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4<sup>th</sup> February 2003

Dear Sir or Madam

- **PUBLIC CONSULTATION ON:**
- A. THE DRAFT REGULATIONS TO IMPLEMENT EUROPEAN DIRECTIVE 2000/9/EC RELATING TO CABLEWAYS INSTALLATIONS.**
- B. THE ASSOCIATED DRAFT PARTIAL REGULATORY IMPACT ASSESSMENT (RIA)**
- **CLOSING DATE FOR COMMENTS IS 3<sup>RD</sup> MARCH 2003**

#### Introduction

1. This letter and the attached papers form the consultation document on the Regulations to implement in the United Kingdom, "Directive 2000/9/EC of the European Parliament and of the Council relating to cableway installations designed to carry persons". The Directive divides the components of Cableways installations into subsystems and safety components (which are defined in regulation 2).
2. Cableway installations include funicular railways, cliff lifts, cable-cars, chair-lifts and drag-lifts.
3. The intention of the Directive is to ensure that the standards for cableway components are harmonised across the EC so that there can be free movement across borders.
4. The Regulations introduce into UK domestic legislation the requirements of the EC Directive.

## Contents

5. This pack comprises the following.

• Annex A	Directive 2000/9/EC relating to cableway installations designed to carry persons
• Annex B	Background to the Regulations & Summary of the procedures relating to Cableway Safety Components, Sub-systems and Installations
• Annex C	Draft Statutory Instrument - Cableway Installations Regulations 2003 [which implements the Directive]
• Annex D	Draft Partial Regulatory Impact Assessment (RIA)
• Annex E	Consultation Circulation List

## **Purpose of the Regulations**

6. The purpose of the Regulations is to introduce into UK domestic legislation the requirements of EC Directive 2000/9/EC relating to cableway installations designed to carry persons. It is intended to facilitate the safe construction and operation of all cableway installations
7. It is primarily a freedom of trade Directive under Article 100a of the Treaty of Rome. It follows the 'New Approach' style in which 'Essential Requirements' are laid down in general terms to provide guidance for detailed implementation. It aims to ensure that the standards for cableway components are harmonised across the EC, so that components are more able to move more freely across borders.
8. The Directive will harmonise national laws regarding the design; manufacture and conformity assessment of the components of cableway installations designed to carry persons. This includes funicular railways, cliff lifts, cable-cars, gondolas, chair-lifts and drag-lifts.

## **Implementation**

9. The Cableway Installation Regulations are due to become UK law on xxxxx 2003. However, those in the cableways manufacturing industry and those planning to construct and operate cableway installations are not required to conform to the new provisions for 4 years from the date the Directive came into force, which was the 3<sup>rd</sup> May 2000. Therefore, current UK laws will still be in force alongside the new Regulations, allowing the industry the option of following the current laws or adhering to the new regulations, until 3<sup>rd</sup> May 2004.
10. While the Directive is not retrospective, the Regulations will apply to installations predating the Regulations which undergo modifications (as defined in the Regulations) and which will therefore require authorisation before they can be put into operation.

## **Regulatory Impact Assessment (RIA)**

11. When the Regulations are presented to Parliament they must be accompanied by a Full Regulatory Impact Assessment (RIA). The draft partial RIA at Annex D takes account of responses to an earlier impact assessment consultation carried out in 1999. We would be grateful for any further [updated] comments from those affected on the scale of possible costs and benefits of implementation. We recognise that this may be difficult to predict. Please also see the "Summary of Questions for Stakeholders" below as a guide to what information is required.

## **Summary of Questions for Stakeholders to consider**

12. The purpose of this consultation exercise is to seek your comments on:

- i. All aspects of the **draft Statutory Instrument** which implements the Directive (the Cableway Installations Regulations 2003) - **Annex C**.
- ii. The **draft partial RIA – Annex D**. Specifically on:
  - Whether the relevant costs and benefits in the draft partial RIA have been identified?
  - What benefits will there be to operators of cableway installations? (a reduction in costs or perhaps greater flexibility in purchasing equipment?)
  - Do you think that as result of implementation the cost of insuring new ski installations will become cheaper, and that insurance agreements will be easier to negotiate because legally enforceable safety requirements would be in place?
  - Will manufacturers of cableway equipment have more export potential within the EU as a result of the harmonisation of equipment standards within Member States?
  - What level of safety and authorisation checks on cableway installations are currently carried out by those who currently own or operate cableway installations and by whom? Apart from those currently undertaken by inspectors from the Health and Safety Executive.
  - What is currently the approximated cost to the industry for checks on and installations, safety component subsystems? How often are these undertaken and by whom?
  - What effect and extra costs, will the work of Notified Bodies and Authorisation bodies have on the industry as is required by the Directive?
  - Whether you aware of how many new cableway installations have opened in each of last 3 years and how many are scheduled to be constructed and opened within the next 5 years?

## **TIMETABLE FOR RESPONSES**

13. Ministers have agreed to a **shortened period of consultation** [Note at end of this letter covers the Cabinet Office Code of Conduct for Written Consultation and gives more details].

14. The consultation will last **FOUR WEEKS** from **4<sup>TH</sup> FEBRUARY - 3<sup>RD</sup> MARCH 2003**.
15. Therefore, please let me have **any comments on the draft Regulations (Annex C) and the draft partial RIA (Annex D) by 5PM MONDAY 3<sup>rd</sup> March.**
16. Comments can be sent by post, fax or e-mail to me, via the contact details at the head of this letter. Please clearly mark your responses with the heading "Cableway Installations Regulations Public Consultation" and if being faxed, also please clearly mark my name. Responses may be made public unless confidentiality is specifically asked for.
17. Where we have been able to obtain an email address, electronic copies of all the documents in the pack, will be sent out today, alongside the paper copies placed in the post. Further paper or electronic copies are available on request. We are also hoping that they will be accessible from the DfT website shortly ([www.dft.gsi.gov.uk](http://www.dft.gsi.gov.uk)). Please contact me for further information.
18. If you are aware of any company, organisation or person who has not been included on the circulation list but has an interest in the subject, please pass on this consultation pack or if you let me have their details I will contact them.
19. If you have any queries, please do not hesitate to contact me as soon as possible (tel. 0207 944 2525) or my colleague Ann Morley (tel. 0207 944 2249)

I look forward to hearing from you.

Yours faithfully,

**Emma Cliffe**

## GOVERNMENT CODE OF PRACTICE ON WRITTEN CONSULTATION

This consultation exercise complies with the criteria in the above Code, which are reproduced below.

1. *Timing of consultation should be built into the planning process for a policy (including legislation) or service from the start, so that it has the best prospect of improving the proposals concerned, and so that sufficient time is left for it at each stage.*
2. *It should be clear who is being consulted, about what questions, in what timescale and for what purpose.*
3. *A consultation document should be as simple and concise as possible. It should include a summary, in two pages at most, of the main questions it seeks views on. It should make it as easy as possible for readers to respond, make contact or complain.*
4. *Documents should be made widely available, with the fullest use of electronic means (though not to the exclusion of others), and effectively drawn to the attention of all interested groups and individuals.*
5. *Sufficient time should be allowed for considered responses from all groups with an interest. Twelve weeks should be the standard minimum period for a consultation.*

**Under this criterion, there allows for a reduced period of consultation (i.e. less than the recommended 12 weeks) where circumstances are “unavoidably dictated by the EU” which is applicable in this case. It also allows for a shorter period where amendments have been made “in light of earlier consultation” – this is not the case with the Draft Regulations, however, it is applicable in relation to the Draft Partial RIA where consultation on compliance costs occurred in 1995 and on the RIA in 1999.**

6. *Responses should be carefully and open-mindedly analysed, and the results made widely available, with an account of the views expressed, and reasons for decisions finally taken.*
7. *Departments should monitor and evaluate consultations, designating a consultation co-ordinator who will ensure the lessons are disseminated.*

Further details of the above can be found on the Cabinet Office website –

<http://www.cabinet-office.gov.uk/servicefirst/2000/consult/Index.htm>.

If you would like to make a formal complaint about any aspect of this Consultation please write to:

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