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SWD(2018) 400 final

**COMMISSION STAFF WORKING DOCUMENT**

**Synopsis Report: Summary of the Consultation on improving security of rail passengers**

*Accompanying the document*

**Commission Decision**

**setting up the EU Rail Passenger Security Platform**

{C(2018) 4014 final}

## **I. Background of the initiative**

Terrorist attacks in the European Union have shown over recent years a greater focus on public areas, where people with little or no protection can be killed or injured. In its Eleventh progress report towards an effective and genuine Security Union of 18 October 2017<sup>1</sup>, the Commission proposed measures to enhance the protection of public spaces, including rail transport.

In the aftermath of the Thalys attack in 2015, ministers from EU countries adopted the “Paris Declaration”<sup>2</sup>, calling for an “enhanced and more focused cooperation within and between the transport bodies and European networks”. They invited the European Commission to consider the options for greater cooperation amongst the Member States. Furthermore, they highlighted the aim of “building up on the work that has already been made for security in the field of aviation, notably the establishment of a close cooperation between the Member States and the benefit of implementing a risk-based approach, looking for synergies with rail transport”.

As a follow-up, a study was carried out to examine options for improving rail security<sup>3</sup> and stakeholders have been consulted on possible measures. This report summarise the feedback from this consultation.

## **II. Consultation activities**

The consultation was made up of complementary activities: an open public survey, two targeted surveys, consultation of the LANDSEC expert group and a public conference. The aim was to consult relevant stakeholders and the public on possible measures related to rail security.

### **Open public consultation**

The open public consultation (OPC) sought to give all interested stakeholders the opportunity to provide their views on the problem identified and its possible causes, on the possible solutions and their likely impacts. It was open from 8 December 2017 until 16 February 2018.

In total 51 contributions were submitted with 18 from individual citizens (35%) and 33 (65%) from companies, associations and authorities. Among the companies, 4 were SMEs.

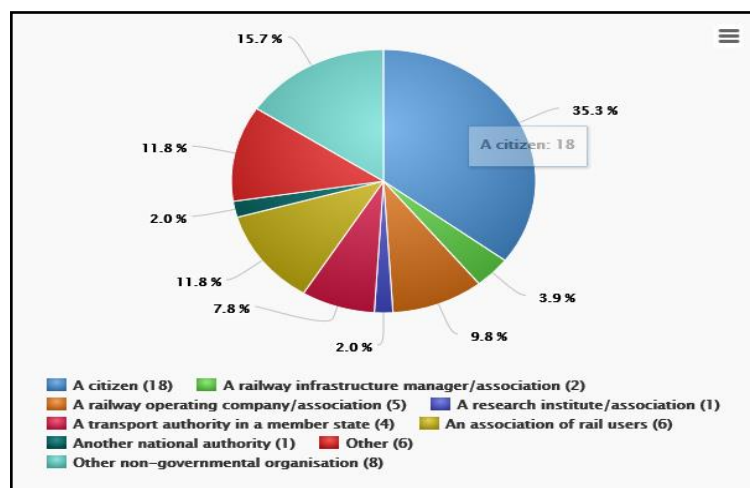
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<sup>1</sup> COM(2017) 608 final

<sup>2</sup> <http://data.consilium.europa.eu/doc/document/ST-11594-2015-INIT/en/pdf>

<sup>3</sup> "Study on options for the security of European high-speed and international rail services", Steer Davies Gleave <https://ec.europa.eu/transport/sites/transport/files/2016-12-options-security-european-high-speed-international-rail-services.pdf>

### Contributions to the OPC by stakeholder category



Replies were received from 16 Member States (MS). The highest number of responses came from Germany (22%), followed by Belgium (16%) and then France (10%).

### Targeted survey

The targeted consultation was open from 5 until 19 January 2018. It consisted of two survey questionnaires: one for MS authorities and the other for rail sector, principally railway undertakings (RU) and rail infrastructure managers (IM). They aimed at gathering specialised input on the measures under consideration.

Nine MS authorities submitted contributions to the survey. All 9 contributions were from national or federal authorities, of which 5 were from national transport authorities and 4 from national law enforcement authorities. 3 contributions were from Sweden, 2 from Germany and the others from Estonia, Ireland, Greece and Denmark.

Fifteen RU and IM replied to the consultation, namely 6 RU, 2 from RU association, 5 from IM and 3 were joint RU/IM.

## III. Results

### Disclaimer





*This chapter compiles stakeholder responses. It does not represent the official position of the Commission and its services and thus does not bind the Commission.*

### A. Open Public Consultation

Given the relatively low number of replies, the stakeholders have been grouped into four categories: citizens, railway stakeholders (RU, IM), national authorities, and other organisations (i.e. rail users, research and other NGOs). The replies received within these categories were broadly in line.

## Problem definition















*Is the coordination between MS sufficient to ensure the security of rail passengers?*

		Answers	Ratio
Yes		6	11.8%
Yes, but could be improved		24	47.1%
No		14	27.4%
No opinion		7	13.7%

Almost half of the respondents think there is sufficient coordination between MS, but this coordination can be improved, while 28 % stated that the coordination is not sufficient. 39% (7) of citizens and 33% of 'other organisations' replied that coordination was insufficient. Suggestions for improvement ranged from putting in place mixed patrols on cross border services or checks at stations, better coordinate police and security, better communicate and improve data sharing. 28% (5) of citizens and 48% of other organisations thought there was sufficient coordination but it can be improved, with some citing the railway as being a safe transport mode and that measures should be proportionate to the overall low level of terrorist risk to the rail sector. Most national authorities and representatives of the rail sector that replied to the OPC said that there is enough coordination but it can be improved.

## Importance of the possible causes to the problem

More than half of the stakeholders replying to the consultation considered that the identified possible causes to the increasing risk of harm to rail passengers are important to very important. The results are presented below:

<i>The understanding of the security threat is insufficient</i>				<i>The response to the threat across the EU rail network as a whole is inadequate</i>			
		Answers	Ratio			Answers	Ratio
Very important		12	23.5%	Very important		10	19.6%
Fairly Important		8	15.7%	Fairly Important		10	19.6%
Important		9	17.7%	Important		9	17.7%
Slightly important		8	15.7%	Slightly important		4	7.8%
Not at all important		7	13.7%	Not at all important		9	17.7%
No opinion		6	11.8%	No opinion		8	15.7%
No Answer		1	2.0%	No Answer		1	2.0%

*The approaches to the mitigation of security risks are different among rail industry decision-makers*

*Security arrangements and responsibilities are fragmented and incomplete on international services*

		Answers	Ratio			Answers	Ratio
Very important		6	11.8%	Very important		13	25.5%
Fairly Important		20	39.2%	Fairly Important		13	25.5%
Important		6	11.8%	Important		6	11.8%
Slightly important		3	5.9%	Slightly important		2	3.9%
Not at all important		9	17.7%	Not at all important		10	19.6%
No opinion		6	11.8%	No opinion		6	11.8%
No Answer		1	2.0%	No Answer		1	2.0%

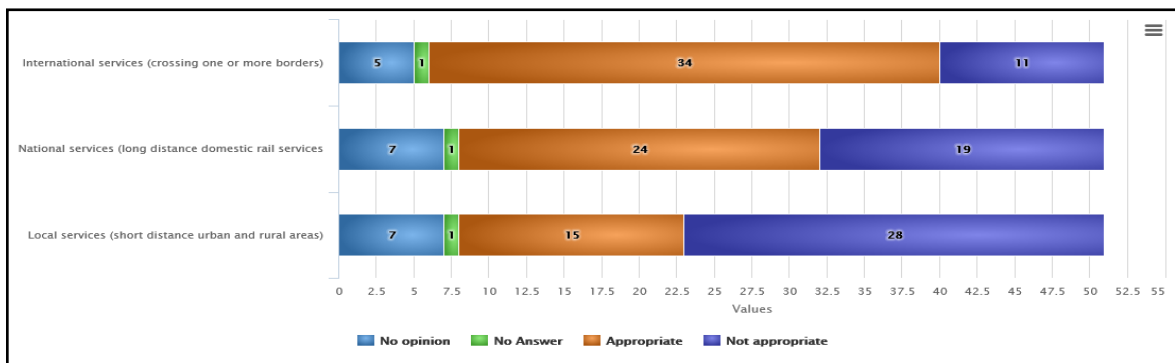
Some citizens commented that railways did not seem to be more of a target than other places and no specific security solutions were needed. Staff reductions had compromised security, current security levels seemed to be working and a complete check of passengers was impossible. Comments from the rail sector and national authorities mentioned that countering the terrorist threat was primarily for the police, intelligence and security services. National approaches were needed to take account of the differing national threat levels and the rail sector already has a good approach to security responses.

### The need for EU measures

Citizen views ranged from those who thought that common security requirements across the EU are justified and those who thought it unjustified saying that threats were more local than Europe-wide. The rail sector and national authorities thought that largely EU measures were not or only partially justified citing the many variable differences in threat levels and the complexities of the rail system and police and security apparatus. The 'other organisations' had a mix of responses from there being benefits of an EU approach bringing up EU security standards and those who preferred national approaches.

### The scope of action at EU level

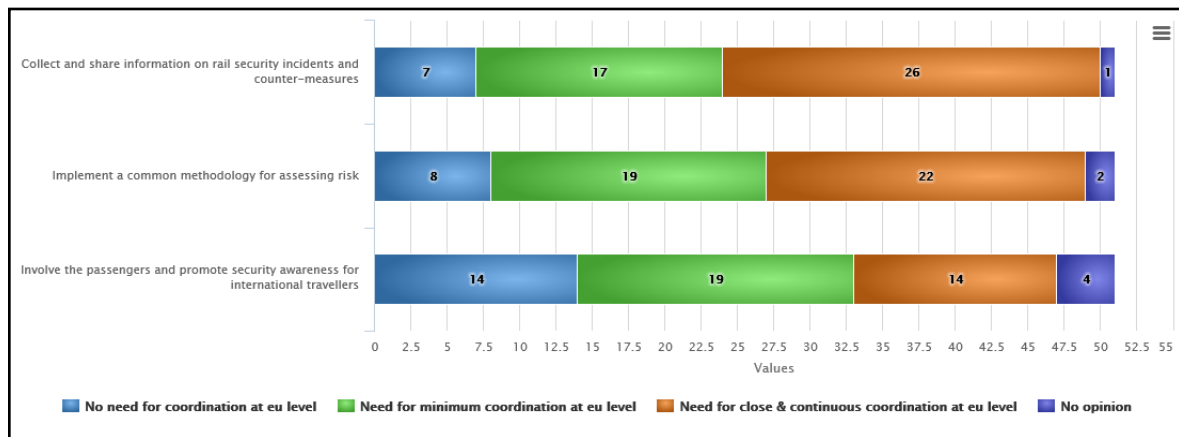
While 66% of the answers support action at EU level for international services, 47% think that national services should be included within the scope of EU level action and only 29% agree that EU action should encompass local services. Replies from citizens showed more support for EU action for all three categories of rail services.



Citizens who thought EU intervention was appropriate said that trains were at risk due to the large number of passengers carried and those who thought it not appropriate said that the risk of terrorist attacks on rail was low, risks were better managed at lower levels and the EU should only focus on better communication and coordination of security forces. The rail sector and national authorities thought that flexibility for MS to implement measures according to national threat and complexity was necessary.

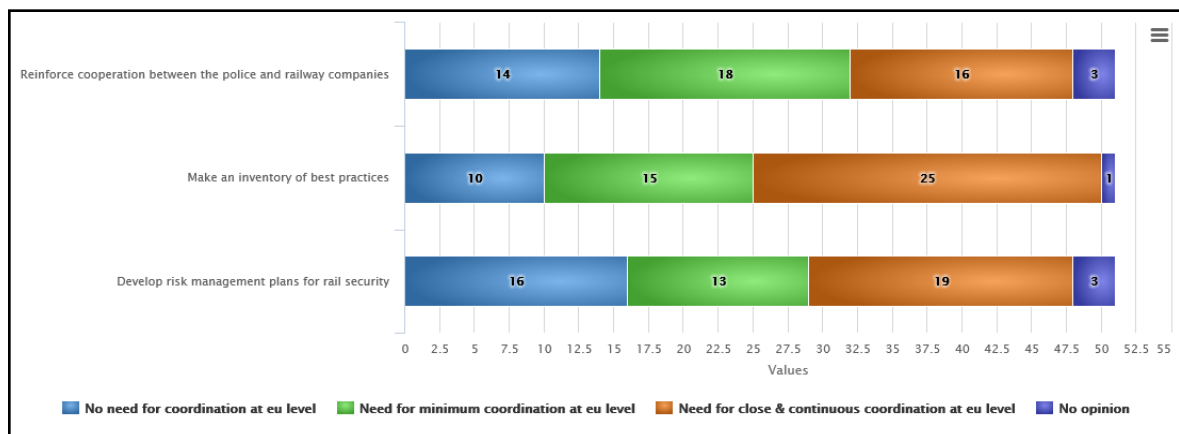
## Possible measures and their impacts

*To what extent should the following measures be coordinated at EU level?*



Stakeholders generally support the coordination at EU level to collect and share information on rail security, to implement a common methodology for assessing risks and to involve the passengers and promote security awareness for international travellers. The last measure received less support from stakeholders with over 27% saying that there is no need for coordination.

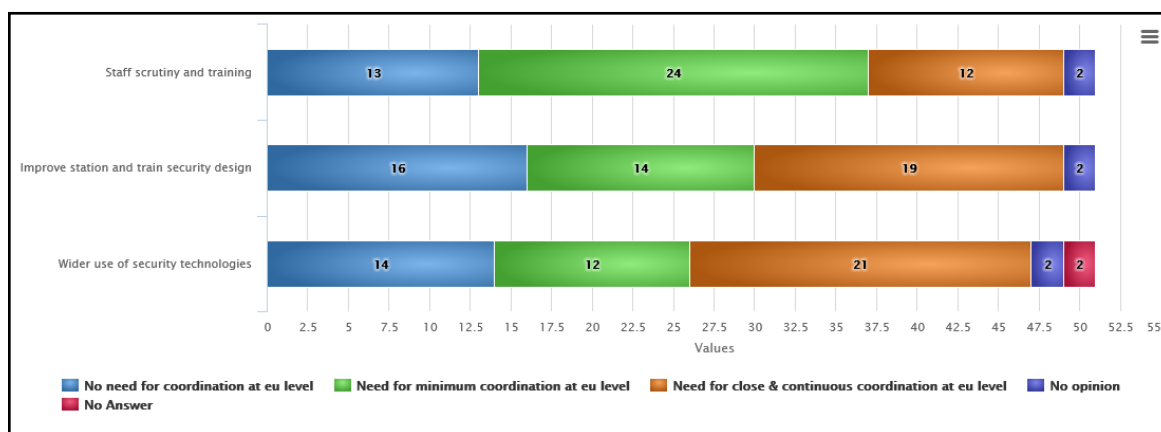
Comments received from rail sector and national authorities indicated that information sharing was best done voluntarily and on good practices, mandatory approaches and additional requirements by the EU should be avoided.



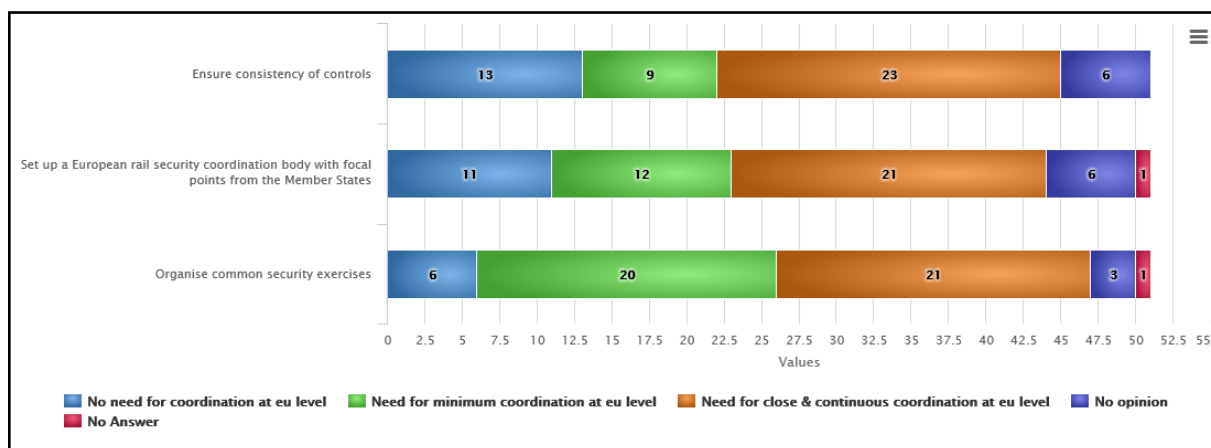
All categories of stakeholders support reinforcing cooperation between the police and railway companies, developing an inventory of best practices and the development of risk management plans for rail security. National authorities support in particular the inventory of best practices.

Citizens who thought there was a need for coordination said that only EU harmonisation would bring real efficiency and those who thought there was no or limited need thought the EU was too remote from local needs and additional measures would result in higher rail fares. The rail sector

and national authorities considered that cooperation is already taking place and that EU action should be limited to the exchange of best practices.



Overall, stakeholders support coordination of measures on staff scrutiny and training, improve station and train security design and wider use of security technologies. Citizens who thought there was a need for EU coordination said that it could require the adoption of good practices across all MS. The rail sector and national authorities' responses considered that EU intervention should be focused on developing guidelines and the exchange of best practice.



One of the measures that received most support from stakeholders is the organisation of common security exercises. Regarding the setting up of a rail security coordination body with focal points, citizens supported this measure, 3 (25%) of the rail sector and national authorities thought there was a need for minimum coordination, 3 (25%) thought there was a need for continuous coordination and 3 (25%) thought there was no need for coordination.

Comments received from citizens referred to the unnecessary application of measures to international services only. Where security controls are implemented, they should be defined by MS. The rail sector and national authorities' responses said that there could be some benefit from the EU organising cross border exercises but that controls should be left to the rail sector and national authorities.

## B. Targeted Consultation

The targeted consultations aimed at collecting relevant information and factual data on existing rail security measures and their costs and benefits. In total 9 valid contributions were received from MS and 15 from rail stakeholders. Most of the respondents provided general answers to the questions and only a very limited number of detailed replies were received, mentioning precise

figures on the likely costs and benefits of possible measures regarding rail security. The following key messages were evident under the 4 areas of consultation.

(a) The current understanding of the threat to passenger rail

There was a wide variety of responses from MS regarding the scope and types of collection and sharing of information on rail security incidents and counter-measures, while rail stakeholders indicated there was systematic collection of incident data but the extent of sharing of that data differed. Security risk assessment was quite widely undertaken whether a national or company requirement. Security awareness for passengers was largely undertaken by RU and in many MS, the public could report security concerns to emergency telephone numbers.

(b) An adequate response to the threat

MS gave a mix of responses as to whether a formal or informal mechanism was in place for cooperation between transport and local law enforcement authorities and national railway companies but only one referred to a systematic cooperation through a regulatory partnership with regular exchanges of information. A number of responses reported existing cooperation with European or International associations. In contrast, all responding rail organisations confirmed that there was some type of mechanism in place for cooperation with local law enforcement authorities or other national railway companies. Most MS and rail organisations referred to the sharing of good practices between government, police and the rail sector covering topics such as risk analysis and risk mitigation and national guidelines on planning and cooperation. Most MS and rail organisations confirmed that a risk management plan was required/ in place, but that the content varied. Most rail organisations confirmed that the authorities evaluate plans.

(c) The consistency of mitigation measures put in place by Member States

On the question of staff scrutiny, a majority of rail organisation responses confirmed that some form of vetting measures for railway staff are required although details were largely missing. Most responses said that there were security training programmes for staff in place but only a minority indicated a higher level of training for security focused staff. Responses largely indicated that both undertaking scrutiny checks and requiring staff security training were left to the railway companies. Half of the rail organisations indicated that there were guidelines or standards for security design in their MS or that they were being developed and most said they applied to both new construction and re-developing existing infrastructure. With regard to the installation and use of specific security technologies by the rail sector, RU/ IM were more forthcoming with information than MS with about half confirming that they had installed systems, which are both mandated and not mandated by law. The mandated systems were being regularly used, the non-mandated systems less so. Detailed information on the type of systems was not provided but a couple of responses referred to phones, cameras, information panels, alarm systems and video recording technology.

(d) Coordination undertaken with neighbouring Member States to address cross-border effects

MS responses' on existing formal or informal coordination with neighbouring MS concerning security controls for international lines and rail services were varied and included the use of temporary border controls, regular and ad-hoc bilateral contacts and multilateral discussions via the LANDSEC group. There appeared to be a greater level of systemic cooperation between neighbouring police forces particularly with regard to addressing illegal migration. Specific examples included the use of mixed nationality police patrols on cross-border trains and border stations and the use of common operation centres to exchange cross-border information and/or to support cross-border searches. A small number of RU/IM stated some sort of formal or informal



coordination mechanism was in place with other RU/IM in neighbouring MS to discuss and implement security controls for international lines and passenger rail services.

There were mixed views on the need for or the scope of an EU coordination body for rail security that went beyond the existing LANDSEC group but that some benefits could be foreseen. This included developing a common understanding of MS security levels and the underlying threat and vulnerabilities, the potential for more extensive use of good practice actions required to maintain a secure railway and greater coordination of security research projects. There are varying levels of participation amongst authorities and the rail sector in (at least yearly) security exercises conducted within a MS, ranging from desktop to larger scale exercises. However only one cross border exercise was referred to which is an annual EU rail police exercise. Participation was seen as beneficial e.g. the identification and analysis of potential threat scenarios, vulnerabilities and security gaps and development of mitigation responses to help prevent future risks over the long-term. Some support was given for a voluntary EU exercise.

### **C. Inception Impact Assessment**

An Inception Impact Assessment was published<sup>4</sup> on 7 December with a call for comments on it over the following 4-week period i.e. up to 4 January 2018. Only two contributions were received, from a rail association and from a national board for public transport. The rail association agreed on avoiding far-reaching security measures, disagreed on extension of scope to include domestic only rail journeys, underlined that most of the rail sector well understood the terrorist threat and supported the continued exchange of best practices and other non-mandatory measures. The national board supported most suggested measures with a preference for non-mandatory guidance.

### **IV. Follow-up**

The messages received from the range of consultation responses was that there is no support for applying the current EU regulatory requirements for Aviation security to the rail sector. There is very limited support for a regulatory initiative at the EU level for rail security including the use of a mandatory requirement of new rail security measures. It also acknowledges that further work to collect data on the costs of security measures for different categories of stakeholders has to take place, due to the very limited amount of quantitative data received during the consultation.

However, most respondents to the OPC and the representatives of the rail sector and national authorities that replied to the targeted consultation think that coordination between MS can be improved. They would generally support increased coordination of an informal non-mandatory nature at EU level. This should focus on international passenger rail services and on soft measures such as the development of good-practice technical guidance and should be risk-based and proportionate.

Therefore, the Commission will not propose, at this stage, a regulatory approach.

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<sup>4</sup> [https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-6004605\\_en](https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-6004605_en)

Due to the support for continued exchange and development of good practices, the Commission will explore and develop good practice technical measures, building on the common methodology for rail security risk assessment developed in 2017.