

Distr.: Restricted
9 November 2021

English only

Working Party on Rail Transport

Seventy-fifth session

Geneva, 17–19 November 2021

Item 20 of the provisional agenda

Activities of the European Commission in rail transport

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Submitted by the European Commission

Response to the Covid-19 outbreak in the rail sector

The railway sector was significantly impacted by the covid-19 crisis.

In order to mitigate the negative economic impact of the pandemic on railway operators, based on a Commission's proposal, the European Union (EU) adopted a regulation establishing measures for a sustainable rail market in view of the COVID-19 outbreak, which entered into force on 12 October 2020: Member States may authorize infrastructure managers to waive, reduce and defer track access charges for the use of rail infrastructure, as well as to not levy reservation charges within a period from 1 March until 31 December 2020. The regulation requires a financial compensation of infrastructure managers to offset the losses stemming from the reduction of charges.

The regulation also requires the Commission to continuously analyse the economic impact of the sanitary crisis on the rail sector and provides for the possibility to prolong the period during which the measures apply if the adverse conditions persist. The Commission may then decide to extend the reference period by up to six months. The period of validity was extended twice and currently extends until 31 December 2021

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32020R1429>

Sustainable and smart mobility strategy

In 2019, the Commission's Communication on the European Green Deal announced that the Commission would adopt a strategy for sustainable and smart mobility in 2020. A key objective is to deliver a 90% reduction in transport-related greenhouse gas emissions by 2050. In December 2020, the European Commission presented its 'Sustainable and Smart Mobility Strategy' together with an Action Plan of 82 initiatives that will guide its work in the coming years. This strategy lays the foundation for how the EU transport system can achieve its green and digital transformation and become more resilient to future crises. The Strategy contains

several milestones for rail transport: By 2030, high-speed rail traffic will double across Europe and scheduled collective travel for journeys under 500 km should be carbon neutral; by 2050, rail freight traffic will double and high-speed passenger traffic will triple. The Strategy also plans for a fully operational, multimodal Trans-European Transport Network for sustainable and smart transport with high-speed connectivity.

https://transport.ec.europa.eu/transport-themes/mobility-strategy_en

Single European Rail Area

Monitoring the railway markets is necessary in order to inform the policy choices both at EU and national level. The Commission publishes, every two years, a Rail Market Monitoring Survey report (RMMS), addressed to the European Parliament and the Council of the European Union. The report provides an overview of the main developments in rail markets and covers a broad range of topics such as the use of EU rail networks, the evolution of rail services in the internal market, as well as the evolution of framework conditions in the rail sector. In January 2021, the Commission adopted the seventh edition of the RMMS report, available here: https://transport.ec.europa.eu/transport-modes/rail/market/rail-market-monitoring-rmms_en. The 8th edition of the RMMS report, including data and indicators until 2020, should be adopted in the beginning of 2023.

The Commission has evaluated the Implementing Regulation (EU) 2015/429 setting out the modalities to be followed for the charging of the cost of noise effects, otherwise known as noise-differentiated track access charges (NDTAC). The evaluation can be found here: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021SC0071&from=EN>. The Commission will decide on the next steps in the coming period.

In order to promote a level playing field in the provision of rail services, the Commission funded the development of a web-based portal, allowing rail service facility operators to upload the description of their facilities in a single platform. The European Rail Facilities Portal (<https://railfacilitiesportal.eu/>) became operational in June 2019. The focus is on facilities located in the EU and along the EU rail freight corridors, but the Portal can also include information on rail facilities in third countries.

Promoting rail as a green choice for passenger transportation is an important priority. At the request of the European Parliament, the Commission has executed a comprehensive study on cross-border long distance rail passenger services, including night trains. Indeed, while the recent completion of the market opening for passenger services in the European Union has resulted in the launch of new services, there still exists a number of obstacles such as interoperability, rolling stock availability, infrastructure capacity allocation, infrastructure charging and ticketing. The results of the study have been used as one of the inputs to draft the Commission action plan to boost long-distance and cross-border passenger rail services. This action plan addresses the further implementation of EU law and policies as well as the removal of obstacles. It will be published in the form of a Commission communication and is planned for adoption in December 2021.

European Year of Rail 2021

In December 2020, the European Parliament and the Council of the European Union declared 2021 the European Year of Rail (EYR)¹, based on a proposal from the Commission to support the delivery of its European Green Deal objectives in the transport field. Throughout 2021, a series of events, campaigns and initiatives at EU, national and regional/local level have been organised to promote rail as a sustainable, innovative and safe mode of transport. The EYR has highlighted the benefits of rail for people, the economy and the climate and has been focusing on the remaining challenges to create a true Single European Rail Area without borders. In particular, as of 1 January 2021, the Commission has launched a major communication campaign dedicated to the European Year². The Connecting Europe Express³, a special train that crossed Europe over five weeks in September-October 2021 stopping in 200 places, was probably the most visible contribution of the Commission to the EYR, combining infrastructure aspects with rail services aspects and appealing to a large number of citizens and businesses. Overall, the EYR aims to be more than a public relations campaign – it is a unique opportunity to create the political, economic and social momentum behind rail, to gather support for the various initiatives (legislative and non-legislative) that the Commission will put forward in 2021 and in the coming years as part of the Sustainable and Smart Mobility Strategy.

Rail safety and interoperability

The adoption of the technical pillar of the 4th Railway Package⁴ enhanced rail interoperability and safety in Europe, in particular through *inter alia* an enhanced role of the European Union Agency for Railways (ERA), a renewed framework for railway safety aiming at promoting the safety culture, and an increased harmonisation at EU level to improve railway interoperability. The 4th Railway Package technical pillar is a full-fledged framework across the EU since 31 October 2020. It pays great importance to the further harmonisation of technical and operational national rules, in order to increase efficiency of the Union's rail system, in particular its operational efficiency. To this end ERA is actively involved in analysis of the notified national rules and conclusion of their acceptance leading to the elimination of redundant national rules. As of 16 June 2019, ERA started its role as EU authorising and certifying authority. By June 2021, ERA has issued over 1830 vehicle authorisations representing more than 21,000 vehicles, delivered 38 single safety certificates and 32 ERTMS trackside approvals.

The cooperation between the Commission, ERA and Europe's Rail Joint Undertaking helps building a new system approach to harmonise the evolution of the railway system overall.

The Technical Specifications for Interoperability (TSIs)⁵ are a further means to achieve a more harmonised and modern railway – through setting out the requirements to enable new functions to be implemented in an interoperable manner. The current TSIs revision – *the Digital Rail and Green Freight package* – by the Commission focuses on the introduction of

¹ Decision (EU) 2020/2228 of the European Parliament and of the Council of 23 December 2020 on a European Year of Rail (2021) (OJ L 437, 28.12.2020).

² <https://europa.eu/year-of-rail>.

³ <https://www.connectingeuropeexpress.eu/>.

⁴ Regulation (EU) 2016/796 on the European Union Agency for Railways and repealing Regulation (EC) n° 881/2004; Directive (EU) 2016/797 on the interoperability of the rail system within the European Union (Recast of Directive 2008/57/EC); Directive (EU) 2016/798 on railway safety (Recast of Directive 2004/49/EC).

⁵ TSIs are Implementing Acts under the Interoperability Directive (2016/797(EU)), voted on by Member States at the Rail Interoperability and Safety Committee.

important new technologies for rail and an improved framework for the introduction of new technologies in the future⁶. Further detailed information on recent developments can be found in ERA Annual overviews of rail interoperability and safety.⁷

European Rail Network for Competitive Freight

In addition to its general railway policy and legislation (railway packages), the European Union adopted in 2010 Regulation (EU) No 913/2010 concerning a European Rail Network for Competitive Freight. The Regulation requires Member States to establish international market-oriented Rail Freight Corridors with the view to:

- Strengthening co-operation between rail infrastructure managers on key operational aspects (e.g. allocation of paths, deployment of interoperable systems and traffic management) as well as on improving rail infrastructure by coordinating investments;
- Giving adequate capacity and priority for freight in line with market needs and ensuring that common punctuality targets for freight trains are met;
- Promoting intermodality between rail and other transport modes by integrating terminals into the corridor management and development.

The implementation of international rail freight corridors is conducted in a manner consistent with the development of the Trans-European Transport Network (TEN-T) and the European Railway Traffic Management System (ERTMS) corridors.

In 2021, the Commission published its evaluation of Regulation (EU) No 913/2010⁸. The analysis showed that the implementation of the Regulation and the work of the corridor contributed to strengthen dialogue and cooperation on rail freight transport across borders and between the various stakeholder groups. However, it has not led to a significant improvement in the performance of rail freight services and their competitiveness vis-à-vis other modes, notably road transport. Many of the challenges that motivated the adoption of the Regulation persist, including insufficient quantity and quality of the infrastructure capacity available for rail freight transport, complicated and fragmented processes, interfaces and tools supporting planning and operational processes, a lack of coordination between railways and other modes. These specific problems as well as a lack of customer orientation of key players in the sector means that rail freight services do not meet the needs of freight customers on key priorities such reliability, flexibility and cost.

The Commission therefore has included two initiatives in the Smart and Sustainable Mobility Strategy:

- EU 2021 Rail Corridor Initiative - Revise the Rail Freight Corridor Regulation
- Put in place measures to better manage and coordinate international rail traffic, including if necessary, through revised rules for capacity allocation and infrastructure charging in rail

The first outcome of these initiatives will be part of Commission's legislative proposal to revise the TEN-T Guidelines (Regulation (EU) No 913), scheduled for publication in

⁶ The Sustainable and Smart Mobility Strategy published by the European Commission on 9 December 2020 highlights the TSI package in Article 62, under Flagship 6 – Making Connected and Automated Multimodal Mobility a Reality.

⁷ https://www.era.europa.eu/library/corporate-publications_en.

⁸ SWD/2021/0134 final, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021SC0134>.

December 2021. This proposal includes amendments to Regulation (EU) No 913/2010 which aim to strengthen the consistency and the synergies between TEN-T infrastructure policy and rail freight policy. These changes focus on (i) streamlining the geographical definition via a unique definition of “European Transport Corridors”, (ii) streamlining and clarifying the competences relating to investment planning along these corridors and (iii) supporting a common vision and approach for monitoring the performance of transport infrastructure and services provided along the corridors.

A second legislative proposal will follow in late 2022 or early 2023. The scope of this proposal will include a more comprehensive revision of Regulation (913) No 913/2010 with a view to support the development for cross-border rail freight transport in areas such as governance, rules, instruments and tools. In addition, the initiative will cover a broader modernisation of the legal framework for rail capacity allocation, taking into account the mixed-use nature of the majority of the European rail network. In order to prepare legislative proposal, the Commission will carry out in 2022 an impact assessment in line with the Better Regulation approach. The impact assessment will include an extensive consultation of all stakeholders, including public authorities, infrastructure and terminal managers, operators of rail freight and intermodal transport services, customers of transport and logistics services as well as representative bodies at sector and international level.

Transport of dangerous goods

The 2021 version of RID Regulation is made applicable to both international and national carriage of dangerous goods by rail, by the Commission Delegated Directive (EU) 2020/1833 amending the Annexes to Directive 2008/68/EC of the European Parliament and of the Council as regards adaptation to scientific and technical progress.

Rail Security

In 2021, decisive progress was made towards the full implementation of the 7-point Action Plan on rail security adopted by the Commission in June 2018. With the support of the EU Rail Passenger Security Platform – a group established in 2018 and gathering Member States’ authorities and industry stakeholders, the Commission developed guidelines for rail security management, which delivered on the two remaining actions of the 2018 Action Plan. This complements the deliverables adopted in previous years and including for instance methodological guidelines on risk-assessments and good practices on detection technologies. With the Action Plan implemented in full, the Commission decided in early 2021 to launch two additional work-streams that were not explicitly foreseen in the 2018 Action Plan. These concern security culture on the one hand and preparedness and resilience on the other. In both instances, guidelines addressed to rail authorities and organisations are being developed and should be completed in the next few months.

In light of these developments, the Commission opted not to renew the mandate of the EU Rail Passenger Security Platform when it expired in June 2021. Instead, the Commission – after consultation with the EU Member States – decided to bring rail security in the remit of the Expert Group on Land Transport Security and to establish a Working Party on rail security therein. This new Working Party held its first meeting on 20 October 2021 and agreed on some of its work topics for the following years. These include the prevention and deterrence of terrorism, of serious crime, the mitigation of insider threats and cybersecurity. The Working Party will also have as priority the completion of the security culture and preparedness & resilience work-streams.

In conclusion, the Commission remains committed to improving rail security in Europe, which is a policy objective explicitly mentioned in the Sustainable and Smart Mobility Strategy from December 2020.

Rail Passenger Rights Regulation

Based on the Commission's proposal for recast of the Rail Passenger Rights Regulation 1371/2007, the European Parliament and the Council of the European Union adopted the new Regulation (EU) 2021/782 on 29 April 2021, applicable as of 7 June 2023.

The new rules improve passengers' information, including the provision of real-time information irrespective of whether the passenger bought the ticket from the railway undertaking or from a ticket vendor or tour operator. The rights of persons with disabilities or reduced mobility are increased and the pre-notification period for assistance is decreased from 48h to 24h. A "force majeure" clause was introduced that exempts rail carriers from liability to pay compensation for delays, missed connections and cancellations. The offer of through-tickets on the market is enhanced since rail carriers which are "sole undertakings" are obliged to offer their long-distance (international and domestic) and regional services as a through-ticket, granting passengers a comprehensive protection in cases of travel disruptions. In cases of delays, cancellations and missed connections, where the rail carrier does not offer a solution for journey continuation or re-routing within 100 minutes, the passenger is allowed to organise such a solution, while the carrier is obliged to reimburse the necessary, appropriate and reasonable costs incurred for that alternative public (rail or bus) transport ticket. Moreover, railway undertakings have to ensure on-board new or major upgraded trains an adequate number of reserved spaces for bicycles. A general non-discrimination clause and an improved complaint-handling rules will further strengthen protection of rail passengers. A new EU-wide standardised form for compensation and reimbursement will be developed by the Commission. As until now, Member States could decide to exempt urban/suburban and regional services, but under the new rules an increased number of mandatory provisions will apply.

Innovation and research: Rail European Partnership

The European Commission, together with the Council and the European Parliament is about to adopt the Single Basic Act, putting forward, among other nine European partnerships, also the Partnership on Rail Research and Innovation. The Europe's Rail Partnership (ERJU) (successor to Shift2Rail Joint Undertaking) is expected to deliver a major transformation of the European railway system. This should be achieved through a system-integrated approach focusing on digitalisation, automation and decarbonisation.

The sector is committed to transforming the railway system, putting the users at the forefront, using railways in combination with other transport modes, to become the backbone of Europe's mobility and the logistic chain. The Partnership will deliver solutions that meet the needs of all stakeholders and can be rapidly deployed network wide via a dedicated System Pillar. This will develop the overall framework within which individual R&I projects will be defined, taking into account interfaces within different rail segments and other modes.

The Partnership will also contribute to retaining the EU leadership role in producing innovative rail transport solutions, hence generating growth and jobs in Europe. In addition, the proposed Partnership will contribute to the EU policy development, in particular the consolidation of the Single European Railway Area and the achievement of the Green Deal objectives.

The following impacts can be expected:

- Increase in rail's modal share of passenger and freight markets;
- Improvement in the competitiveness of the rail supply industry;
- Reduction in transport emission by increasing the attractiveness of rail, incentivising a shift of transport away from polluting modes to rail;
- Accelerated and coordinated deployment of innovative solutions, increasing capacity, flexibility and reliability.

With the view to translating the EU-Rail objectives into impactful result-oriented Research and Innovation, five areas of priority for EU-Rail have been determined: (1) European rail traffic and mobility management, (2) Digital and Automated Train Operations, (3) Sustainable and digital assets, (4) Competitive digital green rail freight, (5) Smart solutions for low density lines.

These priorities will be underpinned by a system approach to ensure a harmonised approach to the evolution of the Single European Rail Area. In order to exploit the potential of the programme, the core membership of the Rail Europe's Partnership would consist of various stakeholder categories, including Infrastructure managers; Rail freight and passenger operators, including urban; Rolling stock manufacturers; Signalling systems' manufacturers; Infrastructure manufacturers; ICT solutions providers; Rail research centres. Synergies with other funding sources and financing mechanisms, in particular the Connecting Europe Facility (CEF) would support the deployment of the innovative solutions. Synergies with the European Regional Development Fund and Cohesion Fund would contribute to increase economic and social cohesion and reduce imbalances.

Transport Community: rail strategy in the Western Balkans

The Transport Community is an international organisation established by a Treaty signed in 2017 and ratified by the European Union and six Western Balkan partners (Albania, Bosnia and Herzegovina, North Macedonia, Kosovo⁹, Montenegro, and Serbia). It applies in the field of road, rail, inland waterway, and maritime transport and provides for the progressive integration of transport markets and networks on the basis of the relevant EU legislation. The Permanent Secretariat of the Transport Community is located in Belgrade, Serbia.

In October 2020, the Commission adopted the Communication "An Economic and Investment Plan for the Western Balkans", which aims to spur the long-term economic recovery of the region, support a green and digital transition, and foster regional integration and convergence with the European Union. It proposes to mobilise up to €9 billion for the period 2021-2027 primarily through investments and support to competitiveness and growth, sustainable connectivity, and green and digital transitions. Several investments flagships are foreseen in rail transport, including: Flagship 1 (connecting East to West, Rail Corridors VIII and X), Flagship 2 (connecting North to South, Rail Corridor Vc, Rail Route 4), Flagship 3 (connecting the coastal regions, Rail Route 2). The financial aid will be implemented through the Instrument for Pre-Accession assistance (IPA) and the Western Balkans Investment Framework (WBIF). The new IPA worth 14.2 billion euro was adopted on 15 September 2021 (Regulation (EU) 2021/1529). This instrument will support the implementation of EU-

⁹ This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

related reforms and projects over the period 2021-2027 in Albania, Bosnia and Herzegovina, Kosovo¹⁰, Montenegro, North Macedonia, Serbia, and Turkey.

In 2021, the Commission continued to support the implementation of the TCT Rail Action Plan. In June, the Commission and the European Union Agency for Railways contributed to the first session of the Transport Community Summer School dedicated to rail. This capacity building activity brought together young transport professionals from the region and allowed them to gain sound knowledge and understanding of EU rail transport policies and regulations and to interact with the speakers. On 13 September 2021, the Commission participated in the Western Balkans Rail Summit in Belgrade, organised together by the Transport Community, the European Investment Bank and the European Bank for Infrastructure and Development. The conference gathered the rail community of the region, including ministers in charge of transport, international financing institutions, European institutions, railway infrastructure managers, railway companies and other professionals. Transport leaders of the region committed to a number of priorities such as to rebuild direct intercity train links connecting the region and the EU, to enhance digitalisation of the railway systems and to exchange data for cross border passenger and freight transport. At this occasion, a “Dedication to Rail”¹¹ declaration was signed by six ministers in charge of transport in the region and by the Memorandum of Understanding¹² was signed by railway infrastructure managers from the region. The summit was organised to coincide with the arrival of the Connecting Europe Express train as part of the European Year of Rail.

¹⁰ This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

¹¹ www.transport-community.org/wp-content/uploads/2021/09/Dedication-to-Rail-09092021.pdf.

¹² www.transport-community.org/wp-content/uploads/2021/09/MoU-of-Infrastructure-Managers-WB6-10092021.pdf.