



Department for Transport

From the Parliamentary
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Baroness Andrews
Chair of the Commons Frameworks Scrutiny
Committee
House of Lords
London SW1A 0PW

20 January 2021

Dear

Thank you for your further letter of 12 January 2021 about the Operator Licensing and Commercial Road Transport Frameworks. I note you still have concerns about the content and development of these frameworks. I am writing to provide further details on the issues raised in your letter.

The Commercial Road Transport and Operator Licensing framework, which is the merger of the previous two separate frameworks, will be used to facilitate the working relationship between the Department for Transport (DfT) and the Department for Infrastructure (DfI) in Northern Ireland.

International journeys to the EU from the UK are now subject to the provisions of the UK-EU Trade and Cooperation Agreement (TCA), which binds the UK to these rules. These include market access rights and the conditions with which road transport operators, drivers and vehicles must comply when operating internationally. Therefore, should Northern Ireland wish to diverge from Great Britain on areas which fall under the scope of this framework, then they will be restricted unless the TCA could be amended through the Specialised Committee on Road Transport or the Partnership Council. If such amendments are possible, the framework will be used to guide how DfT and DfI work together.

However, the TCA provides some additional rights for Northern Ireland operators. For example, the TCA allows GB hauliers to undertake up to two additional movements within the EU - either cabotage or cross-trade - with a maximum of one cabotage movement. However, for Northern Irish hauliers operating in the Republic of Ireland, both of these additional movements can be cabotage. Similarly, passenger transport routes operating on the Island of Ireland permits unlimited cabotage, but cabotage is not permitted for passenger transport routes operating in the rest of the EU.

Although the TCA itself already allows some divergence for cabotage, the framework could still be used for discussing any issues regarding the implementation and enforcement of the Agreement, which is done separately by GB and NI.

Recognition of qualifications for the purposes of employment, namely Certificates of Professional Competence (CPC), was not included in the TCA.

Your letter asks why these frameworks were not mentioned in the most recent update for common frameworks published on 10 December 2020 and covering the period 26 June 2020 to 25 September 2020. I can confirm that these frameworks were reviewed on 19 October 2020 and will therefore be covered in the tenth report. UK Government (UKG) clearance was received w/c 18 December and formally granted through the Cabinet Office Secretariat on 30 December 2020, with Northern Ireland Executive (NIE) written to that same day. At present we are awaiting provisional clearance from the NIE.

Your letter also asks whether the UK Government will discuss publishing the review of the framework with NIE. It would be helpful to understand whether you are referring to publishing the phase 3 review or something different. If the former, it was always Cabinet Office intention that the phase 3 reviews were undertaken without the expectation of them being published and were designed to enable very full and frank discussions among officials. I understand that Cabinet Office do not therefore intend to publish these reviews.

I look forward to continuing to work with your Committee on the scrutiny of the Department's provisional frameworks.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rachel Maclean', followed by a period.

RACHEL MACLEAN

PARLIAMENTARY UNDER SECRETARY OF STATE FOR TRANSPORT