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## **Working Party on Rail Transport**

### **Seventy-sixth session**

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Item 20 of the provisional agenda

### **Activities of the European Commission in rail transport**

## **Activities of the European Commission in rail transport**

### **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 initially set 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 but not beyond 31 December 2023. The period of validity was extended four times in the past two years (of which two times in 2022) and currently extends until 31 December 2022.

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

### **Response to the war in Ukraine, Solidarity Lanes Action Plan**

Ukraine – as the world second largest producer of grain – used to carry out 90% of its grain and oilseed exports to global markets via its Black Sea ports. Following Russia's war of aggression and the blockade of these ports, Ukrainian grain and other agricultural goods could no longer reach the people and countries that rely on them. The European transport system had to adapt to a new situation and organise new transport routes and logistic connections to help Ukraine maintain its trade with the rest of the world.

The Solidarity Lanes Action Plan, adopted by the Commission in May 2022, establishes new and expanded logistics connections between Ukraine and the EU, via rail, road and inland waterways: to the South, the Danube route and the port of Constanta (Romania) have been exploited the most, accounting for more than 50% of Ukrainian grain exports through the Solidarity Lanes; among the land-based corridors, the Northern Polish route is the second largest outlet carrying a wide range of goods - agricultural but also other products, including humanitarian assistance - to and from Ukraine; other corridors, in particular to the Baltic Sea, the Adriatic and the North Sea – also continue to develop.

Between May and end of September 2022, around 15 million tons of goods (agricultural and non-agricultural) have been exported by Ukraine through the Solidarity Lanes

The Solidarity Lanes are also the only option for the export of other Ukrainian goods (e.g. iron, steel, animal products) and the only alternative for Ukraine to import all the goods it needs (e.g. fuel, humanitarian aid), most of being transported by rail.

Ensuring close coordination between these actors is key. This is why the Commission launched the Solidarity Lanes EU-Ukraine Business Matchmaking Platform, which acts as a key forum to bring together Ukrainian farmers, the logistics and transport operators, and the buyers of agricultural produce, with the national authorities on both the EU and Ukrainian side. The platform aims to bring European and Ukrainian businesses together quickly so that they can find pragmatic solutions to the export of agricultural produce from Ukraine. This platform contributes to the implementation of one of the actions foreseen under the EU-Ukraine Solidarity Lanes Action Plan.

In order to sustain and further develop the Solidarity Lanes, significant investment is needed. The Commission is working to mobilise the EU budget. For example, the ongoing Connecting Europe Facility call (opened 13 September 2022, with deadline 18 January 2023) could support joint projects put forward by frontline Member States together with Ukraine and Moldova for the development of rail or road border crossing points.

In the medium-term, the Commission proposal to extend the Trans-European transport Network to Ukraine and Moldova sets out the path for investments that will further integrate the respective transport infrastructure. It includes plans to extend standard gauge rail lines into the region (where economically viable).

The Commission is also working with the international financial institutions (EBRD/EIB/World Bank) on ways to improve EU-Ukraine connectivity in the short, medium and long term. The recently endorsed blending facility for repairs to the North South rail axis in Moldova is an example of such financial cooperation. It blends an EU grant of EUR 20 million provided by the Foreign Policy Instrument's budget with a loan of EUR 12 million from the EBRD.

More information: [https://transport.ec.europa.eu/news/european-commission-establish-solidarity-lanes-help-ukraine-export-agricultural-goods-2022-05-12\\_en](https://transport.ec.europa.eu/news/european-commission-establish-solidarity-lanes-help-ukraine-export-agricultural-goods-2022-05-12_en)

## **Rail markets monitoring**

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 2022, work is being performed in preparation for the 8<sup>th</sup> RMMS report, displaying data and indicators for 2020. The report is due to be adopted early 2023. For reference, the

seventh edition of the RMMS report (adopted by the Commission in January 2021) is available here: [https://transport.ec.europa.eu/transport-modes/rail/market/rail-market-monitoring-rmms\\_en](https://transport.ec.europa.eu/transport-modes/rail/market/rail-market-monitoring-rmms_en).

## Action plan to boost long-distance and cross-border passenger rail services

In December 2021, the Commission adopted the Commission communication "Action plan to boost long-distance and cross-border passenger rail". It identifies obstacles to setting up and operating long-distance cross-border passenger rail services, i.a. lack of infrastructure, suboptimal cross-border capacity allocation, inadequate ticketing solutions for passengers and lack of rolling stock.

[https://transport.ec.europa.eu/news/action-plan-boost-passenger-rail-2021-12-14\\_en](https://transport.ec.europa.eu/news/action-plan-boost-passenger-rail-2021-12-14_en)

The Action Plan comprises ten action clusters to remove these obstacles. Furthermore, the Commission has invited stakeholders to submit proposals for pilot services, which can serve to address one or more obstacles identified in the Action plan.

## Rail safety and interoperability

The technical pillar of the 4<sup>th</sup> Railway Package<sup>1</sup> is at full speed with the EU Agency for Railways acting as EU authorising entity. Since 16 June 2019, the Agency has authorised more than 37 000 vehicles, granted more than 95 safety certificates and is engaged in more than 70 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 and introduce innovation.

The Technical Specifications for Interoperability (TSIs)<sup>2</sup> 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 important new technologies for rail and an improved framework for the introduction of new technologies in the future<sup>3</sup>. Further detailed information on recent developments can be found in ERA Annual overviews of rail interoperability and safety.<sup>4</sup>

The evaluation of Directive 2007/59/EC on the certification scheme for train drivers showed that there is significant margin for simplification and improvement. In light of the ambitious policy targets for rail transport set out in the European Green Deal<sup>5</sup> and the Sustainable and Smart Mobility Strategy<sup>6</sup>, in 2023, the Commission should adopt a proposal for a revision of Directive 2007/59/EC that will help simplify and improve the effectiveness of the Directive.

<sup>1</sup> 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).

<sup>2</sup> TSIs are Implementing Acts under the Interoperability Directive (2016/797(EU)), voted on by Member States at the Rail Interoperability and Safety Committee.

<sup>3</sup> 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

<sup>4</sup> [https://www.era.europa.eu/library/corporate-publications\\_en](https://www.era.europa.eu/library/corporate-publications_en)

<sup>5</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1576150542719&uri=COM%3A2019%3A640%3AFIN>

<sup>6</sup> [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12438-Sustainable-and-Smart-Mobility-Strategy\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12438-Sustainable-and-Smart-Mobility-Strategy_en)

The revision will also lead to further improvement of the mobility of train drivers between companies as well as between Member States.

Since 2017, the European Union Agency for Railways has been implementing a safety culture programme which aims at devising dissemination and evaluation instruments to support the development of a positive railway safety culture in the European Union. In this context, in 2021 the Agency has developed a safety perception survey targeting all rail professionals working in the European Union and in EFTA countries: the European Rail Safety Climate Survey<sup>7</sup>. It included two successive phases: (1) Partner surveys: More than 80 organisations across Europe became partners during the 1<sup>st</sup> half of 2021. During this phase, 40527 contributions were received; (2) Open survey: To reach all those professionals contributing to the European rail system and working in those organisations who did not participate as partners and those who wanted to answer solely at the European level, 1693 contributions were received. The overall results demonstrate that the perception of how safety is managed across the European railway sector is rather positive, although this may vary depending on the respondent's role in the safety process.

## **Rail capacity management**

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 development 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).

In 2021, the Commission published its evaluation of Regulation (EU) No 913/2010<sup>8</sup>. 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. The Commission has therefore included two initiatives in its Smart and Sustainable Mobility Strategy.

The first initiative is the Commission's legislative proposal to revise the TEN-T Guidelines (Regulation (EU) No 913). The 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.

A second legislative proposal will follow in 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 is finalising an impact assessment in line with the Better Regulation approach.

## **Transport of dangerous goods**

The 2023 version of the Regulation concerning the International Carriage of Dangerous Goods by Rail (RID) is made applicable in the EU to both international and national carriage of dangerous goods by rail, by a new Commission Delegated Directive not yet published

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<sup>7</sup> [https://www.era.europa.eu/content/erscs\\_en](https://www.era.europa.eu/content/erscs_en)

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

(bearing at present the number C(2022) 6601), amending the Annexes to Directive 2008/68/EC of the European Parliament and of the Council as regards adaptation to scientific and technical progress. Possible derogations to RID are listed in Commission Implementing Decision (EU) 2022/1095 amending Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods to authorise certain national derogations.

## **Ticketing and digital mobility services**

The Commission has started to prepare two multimodal initiatives for 2023: the revision of Delegated Regulation 2017/1926 on multimodal travel information services and a new legislative proposal on addressing market challenges for the development of multimodal digital mobility services (MDMS).

This new legislative proposal aims at increasing the deployment and operational use of digital mobility services within and across passenger transport modes, with the intention to significantly improve multimodality, inclusiveness and sustainability in the EU, within Member States and across borders. In view of identified market imbalances, this proposal seeks to establish frameworks for commercial agreements for services re-selling mobility products as well as for agreements on journey continuation. In doing so, the initiative aims to foster the development of multimodal digital mobility services, make mobility more sustainable and efficient, contribute to the European Green Deal and help making Europe fit for the digital age. To support the above-listed initiatives and increase cooperation between operators and service providers within and across modes, a Commission Expert group was set up, the European Forum for Multimodal Passenger Mobility. It provided input for the initiative in the form of a formal report.

[https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13133-Multimodal-digital-mobility-services\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13133-Multimodal-digital-mobility-services_en)

## **Rail Security**

Cooperation on rail security continues to take place through the Working Party on Rail Security established by the Commission in 2021. This Working Party, which meets four times a year, brings together the EU Member States' authorities competent for rail security as well as key stakeholders under the Chairmanship of the Commission. One of its missions is to support an exchange of information and good security practices among its members. Rail cybersecurity has been a recurrent topic of discussion in 2022, notably in the wake of the Russian war of aggression against Ukraine. Another mission of the Working Party is to develop recommendations and guidelines on topics of interest. In December 2021, it endorsed guidelines on preparedness and resilience. They recommend that rail organisations introduce a security and resilience management system whereby threats are analysed, assessed and mitigated by means of security and business continuity measures. The Working Party is also expected to endorse an additional set of guidelines dealing with security culture among rail passengers and staff by the end of 2022.

## **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.

Preparatory work and discussions with the National Enforcement Bodies as regards the main new elements in the passengers' protection started in 2022. The new rules (i) improve passengers' information, including the provision of real-time information; (ii) increase the rights of persons with disabilities or reduced mobility; (iii) enhance the offer of through-tickets, as 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; (iv) grant passengers a new right to self-rerouting in cases of delays, cancellations and missed connections, if the rail carrier does not offer a solution within 100 minutes of the journey disruption; (v) improve the possibility for carriage of bicycles onboard the train; and (vi) further strengthen the complaint-handling rules. A "force majeure" clause was introduced that exempts rail carriers from liability to pay compensation and 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. A "force majeure" clause was introduced that exempts rail carriers from liability to pay compensation for delays, missed connections and cancellations.

## **Social and equality matters in the railway sector**

The EU rail sector is male dominated, with women representing only around 20% of the workforce. As the railway sector is faced with an ageing workforce and an overall shortage of staff, problems are likely to increase. In line with action 70 of the Smart and Sustainable Mobility Strategy to make the transport sector more attractive, the Commission has launched initiatives to make the rail sector more balanced, more diverse and more efficient.

The 'Women in Transport – EU Platform for Change' provides an active forum for transport stakeholders with the aim to strengthen women's employment and equal opportunities for women and men in the transport sector. Several EU associations from the rail sector have joined the platform, as well as the European Union Agency for Railways and Europe's Rail (previously Shift2Rail Joint Undertaking). The EU associations may directly bring actions to the platform or channel actions from their members: 21 actions had been shared by June 2022, out of which eight are from the rail sector. The Platform together with rail industry used the momentum of the European Year of Rail 2021 to highlight the cause of women in rail by honouring achievements of efforts and work promoting women in the railway sector through a 'Women in Rail Award'. More than 50 companies from the rail sector presented applications for the awards. The award ceremony took place on 8 March 2022, International Women's Day.

The Commission has also launched, on 25 October 2022, a network of Diversity Ambassadors in Transport with the objective to promote diversity, equality and inclusion in the transport sector for workers as well as for transport users.

Already on 5 November 2021, the sectoral social partners represented by the Community of European Railway and Infrastructure Companies (CER), representing railway sector employers, and the European Transport Workers' Federation (ETF), representing railway workers signed the 'Women in Rail autonomous agreement' aimed at promoting employment of women in the sector.