



Department
for Transport

Commercial and Transport Operator Licensing Framework

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Department for Transport
Great Minster House
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London
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SECTION 1: WHAT WE ARE TALKING ABOUT

1. Policy area

The policy area under consideration is road haulage and passenger transport operator licensing. There is a particular focus on cabotage operations and Certificates of Professional Competence (CPC) for both professional drivers and transport managers.

The issues at stake relate solely to Northern Ireland (NI), where there is potential for rules to diverge from those applying to the rest of the UK, particularly in relation to operator licensing, which is fully devolved, and a similar but distinct regulatory framework is in place.

2. Scope

Applicable law

The relevant UK legislation in this area is assimilated European Union (EU) law.

The elements of assimilated law in this area that intersect with devolved competence are market access for road haulage and passenger transport operators, professional qualifications for both drivers and transport managers, and operator licensing.

Market access is currently governed by the assimilated, formerly directly applicable, EU regulations: Regulation (EC) No. 1072/2009 (international road haulage) and the now revoked Regulation (EC) 1073/2009 and Commission Regulation (EU) 361/2004 detailing the application of 1073/2009 (international bus and coach services). Regulation (EC) 1073/2009 and Commission Regulation (EU) 361/2004 were revoked on 1 April 2025 and replaced by The Road Transport (International Passenger Services) (Amendment) Regulations 2024. These Regulations amend the respective law in both Great Britain (GB) and NI.

Driver CPC is provided for by the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007, as amended, which transposed EU Directive 2003/59/EC (most recently amended by Directive 2018/645). Transport Manager CPC is provided for

by assimilated Regulation (EC) 1071/2009, which is applied to operator licensing in Great Britain by the Goods Vehicles (Licensing of Operators) Act 1995, and in Northern Ireland by the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010.

Requirements for obtaining an operator licence are provided for by assimilated Regulation (EC) 1071/2009.

Road haulage – cabotage

Assimilated Regulation (EC) 1072/2009 sets out the requirements for the use of UK goods vehicles travelling to the EU and permits the use of goods vehicles registered in the EU on UK roads.

This Regulation also currently limits the maximum number of allowed cabotage operations in the UK by EU hauliers to two, which must be carried out within 7 days. The UK also now requires a permit issued under the European Conference of Ministers of Transport (ECMT) to be carried if the EU vehicle is being used for “Triangular Transport”, including journeys between the UK and Switzerland or Norway.

This law is implemented through the Driver and Vehicle Standards Agency (DVSA) for Great Britain and the Transport Regulation Unit (TRU) for NI, as these bodies carry out roadside enforcement checks.

The EU currently limits UK hauliers to one cabotage and one cross-trade movement, or two cross-trade movements. Before cabotage can occur, the haulier must have entered the host EU member state with a laden vehicle and the goods carried in the course of the incoming cross-border transport must have been delivered.

The UK has implemented similar restrictions to cabotage on EU operators working in the UK through The Drivers’ Hours, Tachographs, International Road Haulage and Licensing of Operators (Amendment) Regulations 2022. This restricts EU operators to two cabotage movements, within seven days, if they arrive laden. No cabotage is permitted if the vehicle is empty when it arrives in the UK.

Passenger transport – cabotage

Assimilated Regulation (EC) 1073/2009 and assimilated Commission Regulation (EU) No 361/2014 governed the access to the market for bus and coach operators in the UK until 31 March 2025. Changes made via The Road Transport (International Passenger Services) (Amendment) Regulations 2024 came into effect on 1 April 2025. The international carriage of passengers by coach and bus is conditional on the possession of an operator licence, the requirements for which are set out in the Public Passenger Vehicles Act 1981 (the “1981 Act”).

After leaving the EU, the UK assimilated Regulation (EC) 1073/2009 and joined the Interbus Agreement as an independent Contracting Party in 2021 to maintain international passenger transport market access for occasional services (such as holiday tours and

private hire trips), including the technical and safety standards required of operators, and enforcement against non-compliant operators. This assimilated Regulation defined the different types of bus and coach services and the specific requirements they needed to fulfil to access the market. This regulation also covered cabotage (intra-country operations) until 31 March 2025.

The Road Transport (International Passenger Services) (Amendment) Regulations 2024 came into effect on 1 April 2025. These Regulations updated domestic legislation in both GB and NI to implement the market access arrangements of the Regular and Special Regular (RSR) Protocol to the Interbus Agreement. The UK's ratification of the RSR Protocol also came into effect on 1 April 2025. This extended the UK's membership of the Interbus Agreement to cover RSR services (i.e. scheduled services and scheduled services for specified groups such as school children) between the UK and other RSR Protocol Contracting Parties.

The provisions of the RSR Protocol largely replicate the temporary arrangements the UK had with the EU under the UK-EU Trade and Cooperation Agreement (TCA) Road Passenger Transport (RPT) Chapter, which ceased to apply on 31 March 2025, under the terms of TCA Article 485. The only provisions of the RPT Chapter that remain in effect are Article 475(2), (5), (6), (7), which provide for cabotage restricted to operators on the island of Ireland and UK-EU transiting rights.

The main change resulting from the 2024 Regulations is the revocation of the two assimilated Regulations referenced above. As a result, these Regulations removed rights for EU operators to undertake cabotage in the UK under assimilated domestic legislation that are neither provided for under the Interbus Agreement nor the RSR Protocol to the Interbus Agreement. However, as above noted, the RPT Chapter of the TCA will maintain limited cabotage for UK operators and EU operators on the island of Ireland only.

Operators can continue to apply for authorisation to operate passenger transport services overseas through the International Road Freight Office (IRFO) at the Driver and Vehicle Standards Agency (DVSA) in GB, and the Driver and Vehicle Agency (DVA) in Northern Ireland (NI), as they did previously.

Certificates of Professional Competence (CPC)

Driver CPC is provided for in EU Directive 2003/59/EC setting out the need for drivers of lorries, buses and coaches to hold a Driver CPC qualification to drive in the EU, Norway, Iceland and Liechtenstein. It was transposed into UK law by the Vehicle Drivers (Certificate of Professional Competence) Regulations 2007, as amended. The Driver CPC qualification is evidenced in different ways depending on the Member State. It can be evidenced by a) a Driver Qualification Card (DQC), b) a code number of the driving licence as proof of the qualification (Code 95) or c) a code number (Code 95) on the Driver Attestation.

In practical terms, DVSA issues GB drivers with their initial Driver CPC qualification after they qualify and renew the qualification every 5 years, provided that the driver has completed their total of 35 hours every 5 years of periodic training to retain the qualification. The DVA issues and renews for Northern Ireland. Driver CPC has been reformed with the introduction of a National Driver CPC for drivers operating in the UK, by

passing The Vehicle Drivers (Certificates of Professional Competence) (Amendment) Regulations 2024 which alters the structure of the training requirements (to allow for 3.5hour courses, rather than mandating 7hour courses) for drivers of vehicles undertaking solely domestic work. Drivers who undertake their work, driving in the EU, Norway, Iceland and Liechtenstein still need to have the DCPC as specified in EU Directive 2003/59/EC.

Transport Manager CPC is provided for by assimilated Regulation (EC) 1071/2009, which states that transport operators must employ or contract a transport manager to ensure that transport operations are carried out in compliance with relevant transport law. The transport manager must be reputable and “professionally competent”, tested by an exam, and evidenced by a CPC. This requirement applies to undertakings engaged in the occupation of ‘road transport operator’ and established in the EU. The transport manager must reside in the UK (for goods and passenger transport) or a Member State (for passenger transport) and have acquired their Transport Manager CPC in the UK. They must have taken the examination in the UK or an EU State they were resident in at the time. This residency requirement is specified in the regulations.

In practical terms, there is a list of approved bodies (currently The Chartered Institute of Logistics and Transport (CILT), City & Guilds, Innovate Awarding, National Logistics Training Consortium (NLTC), NOCN Group, and Skills and Education Groups (SEG) Awards) that issue Transport Manager CPC certificates for both GB and NI. The current list of accredited awarding bodies is published on GOV.UK.

Operator licensing

Assimilated Regulation (EC) 1071/2009 sets out the requirements for obtaining an operator licence in the UK. To qualify for an operator licence, operators need to be properly established, reputable, financially sound and professionally competent, criteria which are set out in Regulation (EC) 1071/2009. This regulation is applied in Great Britain through the Goods Vehicles (Licensing of Operators) Act 1995.

Operator licences are regulated in Northern Ireland by the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010, which includes the requirements in assimilated Regulation (EC) 1071/2009 that operators must comply with to obtain an operator licence. The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 remedied deficiencies in the then-retained EU law (Regulation 1071/2009) and made consequential amendments to related domestic legislation arising from the withdrawal of the UK from the EU.

In practical terms, this law is implemented by the Transport Regulation Unit (TRU) for Northern Ireland and the Office of the Traffic Commissioner (OTC) for Great Britain, as these bodies issue operator licences and are responsible for regulating the industry.

UKG: Devolved Government (DG) competence and the parties to this framework

NI has legislative competence in devolved areas such as transport, which means that they can diverge from the GB position, including in scenarios where this is necessary to support co-operation between NI and Ireland. The DGs agree on this description of competence.

Under the TCA, UK hauliers are permitted to carry out up to 2 additional movements in the EU, with a maximum of one cabotage movement (for example, one cabotage and one cross-trade movement, or 2 cross-trade movements). However, for Northern Irish hauliers operating in Ireland, both additional movements could be cabotage (following a laden journey from Northern Ireland).

For passenger transport operators, cabotage is only permitted via the TCA for services operating between Northern Ireland and Ireland. Passenger transport cabotage is not permitted elsewhere in the EU or other Interbus Agreement, or Regular and Special Regular (RSR) Protocol, Contracting Parties. As a result of the special arrangements via the TCA, the Department for Transport (DfT) and Department for Infrastructure (DfI) policy teams do not anticipate any further divergence between GB and NI on market access rights.

There is, however, a difference between GB and NI legislation when it comes to fines for passenger transport offences, which apply to domestic and international buses and coaches driving within the UK. Fines for offences contained within the Public Service Vehicles (International Passenger Services) Regulations (Northern Ireland) 2019 (SR 2019/27) are set at level 3 on the standard scale. In GB the equivalent provision, in the Road Transport (International Passenger Services) Regulations 2018, are set at level 4. The Department for Infrastructure currently has no plans to raise these fines to match the GB level, although this could be reassessed in the future.

In relation to operator licensing, requirements in GB and NI exceed the minimum that used to be required by the EU and also the requirements in the TCA for hauliers operating under that Agreement. Further adjustments were made in 2022 to widen the scope of operator licensing provisions to vehicles weighing 2.5t – 3.5t either alone, or in combination with a trailer which make international journeys into the EU for the purposes of hire and reward. These changes are included in the TCA. These adjustments are harmonised between GB and NI, although the legislation being amended differs. The changes were made by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022.

Requirements for driver CPC are the same in GB and NI, and the UK government has exercised powers with the consent of NI. A National Driver CPC has been introduced for drivers who operate within the UK, with the consent of NI.

This Common Framework does not intersect with the Windsor Framework.

International obligations

The Common Frameworks principles agreed upon at the Joint Ministerial Committee (EU Negotiations) (JMC(EN)) state that frameworks will be established where necessary to

ensure the UK can negotiate, enter into, and implement new trade agreements and international treaties, and ensure compliance with international obligations. These principles were established in the context of an ambition for close working between the UK government and the devolved governments on reserved matters that significantly impact devolved responsibilities in common frameworks.

Common Frameworks will allow the parties, in a timely manner, to ascertain the impact of international trade on managing UK policy divergence. All parties to the framework will consider any impact in a way that meets the requirements of the JMC(EN) principles. Common Frameworks will allow considering any implications stemming from international trade that have a direct bearing on the operation of a Common Framework. The scope of this consideration will not extend beyond Common Frameworks.

International policy formulation will be developed in line with the current devolution memorandum of understanding (MoU) and its accompanying International Relations Concordat. International obligations will be implemented in line with these agreements. In this respect, the parties will automatically use any updated IR Concordat, and the wider outcomes of the Joint Intergovernmental Relations (IGR) Review, as the basis for such international considerations.

The international obligations that apply to this area are:

- **ECMT** (the European Conference of Ministers of Transport): This scheme covers all EU Member States (except Cyprus) and 17 other European countries, including the UK. They issue licences (permits) which enable hauliers to transport goods through participating countries. Each country has a quota, with the actual numbers of licences issued to each country being determined through a series of multipliers. Greener, more environmentally friendly vehicles with a higher EURO class, have a higher multiplier. ECMT permits are only currently available to those with EURO V and EURO VI class.
- Requirements for the use of ECMT licences are set under the ECMT Quality Charter, which includes requirements on operator licensing, driver training, and compliance with AETR provisions on drivers' hours and tachographs. These regulations largely derive from EU law on operator licensing and driver training. ECMT licences do not entitle the holder to carry out transport assignments between two places in another member country (cabotage) but can be used to enable triangular transport by an EU operator between the UK and a country outside the EU, including transports to or from Norway or Switzerland .
- The ECMT Quality Charter also requires all member countries to have in place a system of training and testing for the professional qualification of relevant drivers and transport managers (for example, Driver CPC and Transport Manager CPC). This scheme is entirely separate from the EU and continues to apply to the UK after the transition period. An ECMT licence is also now required for an EU operator to make a goods transport between the UK and a non-EU country, including Norway or Switzerland, in either direction (a triangular traffic movement) following the implementation of The Drivers' Hours, Tachographs, International Road Haulage and Licensing of Operators (Amendment) Regulations 2022.

- **AETR** (the European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport): AETR regulates drivers' hours rules across Europe. It covers driving, breaks and driving limits, daily rest periods, weekly rest periods, emergencies, travelling time and unforeseen events. These rules continue to apply to the UK after the transition period.
- **Interbus Agreement:** A multilateral agreement which facilitates international passenger transport access. Alongside the UK, the members are the EU and 9 non-EU countries. The Agreement only covers occasional services, but the scope was extended on 1 October 2024 to cover regular and special regular (RSR) services for the Contracting Parties that have so far ratified the RSR Protocol. The UK ratified the RSR Protocol in January 2025 in order to align its entry into force with that of the corresponding legislation (The Road Transport (International Passenger Services) (Amendment) Regulations 2024), on 1 April 2025. This ensured no gap in market access provisions for international RSR service provisions between the UK and EU when the equivalent RSR provisions in the TCA expired after 31 March 2025, in accordance with TCA Article 485. Such a gap would have been particularly sensitive for cross-border services on the island of Ireland.
- **Bilateral Road Transport Agreements:** The UK has these agreements, covering the movement of goods and passengers with the following countries: Albania, Bosnia and Herzegovina, Moldova, Montenegro, North Macedonia, Serbia, Turkey and Ukraine which are predominantly permit free. The UK also has agreements with Azerbaijan, Belarus*, Georgia, Kazakhstan, Morocco, Norway, Russia* and Tunisia which require the use of bilateral permits to authorise the transport.

***Note:** Permits have not been exchanged under the authority of the bilateral agreements with Belarus and Russia since the invasion of Ukraine in 2022.

3. Definitions

Goods Transport

- **Cabotage** – this is the movement of goods within one country, carried out by an operator from another country (for example, a UK operator picking up goods in Paris and then dropping them off in Lille).
- **Cross Trade** – this is the movement of goods from one country to another, using a vehicle operator based in a third country which the vehicle does not pass through enroute. For example, a movement from the UK to Italy using a Polish operator.
- **Driver CPC** – a qualification that is required to be held by professional bus, coach and lorry drivers alongside a vocational driving licence.
- **Operator licence** – an operator licence must be held by operators whose businesses use vehicles above a certain weight (for goods, this is 3.5 tonnes domestically, or 2.5 tonnes for transport into the EU for hire or reward, a change made as a result of the TCA) to carry goods or passengers for hire or reward or on own account. To qualify for an operator licence, operators need to be properly established, reputable,

financially sound and professionally competent. There are three different operator licences for goods vehicles and 4 different operator licences for passenger service vehicles.

- Transport Manager CPC – a qualification that is required to be held by transport managers, who are responsible for ensuring that their vehicles are roadworthy and that their drivers comply with traffic rules (for example, drivers' hours).
- Triangular Transport – this refers to goods moved by an operator based in one country, between two other countries. For example, a French operator picks up goods in the UK, taking them to Spain. An ECMT permit is required in addition to the EU Community Licence if an EU operator undertakes a transport between the UK and a non-EU country (e.g. Serbia) this includes trips to or from Norway or Switzerland.

Passenger Transport

- Passenger Transport – the carriage of 9 people or more (including the driver) by bus and coach vehicles, as defined in the Interbus Agreement.
- Cabotage – a bus or coach service where an operator established in one country both starts and ends their journey in another country (for example, a UK operator starting a coach service in Paris and ending the journey in Lille).
- Occasional services – a type of service carried out by passenger transport operators, such as holiday tours and private hire trips. These services are currently covered under the scope of the Interbus Agreement.
- Regular services – a type of timetabled service carried out by passenger transport operators, such as scheduled Flixbus services. Regular services are currently covered via temporary provisions in the TCA and in the future under the RSR Protocol to the Interbus Agreement once the UK has ratified the RSR Protocol (anticipated for early 2025).
- Special regular services – a regular service which carries a specific group of passengers (for example, pupils on a scheduled school bus). Special regular services are currently covered via temporary provisions in the TCA and thereafter under the RSR Protocol to the Interbus Agreement once the UK has ratified the RSR Protocol.

SECTION 2: PROPOSED BREAKDOWN OF POLICY AREA AND FRAMEWORK

4. Summary of the proposed approach

Non-legislative agreement

There will be a non-legislative agreement: the Framework Outline Agreement, between DfT and DfI to implement any legislation required to secure market access. This includes implementing the content of the UK-EU TCA. DfT officials hold regular meetings with DfI officials to provide updates on the status of commercial road transport negotiations as needed, making this the most appropriate channel to hold Common Framework discussions.

JMC(EN) Frameworks Principles

DfT and DfI agree that the approach summarised above is necessary according to Section 1 of the JMC(EN) Frameworks principles (see Annex A for the full list of principles):

- Enable the functioning of the UK internal market, while acknowledging policy divergence
- Ensure compliance with international obligations
- Ensure the UK can negotiate, enter into and implement new trade agreements and international treaties
- Enable the management of common resources
- Administer and provide access to justice in cases with a cross-border element
- Safeguard the security of the UK

This policy area falls under these principles. However, DfT and DfI policy teams do not currently anticipate any significant divergence in these areas, particularly due to the special arrangements on cabotage movements.

5. Detailed overview of proposed framework: legislation (primary or secondary)

It has been agreed by DfT and DfI that no legislation is required in this area.

6. Detailed overview of proposed framework: non-legislative arrangements

The parties to this Framework have agreed that a non-legislative agreement will be used to provide for the implementation of the Framework. This Framework Outline Agreement is the non-legislative agreement in question.

The rationale for this approach to commercial transport is that there is already an established official-level working relationship between DfT and DfI, who hold meetings on a fortnightly basis to provide updates on the progress of implementing the provisions of the UK-EU TCA, along with any other updates relating to commercial road transport between the UK and the EU.

DfT and DfI considered whether a concordat was required as part of the development of this Common Framework. It has been agreed by all parties that a separate concordat is not required in this instance, as it would merely duplicate information that is already in this Framework Outline Agreement.

7. Detailed overview of areas where no further action is thought to be needed

N/A

OPERATIONAL DETAIL

SECTION 3: PROPOSED OPERATIONAL ELEMENTS OF FRAMEWORK

8. Decision-making

Key joint decisions that will be made through this Framework

Once the Framework is in operation, the key joint decisions that will or could be taken by the parties to this Framework are:

- How to proceed if either or both parties wish to change rules in ways that diverge, notably in the following areas:
- CPC requirements or recognition
- Operator licensing requirements
- Application of cabotage rules
- Resolution of issues between DfT and DfI
- Reviewing and amending the Framework.

Decision-making fora

The main forum for official-level discussion and decision-making will be meetings between officials from DfI and DfT. Terms of Reference for this group are set out in Annex B.

For the proposed governance structure to operate most effectively, it is envisaged that recommendations for the majority of proposals will be agreed at the official level. It is therefore essential that an appropriate evidence base is developed at this level. The development of an evidence base could be carried out through:

- Commissioning further evidence from analysts
- Commissioning further evidence from legal teams
- Seeking advice from external bodies

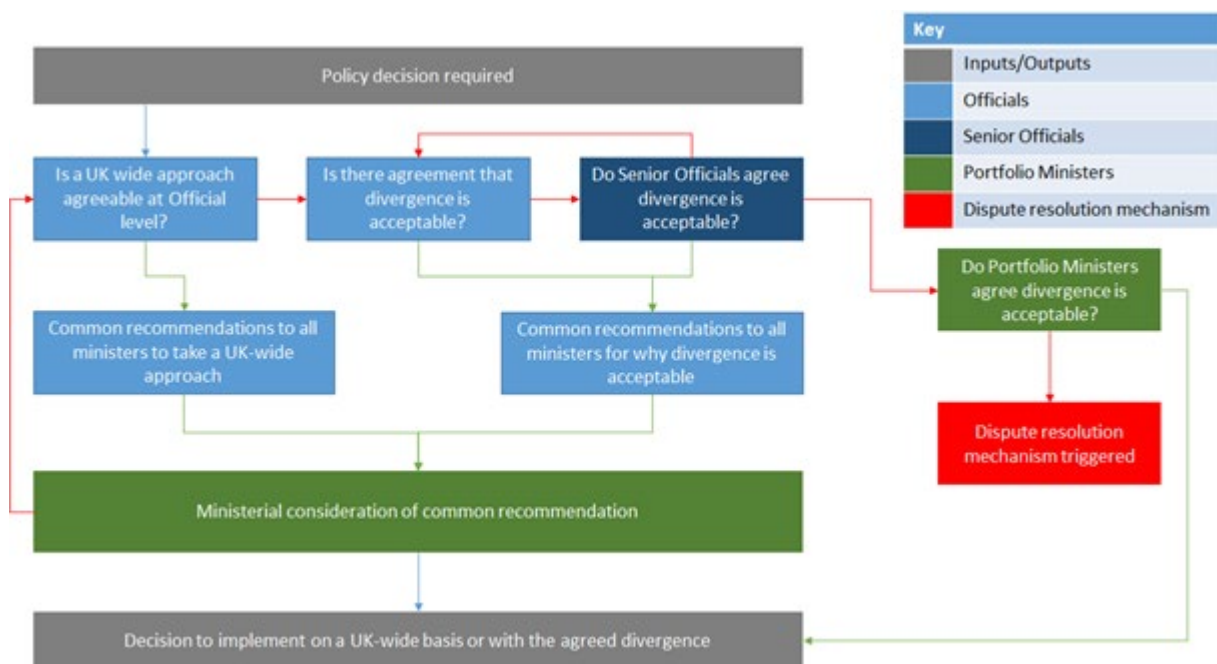
- Engagement with industry (possibly through consultations, and working groups, or other appropriate mechanisms)
- Where evidence is being gathered, this will, where possible, be shared between governments.

The mechanism for senior official-level discussion and decision-making will be meetings between DfT and DfI, see Terms of Reference in Annex B.

Criteria for joint decisions will be agreed upon by those present during official-level meetings and will be dependent on the issue being discussed. Further escalation (above deputy director level) will be determined as and when it is seen as appropriate, as decided by officials present during the meetings organised to discuss the issues.

The evidence-based input may include papers on a proposal to diverge, to be circulated and reviewed by the wider circulation list ahead of the meeting. Output may include updates on where conversations have reached, and this will be circulated and provided to the DfT Freight and Borders (FaB) Director(s) and the DfI Deputy Secretary for Transport and Resources Group. If no agreement is reached, the course of action would be to escalate involvement to the DfT FaB Director(s) to develop the matter.

Initially, discussions will be held at the official level. Ministerial-level consultation would be determined during meetings with officials, depending on the nature of the issue. Discretion at the Director level would be exercised. Any final decisions would be made with Ministerial clearance. Decision-making will be tracked by officials on both sides. Any disagreement between governments on this approach should be recorded.



DfT and DfI are committed to seeking advice from industry stakeholders when additional advice is needed, such as industry knowledge to help inform decision making. The relevant third party/parties would provide advice when requested by DfT or DfI. However, the third party will provide advice but will not act as a decision maker.

Disagreements

The parties to this Framework have agreed that if there is a disagreement on a decision, an effort will be made to resolve this issue at the lowest possible level. If there has been a disagreement, officials will seek further evidence to better inform their discussions and consult lawyers for further advice on matters where there is a lack of clarity. If an issue cannot be resolved, parties will follow the dispute resolution process outlined in Section 13 of this document.

Any issues between parties will be recorded, as this may help to inform the Review and Amendment process when it is next conducted.

9. Roles and responsibilities of each party to the framework

The following sets out the roles and responsibilities of officials and ministers in this framework.

Officials

Officials from Road Freight teams at DfT and the Safe and Accessible Travel Division at DfI will hold day-to-day discussions on the policy covered by frameworks and put advice to ministers with the rationale for the approach taken for commercial transport, or why divergent policies for Northern Ireland may be necessary. DfT and DfI officials should convene to discuss policy issues as appropriate and keep colleagues regularly informed of any ramifications that policy will have across governments. If such officials do not agree when making decisions, issues discussed at a working level can be escalated to senior officials in line with the framework's dispute avoidance and resolution mechanism.

Senior Officials

Senior officials (for example, the Deputy Director(s) for Road Freight, the DfT FaB Director, the DfI Deputy Secretary for Transport and Resources Group) provide strategic direction on the policy areas governed by frameworks and take key operational decisions. They may review an issue as per the framework's dispute avoidance and resolution mechanism if officials are not able to agree on an approach, in another attempt to reach an agreement. Senior officials should convene to discuss issues as appropriate, either by regular meetings or on an ad hoc basis.

Ministers

The relevant portfolio ministers may receive advice from their officials either concurrently across governments as issues arise or in the course of business as usual for individual governments. If work is remitted to senior officials and an issue remains unresolved, the issue may be escalated to ministers. Where ministers are considering issues as part of the framework's dispute avoidance and resolution mechanism, this could be via several media, including inter-ministerial meetings or by correspondence. Where appropriate, it may be escalated to a senior minister. To note, terminology distinguishing ministerial hierarchy is not universal across governments. Where there is a distinction, it is likely that

advice presented to a minister who is not a senior minister will be copied to a senior minister who may provide an additional steer if needed. In some circumstances, the senior minister will also be the most appropriate minister to make a decision, and therefore the distinction between senior minister and minister will not be relevant. In the case of the UK government, a senior minister would be a Secretary of State (SofS).

Information sharing

As per the current MoU on Devolution, each government will aim to provide each other with as full and open as possible access to scientific, technical and policy information, including statistics and research, and, where appropriate, representations from third parties.

Parliamentary and stakeholder communication and engagement

Policy teams will update legislatures with at least 3 yearly review points. Additionally, for road haulage, DfT holds roundtables with the road haulage sector, which usually take place every two months. These are usually chaired by senior officials. We meet with, or seek advice from the road haulage sector, and particularly representative trade bodies as needed depending on policy developments, or other events.

DfI holds regular forum meetings with the Northern Ireland Freight and Passenger Transport industry, which bring together transport sector representatives with the department and external stakeholders to discuss sectoral matters.

TCA governance

The policy area covered by this Common Framework intersects with the TCA and therefore topics relevant to the framework may be considered from time to time by relevant TCA Specialised Committees or the Partnership Council. Where a UK-EU meeting agenda includes an item concerning implementation in an area of devolved competence, the UK government should arrange for DGs to attend at a similar level to that of UK government representatives. However, the final discretion regarding the composition of the UK delegation as a whole is a matter for the UK co-chair. The UK government should engage the DGs as fully as possible in preparation for these meetings, regardless of attendance, and on all relevant implementation matters.

10. Roles and responsibilities of existing or new bodies

The existing bodies party to the framework are DfT and DfI. Core members may include, but are not limited to, the DfT Road Freight Deputy Director and DfT Policy leads and NI equivalents at the DfI. The wider circulation list could include DfT and NI policy leads and lawyers, and Cabinet Office officials. These officials would be responsible for making decisions on any issues which may arise, such as decisions on cabotage, CPC or operator licensing rules.

11. Monitoring and enforcement

DfT and DfI will meet as needed to monitor the framework, where not monitored in the course of routine business. The purpose of monitoring is to assess:

- intergovernmental co-operation and collaboration as a result of the framework
- whether parties are implementing and complying with the framework
- whether divergence has taken place, whether it is in contravention of the common framework principles
- whether harmful divergence has taken place that impacts on the policy area covered by the framework.

The outcome of this monitoring will be used to inform joint decision-making in the future and the next review and amendment process. If there is an unresolved disagreement, the dispute avoidance and resolution mechanism should be used.

12. Review and amendment

DfT and DfI will meet as needed to review and agree any necessary amendments to the framework, where not monitored in the course of routine business. The purpose of this review is to assess:

- whether the existing framework is operating effectively
- whether there are any areas of development within commercial road transport policy and legislation that need to be included within the framework
- whether there are other amendments to the framework needed as a consequence of other developments, outside of the transport focused sphere.

The outcome of this monitoring will be used to inform joint decision-making in the future and the next review and amendment process. If there is an unresolved disagreement, the dispute avoidance and resolution mechanism should be used.

Process

The Review and Amendment Mechanism (RAM) ensures the Framework can adapt to changing policy and governance environments in the future.

There are 2 types of review which are outlined below. The process for agreeing amendments should be identical regardless of the type of review.

The RAM relies on consensus at each stage of the process from the ministers responsible for the policy areas covered by the non-legislative agreement.

Third parties can be used by any party to the Framework to provide advice at any stage in the process. These include other government departments or bodies and external stakeholders such as NGOs and interest groups.

At the outset of the review stage, parties to the Framework must agree on timelines for the process, including the possible amendment stage.

If agreement is not reached in either the review or amendment stage, parties to the framework can raise it as a dispute through the Framework's dispute avoidance and resolution mechanism.

Review Stage

A periodic review of the Framework will take place every 3 years, in line with official or ministerial-level meetings.

The period of 3 years starts from the conclusion of a periodic review and any amendment stages that follow.

During the periodic review, parties to the Framework will discuss whether the governance and operational aspects of the framework are working effectively and whether decisions made over the previous 3 years need to be reflected in an updated non-legislative agreement.

An exceptional review of the Framework is triggered by a 'significant issue'.

A significant issue must be time-sensitive and fundamentally impact the operation and/or the scope of the Framework.

The exceptional review may include a review of governance structures if all parties agree it is required. Otherwise, these issues are handled in the periodic review.

The same significant issue cannot be discussed within 6 months of the closing of that issue.

The amendment stage can only be triggered through unanimous agreement by ministers. If parties agree that no amendment is required, the relevant time period begins again for both review types (for example, it will be 3 years until the next periodic review and at least 6 months until the same significant issue can trigger an exceptional review.)

Amendment Stage

Following the agreement that all parties wish to enter the amendment stage, parties will enter into a discussion around the exact nature of the amendment. This can either be led by one party to the Framework or all parties collectively.

If an amendment is deemed necessary during either type of review, the existing Framework will remain in place until a final amendment has been agreed upon.

All amendments to the Framework must be agreed upon by all parties, and a new non-legislative agreement signed by all parties.

If parties cannot agree on whether or how a framework should be amended, this may become a disagreement and as such could be raised through the Framework's dispute avoidance and resolution mechanism.

13. Dispute resolution

Process

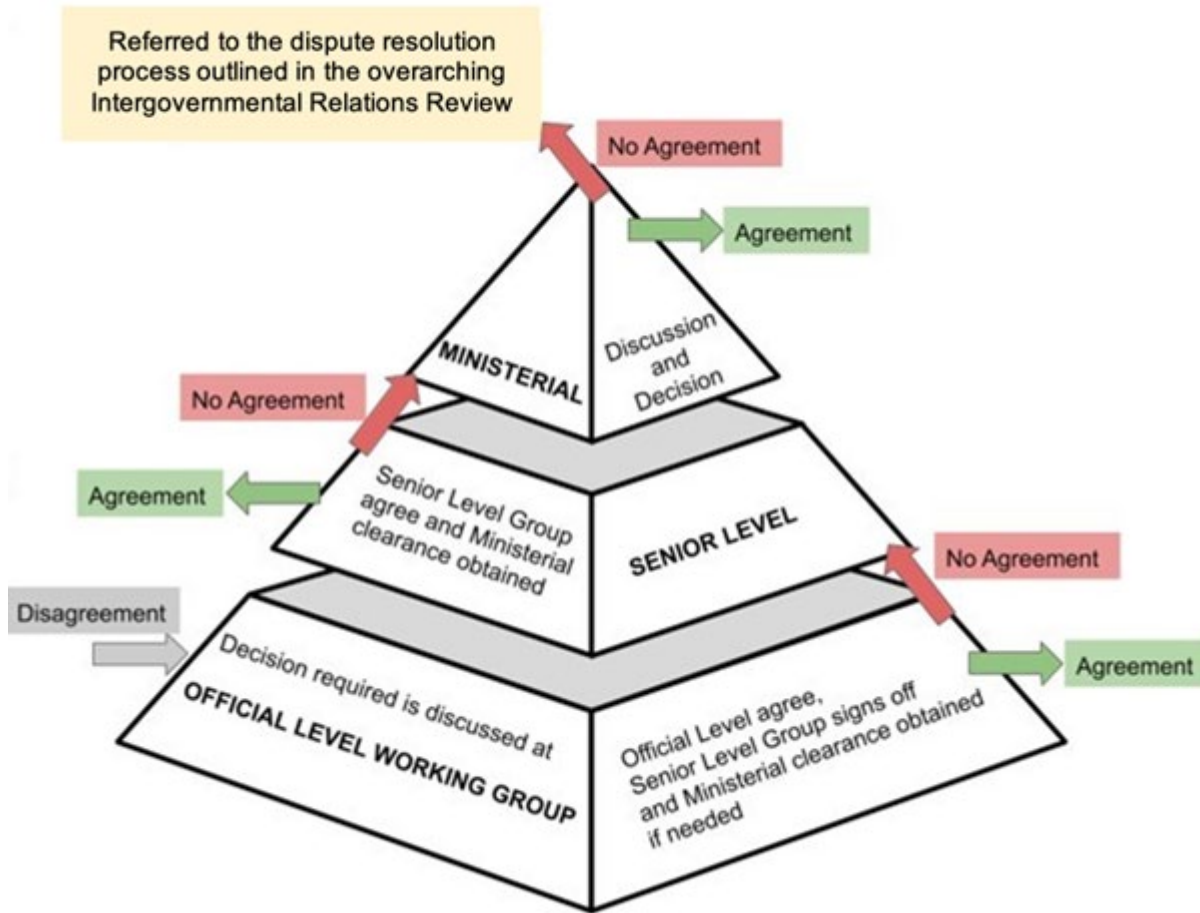
A disagreement between parties of this framework becomes a 'dispute' when it enters the formal dispute avoidance and resolution process set out in the Review of Intergovernmental Relations, which has been agreed by the UK government and the devolved governments and was published on 13 January 2022. This Common Framework is consistent with the outcomes of that review and reflects those outcomes where relevant.

The goal of this dispute avoidance and resolution mechanism is to avoid escalation to this point, by resolving any disagreements at the lowest possible level.

This mechanism will be used only when genuine agreement cannot be reached, and divergence would negatively affect the ability to meet the principles of the Common Framework. In those areas where a common approach is not needed to meet these principles, an 'agreement to disagree' could be considered an acceptable resolution.

The 2 working groups within this framework are the DfT and DfI official-level working group, the senior-level group made up of Directors and Deputy Directors from both DfT and DfI and the ministerial-level working group.

The diagram below states the levels of escalation of a disagreement to a dispute and the interaction between each level.



Timescales for escalation

When a proposal is raised at the official level, consideration will be given to the urgency of the proposal (that is, how quickly a decision is required). This assessment will guide timescales for escalation of disagreement within the governance structure, with decisions requiring a more immediate resolution being escalated more quickly.

Evidence gathering

At each stage, further evidence may be requested from the preceding forum before the disagreement is discussed.

Third parties

The parties to the framework may seek information from third parties to inform decision making, but third parties and stakeholders will not have an active role in the decision-making process.

SECTION 4: PRACTICAL NEXT STEPS AND RELATED ISSUES

14. Implementation

DfT and DfI have been working to draft and agree on the Framework Outline Agreement. Following scrutiny by the UK Parliament and the NI Assembly between October 2021 and January 2022, the United Kingdom Government-Northern Ireland (UKG-NI) policy teams have jointly assessed the recommendations from both committees and updated the Framework accordingly.

Annex A: Joint Ministerial Committee (EU Negotiations) Communique, October 2017

Common Frameworks: Definition and Principles

Definition

As the UK leaves the European Union, the Government of the United Kingdom and the devolved administrations agree to work together to establish common approaches in some areas that are currently governed by EU law, but that are otherwise within areas of competence of the devolved administrations or legislatures. A framework will set out a common UK, or GB, approach and how it will be operated and governed. This may consist of common goals, minimum or maximum standards, harmonisation, limits on action, or mutual recognition, depending on the policy area and the objectives being pursued. Frameworks may be implemented by legislation, by executive action, by memorandums of understanding, or by other means depending on the context in which the framework is intended to operate.

Context

The following principles apply to common frameworks in areas where EU law currently intersects with devolved competence. There will also be close working between the UK Government and the devolved administrations on reserved and excepted matters that impact significantly on devolved responsibilities.

Discussions will be either multilateral or bilateral between the UK Government and the devolved administrations. It will be the aim of all parties to agree where there is a need for common frameworks and the content of them.

The outcomes from these discussions on common frameworks will be without prejudice to the UK's negotiations and future relationship with the EU.

Principles

1. Common frameworks will be established where they are necessary in order to:
 - enable the functioning of the UK internal market, while acknowledging policy divergence
 - ensure compliance with international obligations
 - ensure the UK can negotiate, enter into and implement new trade agreements and international treaties
 - enable the management of common resources
 - administer and provide access to justice in cases with a cross-border element; and
 - safeguard the security of the UK
2. Frameworks will respect the devolution settlements and the democratic accountability of the devolved legislatures, and will therefore:
 - be based on established conventions and practices, including that the competence of the devolved institutions will not normally be adjusted without their consent;
 - maintain, as a minimum, equivalent flexibility for tailoring policies to the specific needs of each territory as is afforded by current EU rules; and
 - lead to a significant increase in decision-making powers for the devolved administrations.
3. Frameworks will ensure recognition of the economic and social linkages between Northern Ireland and Ireland and that Northern Ireland will be the only part of the UK that shares a land frontier with the EU. They will also adhere to the Belfast Agreement.

Annex B: Terms of Reference for the Commercial Transport and Operator Licensing Framework

Purpose

To bring together the Department for Transport and the Department for Infrastructure (NI) to discuss commercial road transport and make joint decisions within the Commercial Road Transport Framework that uphold the JMC(EN) Frameworks Principles. The terms of reference will apply to both the official-level and senior official-level working groups.

Objectives

The purpose of the Commercial Road Transport Framework is to bring together His Majesty's Government of the United Kingdom of Great Britain and Northern Ireland and the Northern Ireland Executive to:

- Develop multilateral policy collaboratively
- Seek and, where agreeable, develop and agree upon common policy approaches
- Manage potential divergence in a way that respects the Devolution Settlements
- Co-ordinate parliamentary and stakeholder engagement and communication
- Review and amend the framework as per the Review and Amendment Mechanism (RAM)
- Escalate issues as per the dispute avoidance and resolution process

Membership

1. Core membership:

- Department for Transport
- Department for Infrastructure
- DfT Road Freight teams
- DfI Roads Policy team
- DfT FaB Deputy Director and NI equivalent
- DfT NI relationship manager and NI equivalent

Operation of the Group

2. The Group will meet on a quarterly basis as a minimum, with meeting frequency remaining flexible to reflect activity in a particular area as required.
3. DfT and DfI will disseminate the agenda together with any products commissioned for consideration at the meeting, at least 3 working days prior to the meeting being scheduled.
4. Each government will aim to provide each other with as full and open access as possible to scientific, technical and policy information, including statistics and research, and, where appropriate, representations from third parties.
5. Where the Group decides that actions should be tasked to other working groups, or that other fora should be informed of outcomes of Group meetings, the secretariat will be responsible for this.
6. These Terms of Reference may be amended as necessary by a decision of the Group.