



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**        **The Road Tunnel Safety (Amendment) Regulations 2021**  
**DATE**        **19 March 2021**  
**BY**            **Rebecca Evans MS, Minister for Finance and Trefnydd**

### **The Road Tunnel Safety (Amendment) Regulations 2021**

#### **The Law which is being amended:**

Amendments are being made to the Road Tunnel Safety Regulations 2007 and Directive 2004/54/EC on minimum safety requirements for tunnels in the trans-European road network is modified for the purposes of the amended Road Tunnel Safety Regulations 2007.

#### **Any impact the SI may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence**

The Road Tunnel Safety (Amendment) Regulations 2021 ensure the continued operability of the Road Tunnel Safety Regulations 2007 ("2007 Regulations"). There is no impact on the Senedd's legislative competence, but new executive functions are conferred on the Welsh Ministers by the SI.

The SI provides that, in place of the EU Commission and the Commission's Article 17 Committee, the national authority (the Welsh Ministers for Wales) may consider a derogation request from a Tunnel Manager regarding the installation and use of innovative safety equipment or safety procedures in the tunnels in scope.

Highways, including bridges and tunnels are within the legislative competence of the Senedd Cymru and are not reserved matters as set out in Schedule 7A to the Government of Wales Act 2006.

#### **The purpose of the amendments**

The 2007 Regulations 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").

The Directive sets out to improve safety conditions for all users of long road tunnels (over 500 metres) on the Trans-European Road Network ("TERN") defined in Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996. It was implemented in the UK through the 2007 Regulations.

The 2007 Regulations contain a number of provisions which would become deficient at the end of the transition period.

The Road Tunnel Safety (Amendment) Regulations 2021 will make minor, technical amendments and will remove the role of the EU Commission and the Article 17 Committee from the derogation process. This is replaced with an administrative process whereby the national authority considers derogation requests from Tunnel Managers instead of the EU Commission and the Committee.

The SI and accompanying Explanatory Memorandum, setting out the effect of the SI, are available here: <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-road-tunnel-safety-amendment-regulations-2021>

### **Matters of special interest to the Legislation, Justice and Constitution Committee**

None identified.

### **Why consent was given**

As the corrections proposed ensure the continued operability of the 2007 Regulations, maintain the current level of continuity and there is no divergence between the Welsh Government and the UK Government on the policy for the amendments and the substance of the amendments are not considered politically sensitive. This is in line with the principles for correcting agreed by the Cabinet Sub-Committee on European Transition.