

Impact assessment study on the revision of institutional framework of the EU railway system, with a special consideration to the role of the European Railway Agency

Tuesday, 28th February 2012

Results of the stakeholder consultation

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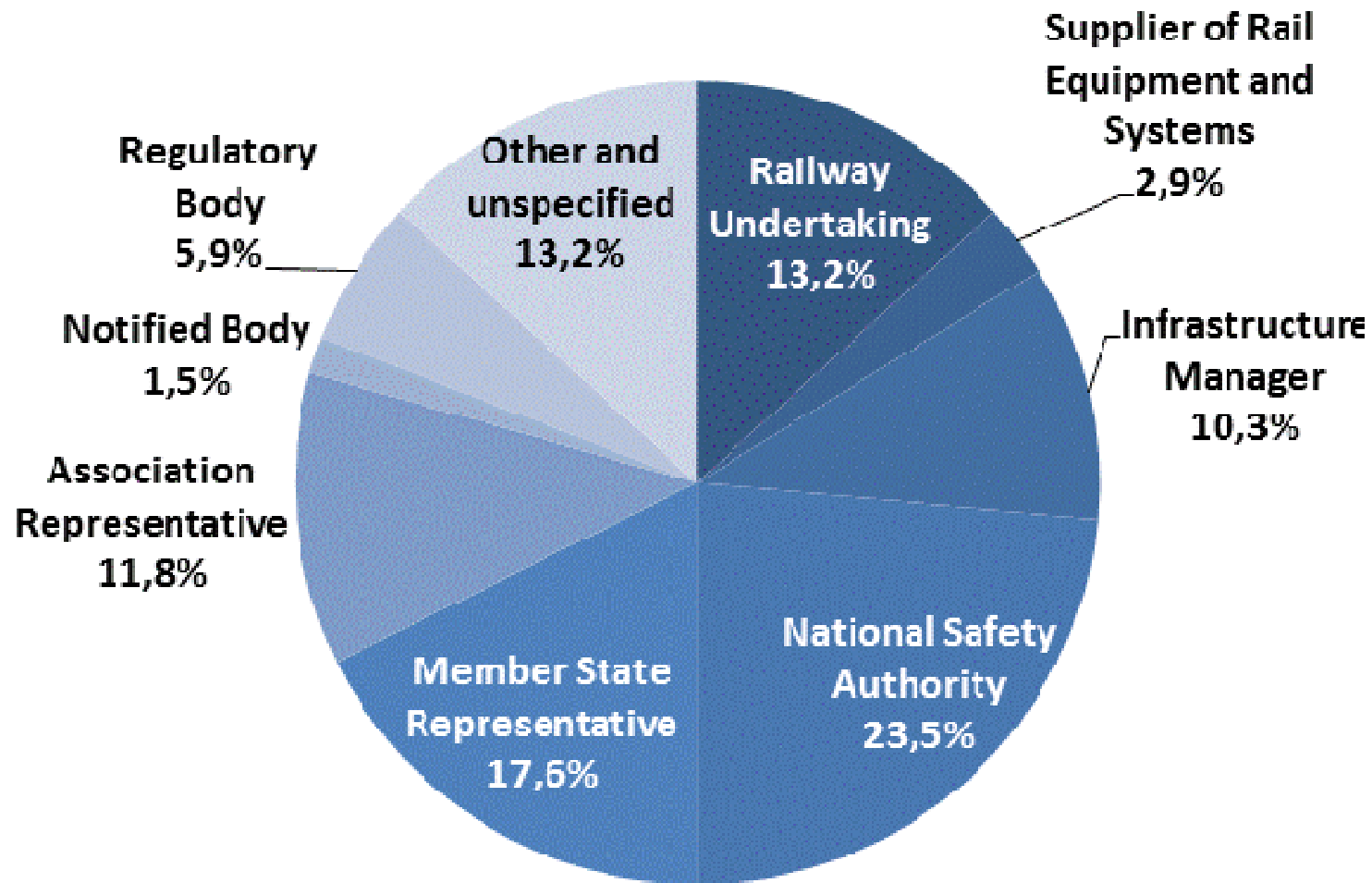
Introduction

Introduction

- This document presents the results of the online survey for this study launched on 18th November 2011 and closed on 30th December 2011.
- A request to respond to the survey was sent to 358 stakeholders, some belonging to the same institution. The number of unique survey requests sent to individual institutions was 119. In total 67 complete responses were received which gives a response rate, compared to the number of institutions approached, of 56%.
- In addition, a further 10 written responses were given by stakeholders. These have not been included in the quantitative calculations, but the comments have been considered as part of the evidence base for the analysis.

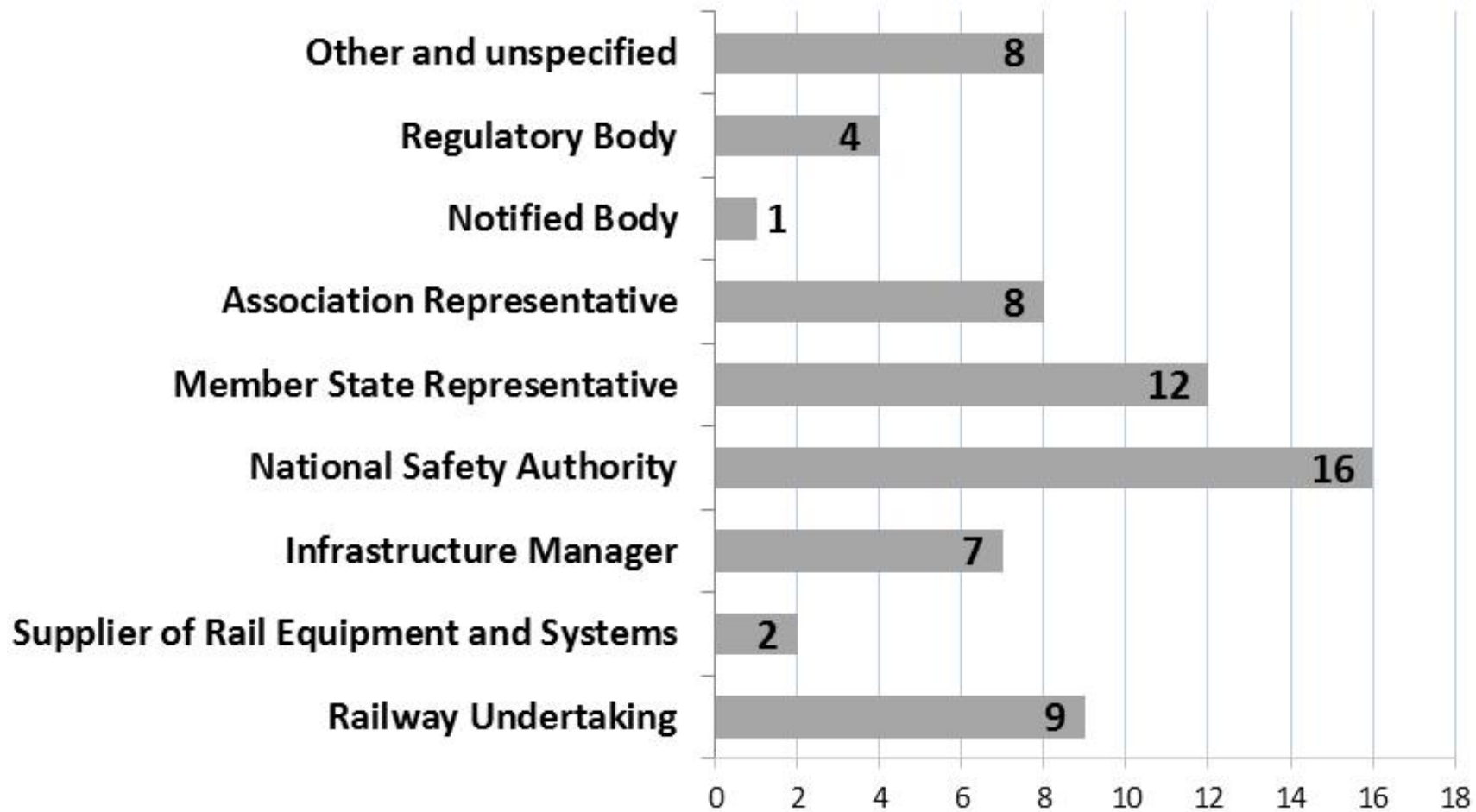
Preliminary overview

Breakdown of responses (1)



Q1

Breakdown of responses (2)



Q1

Efficiency of objectives

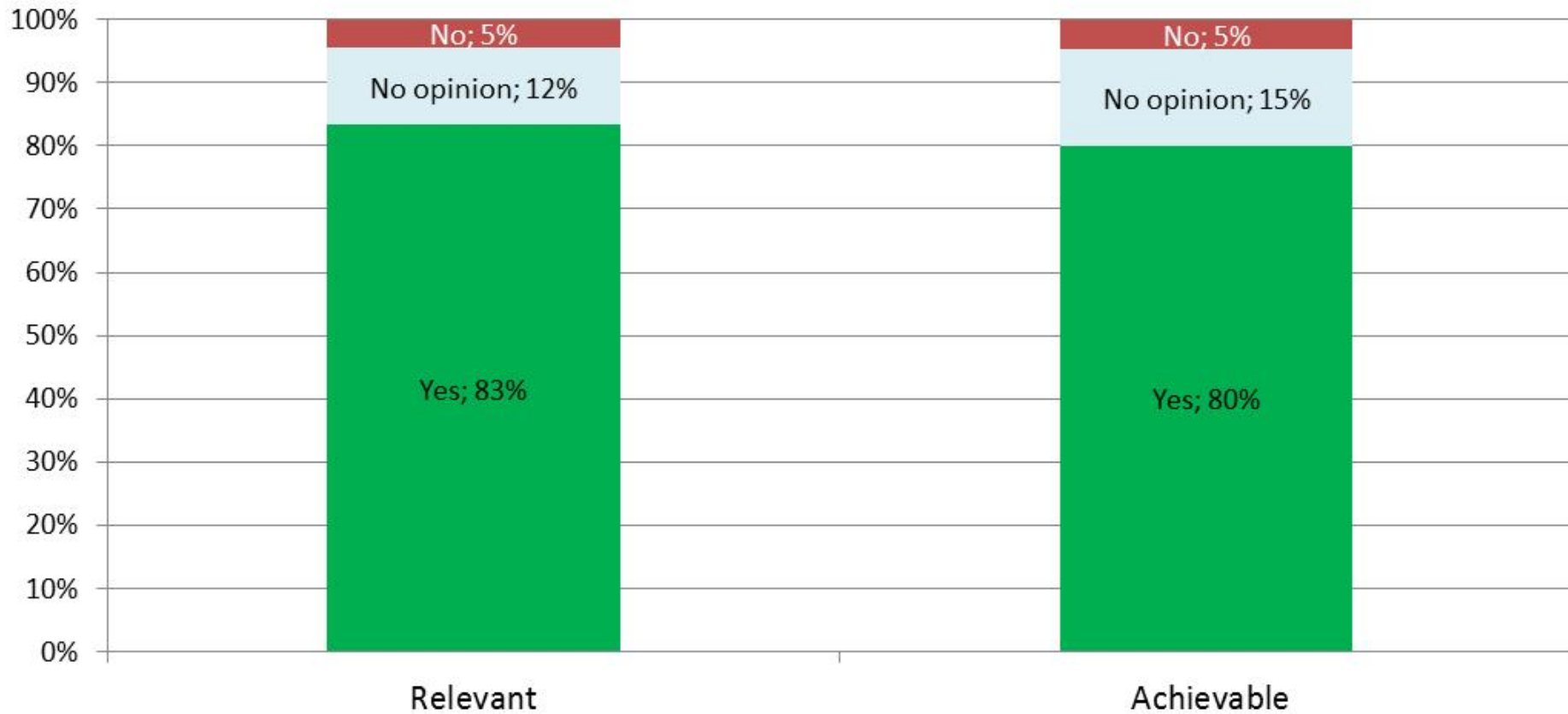
Objectives of the analysis - summary of comments

1. Generally very positive responses to the specific objectives
2. Positive responses for majority of the operational objectives

Summary of results provided in the following slides

Objectives - Specific objective (1)

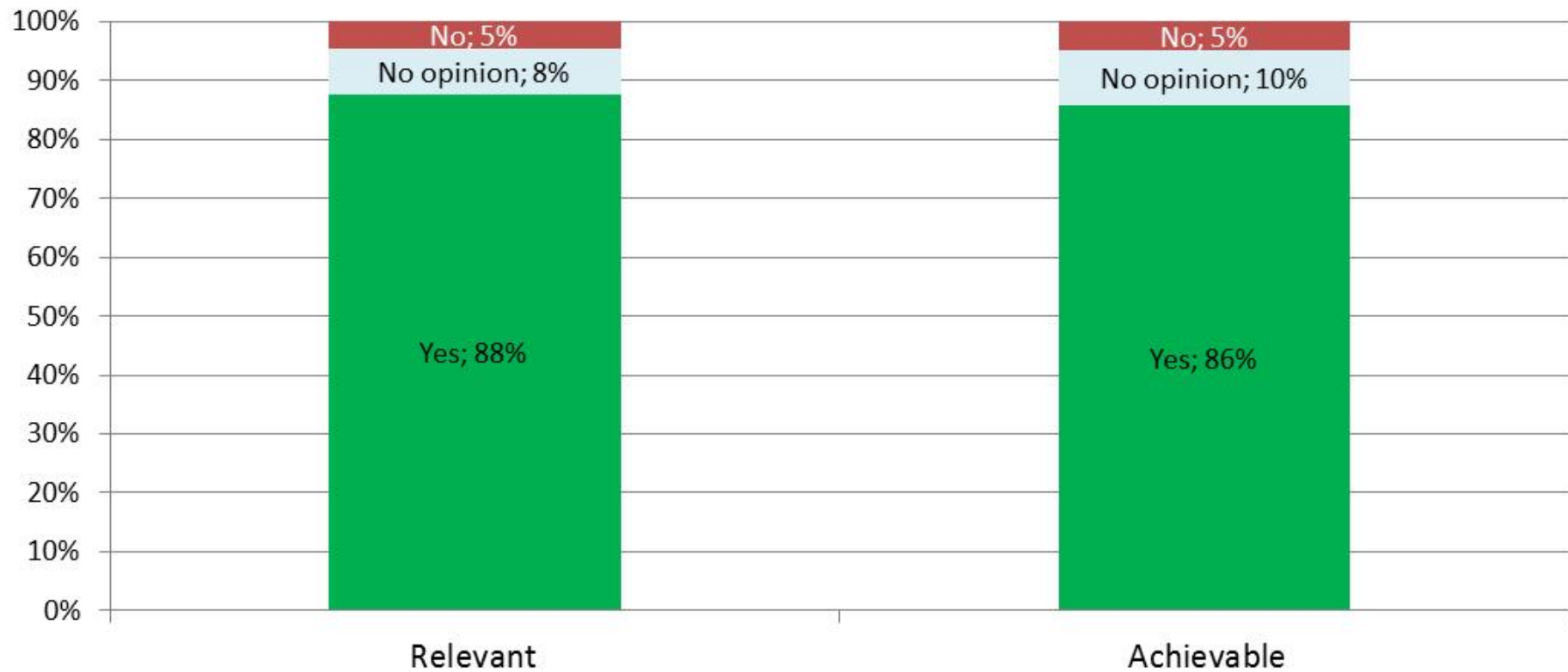
Increase the efficiency of safety certification, vehicle authorisation and the access granting processes



Q8.1

Objectives - Specific objective (2)

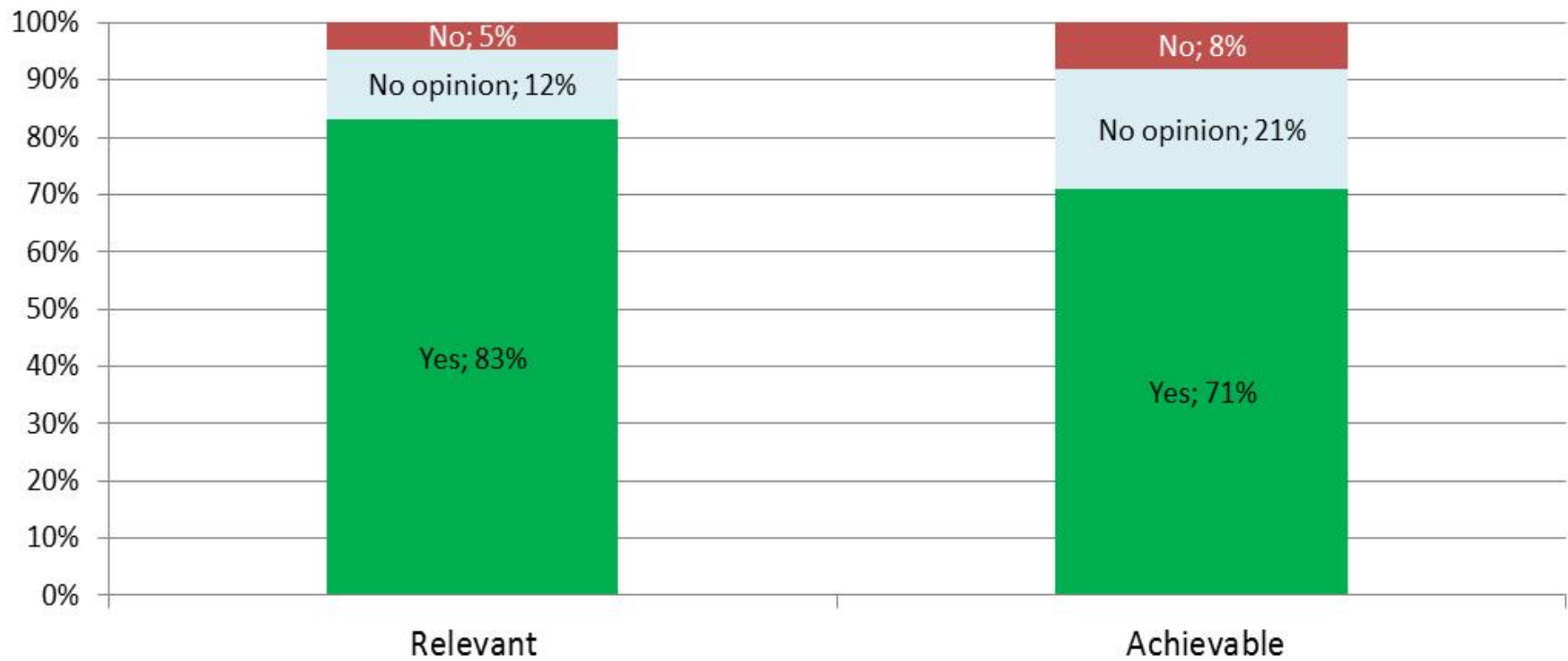
Ensure non-discrimination in the granting and recognition of safety certificates, interoperability authorisations and in the granting of access to the rail network and services across the EU



Q8.2

Objectives - Specific objective (3)

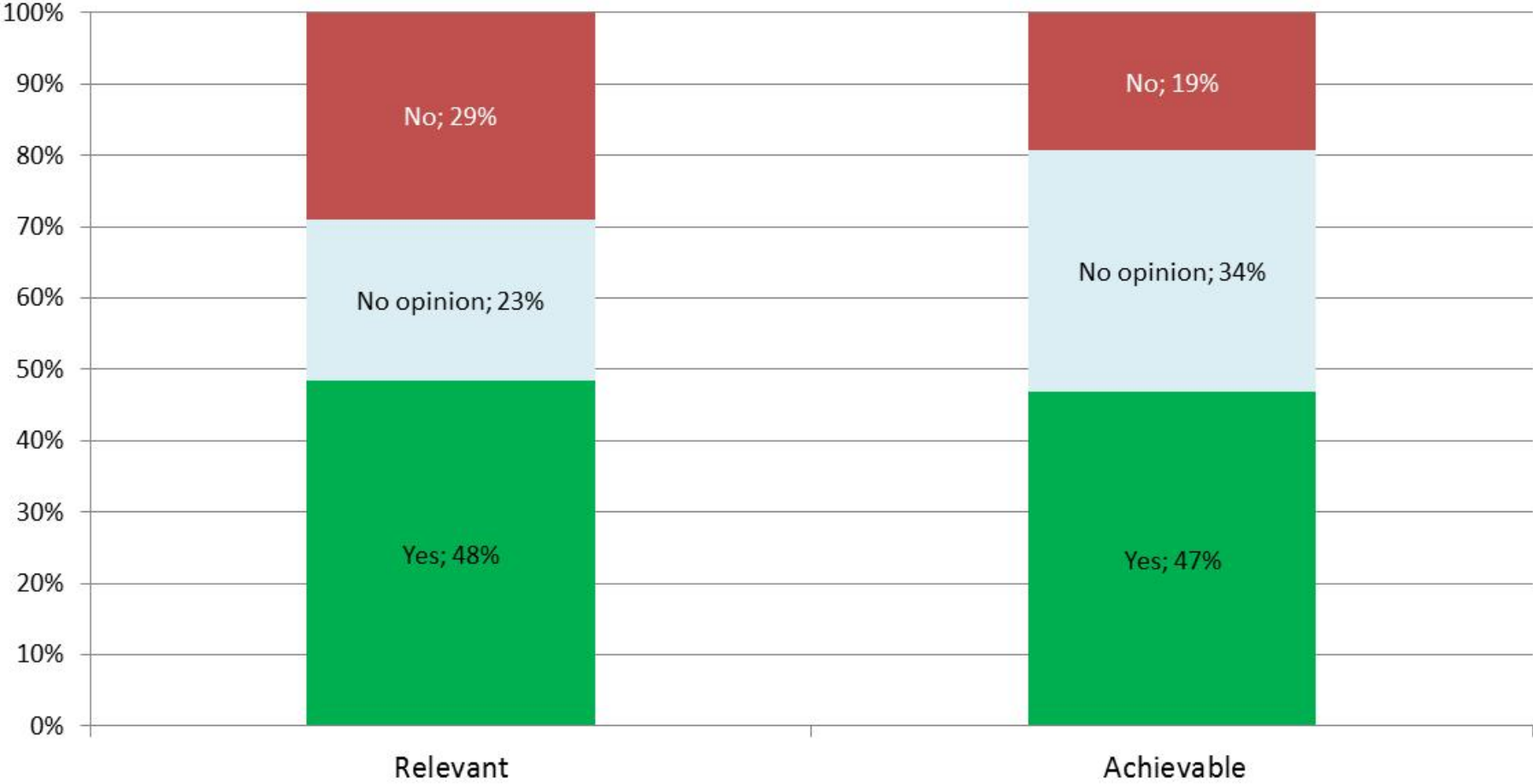
Increase the coherence of the national legal frameworks notably related to the safety and interoperability aspects of the internal market for railways



Q8.3

Objectives - Operational objective (1)

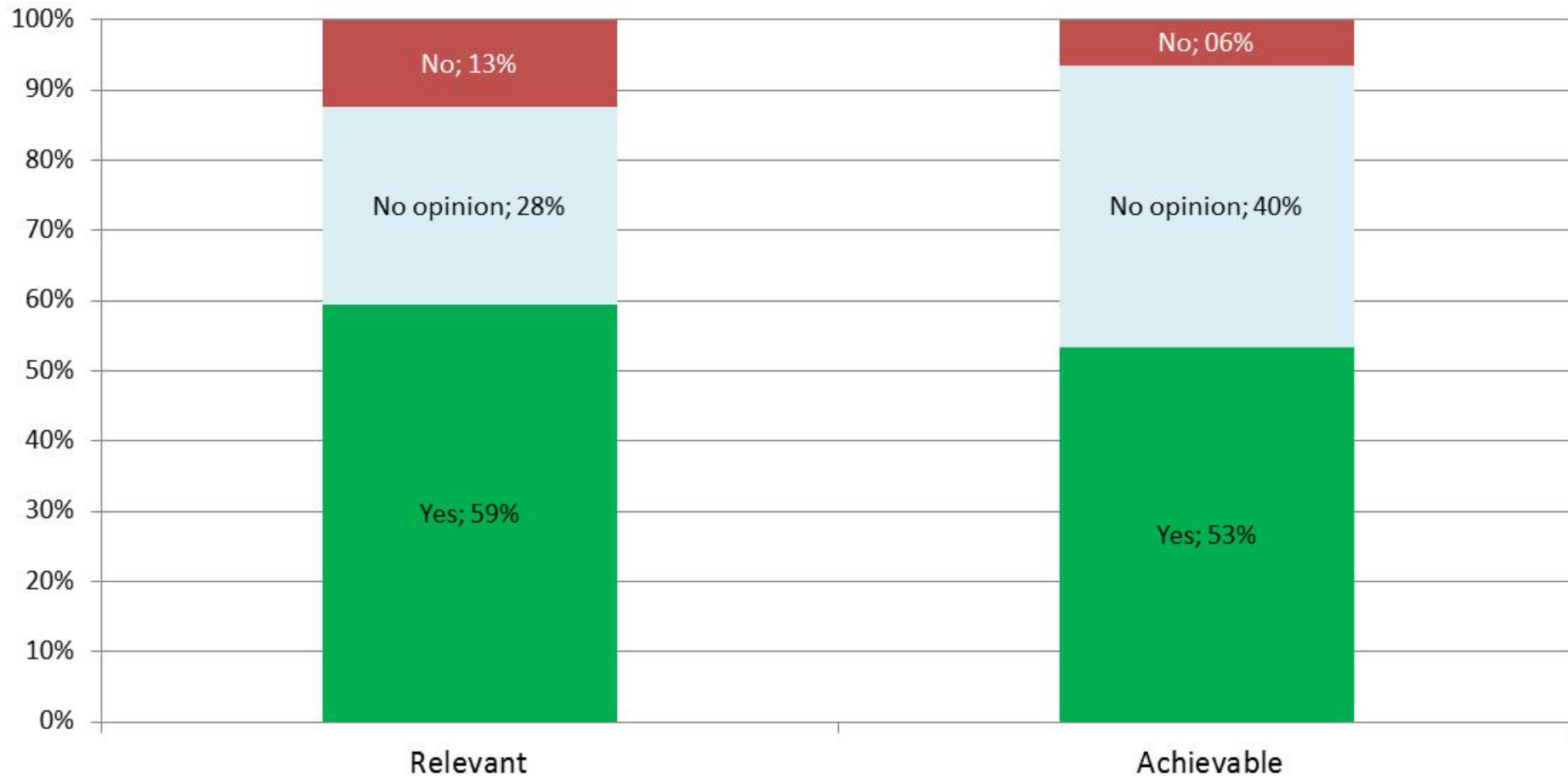
To achieve, by 2025, a 25% market share by new entrants in the rail freight market in each EU Member State



Q9.1

Objectives - Operational objective (2)

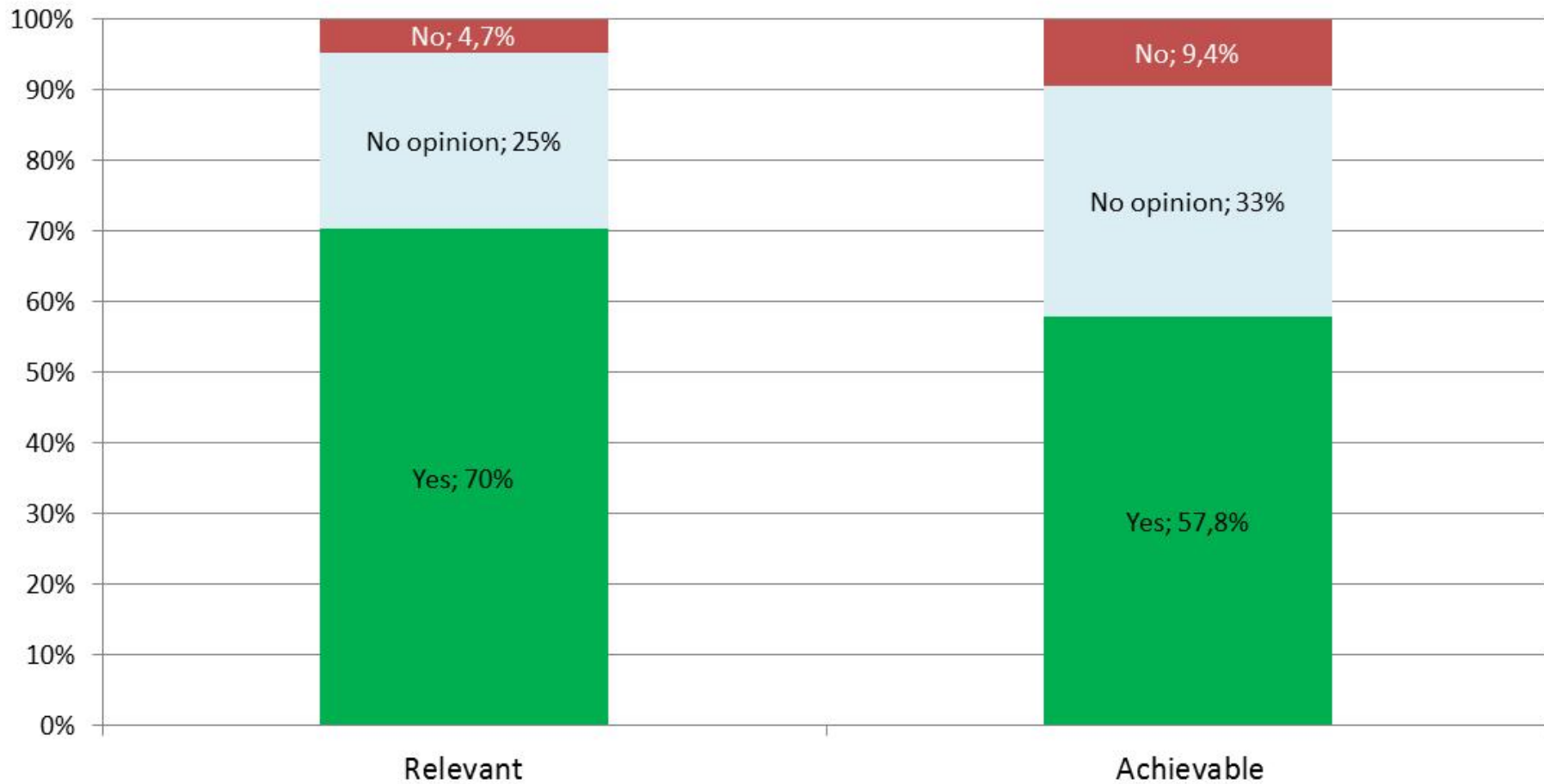
To achieve, by 2025, 25% reduction of time to markets for new railway undertakings



Q9.2

Objectives - Operational objective (3)

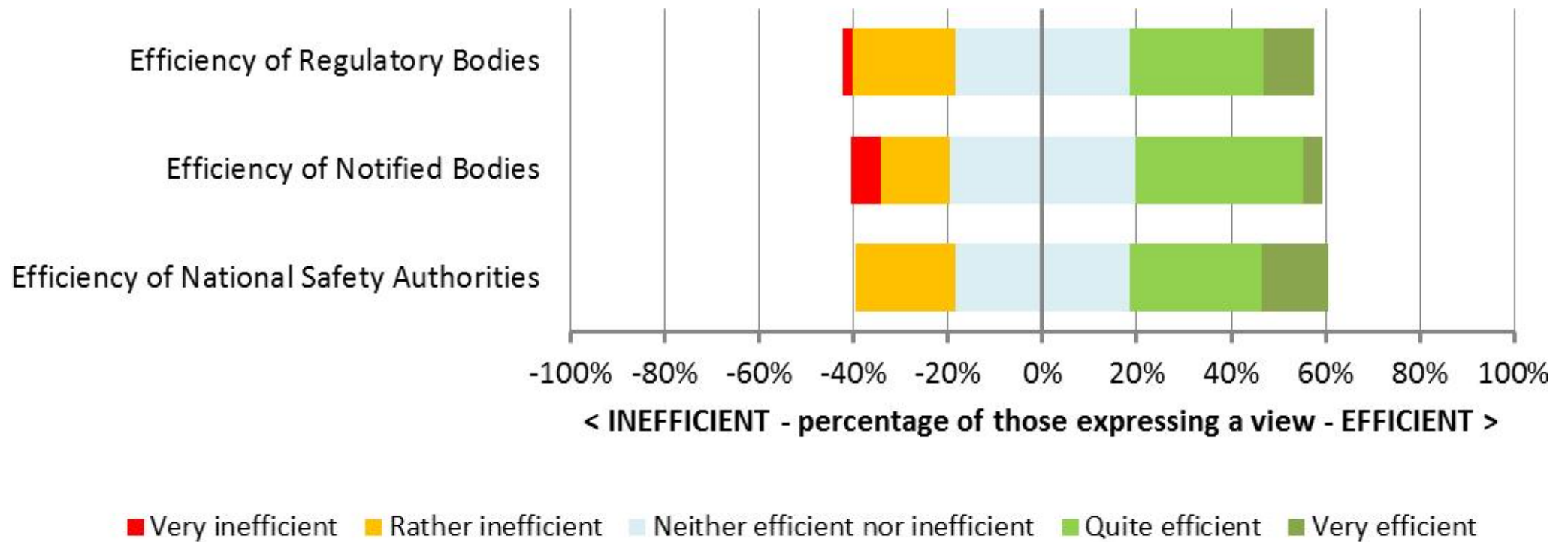
To achieve, by 2025, 25% reduction in the cost and duration of the certification of rolling stock



Q9.3

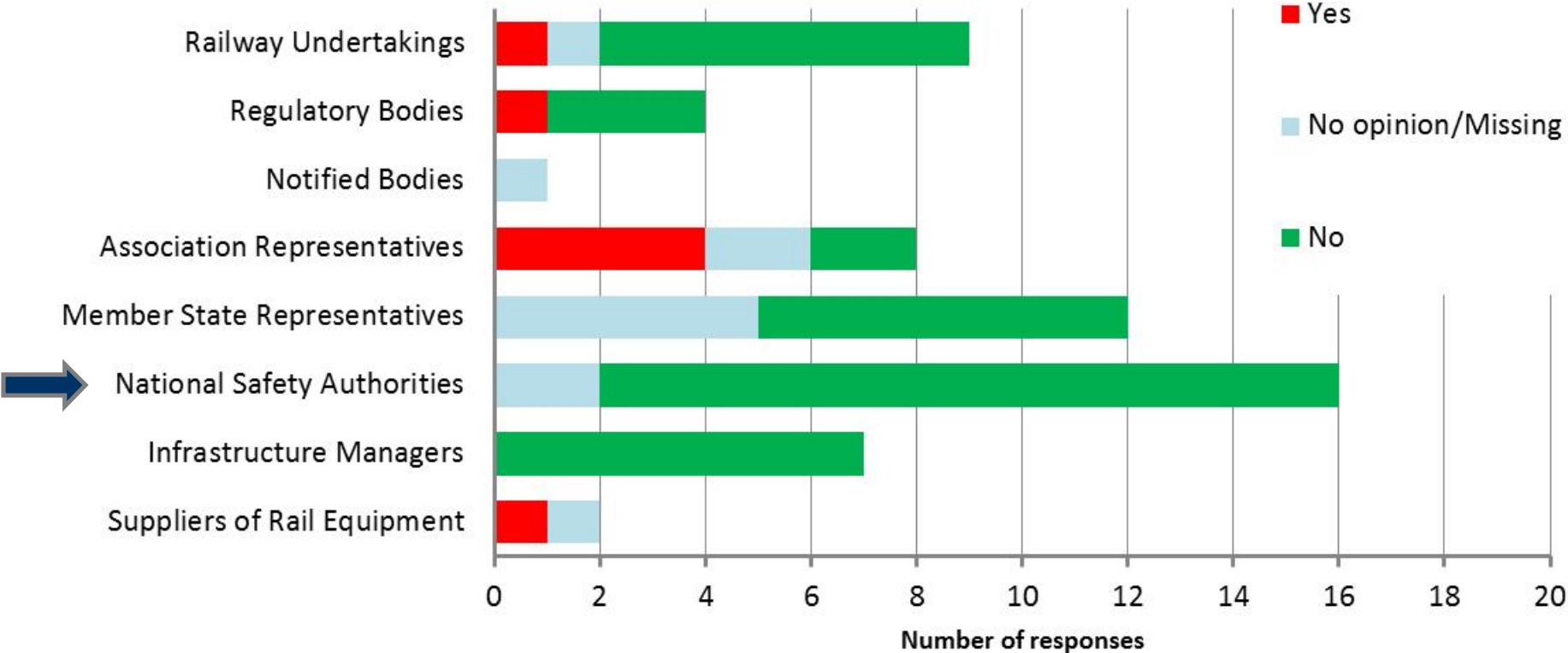
Efficiency of institutions

Efficiency of institutions - Overview



Q3

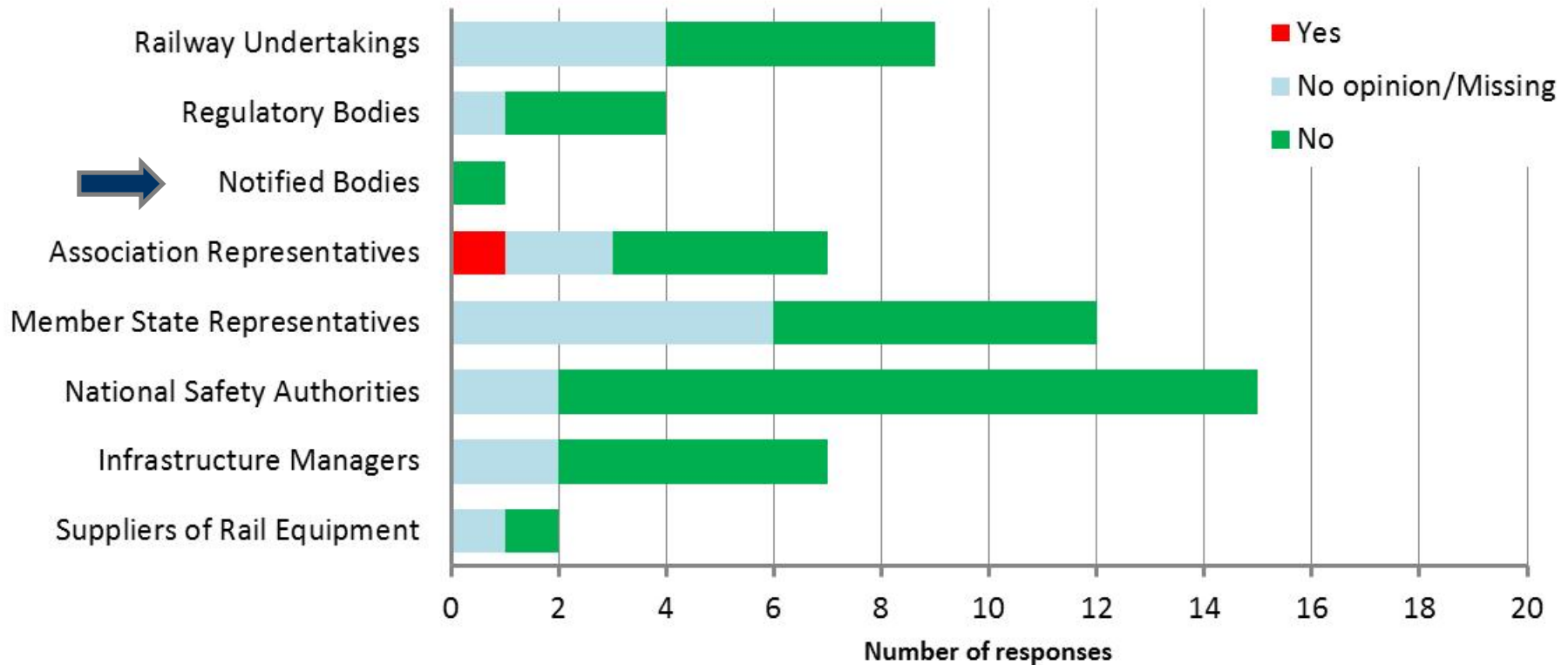
Discrimination against new entrants by NSAs



- Representative Bodies indicated most cases of discrimination against new entrants from NSAs
- No Infrastructure Manager indicated cases of discrimination

Q4.1

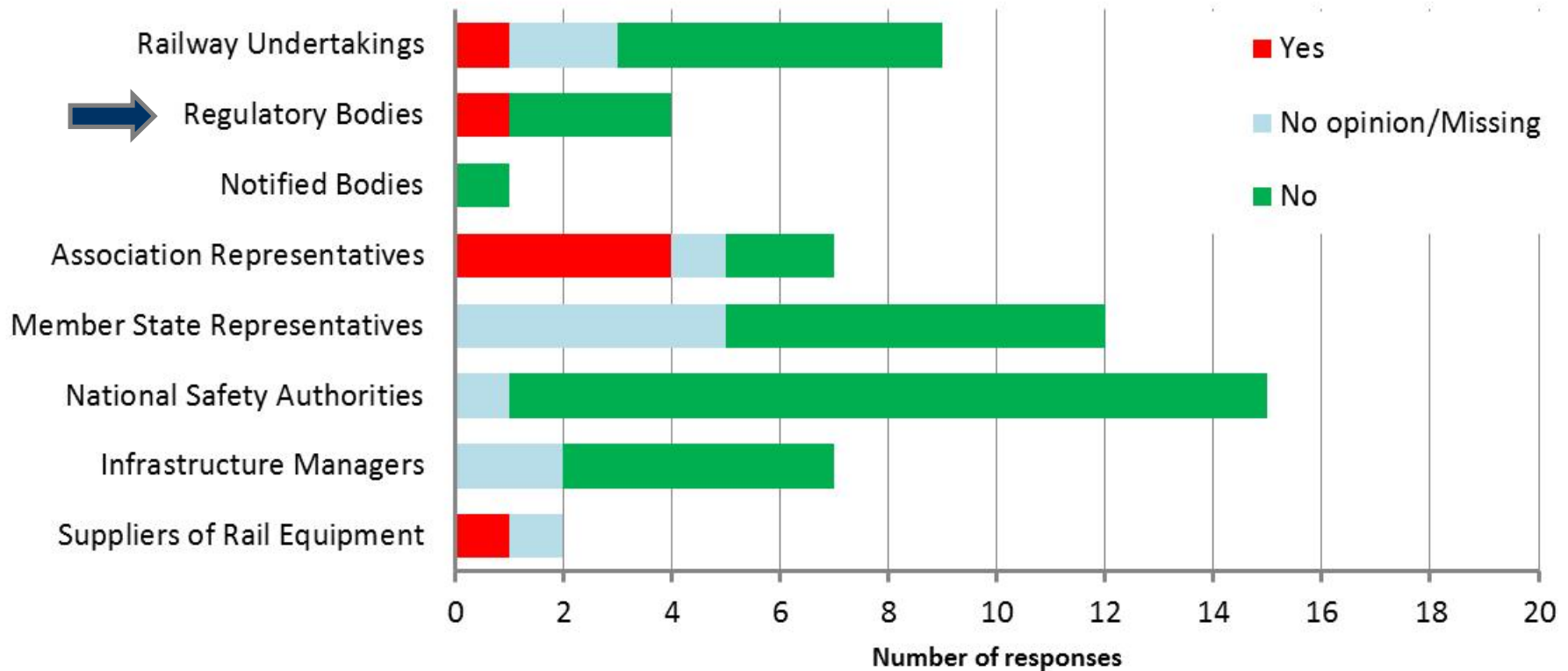
Discrimination against new entrants by Notified Bodies



- Only one Representative Body indicated the possibility of discrimination against new entrants from Notified Bodies

Q4.2

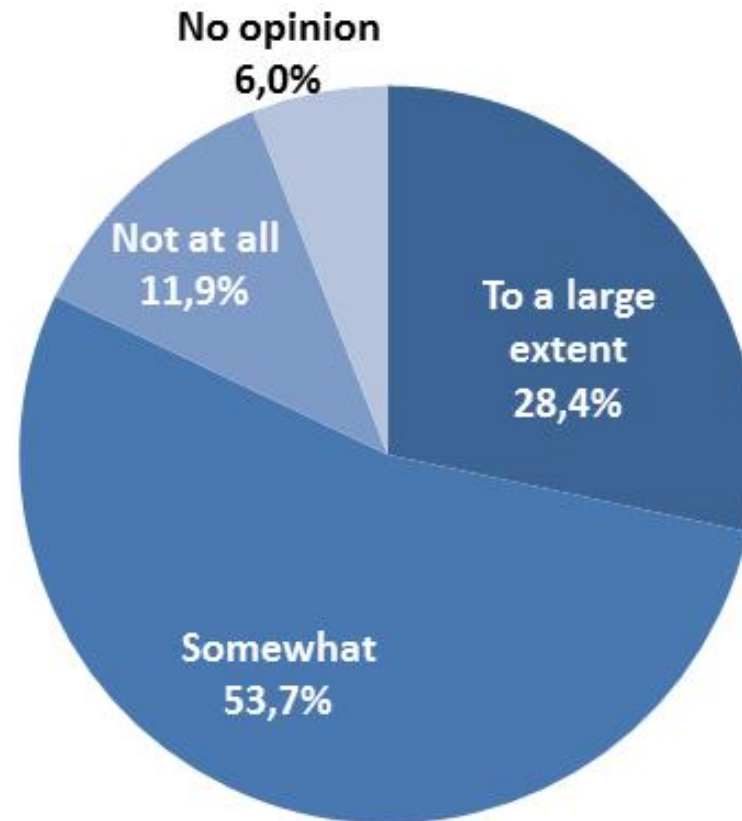
Discrimination against new entrants by Regulatory Bodies



- More than half of the Representative Bodies indicated that some Regulatory Bodies discriminate against new entrants.

Q4.3

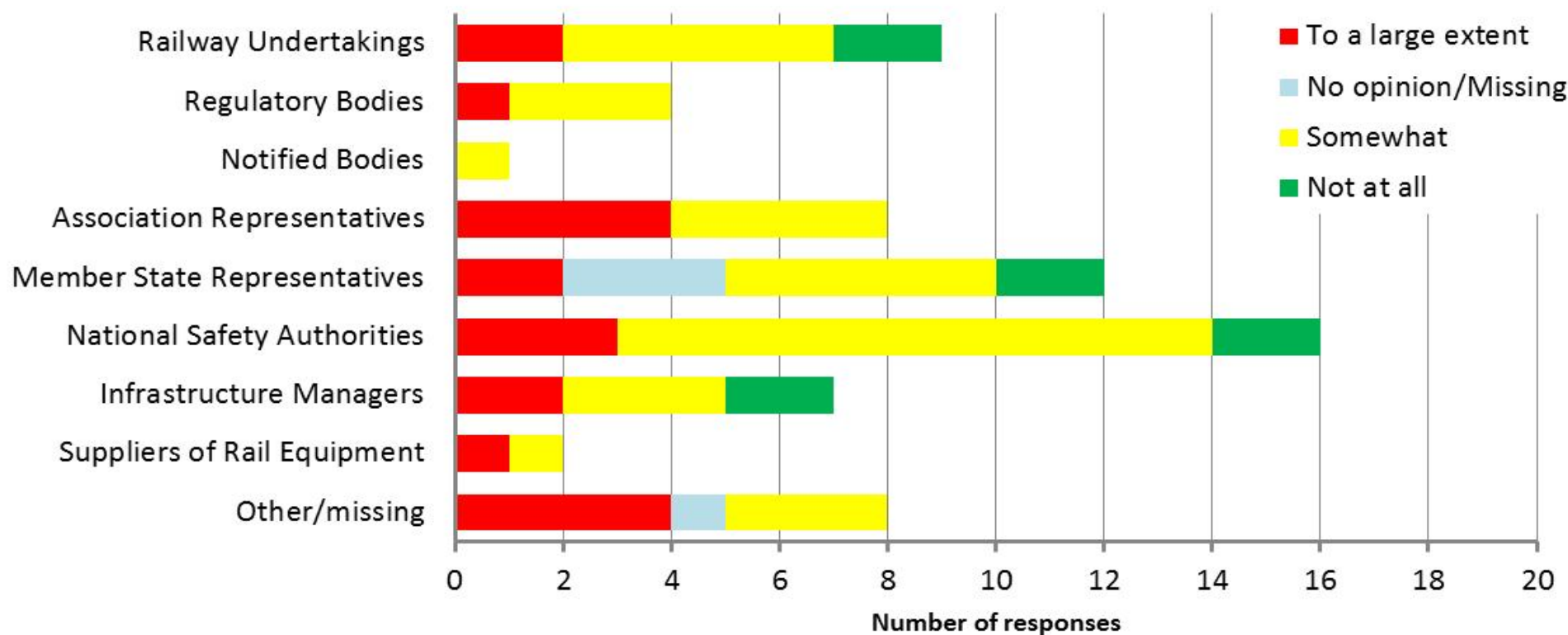
Divergent interpretation of railway legislation (1)



- The majority of respondents indicated a degree of divergent interpretation of the EU railway legislation among Member States

Q5

Divergent interpretation of railway legislation (2)



- The majority of respondents indicated a degree of divergent interpretation of the EU railway legislation among Member States

Q5

Efficiency of institutions – importance of specific issues

The following 5 statements were indicated as most important by respondents:

1. There is a lack of sufficient financial or human resources in some NSAs to effectively perform their tasks
2. Proper implementation of EU railway directives is being hindered by too divergent interpretation of the directives
3. Some Regulatory Bodies lack sufficient financial or human resources to effectively perform their tasks
4. Some NSAs are reluctant to accept safety certificates or authorisations for the placing in service of railway vehicles and subsystems granted by other NSAs
5. There is an insufficient level of dissemination of railway-related information and training within the EU and between EU member states

Summary provided in the following slides

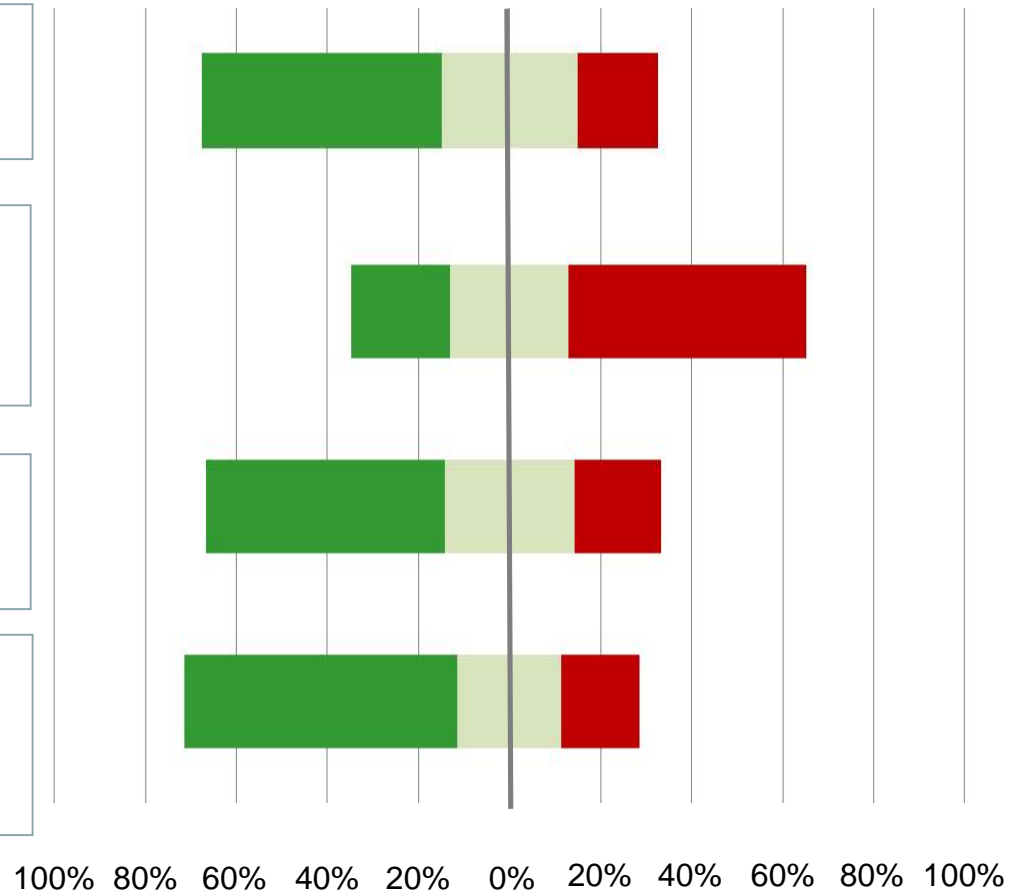
Efficiency of institutions – opinions on specific issues (1)

National technical and safety rule sometimes pose transparency and/or discrimination problems for new entrants

There is an insufficient independence of the Notified Bodies from infrastructure managers, incumbent rail undertaking, the ministry or other actors

Some Notified Bodies lack sufficient financial or human resources to effectively perform their tasks

Some NSAs are reluctant to accept safety certificates or authorisations for the placing in service of railway vehicles and subsystems granted by other NSAs



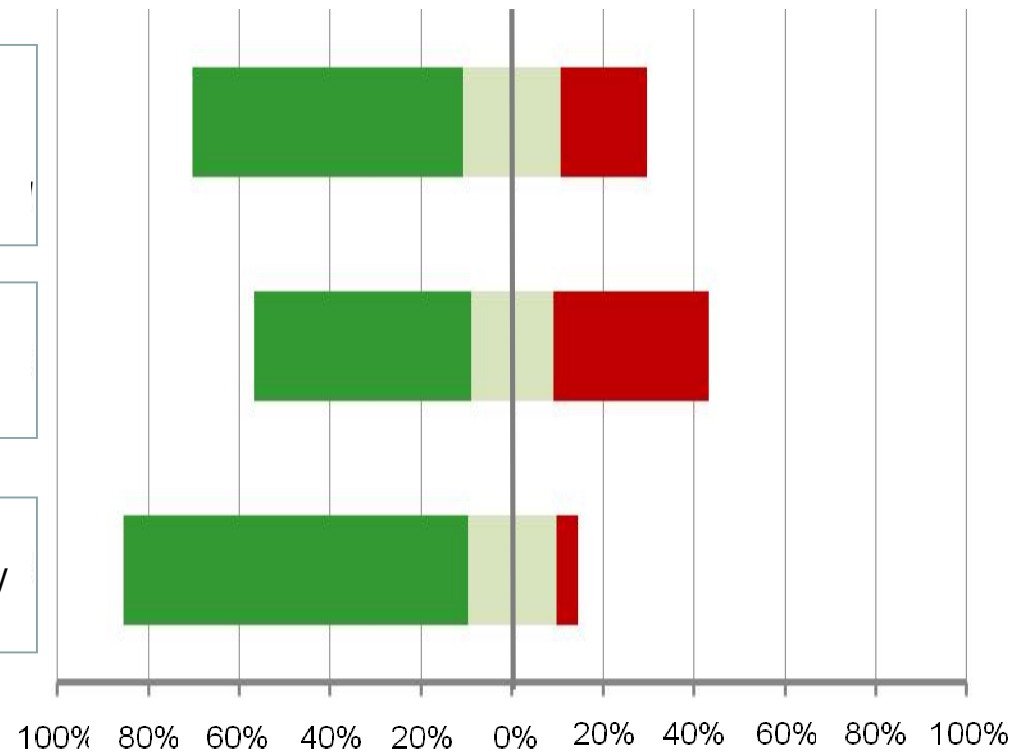
< AGREE – percentage of those expressing a view – DISAGREE >

Efficiency of institutions – opinions on specific issues (2)

The granting of safety certificates to rail operators by NSAs and the authorisation of placing into service of rail systems and vehicles is too slow

There is insufficient independence of the NSAs from infrastructure managers, incumbent rail undertakings and/or the ministry

There is a lack of sufficient financial or human resources in the case of some NSAs to effectively perform their tasks



< AGREE – percentage of those expressing a view – DISAGREE >

Efficiency of institutions – opinions on specific issues (3)

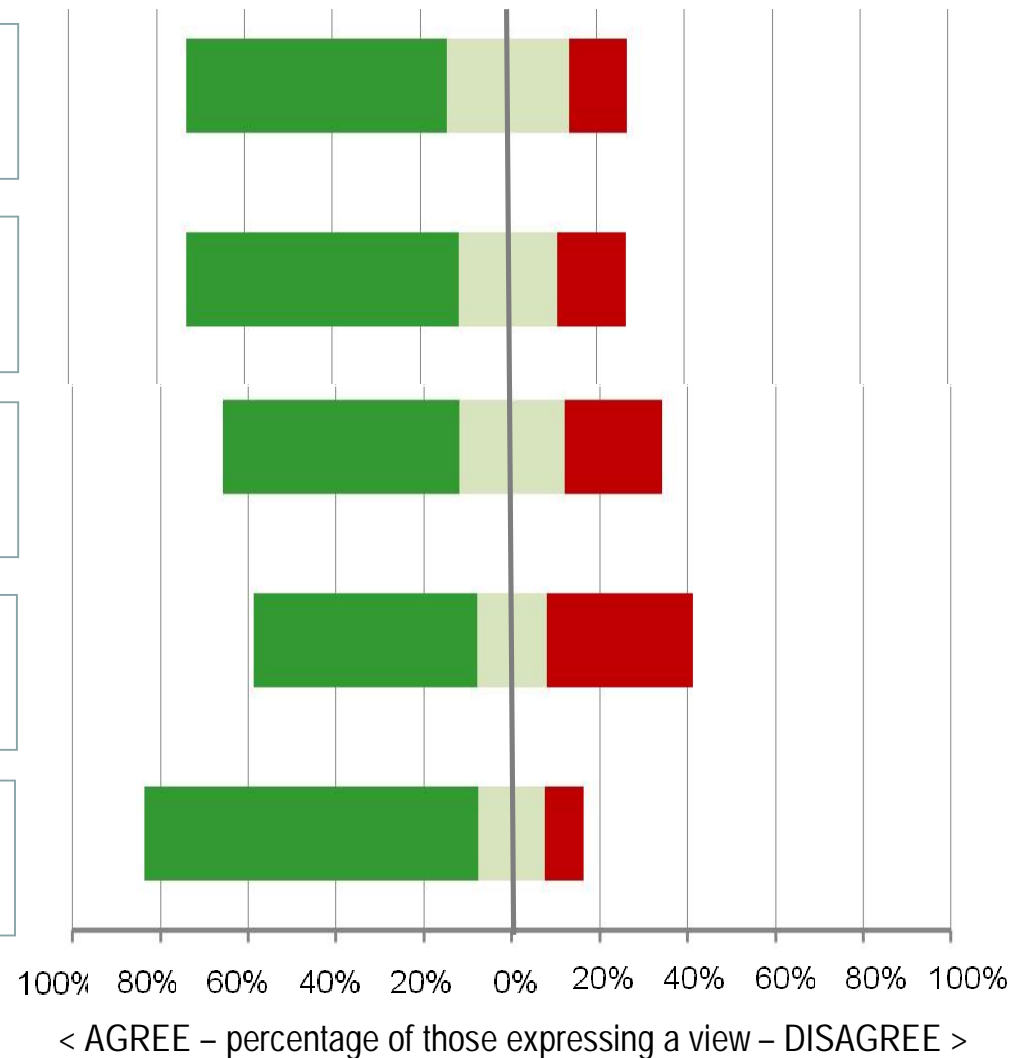
There is an insufficient level of dissemination of railway-related information and training within the EU and between EU Member States

Proper implementation of EU railway directives is being hindered by too divergent interpretation of the directives

The level of monitoring and control of implementation of the interoperability and safety legislation by Member States is not sufficient

There is insufficient independence of the Regulatory Bodies from infrastructure managers, incumbent rail undertakings and/or the ministry

Some Regulatory Bodies lack sufficient financial or human resources to effectively perform their tasks



Q6

Future policy options

Future policy options – summary of comments

The following 3 policy options were supported by the majority of respondents:

1. Enhanced role of ERA in migration from national technical and safety rules to a system of EU rules
2. Enhanced role of ERA in providing advice and support for Member States and other stakeholders in implementing EU legislation on safety and interoperability
3. Enhanced role of ERA in dissemination of railway-related information and training

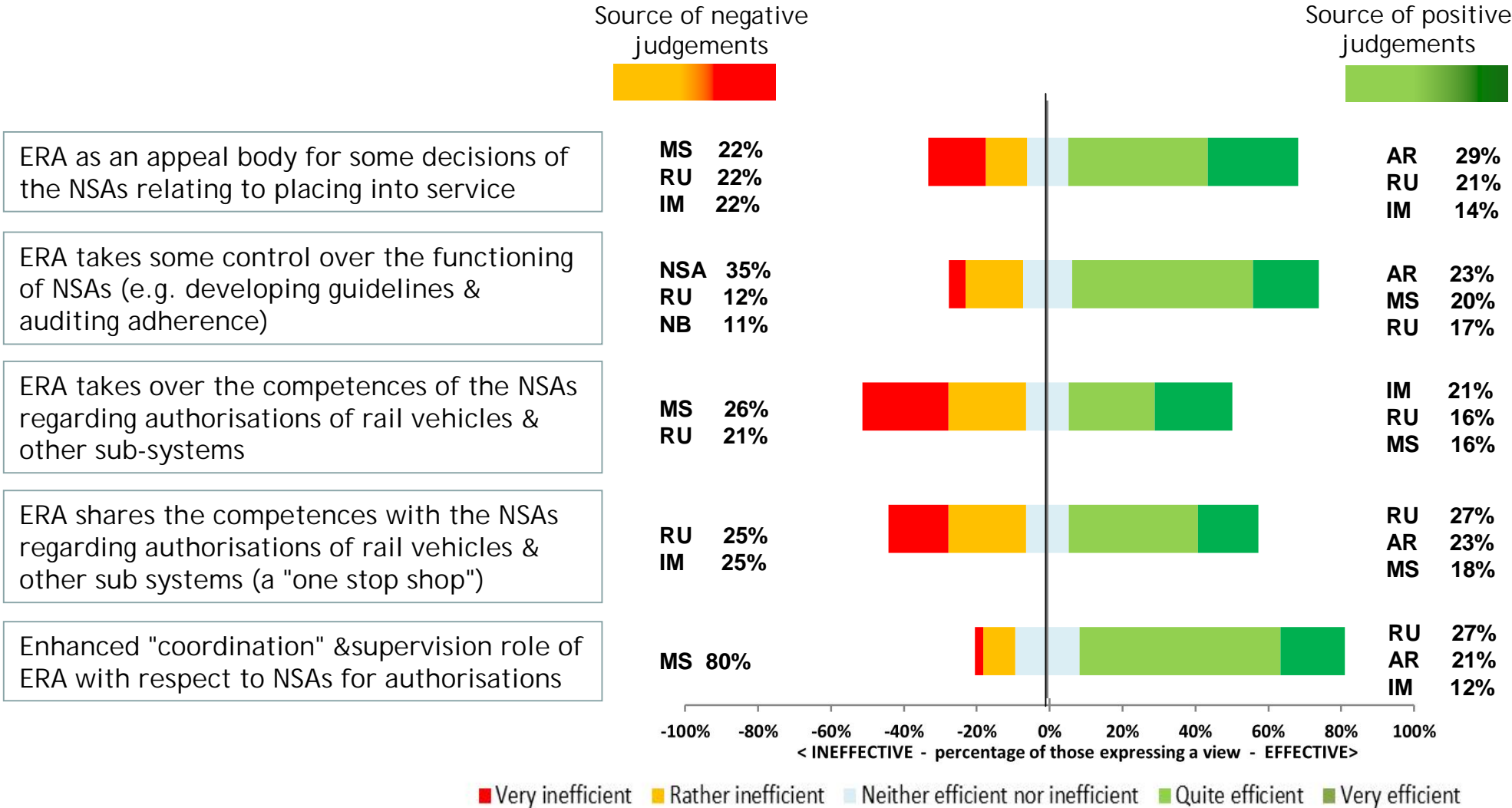
Future policy options – summary of comments

The following 3 policy options were not supported by the majority of respondents:

1. ERA takes over the competences of the NoBos regarding checking the conformity with the TSIs of the rail sub-systems (including ERTMS equipment)
2. ERA takes over the competences of the Regulatory Bodies regarding market supervision over the infrastructure managers, in particular as far as cross-border traffic is concerned
3. ERA as an appeal body for some decisions of the Regulatory Bodies

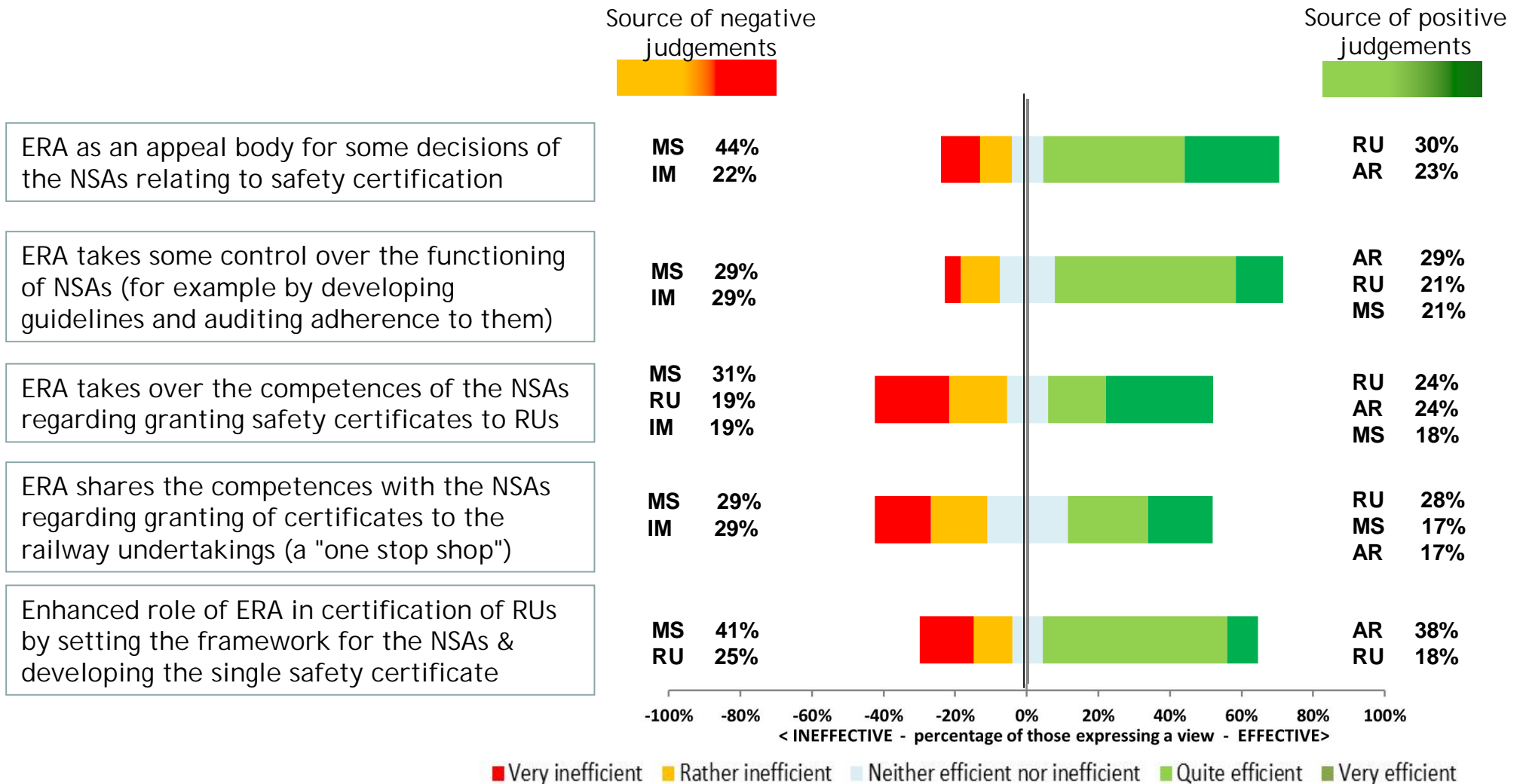
Summary provided in the following slides

Options related to NSAs - placing into services



Q10.1

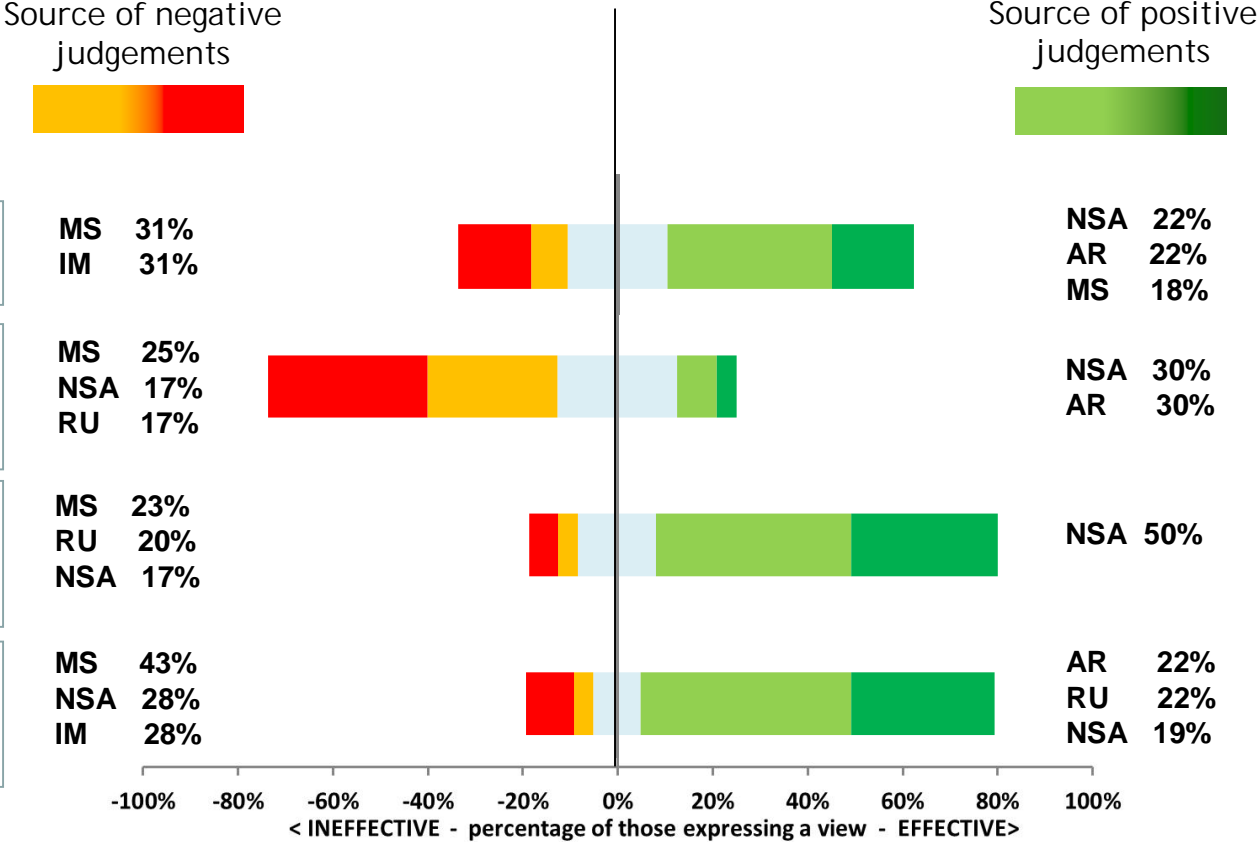
Options related to NSAs - safety certification



Q10.2

Options related to Notified Bodies

- ERA as an appeal body for some decisions of NoBos
- ERA takes over the competences of the NoBos regarding checking the conformity with the TSIs of the rail sub-systems
- Enhanced "coordination" and supervision role of ERA with respect to NoBos for type approval & ERTMS authorisation
- Enhanced "coordination" and supervision role of ERA with respect to NoBos for type approval & vehicle authorisation



■ Very inefficient ■ Rather inefficient ■ Neither efficient nor inefficient ■ Quite efficient ■ Very efficient

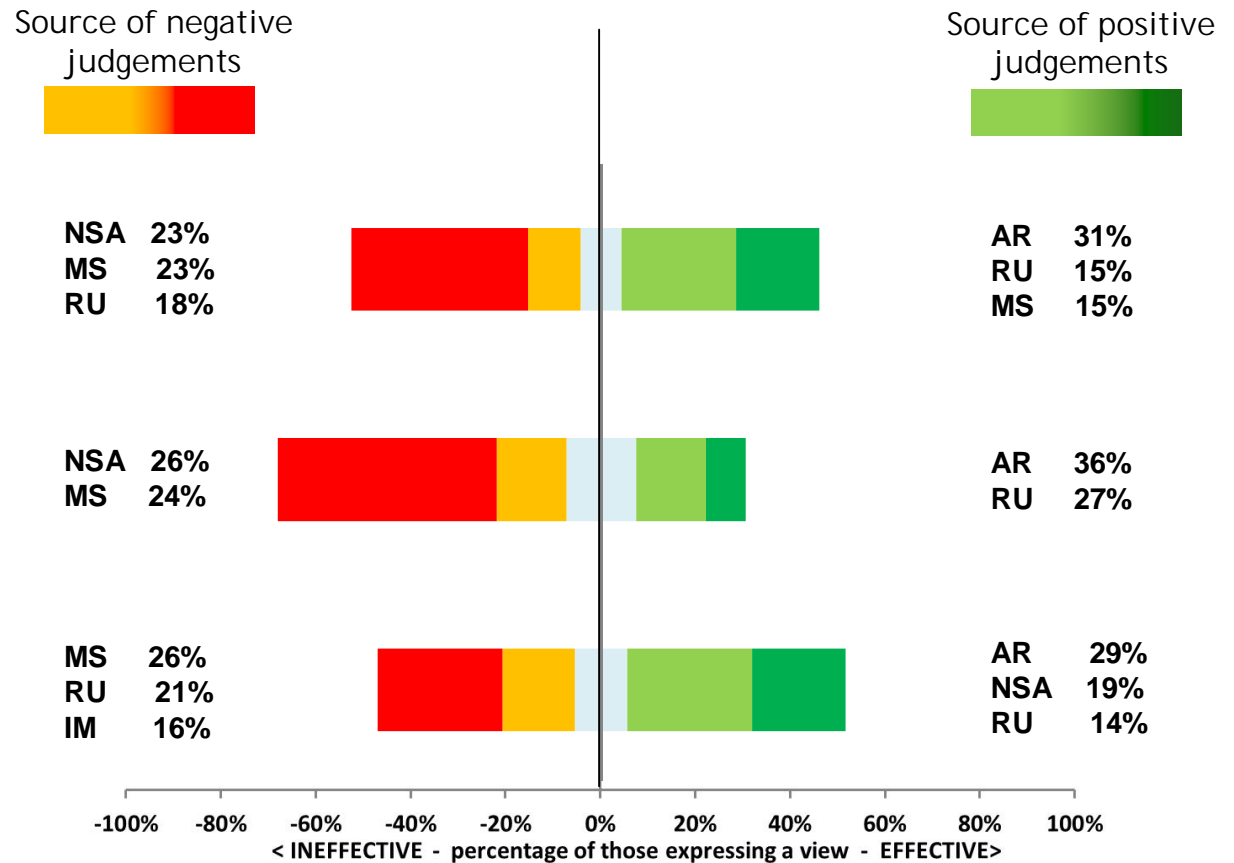
Q10.3

Options related to Regulatory Bodies

ERA as an appeal body for some decisions of the Regulatory Bodies

ERA takes over the competences of the RBs regarding market supervision over IMs, in particular for cross-border traffic

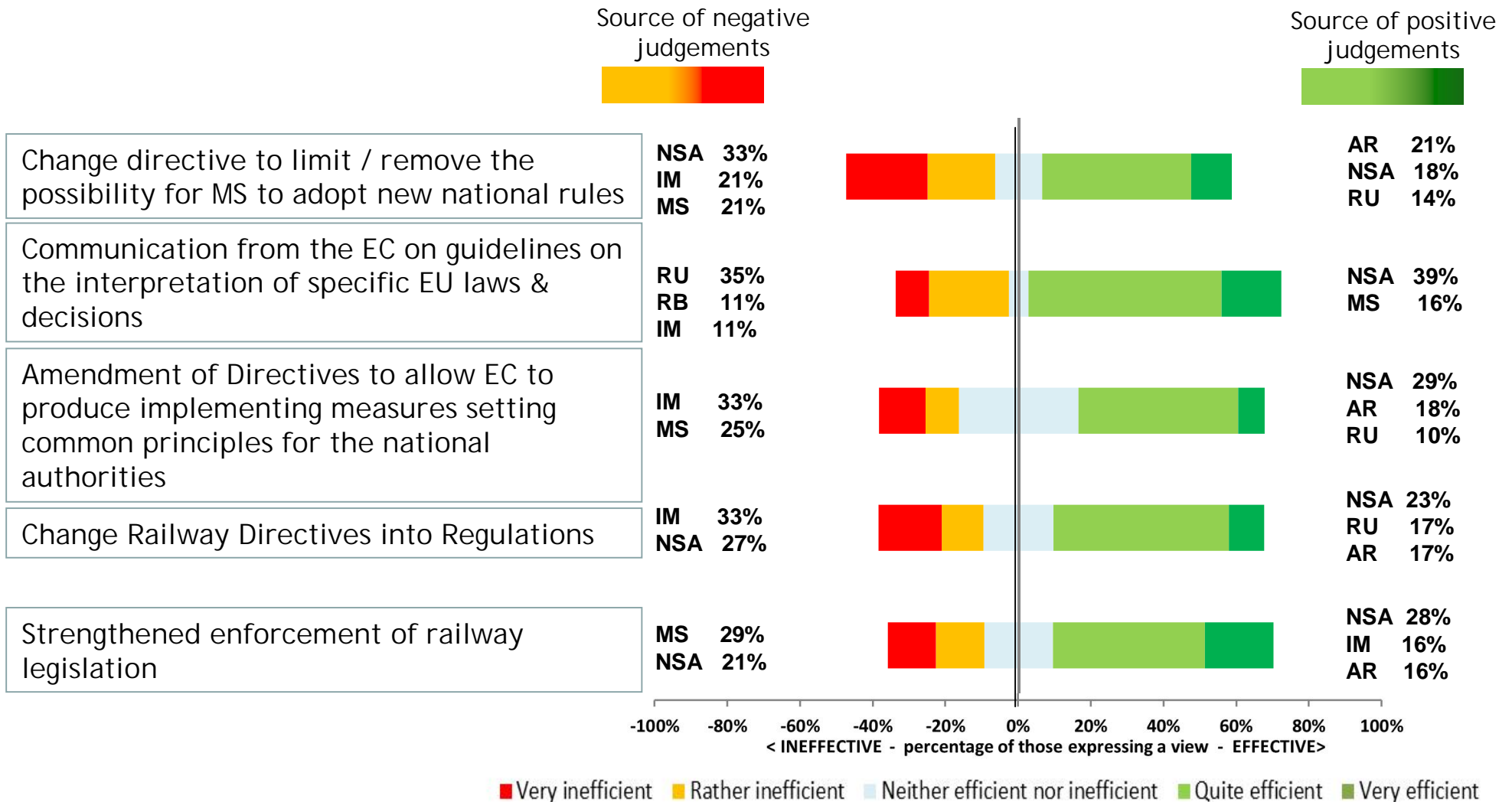
Enhanced "coordination" and supervision role of ERA with respect to Regulatory Bodies



■ Very inefficient
 ■ Rather inefficient
 ■ Neither efficient nor inefficient
 ■ Quite efficient
 ■ Very efficient

Q10.4

Options related to activities of the Commission



Q10.5

Other options (1)

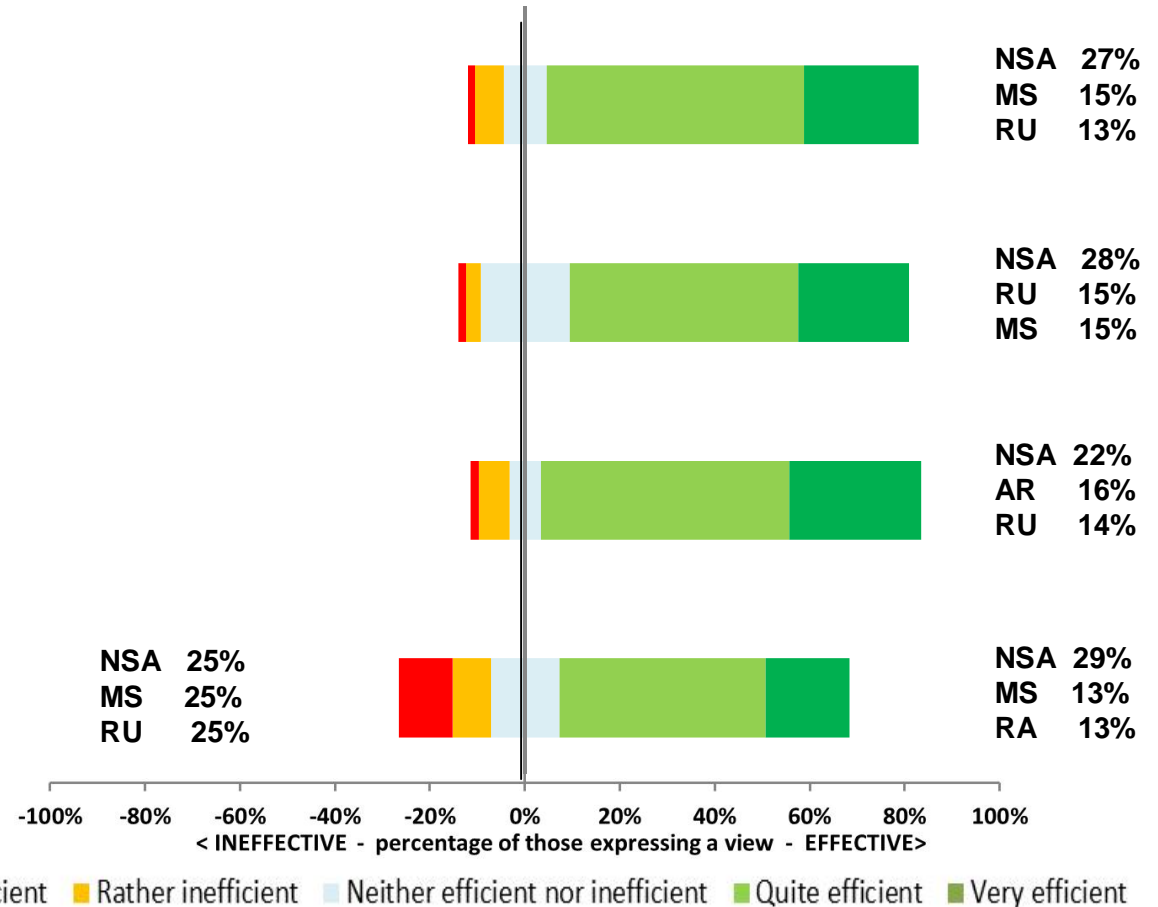
Source of negative judgements



Source of positive judgements

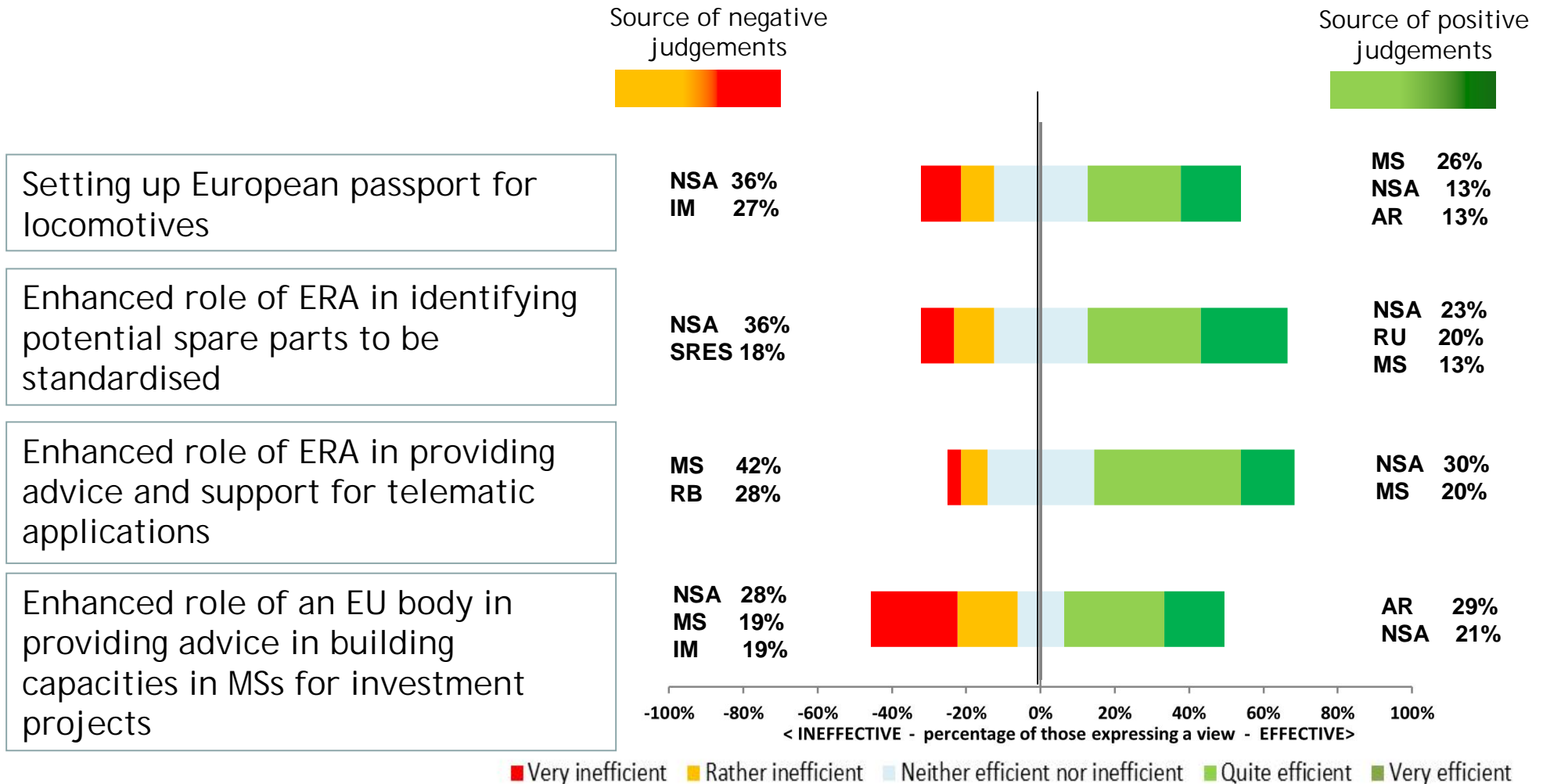


- Enhanced role of ERA in providing advice & support for implementing EU legislation on safety and interoperability
- Enhanced role of ERA in dissemination of railway-related information and training
- Enhanced role of ERA in migration from national technical and safety rules to a system of EU rules
- Enhanced role of ERA in monitoring and control of implementation of national safety and interoperability legislation



Q10.6

Other options (2)



Q10.6

Next steps

1. Take results of on-line survey and stakeholder comments and feed into further analysis.
2. Evaluate final policy options assessing:
 - Impact on the industry (cost and time to market in relation to authorisation)
 - Wider economic and social impacts
 - Impact on administrative costs
3. Prepare recommendations



Questions and Discussion

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