regulations' scope.

8 Impact

- 8.1 A Regulatory Impact Assessment is attached to this memorandum at Annex I.
- 8.2 The instrument will have an impact on the public sector, which owns all the infrastructure to which it relates.

9 Contact

- 9.1 Edward Bunting at the Department for Transport (020 7944 2402 or edward.bunting@dft.gsi.gov.uk will answer queries regarding the Regulations.

ANNEX 1
REGULATORY IMPACT ASSESSMENT

Title of proposal

1. The Road Tunnel Safety Regulations 2006 (regulations to transpose the European Directive on minimum safety requirements for tunnels in the Trans-European Road Network (TERN)).

Purpose and intended effect

Objective

2. The European Commission and the European Parliament have promulgated a Directive (2004/54/EC) to ensure a minimum level of safety for road users in tunnels in the TERN. The Directive's primary objective is the prevention of critical events in road tunnels that endanger human life, the environment and tunnel installations.
3. The Directive has the secondary objective of reducing the possible consequences of accidents and incidents in tunnels, by:
 - a. enabling people involved in the incident to rescue themselves;
 - b. allowing road users to act immediately so as to prevent more serious consequences;
 - c. ensuring effective action by emergency services;
 - d. protecting the environment;
 - e. limiting material damage.
4. The proposed Regulations transpose the Directive into UK law. The proposed Regulations share the Directive's objectives, and aim to do so in a way which imposes minimal burdens on UK tunnel owners.

Background

5. Concern about tunnel safety arose because of fires in the Mont Blanc and Tauern tunnels in 1999 and the St Gotthard tunnel in 2001. Because of the confined environment, accidents in tunnels, and particularly fires, can have dramatic consequences. Although designers, contractors and operators have accumulated experience over many years, these accidents put the risks of tunnel accidents in the spotlight again and prompted calls for action at a European level.
6. The Directive applies to all 27 EU countries. With just seven tunnels in scope, the UK has a very small proportion of the several hundred currently covered by the Directive. The seven UK tunnels are A282 Dartford; A1(M) Hatfield; M25 Holmesdale; A256 Ramsgate; A55 Conway, A55 Pen-y-Clip; and A55 Penmaenbach. Improvement works are underway on the M25 tunnel at Bell Common which, when completed, will extend the length of this tunnel from 470 metres to over 500 metres, thus bringing it within scope.

7. The Regulations would apply to any tunnel designed or constructed in the future, if longer than 500 metres and located on the TERN.
8. Roads on the TERN (like trunk roads and motorways in general) tend to carry a greater proportion of heavy good traffic compared to other roads. The impacts on road users will therefore have a greater impact on the road haulage industry than on lighter traffic. However, with proper planning of tunnel works, we do not expect the additional road user costs of the Regulations to be great.

Rationale for government intervention

9. The Regulations implement an EU Directive, which the government is required to do under the EU treaties.

Consultation

Within Government

10. Within central government, the Department for Transport has sought the views of the Health and Safety Executive, the Highways Agency, the Scottish Executive, the National Assembly for Wales, the Department for Regional Development (Northern Ireland), and the Home Office.

Public consultation

11. The Regulations in draft were subject to a formal public consultation (July to October 2006). Those from whom comments were specifically sought included national and local government, the emergency services, engineering professional bodies and representatives of the freight industry across the UK.

Options

12. Member States are required to transpose EU Directives into national law. A do-nothing option has therefore not been considered.
13. Highways and their infrastructure are a devolved matter in the UK. However, the devolved administrations agreed that a single transposition was the most straightforward approach.
14. The Directive encourages Member States to implement comparable safety standards on tunnels to which it does not directly apply. However, this would have required primary legislation. Although there is no room for complacency, the UK governments consider that tunnel safety in the UK is good and that standards are already broadly equivalent to those given in the Directive. Extension of the Directive's provisions to other tunnels would therefore impose unnecessary costs. For the same reasons, application of higher safety standards than those in the Directive was not considered necessary.

Costs and benefits

15. Tunnels are some of the most expensive highway infrastructure, and the European Commission acknowledges that the cost of the proposed measures will in some cases be high. This is especially so in the case of structural refurbishment of existing tunnels. The Directive allows Member States to apply alternative risk reduction measures, where refurbishment costs would be disproportionate. All existing tunnels need to comply with the requirements of the Directive within ten years of its adoption (that is, by 30th April 2014).
16. The number of accidents in tunnels is relatively limited as tunnels are not generally exposed to adverse weather conditions, and this is especially true of longer tunnels. However, vehicle fires are fairly frequent. According to international statistics, the majority of vehicle fires are not caused by collisions, but by self-ignition of the vehicle or its load due to defects in electrical systems or overheated engines (as was the case in the Mont Blanc tunnel fire). The first ten to fifteen minutes following an incident are crucial when it comes to people saving themselves and limiting damage. The prevention of critical events is the principal priority of the Regulations, so the most important measures to be taken are preventive rather than reactive.

Sectors and groups affected

17. In addition to its direct costs, an incident can cause severe disruption to regional economy. While the deaths and injuries of the Mont Blanc accident (the worst of the Alpine accidents) were valued at €9.7 million, with a further €100 million as the cost of repairing the damage done to the tunnel infrastructure, the road user diversion costs were estimated at €203.8 million while the tunnel was closed. Overall costs of the catastrophe were thus more than six times the value of the lives lost and injuries sustained.
18. Significant refurbishment of tunnels pursuant to the Regulations could also lead to delay and diversion costs for road users. Since the TERN is specifically aimed at cross-continental traffic, such impacts may be of particular interest to the road haulage industry. However, we are confident that the provisions of the Regulations will not pose significant delay costs in UK tunnels. The effect on tunnels elsewhere may be more significant. The Department for Transport has not estimated the Europe-wide impact of the Directive on the UK haulage industry. However, the Directive provides for increased information to be provided to road users, who will be able to plan routes to avoid disruption.
19. The Regulations are unlikely to have any significant effects on individuals, charities or the voluntary sector. It will provide no significant environmental or road safety disbenefits. There should be no distributional effects. The Regulations impose requirements on tunnel owners, safety bodies and the emergency services, all of whom are public sector bodies.

Benefits

20. The expected benefits of the Regulations include:

- a. accidents avoided or contained;
 - b. indirect savings to the economy from avoiding tunnel closures resulting from incidents.
21. There are no accident rates for UK tunnels, as these are not separately identified in the figures kept by the police. Accident rates tend to be lower than those for the open road (tunnels are generally dry, with ice-free road surfaces, well lit, and without junctions). Applying trunk/ principal road accident rates to the 8.56km of UK tunnels within the scope of the Directive, suggests that these tunnels would see 0.4 deaths, 2.8 serious injuries and 22.5 slight injuries a year. Using values of £1,249,890/death, £140,450/serious injury, and £10,830/slight injury (values from the Department's COBA program and 2005 GB road casualty statistics), these injuries would be valued at £1.16 million/year.
 22. The measures in the Directive are mainly aimed at preventing deaths and injuries resulting from fire. The UK has never had such a devastating tunnel fire, but we cannot assume that the kind of catastrophes that have occurred in the Alpine tunnels could never happen in the UK (especially as one of the primary factors in such events is vehicle condition). Assuming that (a) catastrophe rates match those of 1999 - 2001 (when the worst Alpine disasters occurred); (b) that such a range of disasters were equally likely to occur anywhere across the EU(15); and (c) the likelihood of an incident is proportional to the tunnel length (the UK has 1.43% of the EU's in-scope tunnel length, as at the Directive's promulgation); then we would see 0.11 deaths, 0.04 serious injuries and 0.19 slight injuries a year. Using the monetary values in the previous paragraph, these injuries would be valued at £0.14 million/year. On the basis that such catastrophes are additional to the accidents costed in the previous paragraph, the overall cost of accidents would amount to £1.28 million/year.
 23. As the experience of Mont Blanc shows, the ratio of total incident costs to injury costs can be large. Overall, research for the European Commission shows that a factor of five is not unreasonable in the case of catastrophic events. For typical accidents in Great Britain, COBA suggests that if we assume such a figure, the value of catastrophes would be £3.74 million/year.

Costs

24. Each tunnel will have designated administrative posts. There is obviously a cost to providing these personnel, but in the UK they can generally be accommodated within existing administrative structures. The safety documentation, liaison with the emergency services and other overheads associated with these posts should, likewise, be covered by existing arrangements. The compliance costs of the Regulations' administrative requirements should therefore be minimal.
25. Infrastructure improvement costs include the costs of traffic delay caused by the refurbishment as well as the engineering costs themselves. As the full requirements of the Directive may therefore be high, the Directive allows Member States to implement alternative risk reduction measures, where they achieve an equivalent safety level.
26. As well as being among the most expensive pieces of road infrastructure to build, tunnels are also expensive to maintain. The tunnel owners have estimated the (gross) works cost of bringing each existing UK tunnel within the Directive's scope into

compliance to be about £276.75 million. This figure does not include the cost of traffic delay caused by the modification works. However, the legislation provides scope for alternative equivalent measures to be adopted where the costs would otherwise be disproportionate, and tunnel owners will be looking to provide cost-effective solutions which will provide benefits which exceed their costs.

27. Since compliance with the Directive can be spread over a period out to 2014, and done when routine maintenance would require work in any case, some of the expected compliance costs noted in the previous paragraph could be absorbed (and user delay costs would also be avoided). The net cost of compliance cannot be calculated at this stage (detailed timing of works depends, among other things, on further detailed examination of the exact work to be done and, in the case of the Bell Common and Hatfield tunnels, costed and timed proposals from a preferred bidder as part of the M25 PFI Widening contract).
28. A formal cost-benefit analysis is difficult at this stage, as decisions have not been finalised as to when the compliance costs would be incurred; nor have the road user costs arising from compliance works been estimated. However, assuming that (a) the compliance works are spread over the years financial years 2007-08 to 2013-14 according to the tunnel owners' current best estimates; (b) delay costs arising from the works are disregarded; and (c) both 'routine' and 'catastrophic' incident cost savings are included in the benefits, then the benefit-cost ratio marginally exceeds 1 over a 60 year period.
29. While the net benefits only are only marginally higher than the costs within the UK, the changes that the Directive will require elsewhere in the EU will benefit British drivers and hauliers. The Government has worked hard to minimise any unnecessary burden on the UK.

Small firms impact test

30. No issues relating to small businesses were made during the consultation, and we do not expect the Regulations to impose any undue burdens on them.

Competition assessment

31. We have applied the Cabinet Office's competition filter test to the Regulations. Tunnels, being almost entirely public sector operations and sited with regard to geography rather than competition, do not form a market. For the haulage industry, the filter questions all receive a negative answer. We are therefore satisfied that the Regulations do not offer a threat to competition.

Enforcement, sanctions and monitoring

32. The Regulations do not provide specific enforcement provisions or sanctions for non-compliance. However, as the administrative authority and tunnel manager are very likely to be public bodies they will be subject to judicial review and the Regulations will impose statutory duties on these bodies. Additionally, tunnel owners already

have a duty to maintain their highways under the Highways Act 1980 (or its equivalents in Scotland and Northern Ireland).

Implementation and delivery plan

33. Tunnel owners have been preparing for the Regulations for some time. They have a ten year period in which to implement its requirements. Delivery plans will be produced as part of the regular reporting to the European Commission, and no further planning needs to be imposed at a national level.

Post-implementation review

34. The Directive provides for regular communication to the European Commission about progress on implementation. Such reports will be reasonably comprehensive, and no further monitoring and review arrangements are envisaged.

Summary and recommendation

35. The Regulations set out a range of administrative arrangements and duties on tunnel operators, safety organisations and tunnel users, aimed (a) at preventing accidents and incidents in tunnels and, where these do occur, (b) at helping tunnel users to escape.
36. The Department for Transport believes that the Regulations offer an effective transposition of the Directive, while minimising the regulatory burden on tunnel owners and users.

Declaration

37. I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs.

Signed ..S.J Ladyman. Date .22nd May 2007.
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ANNEX II
TRANSPOSITION NOTE

Council Directive 2005/54 on the minimum safety requirements for tunnels in the trans-European road network (“the road tunnel Directive”).

This note sets out the way in which the Road Tunnel Safety Regulations 2007 (“the Regulations”) transpose the Council Directive 2005/54 on the minimum safety requirements for tunnels in the trans-European road network.

The Regulations are made under article 2(2) European Communities Act 1972. The Secretary of State (“SoS”) is responsible for taking measures to implement the road tunnel Directive in terms of the making of the Regulations. Discussions have taken place with Northern Ireland to ensure that relevant traffic signs have been incorporated into their legislation for the purposes of Annex III, which is incorporated in a modified form in the Schedule.

Articles which comprise the main elements of the road tunnel Directive, listed by Article number	Objectives of the Articles	Implementation of the Directive in the Road Tunnel Safety Regulations
Article 1	<p>Paragraph 1.1 sets out the purpose of the Directive – to ensure a minimum level of safety for road users in tunnels in the trans-European road network to prevent accidents and provide protection when they occur.</p> <p>Paragraph 1.2 provides that the Directive applies to</p>	<p>None required</p> <p>Regulation 3 describe the road tunnels that</p>

	tunnels on the network over 500 metres in length whether they are in operation, under construction or the design stage.	fall within scope (tunnels over 500m on the TERN (as defined by regulation 2)
Article 2	Defines “trans-European road network”, “emergency services” and “tunnel length”	Regulation 2 defines these and other terms
Article 3	<p>Article 3.1 – requires member States to ensure that tunnels meet the minimum safety requirements in Annex I</p> <p>Save for tunnels at the design stage, Article 3.2 permits derogation from Annex I where structural requirements can only be done via technical solutions which cannot be achieved or are disproportionately expensive.</p> <p>(a) administrative authority may allow a risk reduction method as an alternative to Annex I.</p> <p>(b) the method must result in equal or improved protection</p> <p>(c) risk analysis taken (per Article 13)</p> <p>(d) Commission informed of these alternative risk reduction method and justifications</p>	<p>Regulation 16 requires the administrative authority to ensure compliance with the safety requirements in Annex I.</p> <p>Regulation 17 permits the use of risk reduction measures to be used in lieu of the Annex I safety requirements provided a risk analysis has been carried out in accordance with regulation 18 which demonstrates that the risk reduction measures will result in improved or equivalent protection.</p> <p>Regulation 17 does not apply to road tunnels whose design has not been approved prior to 1/5/06</p> <p>Regulation 21 requires the SoS to notify the Commission where risk reduction measures are permitted.</p> <p>None required</p>

	<p>Article 3.3 permits Member States to specify stricter requirements provided they do not contravene the Directive.</p>	
<p>Article 4</p>	<p>Article 4.1 requires M/S to designate administrative authorities who will have responsibility for ensuring all aspects of tunnel safety are assured and ensure compliance with the Directive.</p> <p>Article 4.3 requires Member States with tunnels that cross into another Member State to ensure that there is an Admin authority for each State (in which case they need to ensure decisions are taken with the agreement of the other) or a joint Admin authority</p> <p>Article 4.4 Admin authority to commission tunnels in accordance with the procedure laid down in Annex II</p> <p>Article 4.5 gives the Admin Authority power to suspend/restrict operation of the tunnel if safety requirements are not met and requires them to specify conditions to be met in order to resume normal traffic</p> <p>Article 4.6 requires the Admin Authority to ensure that</p>	<p>Regulation 4 provides for the designation of administrative authorities.</p> <p>Not relevant in the UK</p> <p>Regulation 5(1) requires the Administrative Authority to follow the commissioning procedure (which is defined in regulation 2 as being in accordance with Annex II)</p> <p>This provision is implemented in part by the powers given to the relevant traffic authority to suspend or restrict roads using the power under s 14 RTRA 1984, and in part by regulation 7.</p> <p>Regulation 5(2) requires the Administrative</p>

	<p>(i) tunnels are tested and inspected regularly and safety requirements are drawn up, (ii) schemes (including emergency response plans) for training and equipping of emergency services are in place; (iii) procedure for immediate closure of a tunnel in an emergency is defined and (iv) the risk reduction measures are implemented</p>	<p>Authority to ensure that the tunnel is tested and inspected regularly, operational schemes and the procedure for tunnel closure are in place, and the timetable for risk reduction measures are met</p>
Article 5	<p>Article 5.1 requires the administrative authority to identify a Tunnel Manger</p> <p>Article 5.2 provides that where tunnels are located on two Member States there shall be only one Tunnel Manager</p> <p>Article 5.3 requires the Tunnel Manager to prepare an “incident report” in relation to any significant incident or accident. Article 5.4 requires the Tunnel Manager to forward any “investigation report” sent to him in relation to an article 5.3 accident to various bodies within one month of receipt of that report.</p>	<p>Regulation 8 requires the Administrative authority to designate the Tunnel Manager</p> <p>Not relevant to the UK (although in theory Ireland and NI could construct a cross border tunnel)</p> <p>Regulation 9(3) requires the Tunnel Manager to prepare an <u>incident report</u> on any significant accident or incident occurring in the tunnel and sets out the persons who are to be sent the report. Regulation 9(4) requires him to forward on any <u>investigation report</u> he is sent in relation to a regulation 9(3) accident or incident.</p>
Article 6	<p>Article 6.1 requires the nomination of a Safety Officer to ensure the safety of tunnel users and staff. The Article sets out who can be the Officer and that they should be independent in relation to all tunnel safety issues.</p>	<p>Regulation 10 provides for the designation of the Safety Officer and guarantees his independence in safety matters.</p>

	Paragraph 2 sets out the tasks to be performed by the Safety Officer.	Regulation 11 sets out the duties of the Safety Officer.
Article 7	Article 7 requires Member State to ensure that inspections, evaluations and tests of the tunnels are carried out by an Inspection entity.	Regulation 12 provides for the appointment of inspection entities.
Article 8	Article 8 requires the notification of administrative authorities by 1/5/06.	Regulation 21 requires the SoS to notify the Commission of administrative authorities.
Article 9	Article 9.2 requires tunnels whose design has not been approved by 1/5/06 to be subject to the Directive and that they should be commissioned in accordance with Annex II.	Regulation 5(1) requires the administrative authority to ensure that a tunnel is commissioned in accordance with Annex II before it opened for the first time.
Article 10	Article 10.1 provides that for tunnels whose design has been approved but which are not open by 1/5/06, the administrative authority shall assess their compliance with the Directive (and in particular the safety documentation provided for in Annex II).	No tunnels come within scope of this article and no implementation is required.
Article 11	Article 11 provides that tunnels open by 30/4/06 shall be assessed for compliance with the Directive by the administrative authority by 30/10/06.	Regulation 15(2) requires an assessment of open tunnels by the administrative authority to have been undertaken.

	<p>Paragraph 2 requires the tunnel manager to propose a plan for adapting the tunnel to the provisions of the Directive and any remedial measures required which requires approval from the administrative authority (paragraph 3). If the remedial measures require substantial modification to the tunnel, then the tunnel should be commissioned in accordance with Annex II (paragraph 3).</p> <p>Paragraph 5 requires Member States to submit a report on how the requirements of the Directive are to be met etc by 30/4/07</p> <p>Paragraph 6 provides that the refurbishment of tunnels shall be carried out according to Annex II by 30/4/14.</p> <p>Paragraph 7 relates to Member States whose tunnel</p>	<p>Regulation 15(3) provides for the tunnel manager to propose a plan to adapt the tunnel to the requirements of the Regulations (if necessary). Regulation 15(4) requires the administrative authority to approve or modify the plan, and ensure the tunnel is commissioned in accordance with Annex II if the plan necessitates substantial modification to the tunnel.</p> <p>Regulation 15(6) requires the administrative authority to compile a report on how its tunnel meets the requirements of the Directive and to send it to the SoS 4 weeks after the date that this Regulation comes into force and thereafter every two years.</p> <p>Regulation 21 requires the SoS to forward these reports to the Commission by 30/4/07 and thereafter every two years.</p> <p>Regulation 15(4) requires the administrative authority to ensure that the plan or remedial measures are followed and any works required by the plan or remedial measures are completed by 30th April 2014</p>
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	lengths exceed the European average	Article 11(7) does not apply to UK
Article 12	<p>Article 12 requires the administrative authority to verify that regular inspections are carried out of the tunnel. Paragraph 2 requires these inspections to be carried out at least every 6 years.</p> <p>Paragraph 3 requires the administrative authority to act on any report of the inspection entity that demonstrates non compliance with the Directive, and to notify the tunnel manager and safety officer of the measures to be adopted and the conditions to apply in order to keep the tunnel open. Paragraph 4 provides that if remedial measures result in substantial modification then a new authorisation to operate in accordance with Annex II may be required.</p>	<p>Regulation 13(1) and (2) sets out nature of and number of inspections required of the tunnel.</p> <p>Regulation 13(3) provides for the inspection entity to report on his inspection.</p> <p>Regulation 5(2) requires the administrative authority to draw up additional safety measures if required.</p> <p>Regulation 5(4) requires the administrative authority to notify the tunnel manager and safety officers of the measures to increase tunnel safety that must be adopted if he finds that the tunnel does not comply with the provision of the Regulations (including defining the conditions for operating or reopening the tunnel)</p> <p>Regulation 5(1) requires the commissioning procedure when modification work has been carried out.</p>
Article 13	Article 13 contains provisions relating to how a risk analysis should be carried out and by whom. Paragraph 2 requires Member States to ensure a detailed and well-defined methodology is used.	Regulation 18 sets out the procedure to be followed by when carrying out a risk analysis.

<p>Article 14</p>	<p>Article 14 provides for derogations relating to installation and use of innovative safety equipment.</p> <p>Paragraphs 3 to 6 provide that if the administrative authority is minded to grant the derogation, the Member State should apply to the Commission, who will notify the other Member States of the application. If within 3 months there is no objection, the derogation can be treated as granted. If objections are given the Article 17.2 procedure is followed.</p>	<p>Regulation 19 permits derogations in relation to innovative safety requirement or procedures.</p> <p>The procedure for submitting the application to the administrative authority and then the Commission is set out in the rest of this regulation.</p>
<p>Article 15</p>	<p>Article 15.1 requires Member States to compile bi-annual reports on tunnel fires and accidents and send them to the Commission before the September of the year following the reporting period.</p> <p>Article 15.2 requires Member States by 30/10/06 to compile a plan for gradual application of the provisions of the Directive and to update the Commission of the state of implementation of the plan every two years until 2014.</p>	<p>Regulation 6 requires the administrative authority to compile reports on fires and accidents and to send these to the SoS. Regulation 9(3) requires the tunnel manager to prepare a report in relation to a significant accident or incident within the tunnel and send it to the SoS. Regulation 21(c) requires the SoS to send a consolidated copy of these reports to the Commission every 2 years.</p> <p>Regulation 15(7) requires the administrative authority to provide the SoS with a plan and timetable for compliance with the Regulations by 01/10/08 and</p>

		thereafter every two years until 2014. Regulation 21(e) requires the SoS to forward these to the Commission by 30/10/08.
Annex 1	Annex 1 specifies the safety measures	Regulation 16 requires compliance with the safety requirements which are set out in Annex I
Annex II	<p>Annex II</p> <p>Paragraph 1 – sets out the provisions for the approval of the design of a tunnel</p> <p>Paragraph 2 sets out the safety documentation for a tunnel</p> <p>Paragraph 3 sets out the commissioning requirements for a tunnel</p> <p>Paragraph 4 sets out the requirements for modifications to tunnels</p> <p>Paragraph 5 requires periodic exercises</p>	<p>Regulation 14 creates a technical approval authority which is the responsible authority who authorises the design of tunnels for the purposes of Annex II.</p> <p>Regulation 9 requires the Tunnel Manager to compile the safety documentation</p> <p>Regulation 5 requires the administrative authority to commission a tunnel in accordance with the requirements of Annex II before a tunnel is opened for the first time, or after substantial modification work is undertaken</p> <p>Regulation 9(2) requires the Tunnel Manager to comply with Annex II in relation to modifications</p> <p>Regulation 7(2) permits closure of the Tunnel for periodic exercises</p>
Annex III	Annex III	The Schedule modifies Annex III because

		<p>GB has not ratified the Vienna Convention on road signs and uses its own. Additional provisions have also been added for NI to incorporate relevant traffic signs into their legislation.</p>
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