

Evaluation of the implementation of Regulation (EC) No 881/2004 of 29
April 2004 establishing the European Railway Agency

Results of the stakeholder analysis

Public seminar

Friday, 10th December 2010

Steer Davies Gleave
28-32 Upper Ground
London, SE1 9PD
+44 (0)20 7919 8500

www.steerdaviesgleave.com

Programme

Session 1:

- Introduction and Methodology
- Presentation of findings relating to the impact of the Regulation
- Discussion

Session 2:

- Presentation of findings relating to the effectiveness of the Agency
- Discussion

Session 3:

- Presentation of findings on the future role of the Agency
- Next steps
- Discussion

Introduction and methodology

Introduction

- SDG has been commissioned to assist the Commission with evaluation of the European Rail Agency as required by Article 43 of the Regulation 881/2004 and as amended by Regulation 1335/2008. A draft interim report has recently been prepared.
- The purpose of the study is to review:
 - the implementation of the Regulation
 - the effectiveness of the Agency
 - potential new roles for the Agency
- This presentation summarises findings from the stakeholders consultation:
 - Web based survey
 - Follow-up interviews
- The aim of the presentation is to provide an overview of the evidence from stakeholders that will inform the evaluation. This will be supplemented by further analysis including benchmarking with comparator agencies and which is excluded from the presentation.
- Also outside of the scope of the presentation are any conclusions on the way forward.


Methodology: Overview

- Evidence for this study has been drawn from:

- Stakeholder survey

- Interviews with the stakeholders

- Interviews with the Agency



The subject of today's seminar

- Desktop analysis of published information

- Benchmarking of comparator Agencies

- Independent analysis

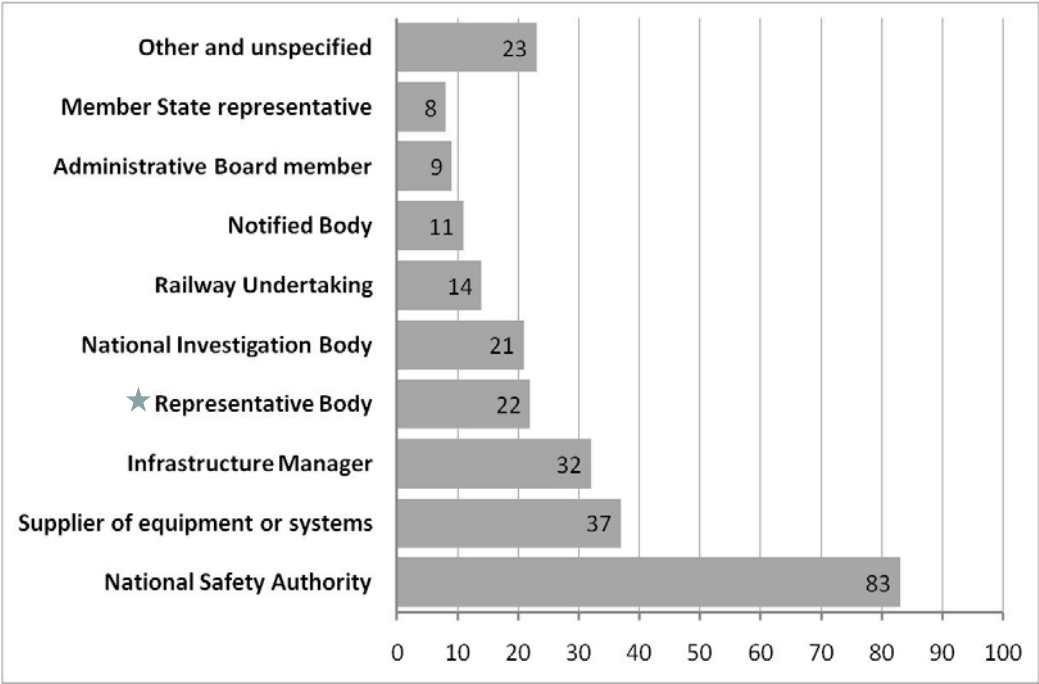
- The approach to the stakeholders consultation was discussed and agreed with the Commission at the beginning of the study.

Methodology: Stakeholder consultation - Online Surveys (1)

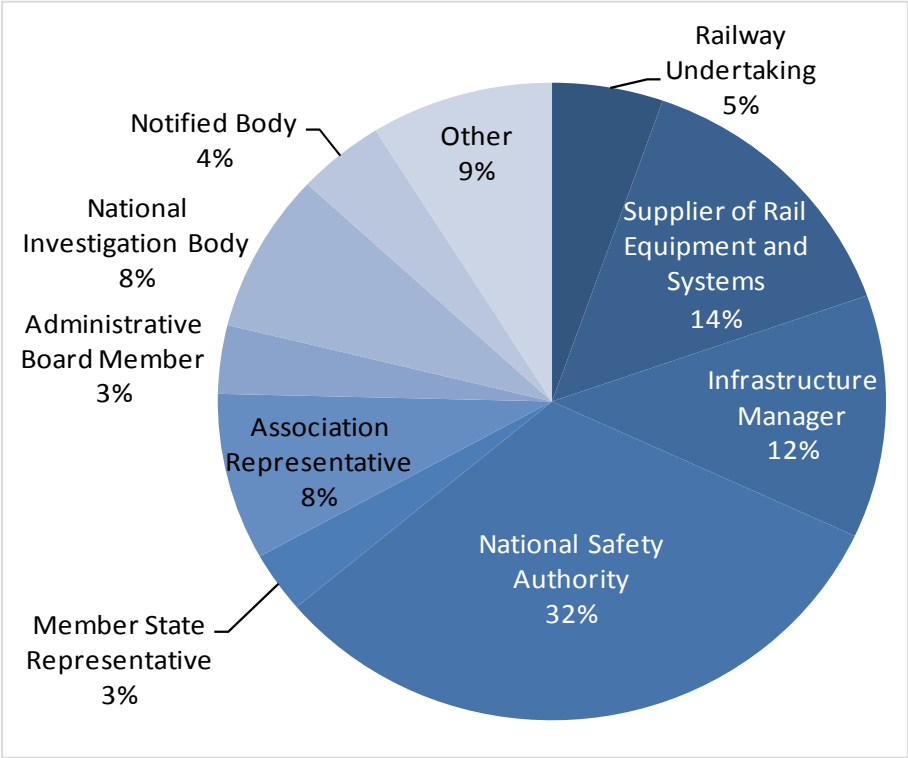
- Developed by Steer Davies Gleave in consultation with the Commission.
- 1,269 survey invitations sent (contact details received from the Agency).
- Received 260 completed responses (those that clicked on the finish button).
- Achieved a 20% response rate, but some surveys were completed collectively on behalf of associations.
- Received additional responses in the form of position papers and written submissions from a number of parties.
- We believe that this represents a good level of response for a survey of this nature.

Methodology: Stakeholder consultation - Online Surveys (2)

Breakdown of respondents



★ Representative bodies: Article 3(2) of 881/2004



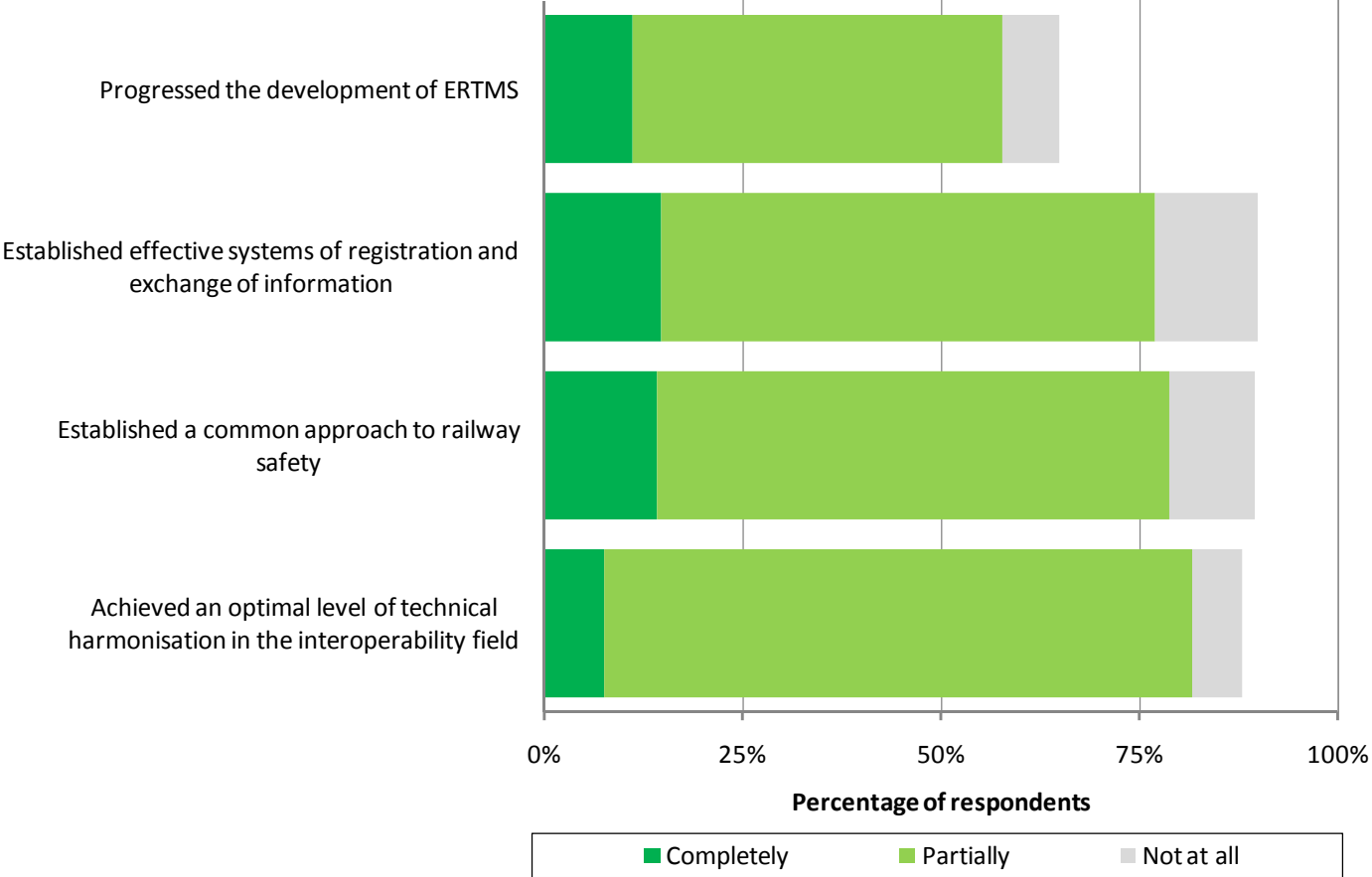
Methodology: (1) Stakeholder consultation and interviews (2) Agency visits and interviews

- Following the online survey we conducted interviews with Stakeholder representatives involved in the activities of the Agency:
 - 8 of the 10 Representative Bodies
 - 2 NSAs
 - 3 NIBs
 - 3 members of the Administrative Board
 - A member of NBRail
 - A member of one of the Representative Bodies

- To help our understanding of the functioning of the Agency and related issues we also visited the Agency on three occasions and interviewed:
 - The Executive Director
 - All Heads of Units
 - 12 other members of staff

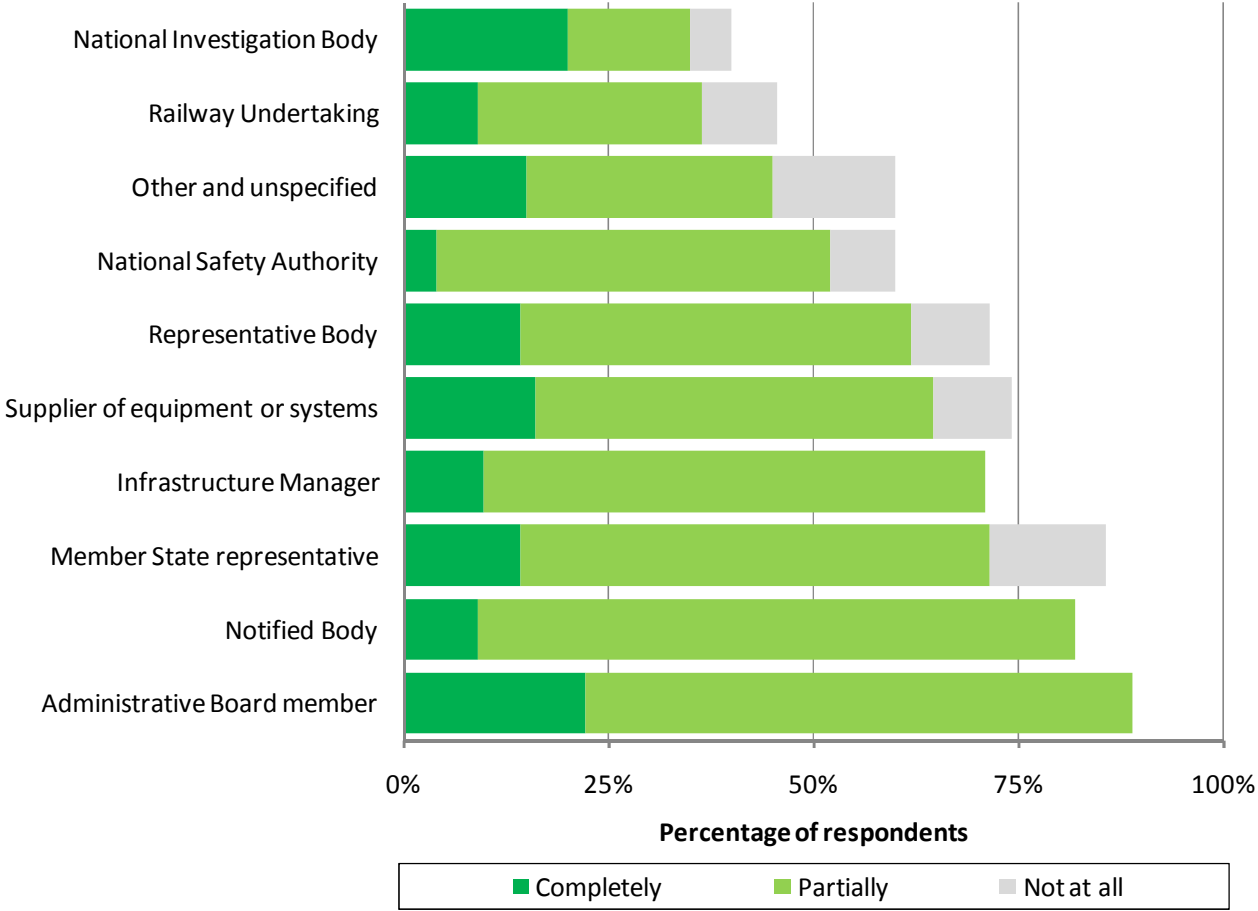
Findings relating to the impact of the Regulation

To what extent has the Agency fulfilled its objectives? - Overview



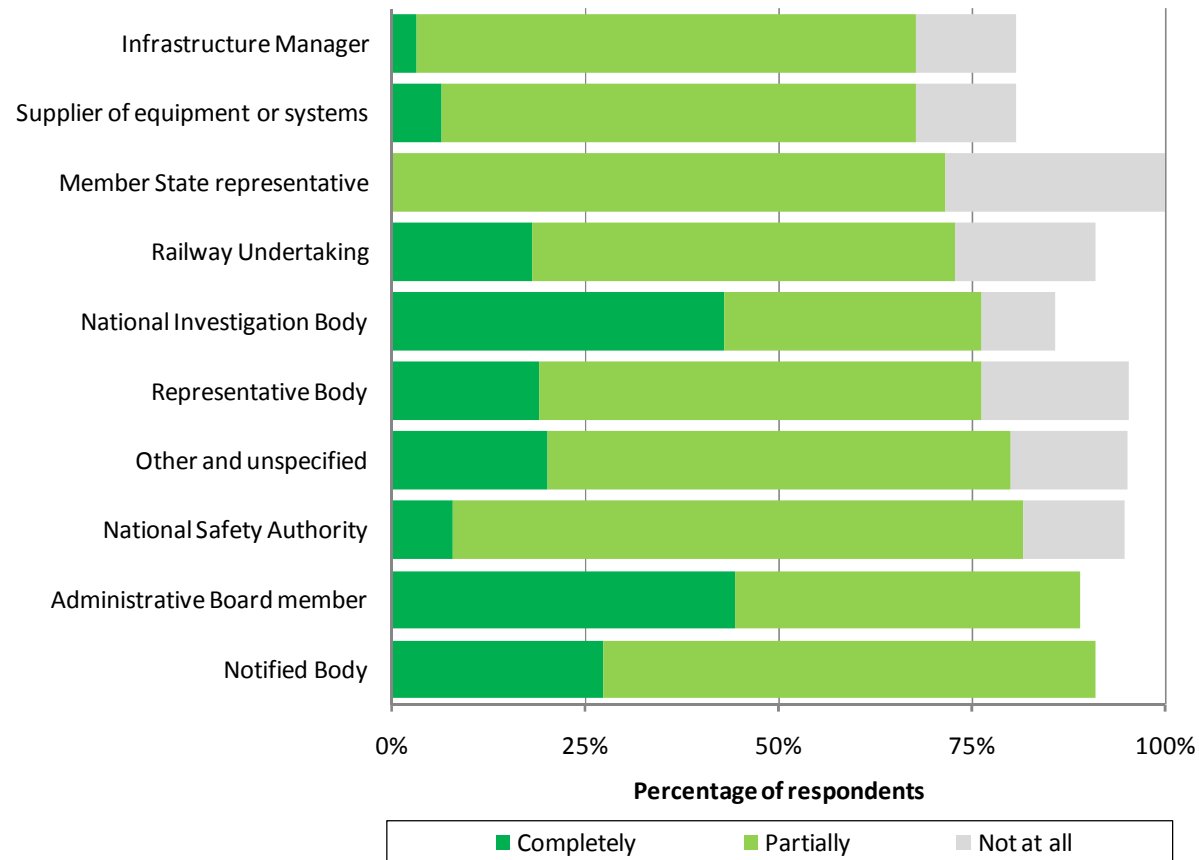
Consensus that the objectives have been at least partially fulfilled

Objective: Progressed development of ERTMS



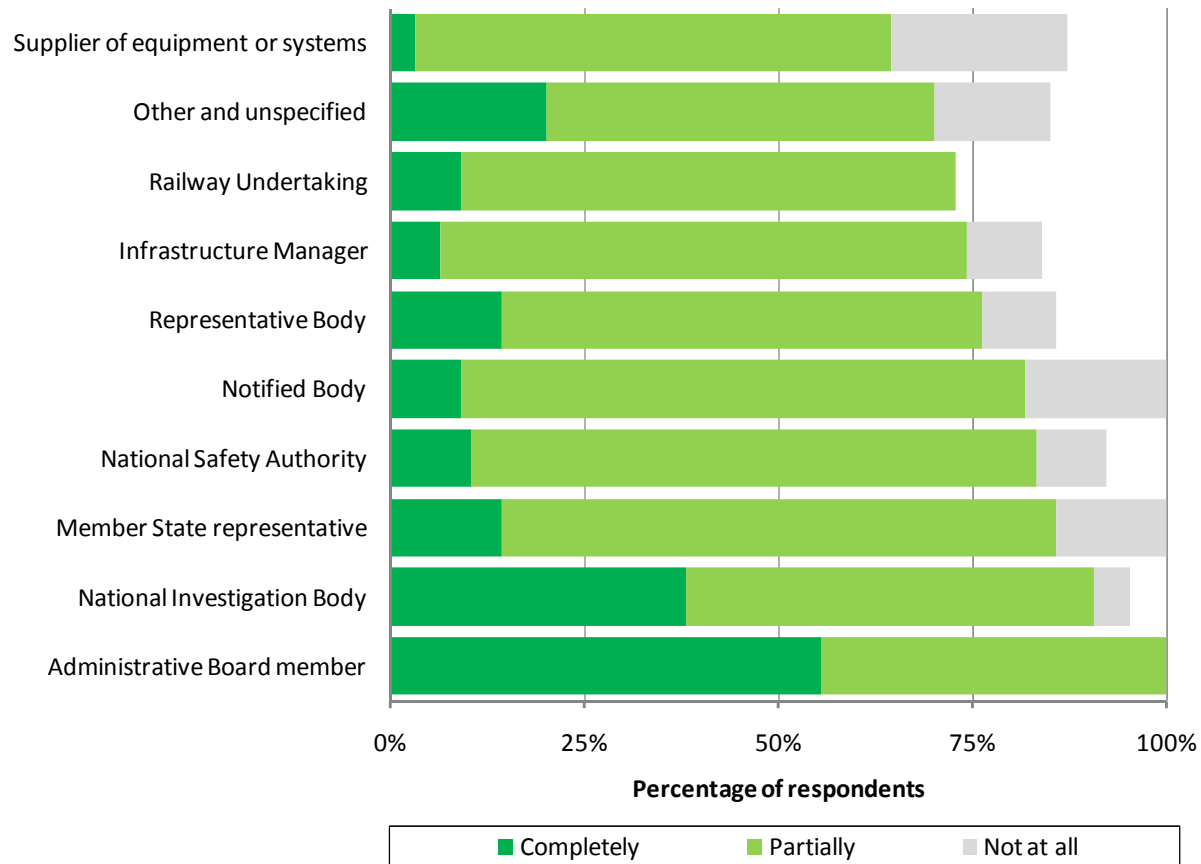
- Less than 70% responded. Surveys generally positive.
- Interview responses consistent with the survey

Objective: - Effective system of registration / exchange of information



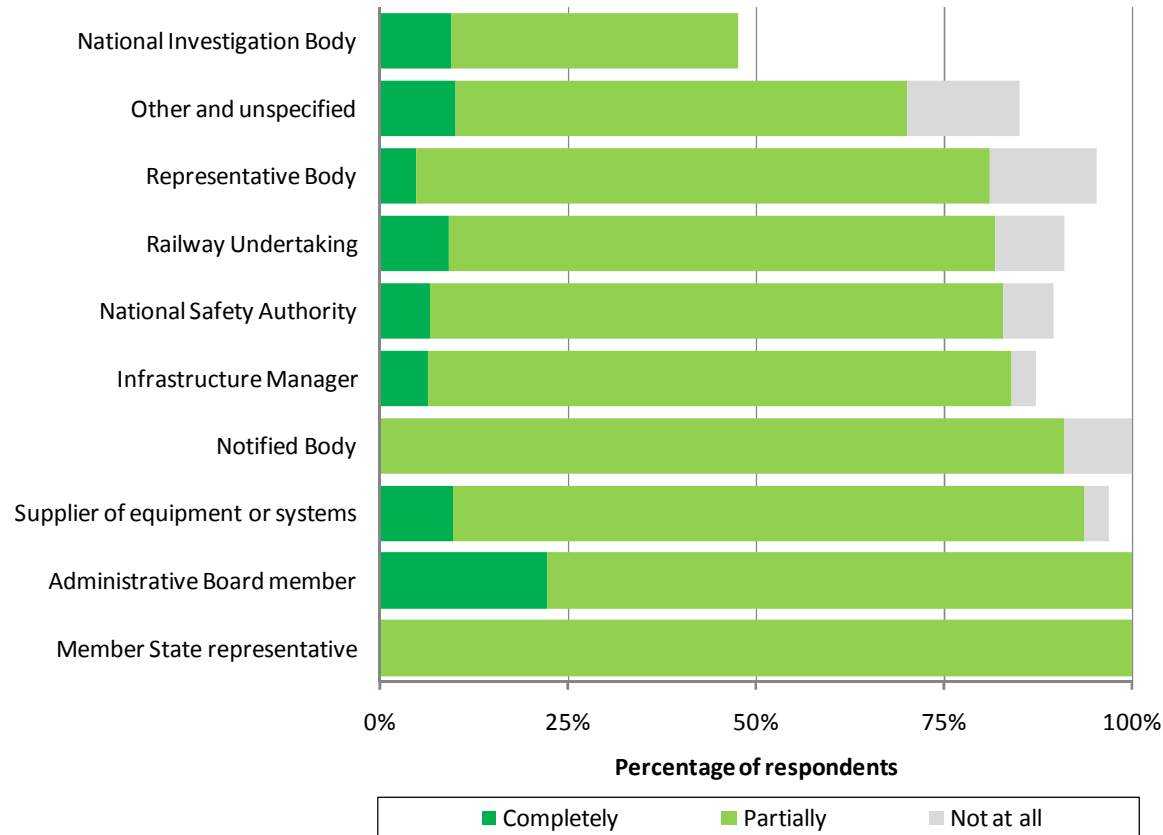
- ERA has made substantial progress
- But registers still lacking in content and information

Objective: Establish a common approach to safety



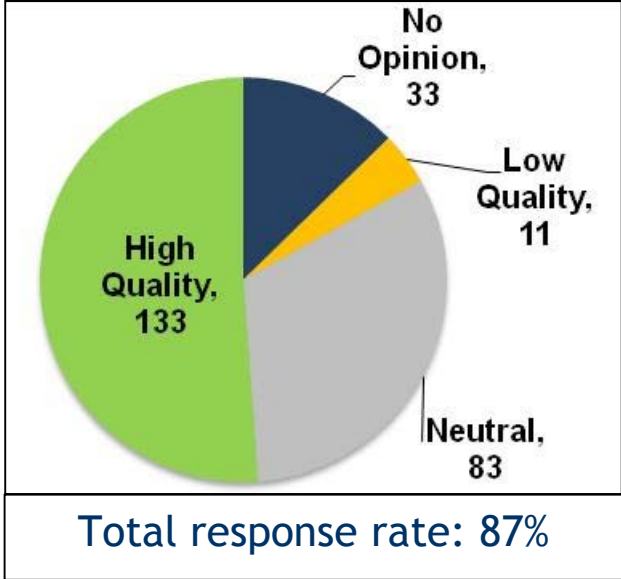
- General consensus with approach
- ERA acted appropriately in the aftermath of the Viareggio accident

Objective: - Define an optimum level of technical harmonisation

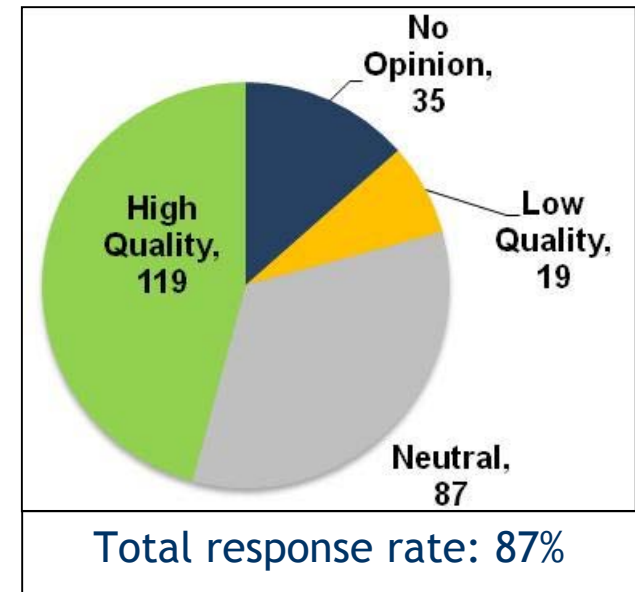
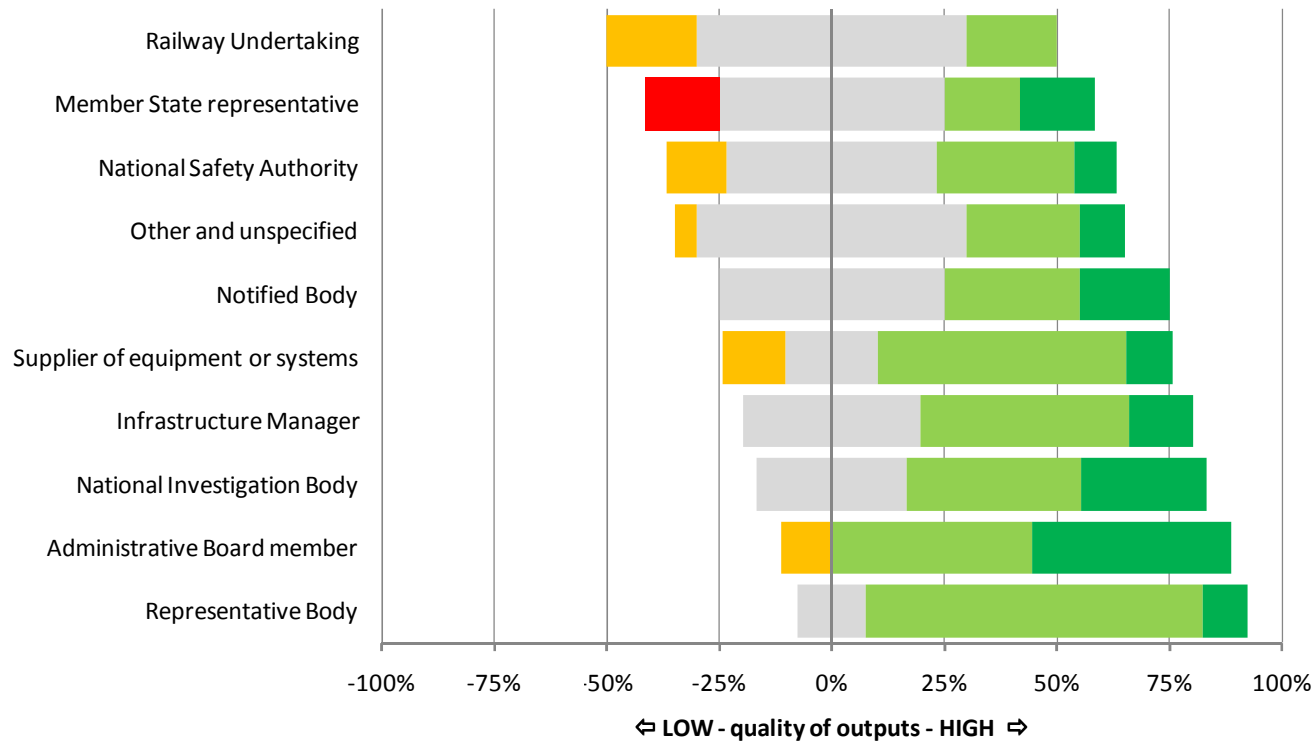


- Comments varied on this subject
- Some observed differences between Agency and Stakeholder views on the right approach
- Also concern about the inclusion of EN standards within TSIs

Quality rating of Agency outputs: Recommendations

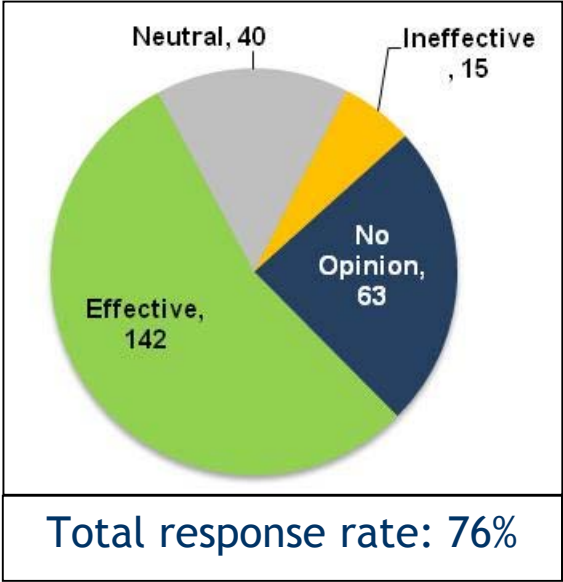
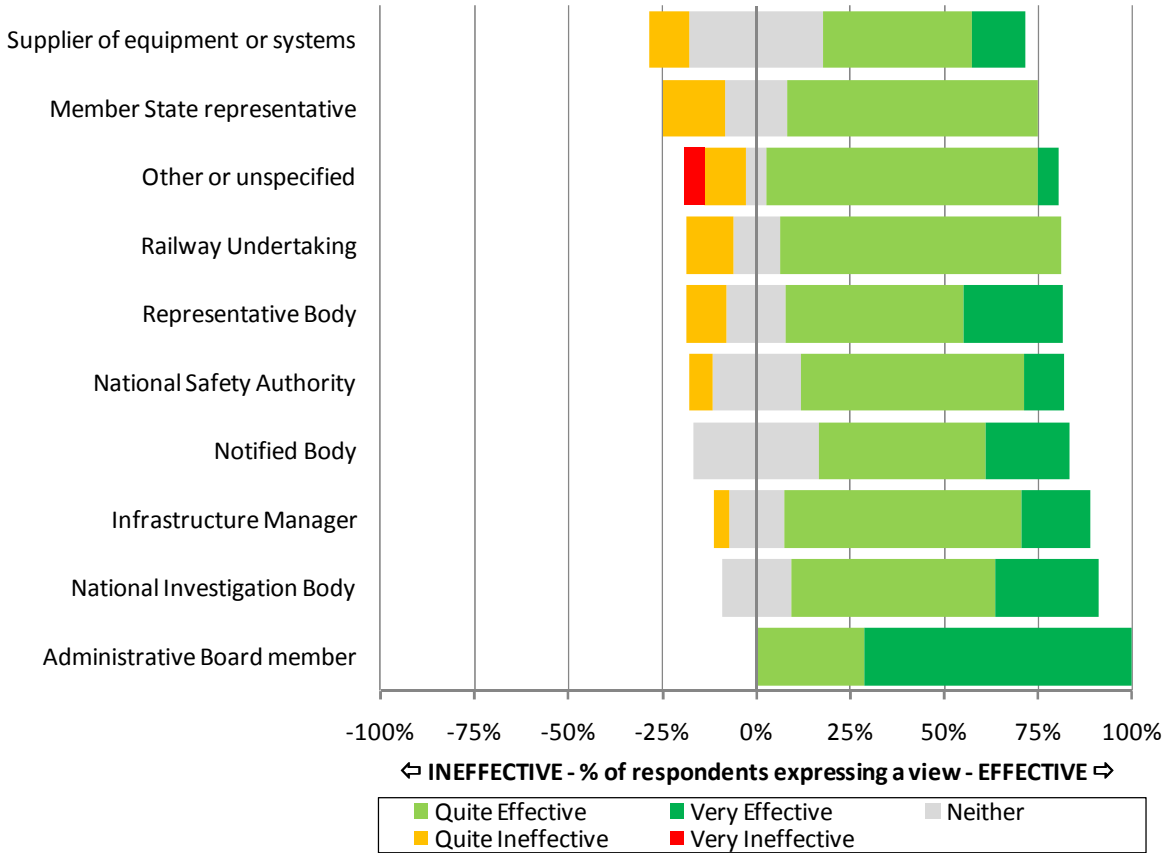


Quality rating of Agency outputs: Technical Opinions



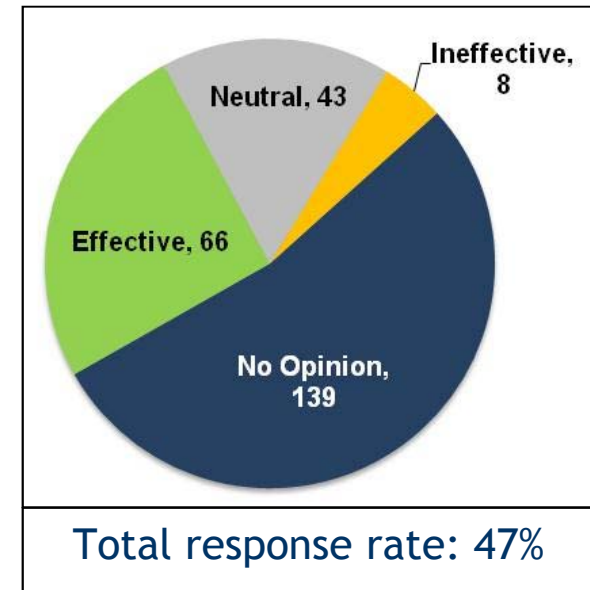
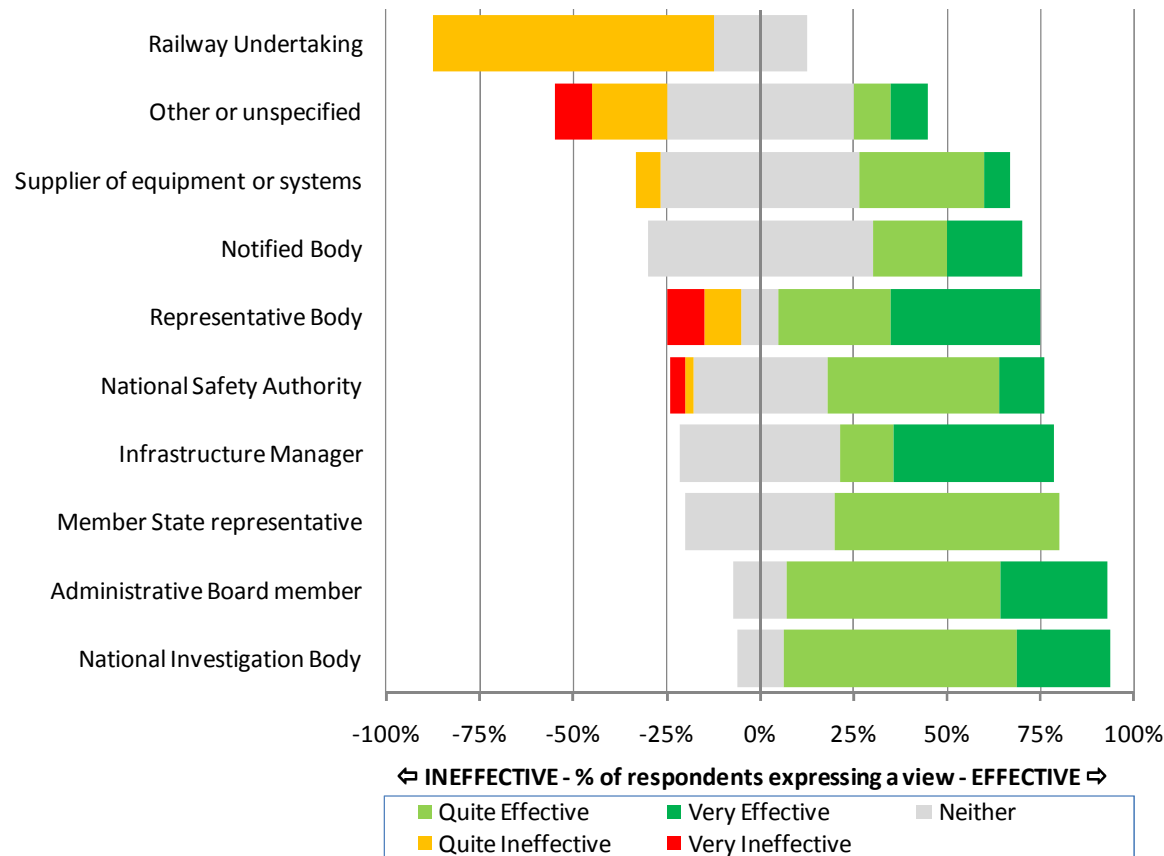
- Survey generally positive
- Substantial concerns in the interviews about the quality of the outputs
- Notably the driving force of the outputs

How would you rate the Agency's performance ? - Working parties



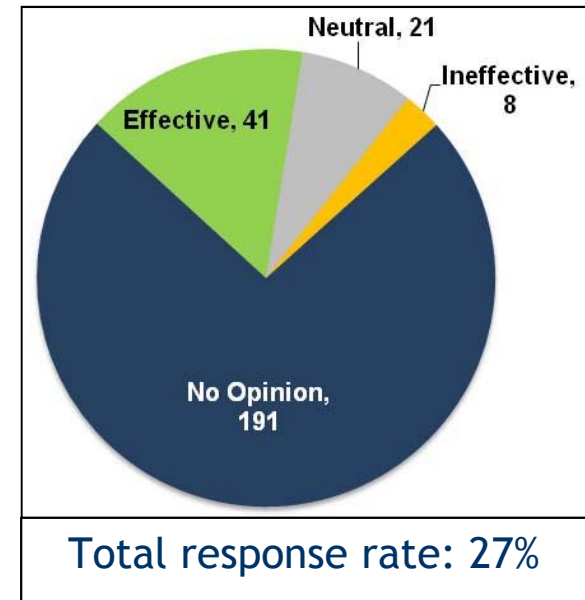
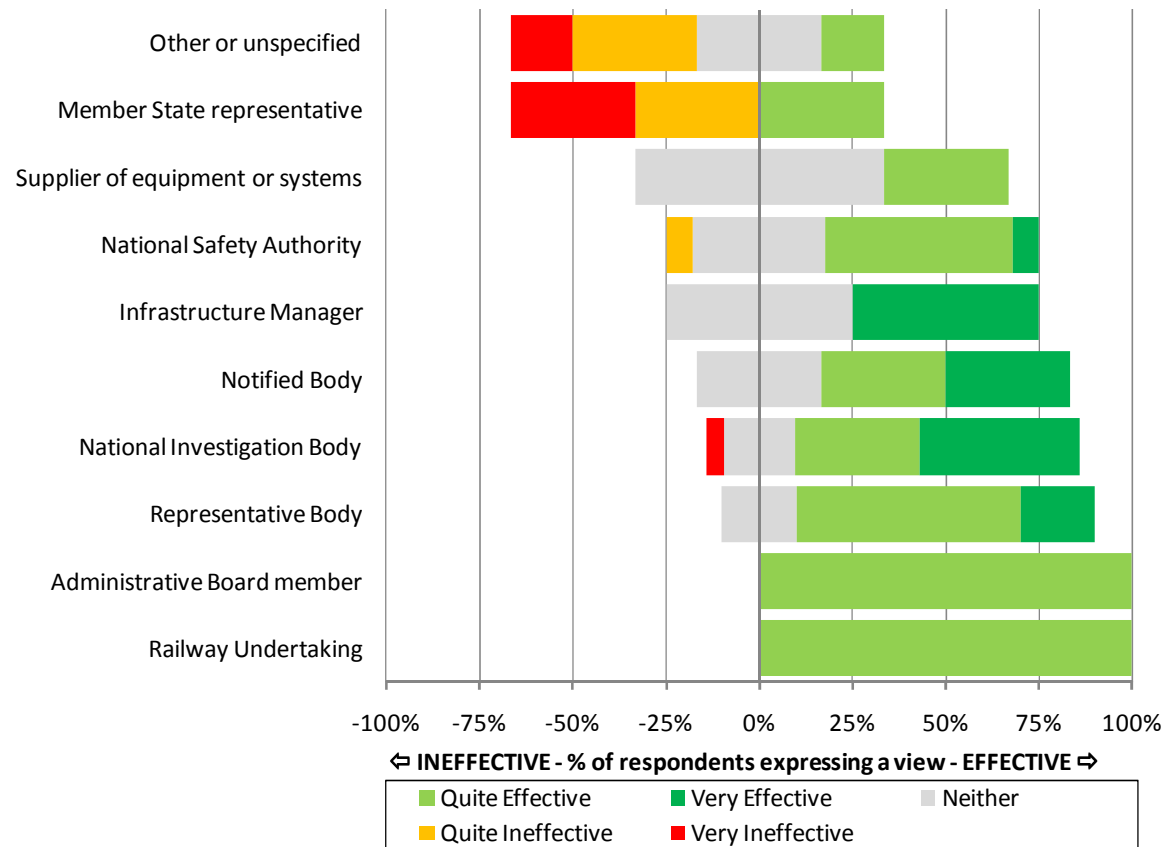
- Majority of the survey responses considered working parties effective
- Some concerns on heterogeneity of the working parties and hijacking by vested interests

How would you rate the Agency's performance ? - Network of NSAs



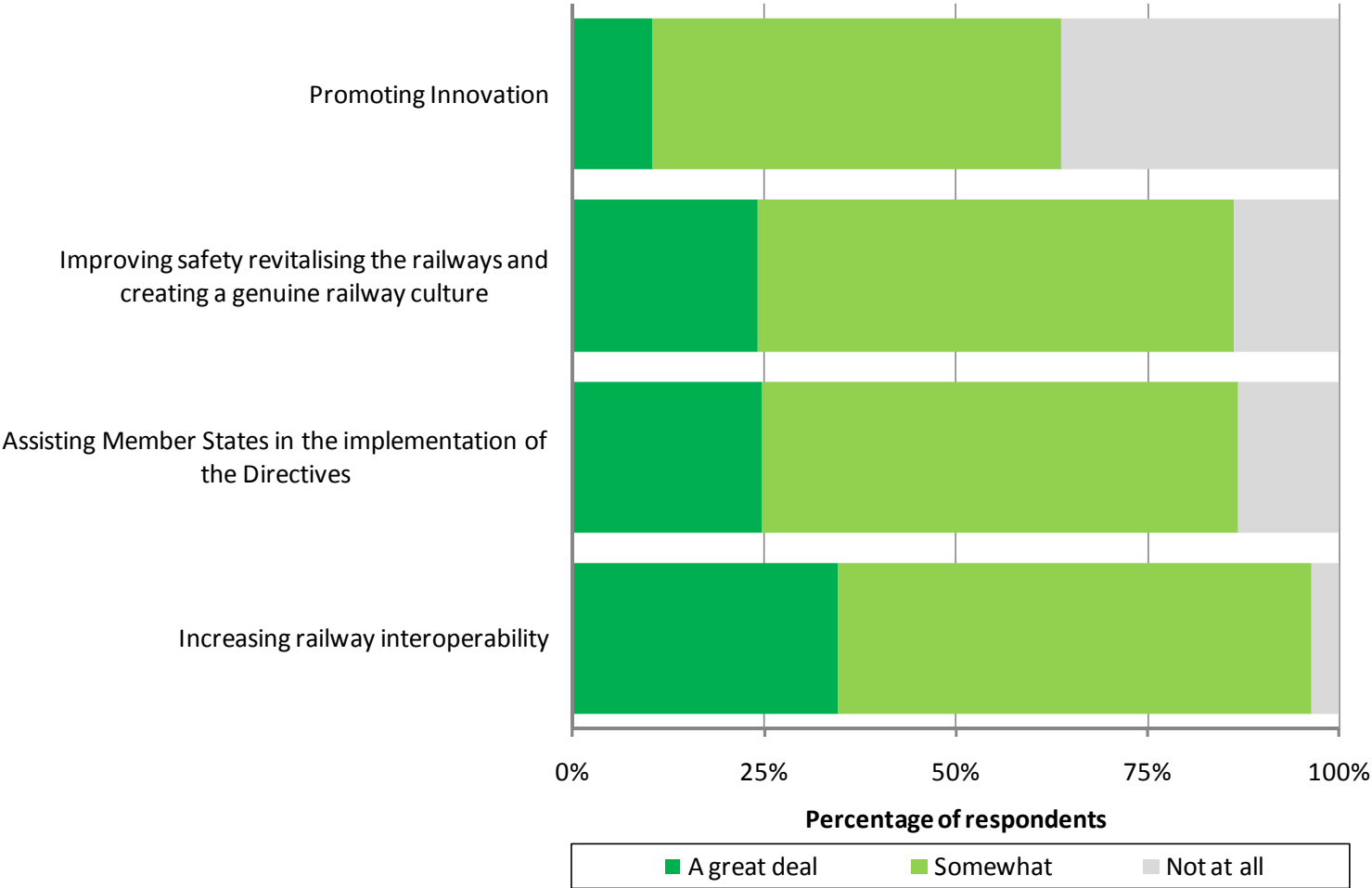
- Less than half of the respondents provided an opinion on this question
- Interviewees said that improvements could be made in the functioning on the network

How would you rate the Agency's performance ? - Network of NIBs

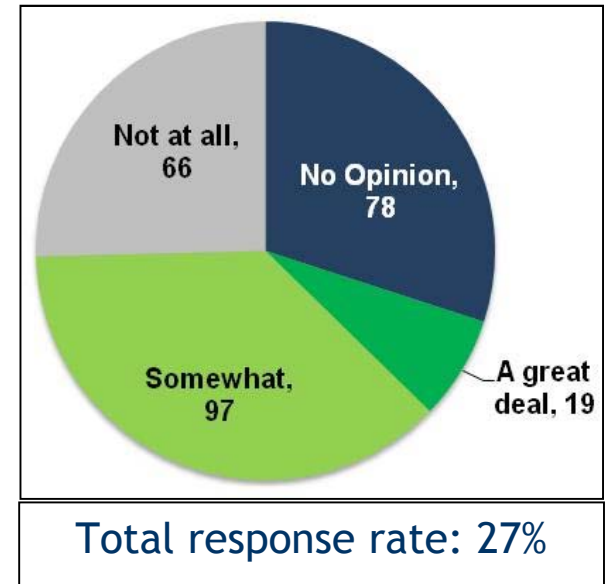
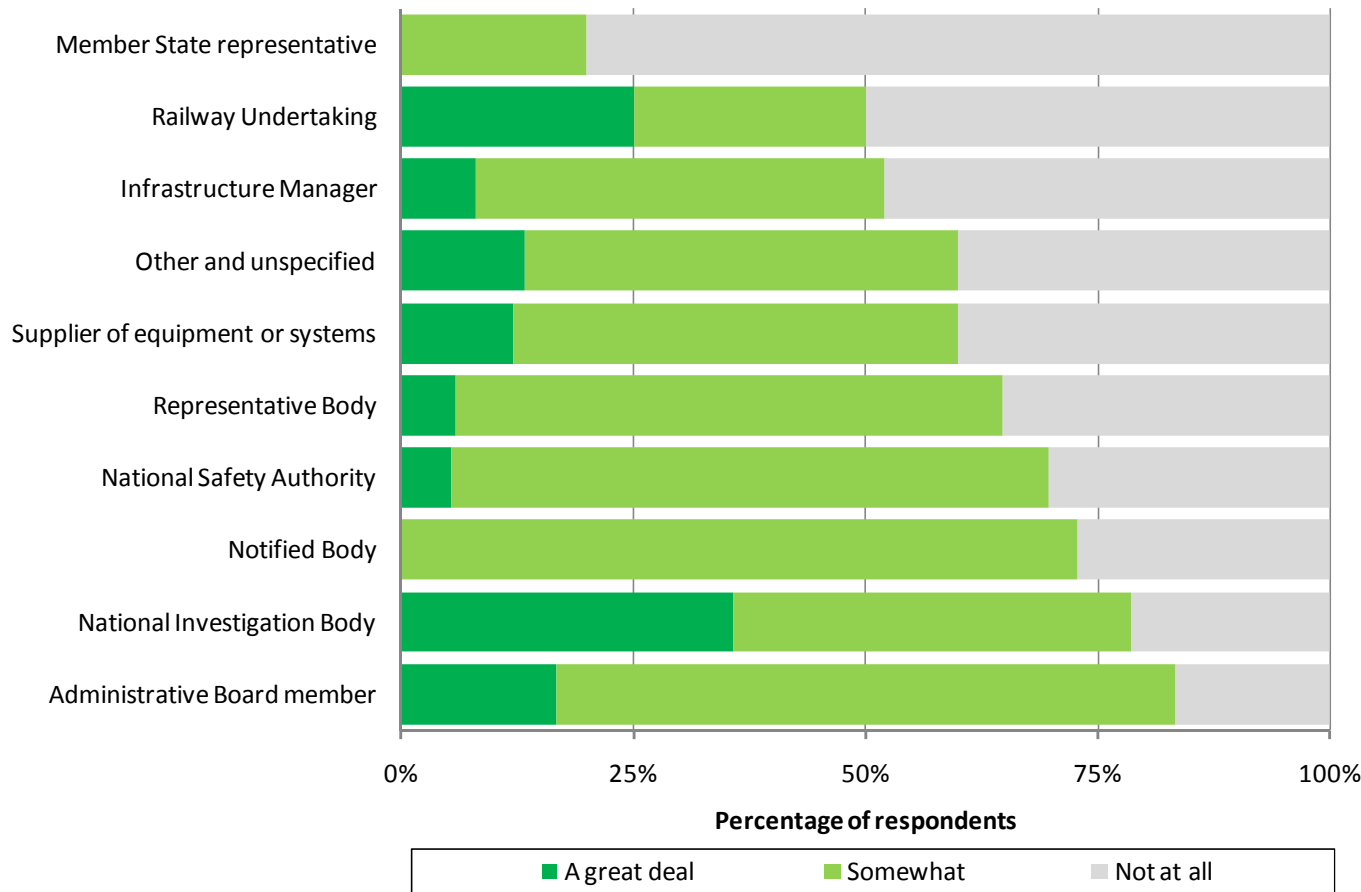


- Very low response rate
- Interviewees expressed similar concern to the NSA network

Extent of the Agency's contribution - Overview

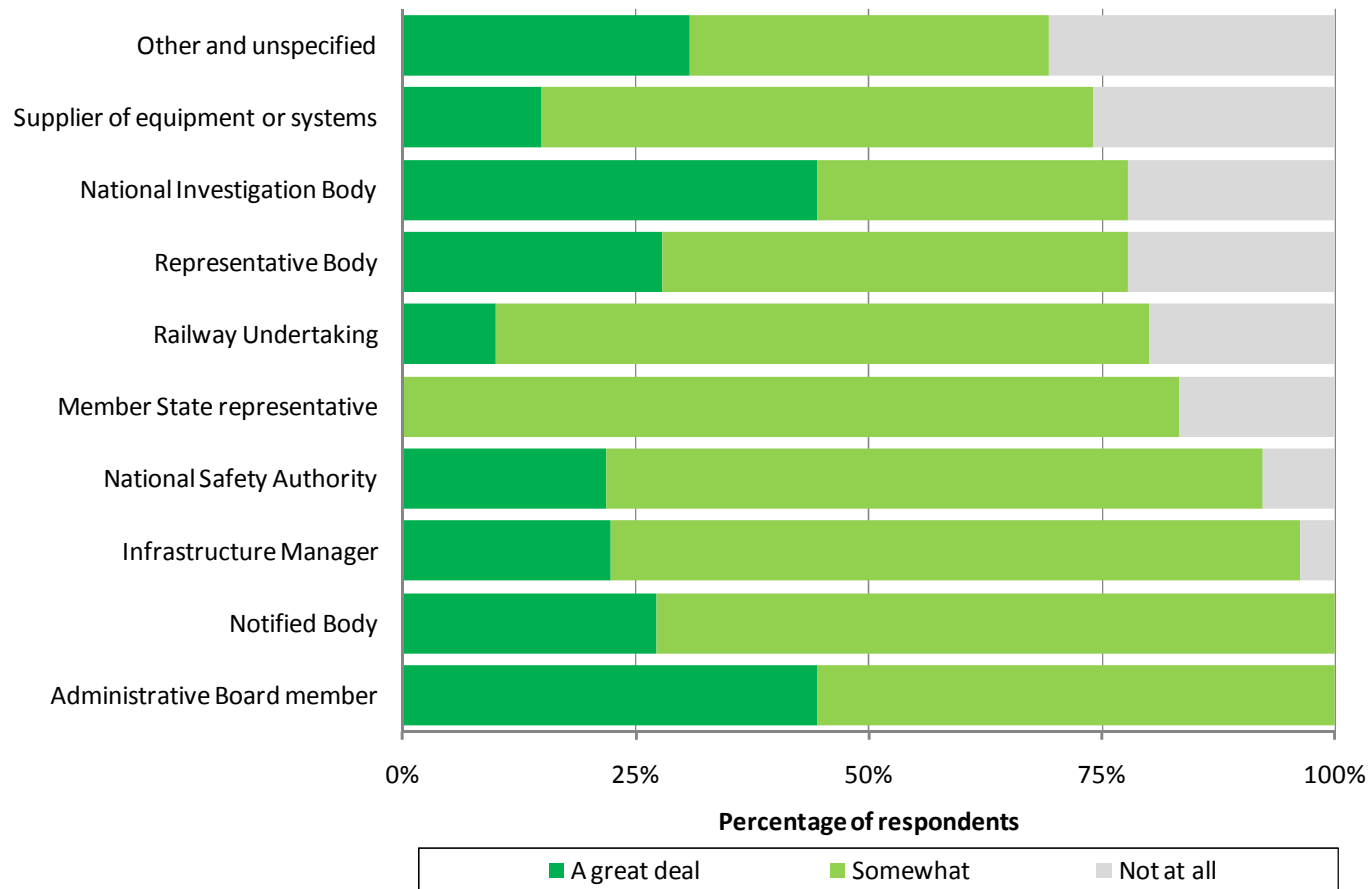


To what extent has the Agency contributed to promoting innovation?



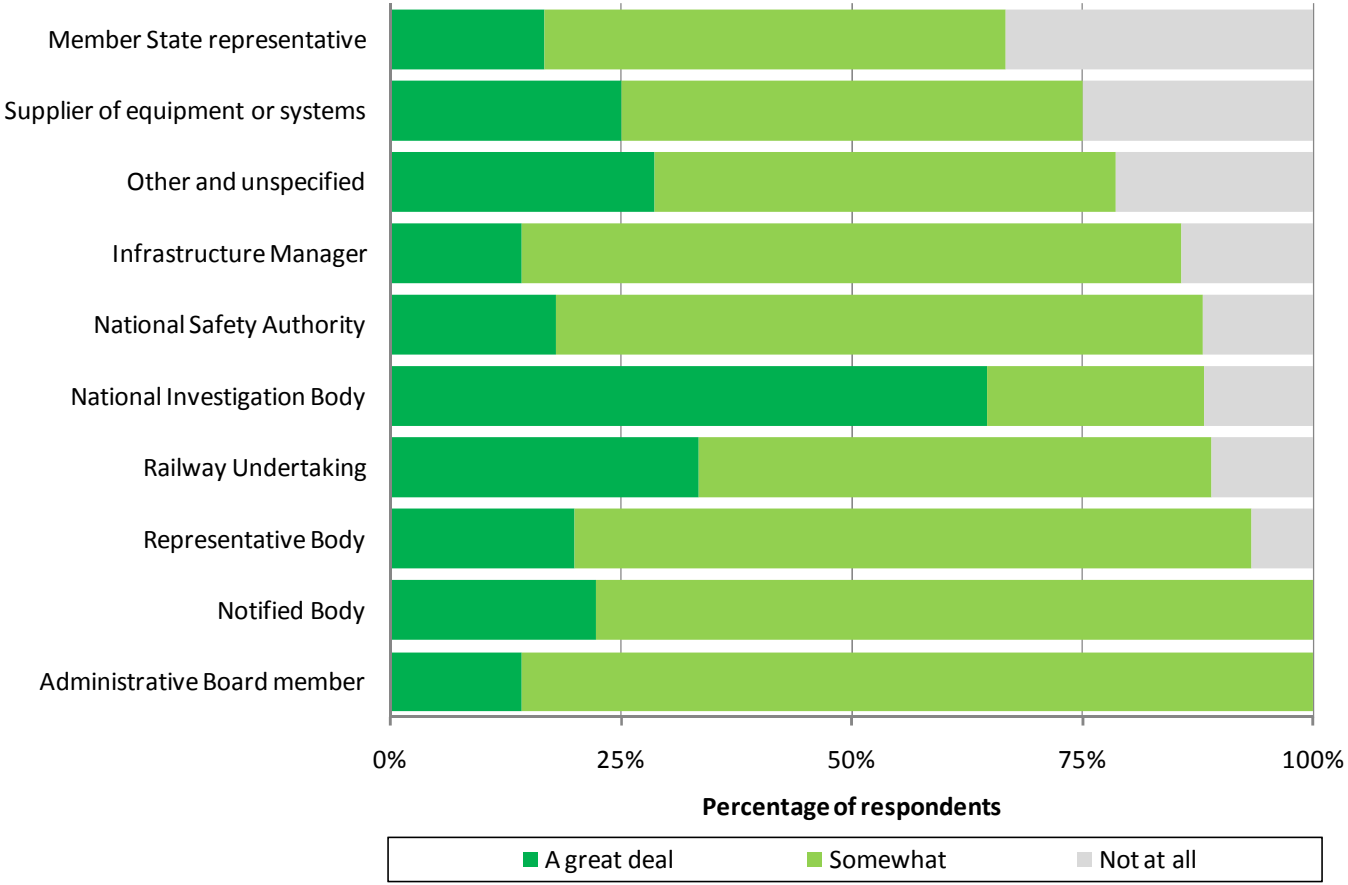
- A significant proportion of responses were less than positive
- Interviewees noted the improved rate of progress in the industry

To what extent has the Agency contributed to developing a European railway culture?



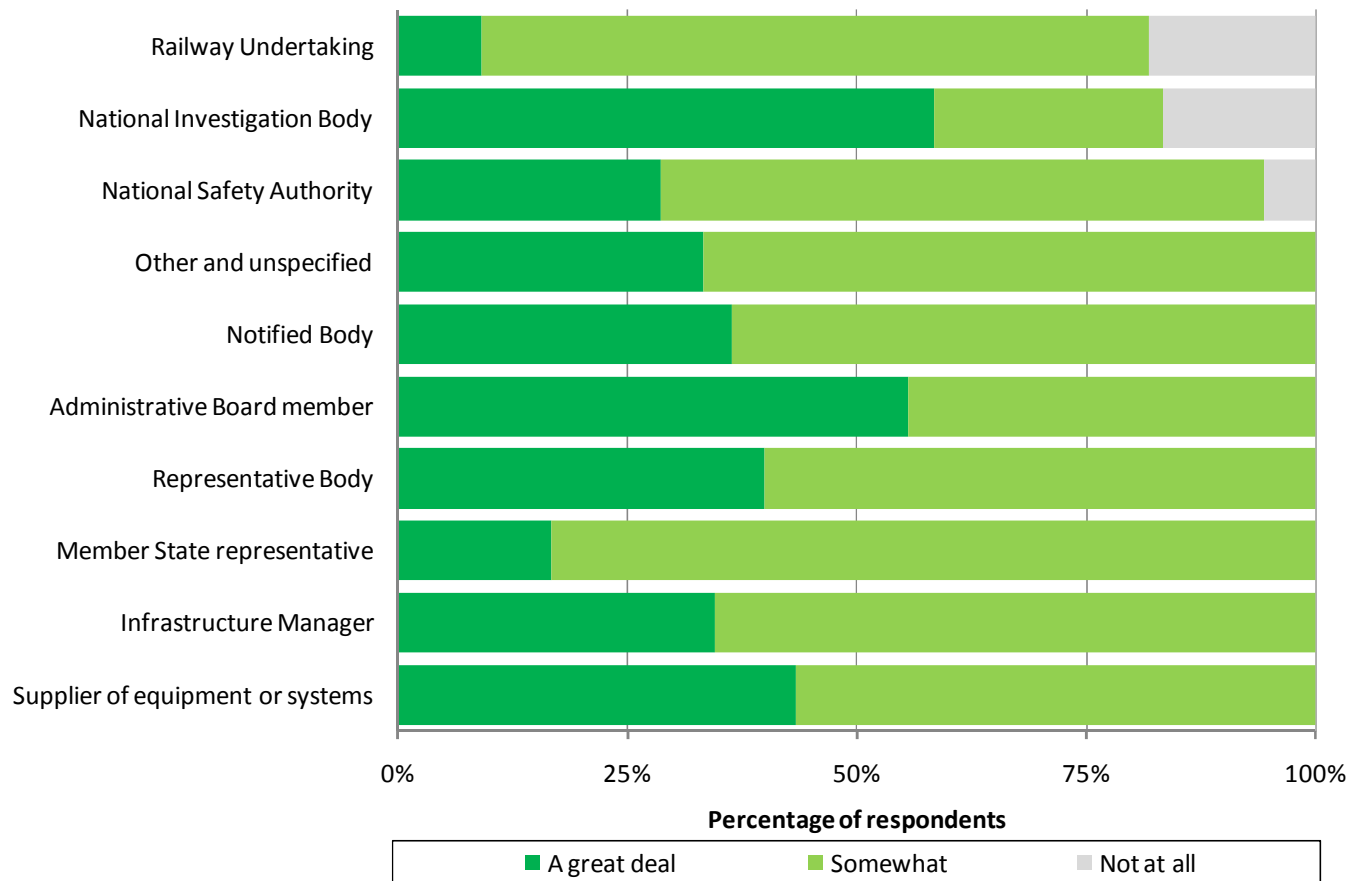
- Views generally positive
- Some stakeholders stressed the tension between harmonisation and subsidiarity

To what extent has the Agency contributed to assisting Member States with Directive implementation?



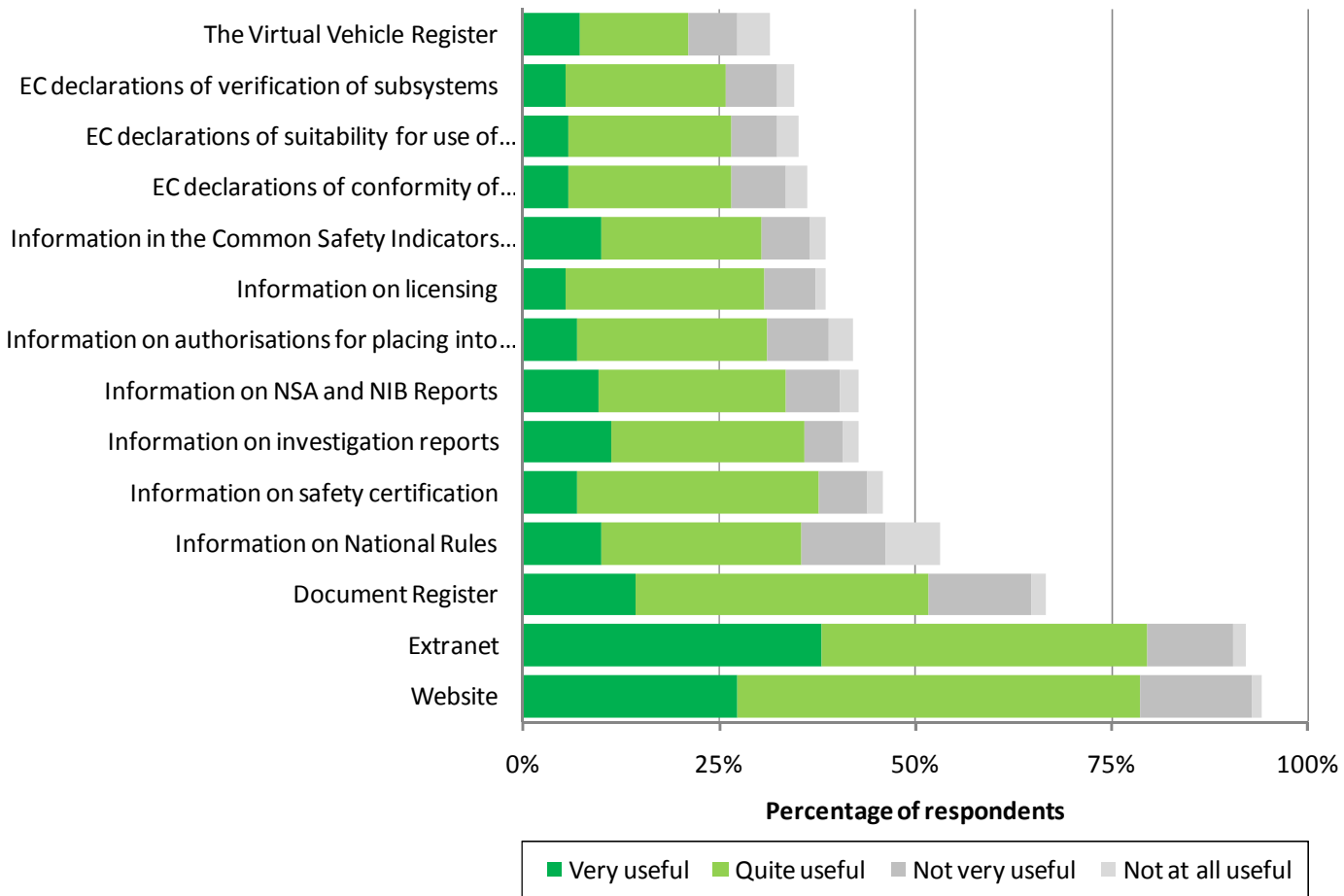
■ Views generally positive
■ Substantial focus in interviews on the Agency doing more to assist MS by informing them on the requirements of the Directives.

To what extent has the Agency contributed to increasing interoperability?



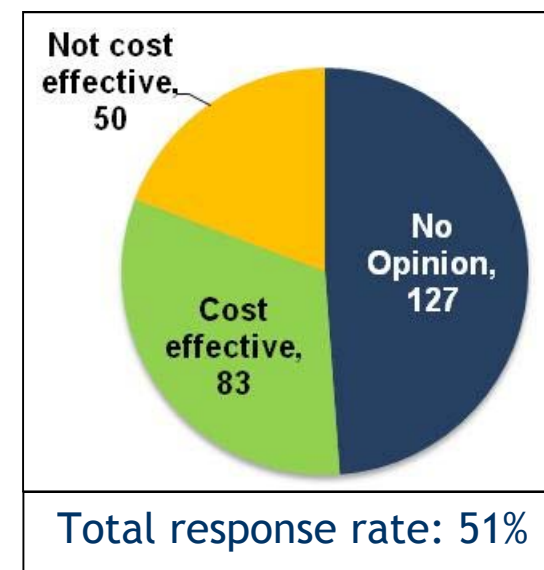
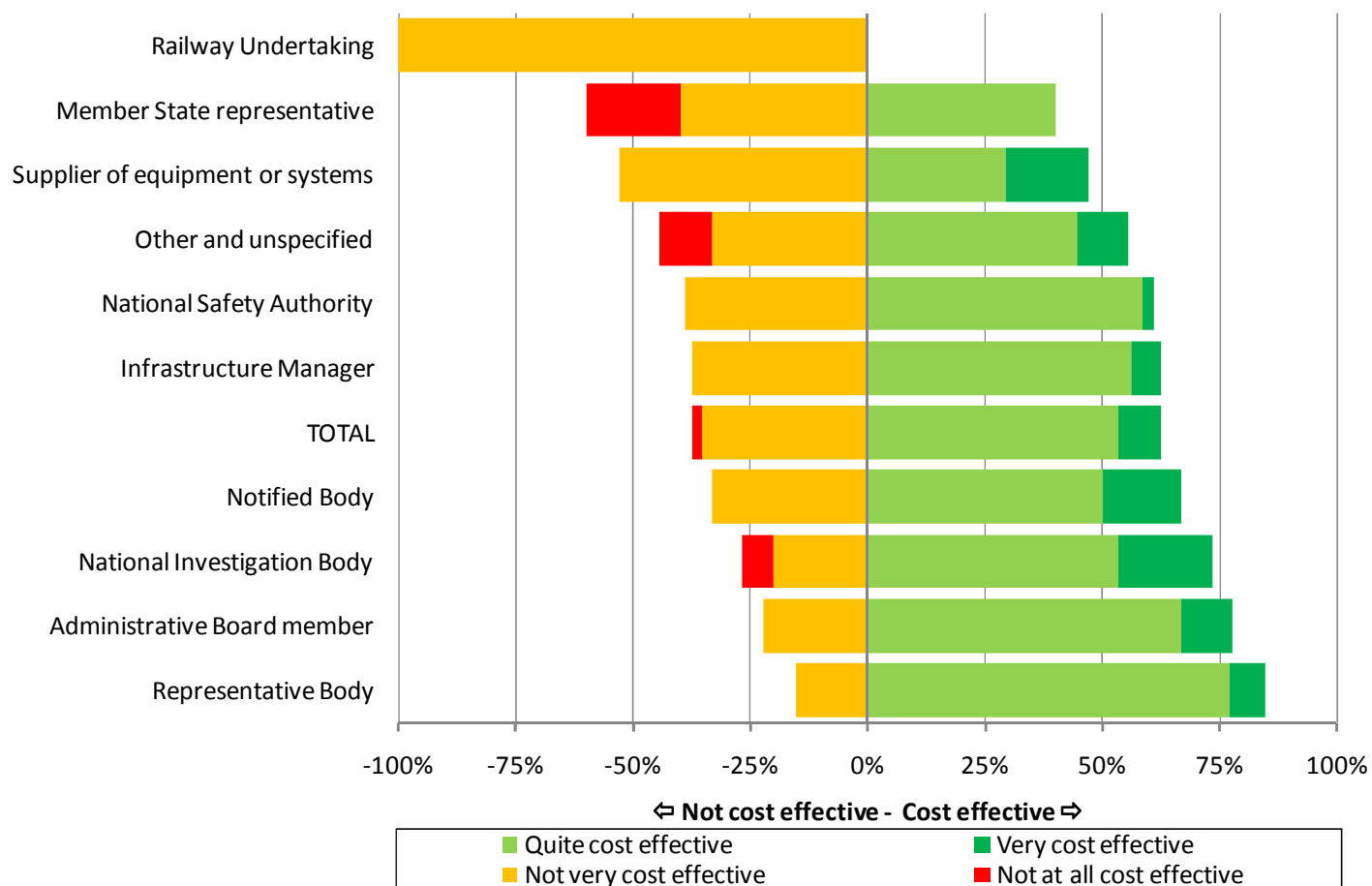
Concerns expressed in the interviews about the number of open points in the TSIs which had hindered, rather than enhanced interoperability

How useful are the instruments of the Agency?



- There appears to be poor awareness of the status of most of the registers
- Some interviewees said they did not have access to the registers

How cost effective is the Agency?



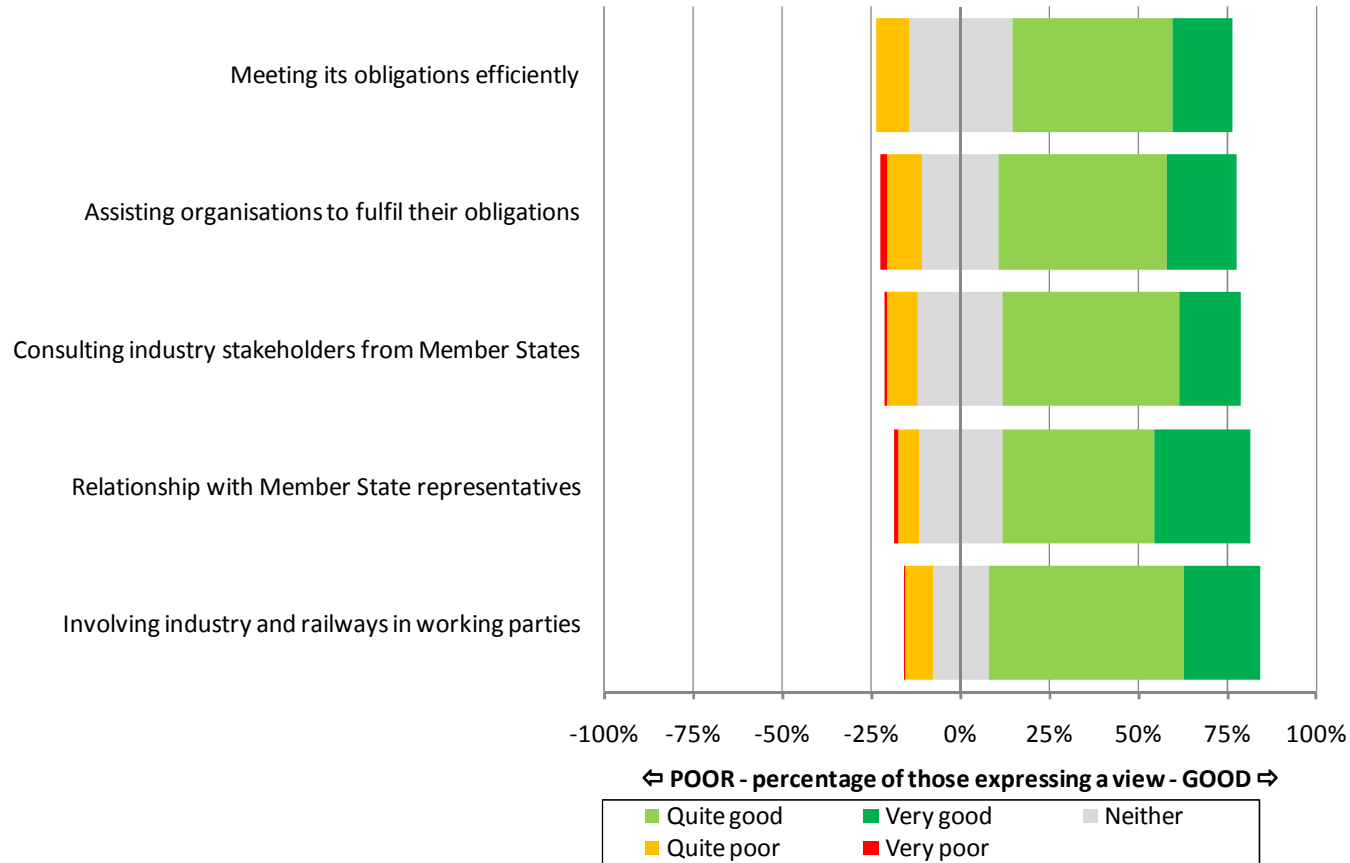
- A smaller sample answered this question - on balance more were positive than negative
- Interviewees considered the relative size of the administrative unit as excessive



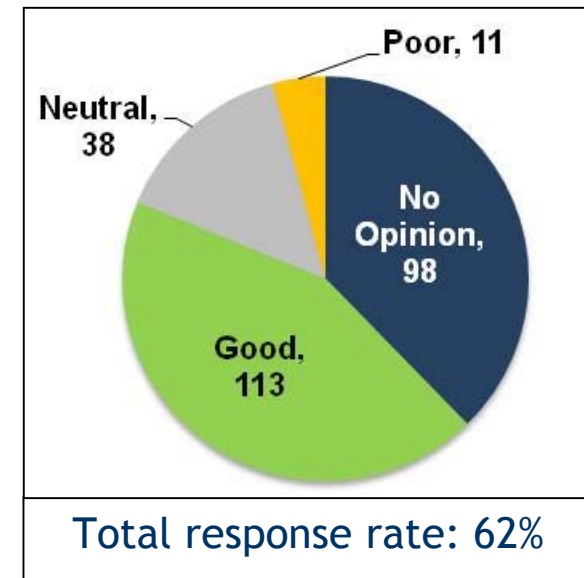
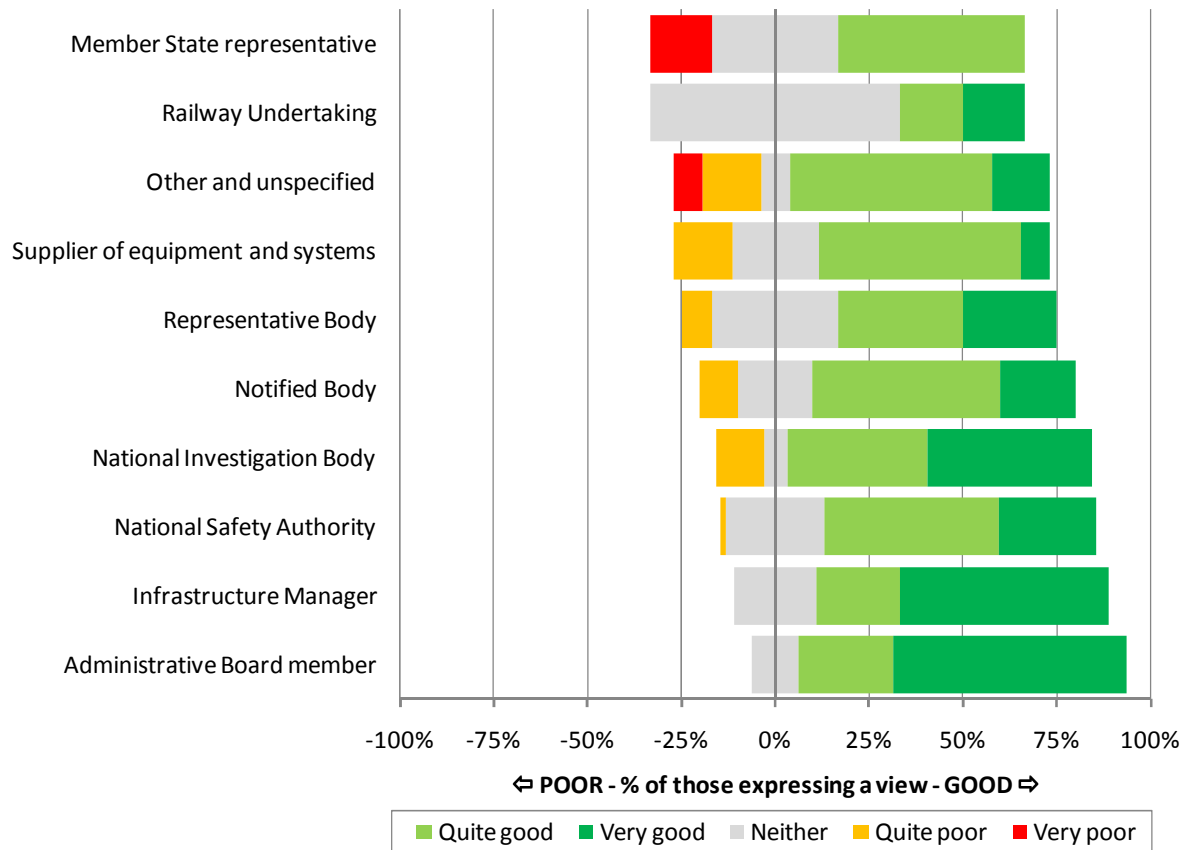
Questions and discussion

Findings relating to the effectiveness of the Agency

Rating the Agency's performance - Overview

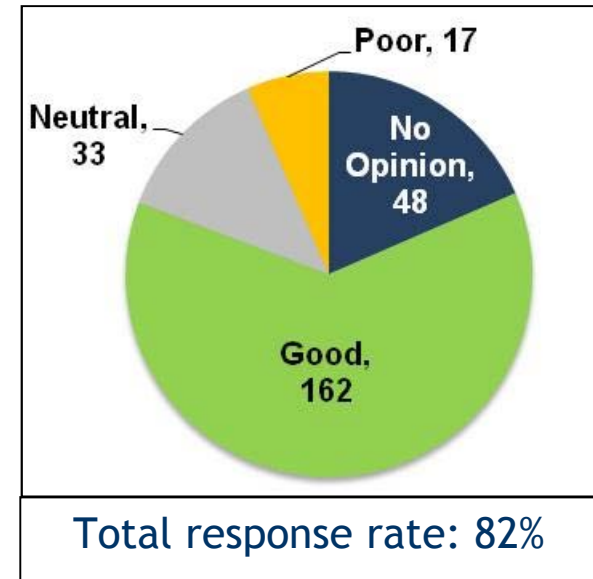
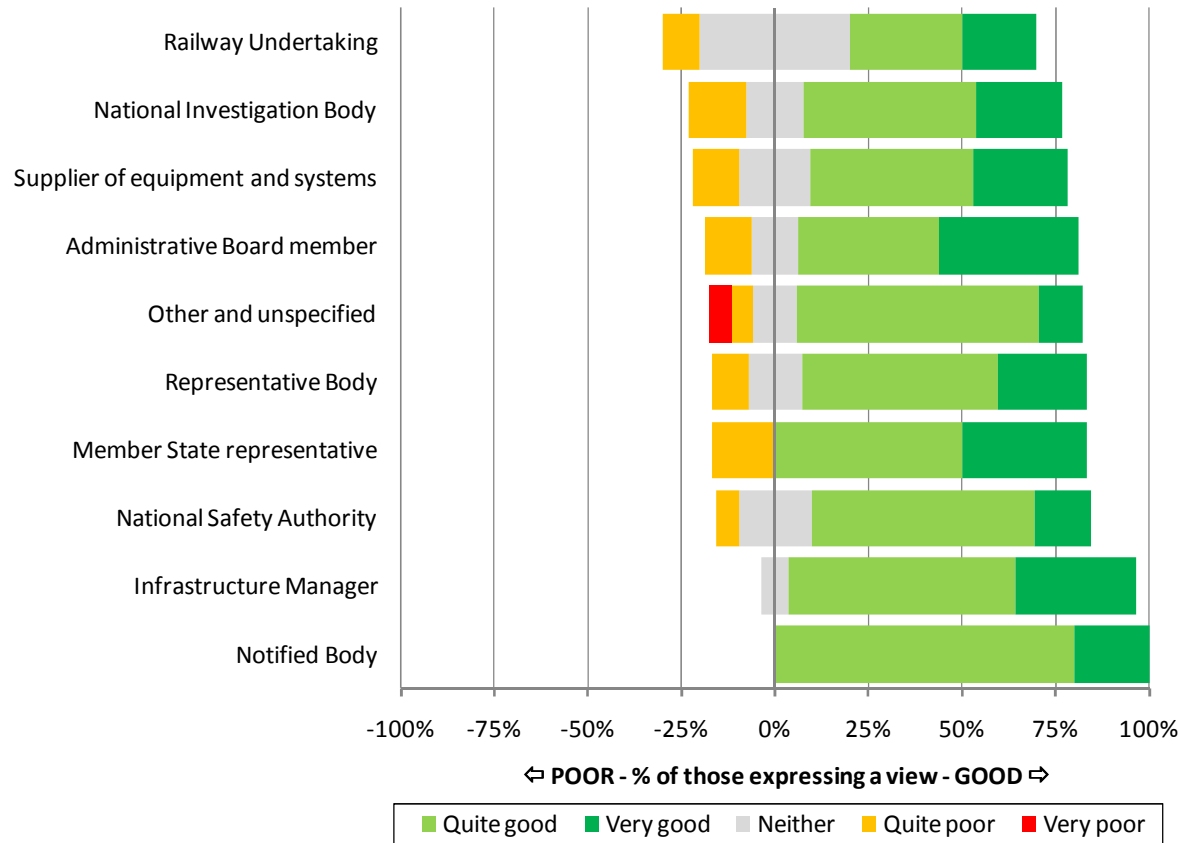


How would you rate the Agency's performance? - Relationship with Member States



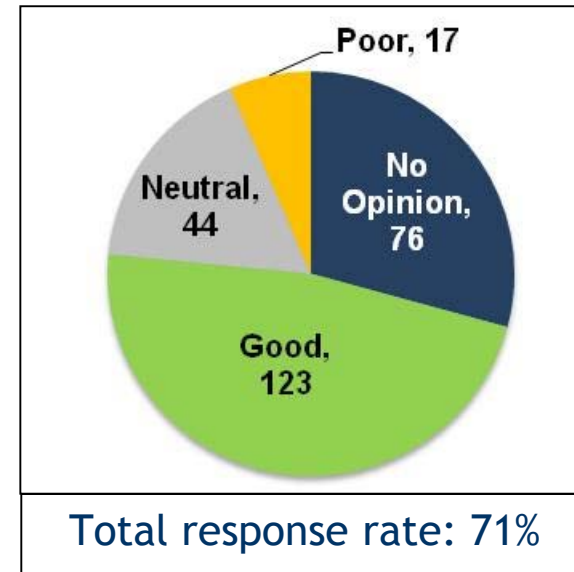
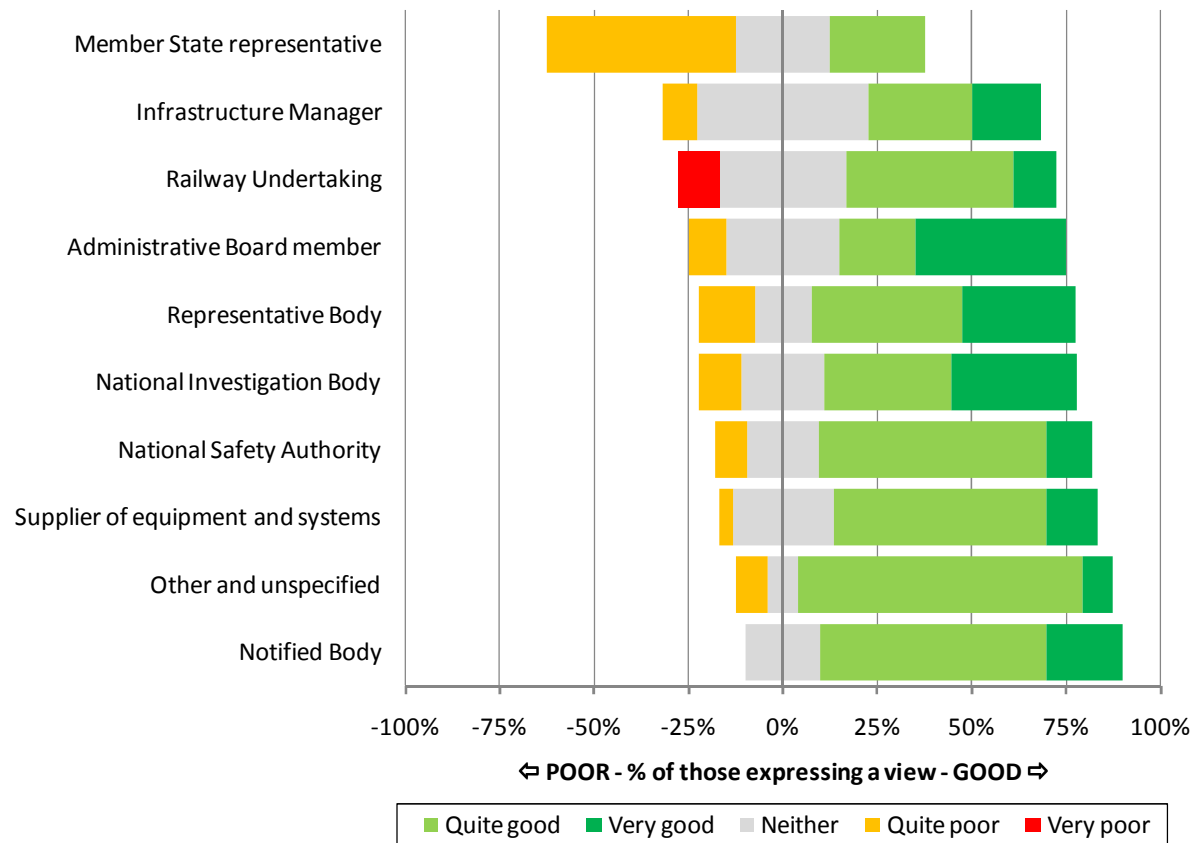
- Generally ERA has good relationships with Member States, but there were some dissenters
- Scope to improve dissemination and provide more direct assistance to Member States

How would you rate the Agency's performance? - Involving industry expertise



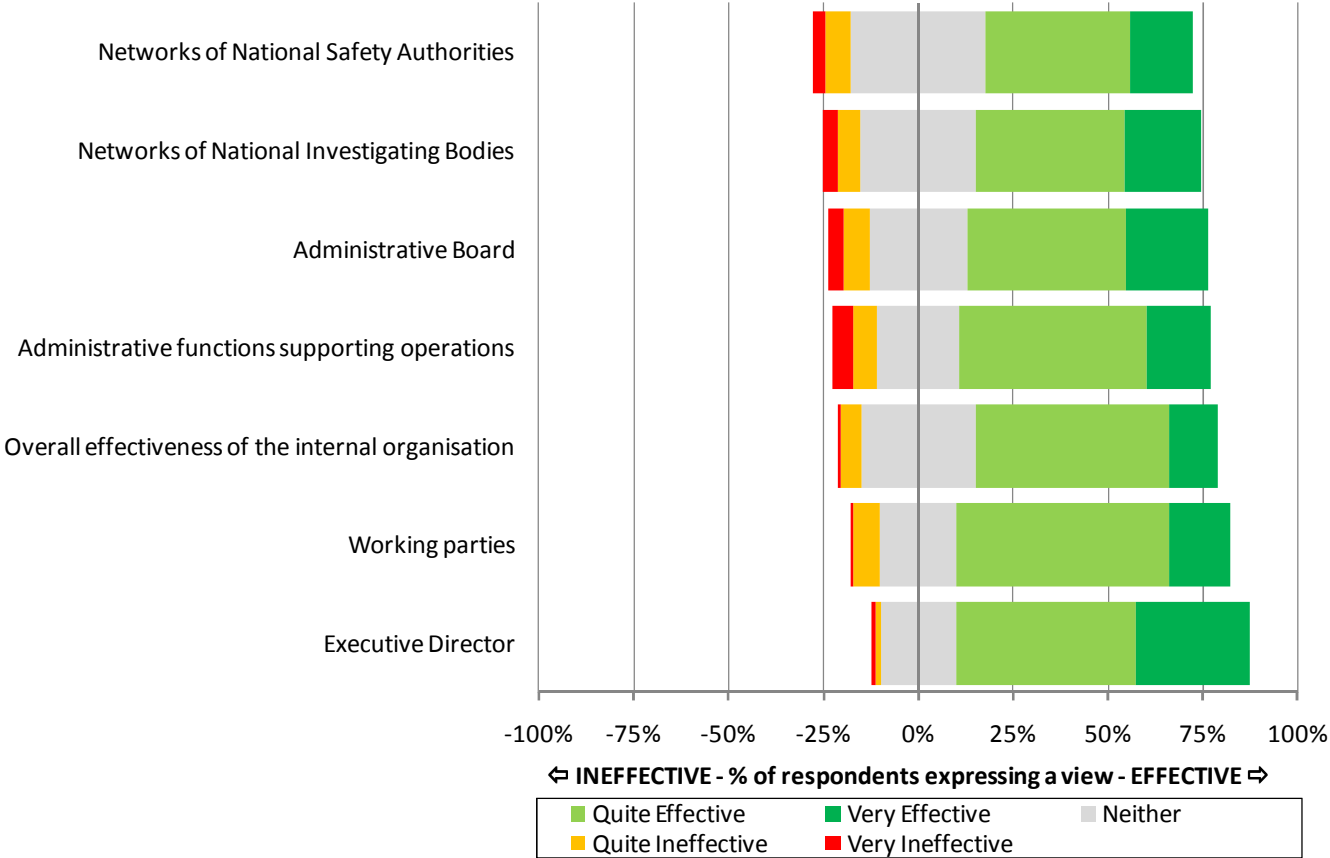
- Views generally positive
- Interviews raised issues in relation to finding suitable candidates and getting them to Lille

How would you rate the Agency's performance? - Consulting stakeholders

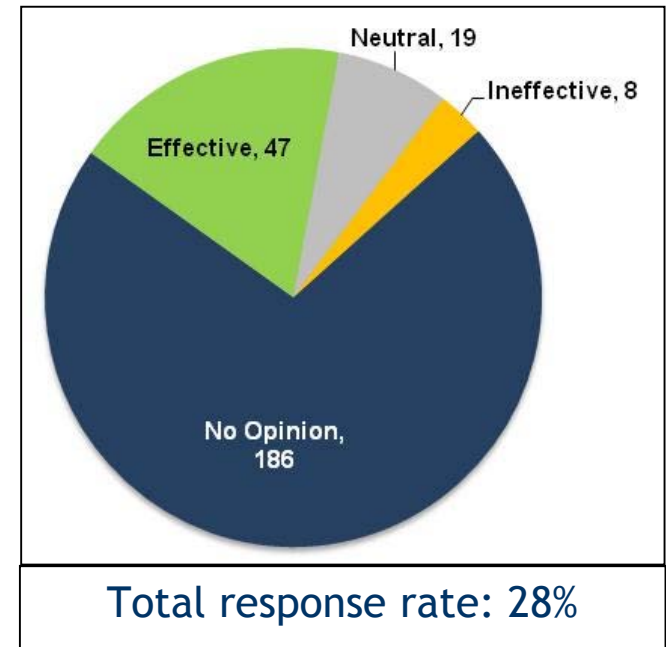
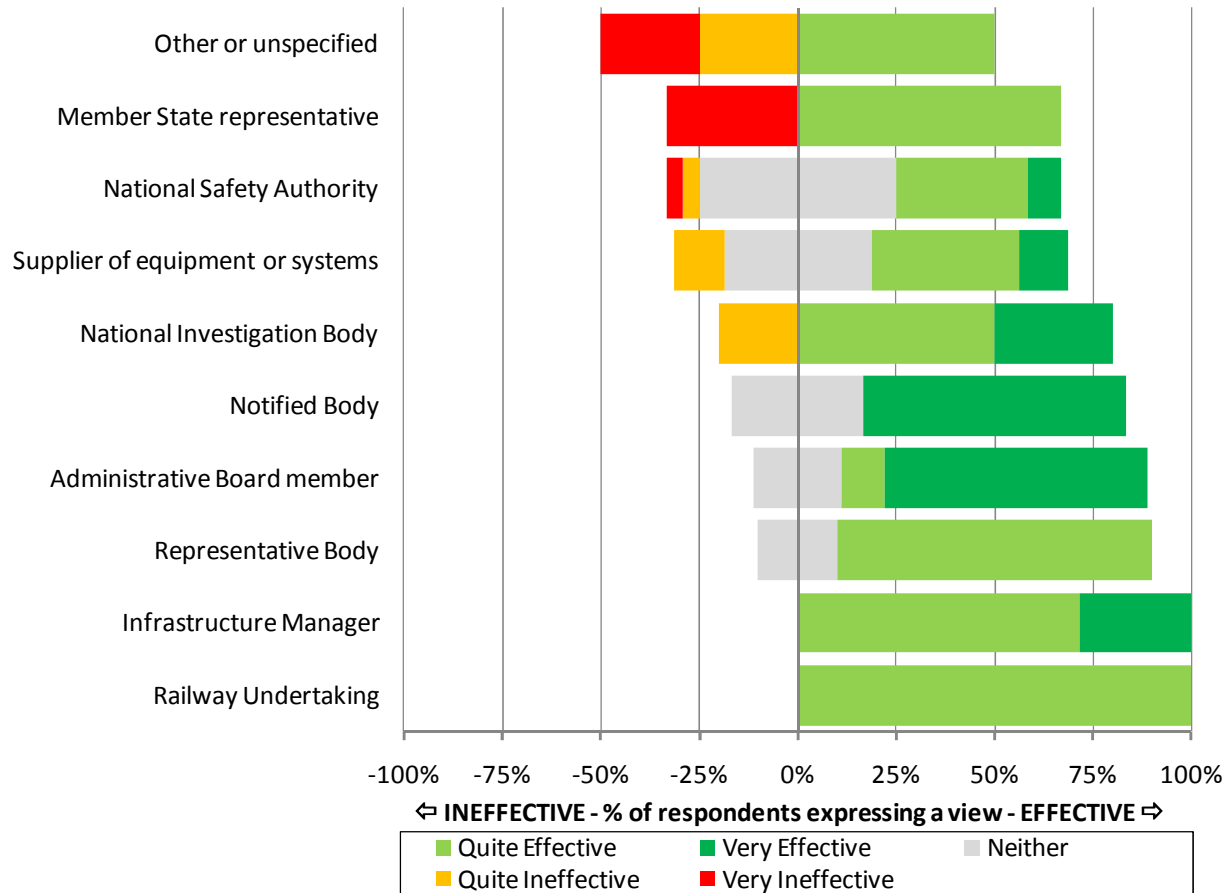


■ Few views expressed, but generally positive

How would you rate the performance of Agency functions? - Overview

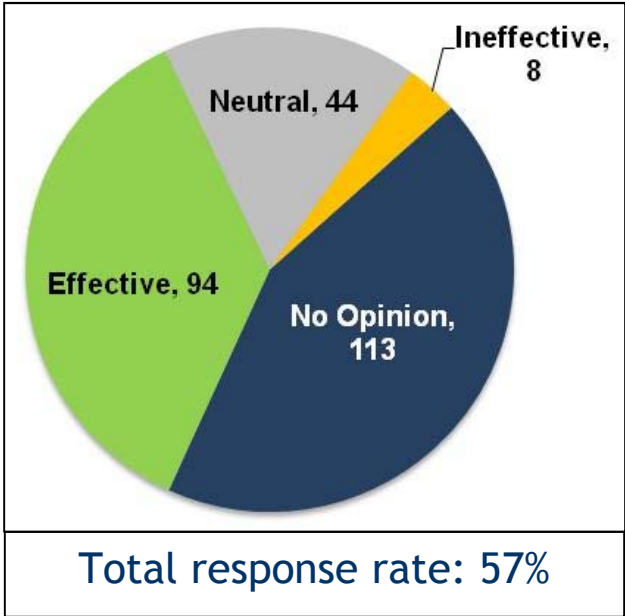
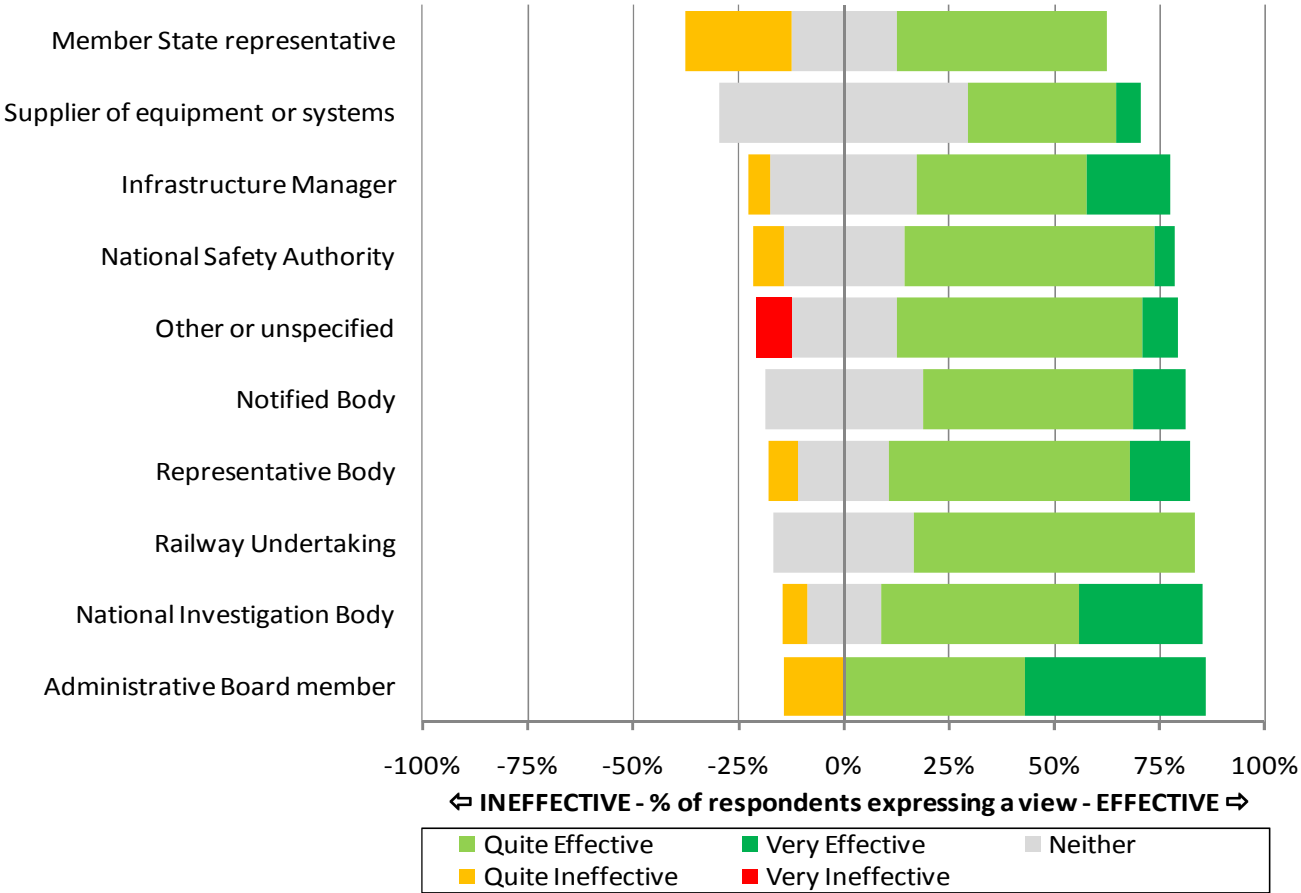


How would you rate the Agency's performance regarding the Administrative Board?



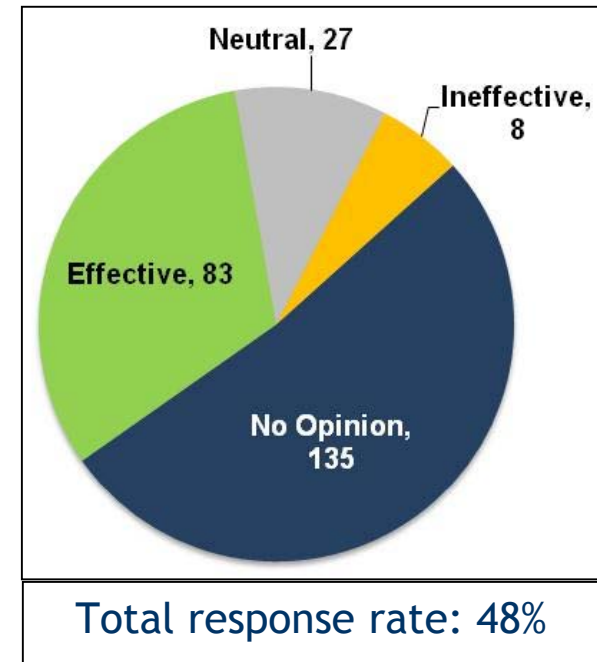
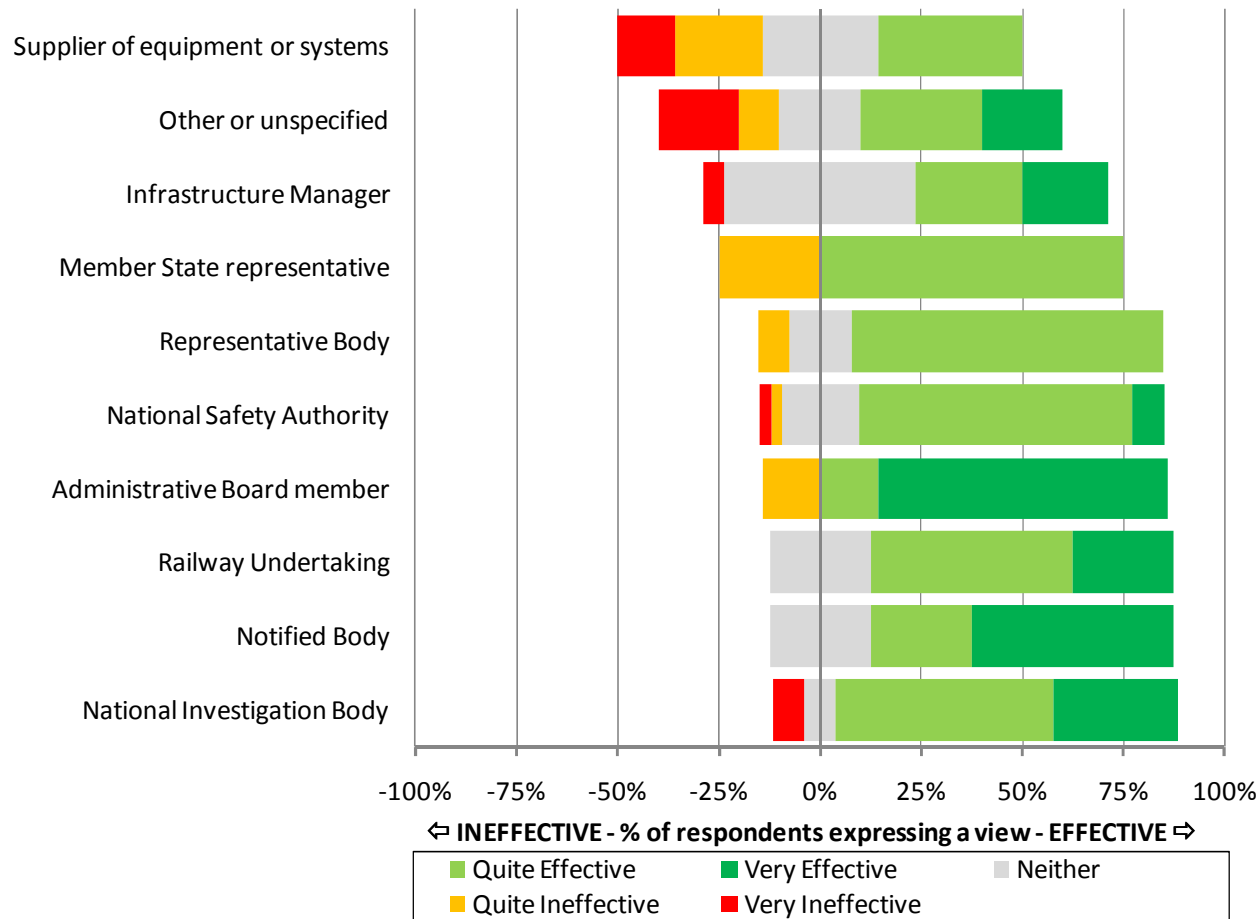
■ Very low response rate
 ■ While those who responded gave a positive result, interviews said the Board added little

How would you rate the Agency's performance regarding the administrative functions?



Some concerns about lack of communication between the Units

How would you rate the Agency's performance regarding the overall effectiveness of its internal organisation?

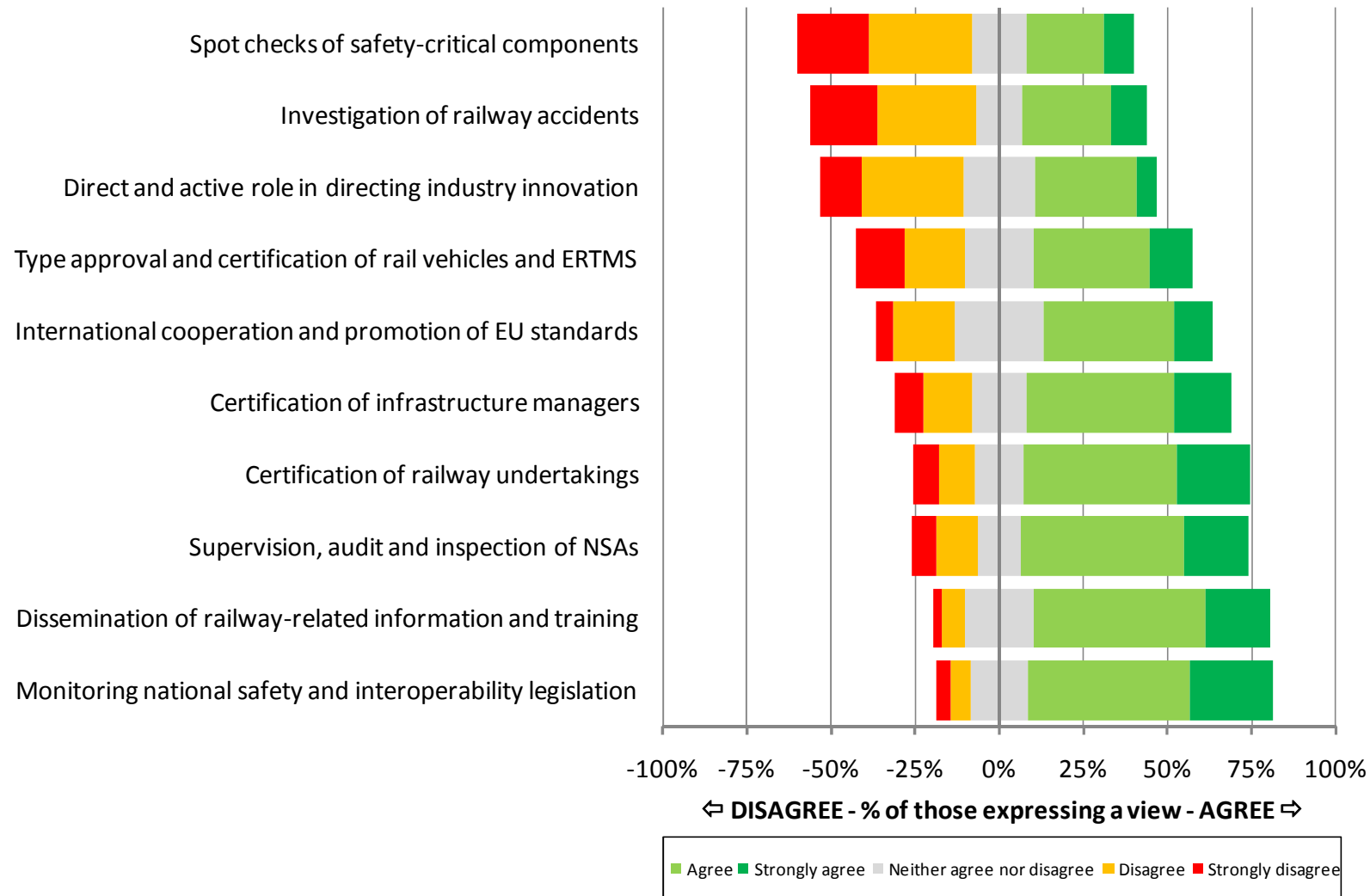


- Views generally positive
- Interviewees considered the relative size of the administrative unit as excessive

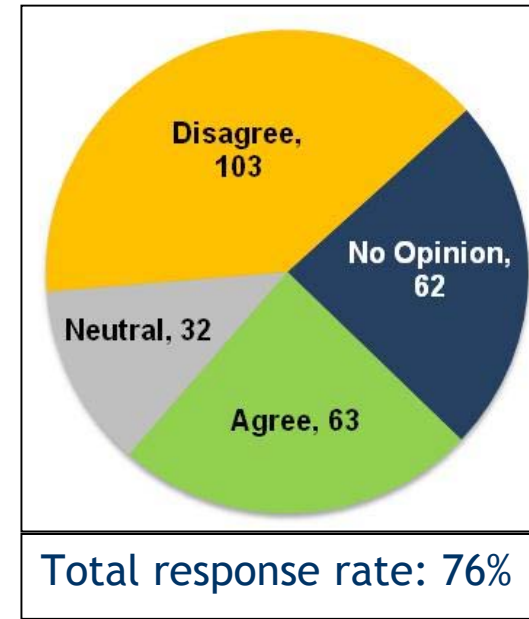
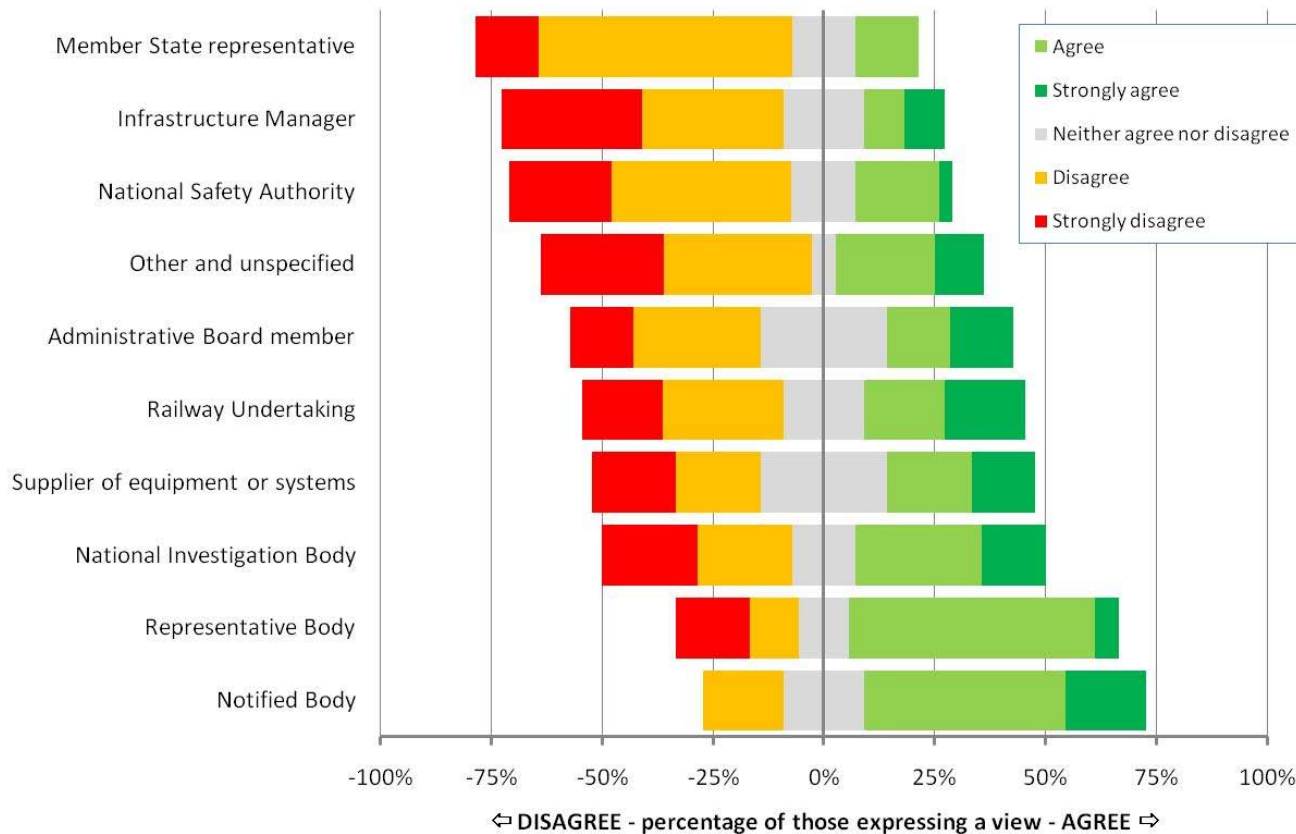
Questions and discussion

Findings relating to the future role of the Agency

Opinions on possible extensions of the Agency's role - Overview

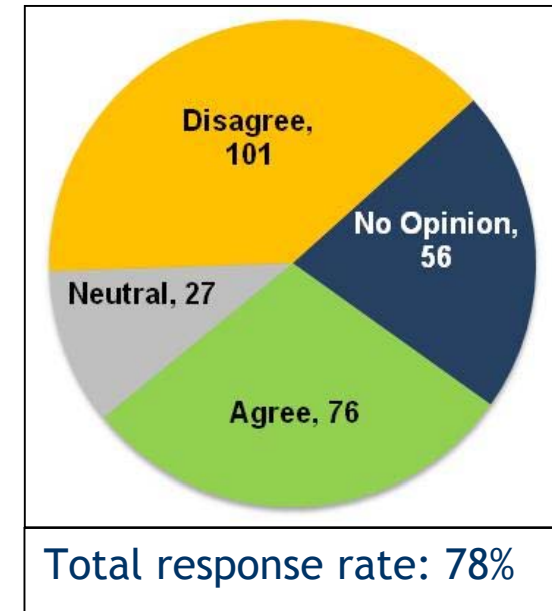
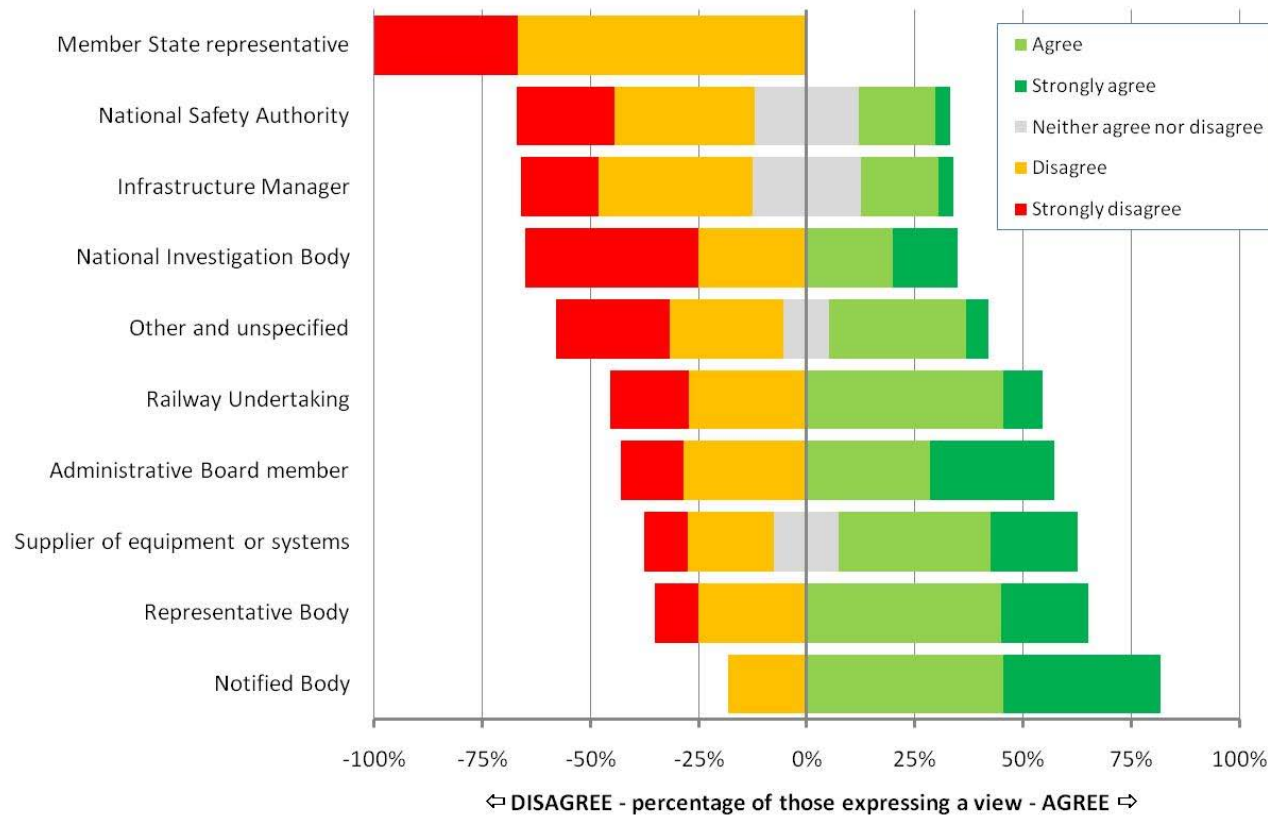


Possible future Agency role - Spot checks of safety critical components



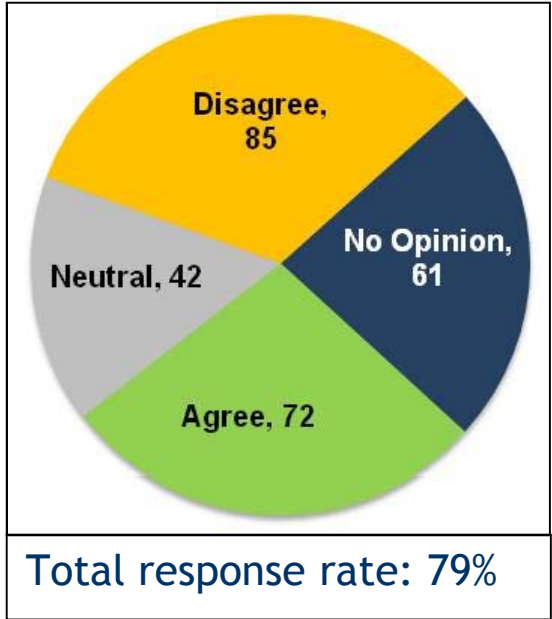
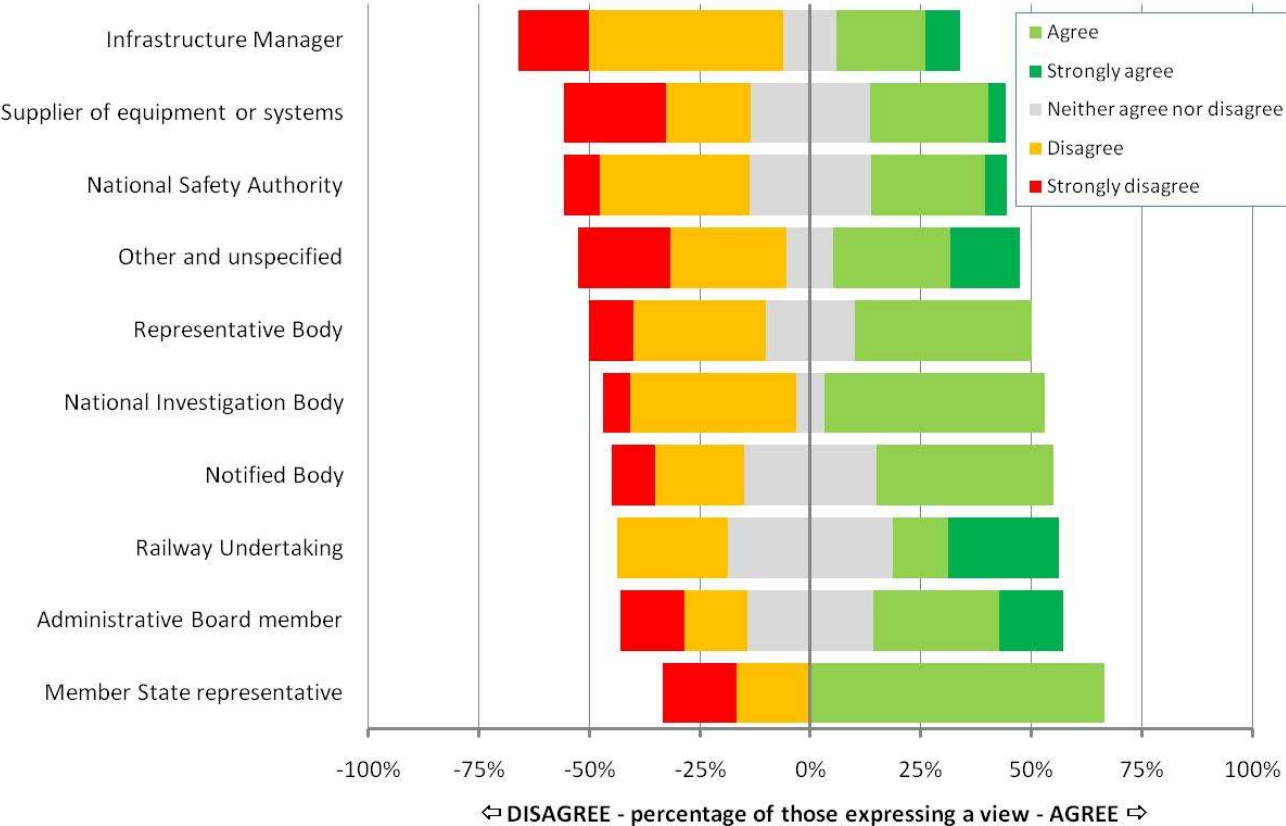
- The majority of the respondents disagreed with this proposal
- Those interviewed were consistently unsupportive of this proposal

Possible future Agency role - Investigation of railway accidents



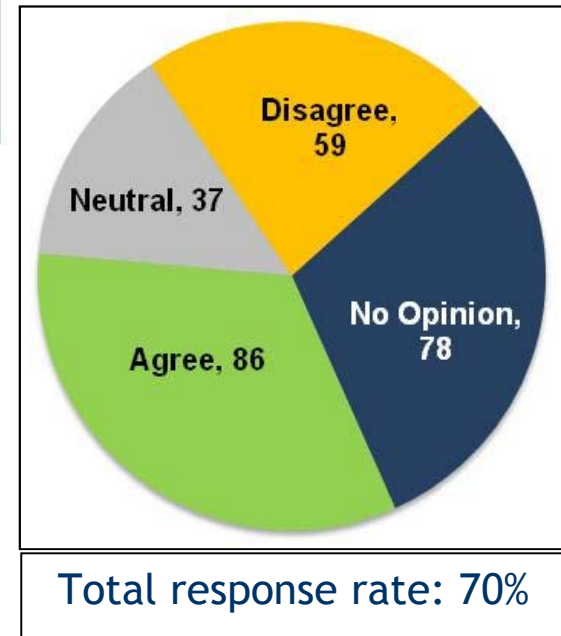
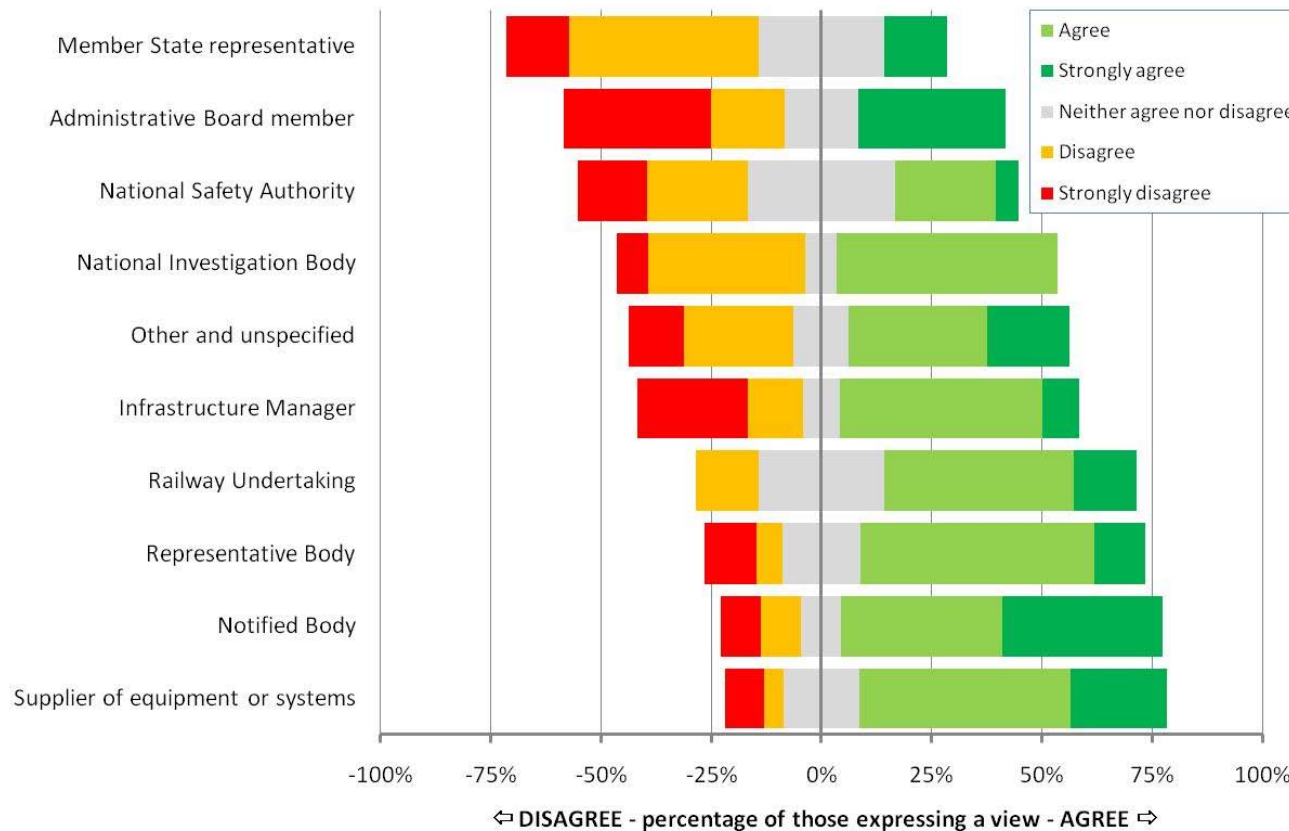
- There was a strong dislike of this role for the ERA among many respondents
- Some NIBs far more experienced than others - a ‘one size fits all’ approach is inappropriate
- Feasibility questioned (e.g. resource requirement, alignment with national legislation)
- ERA could do more to facilitate and support NIBs with information exchange

Possible future Agency role - Directing industry innovation



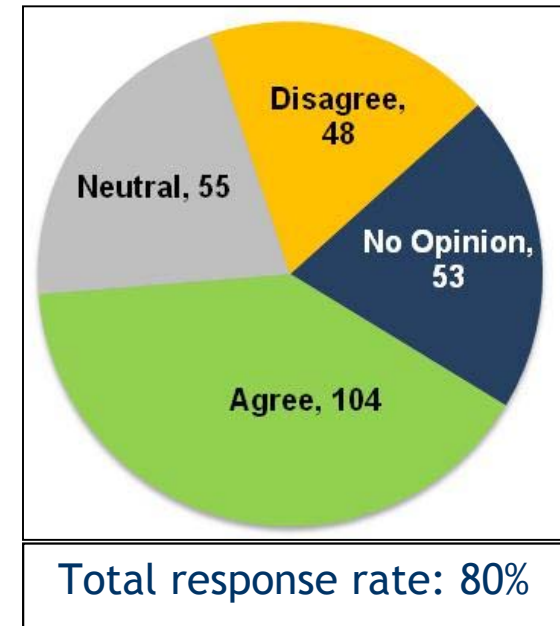
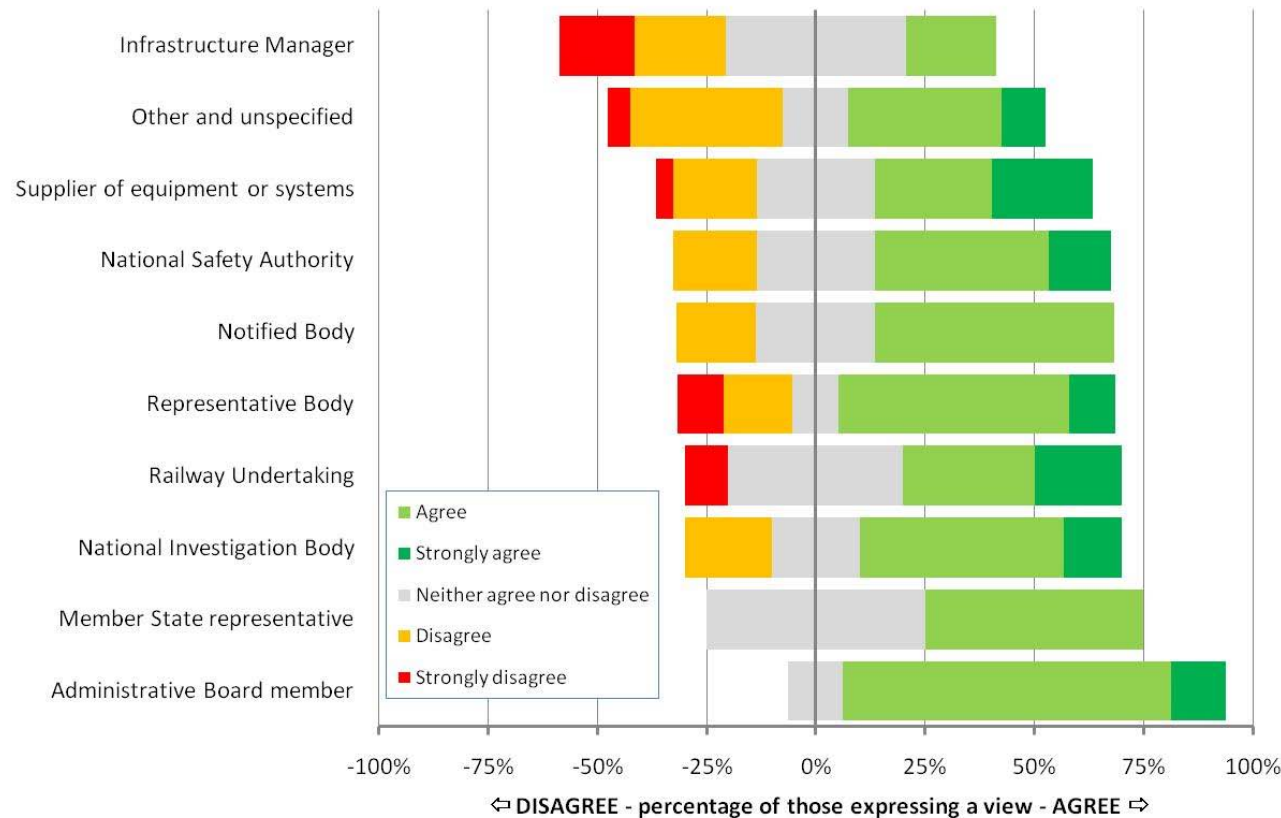
- █ Slightly more disagreed than agreed with this proposal
- █ Interviewees suggested a tension between standard setting and innovation

Possible future Agency role - Type approval and certification (incl ERTMS)



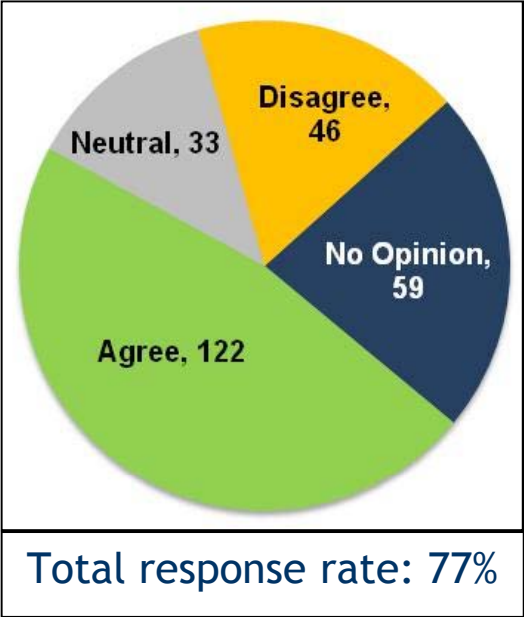
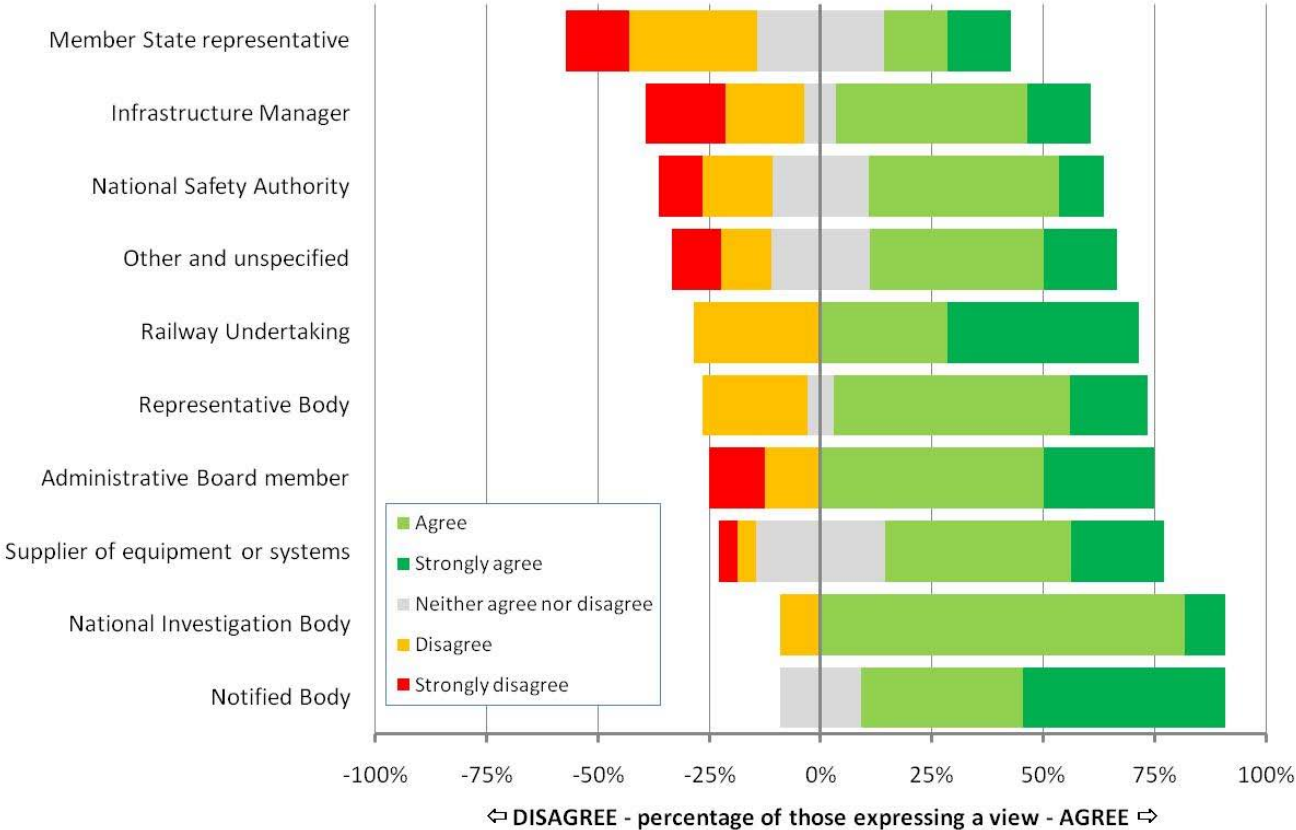
- More agreed than disagreed, but there was no absolute majority
- Interviewees suggested need to improve the framework but not take over the role of NoBos

Possible future Agency role - International cooperation and promotion of EU standards



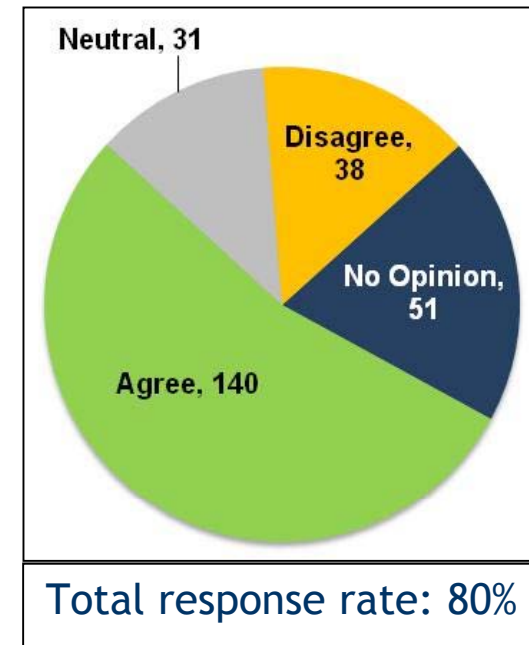
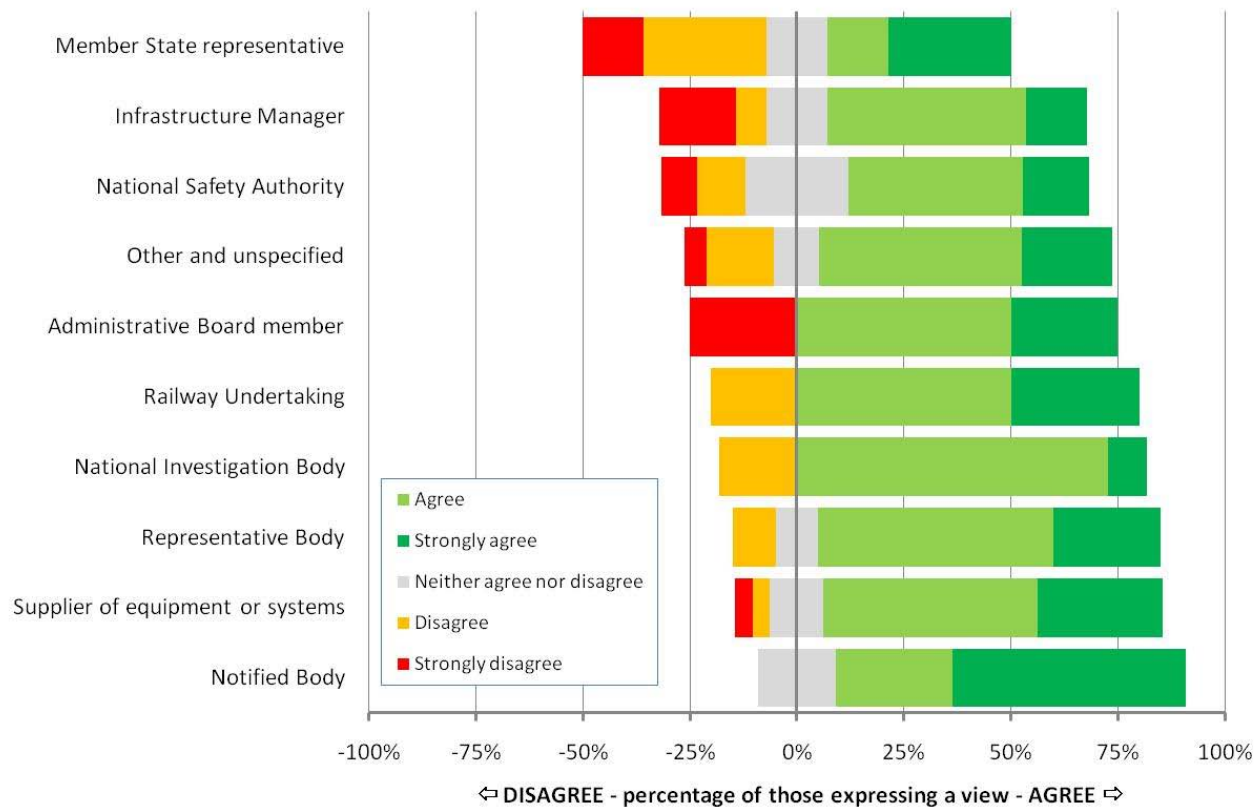
- The majority agreed with a greater role for ERA in this area
- Should not allow this to distract from existing core activities and objectives

Possible future Agency role - Certification of Infrastructure Managers



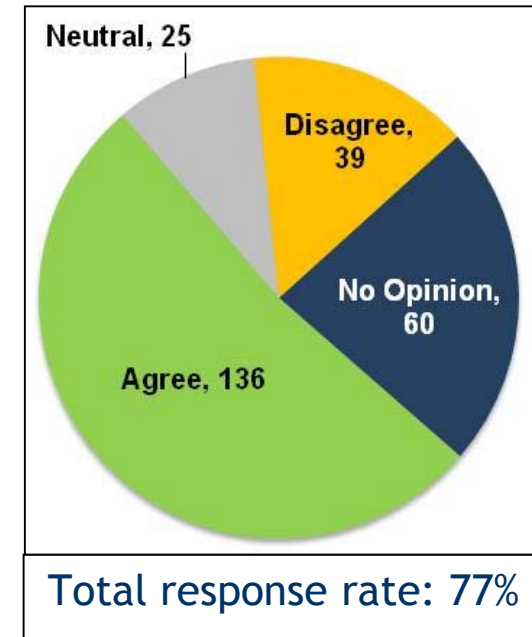
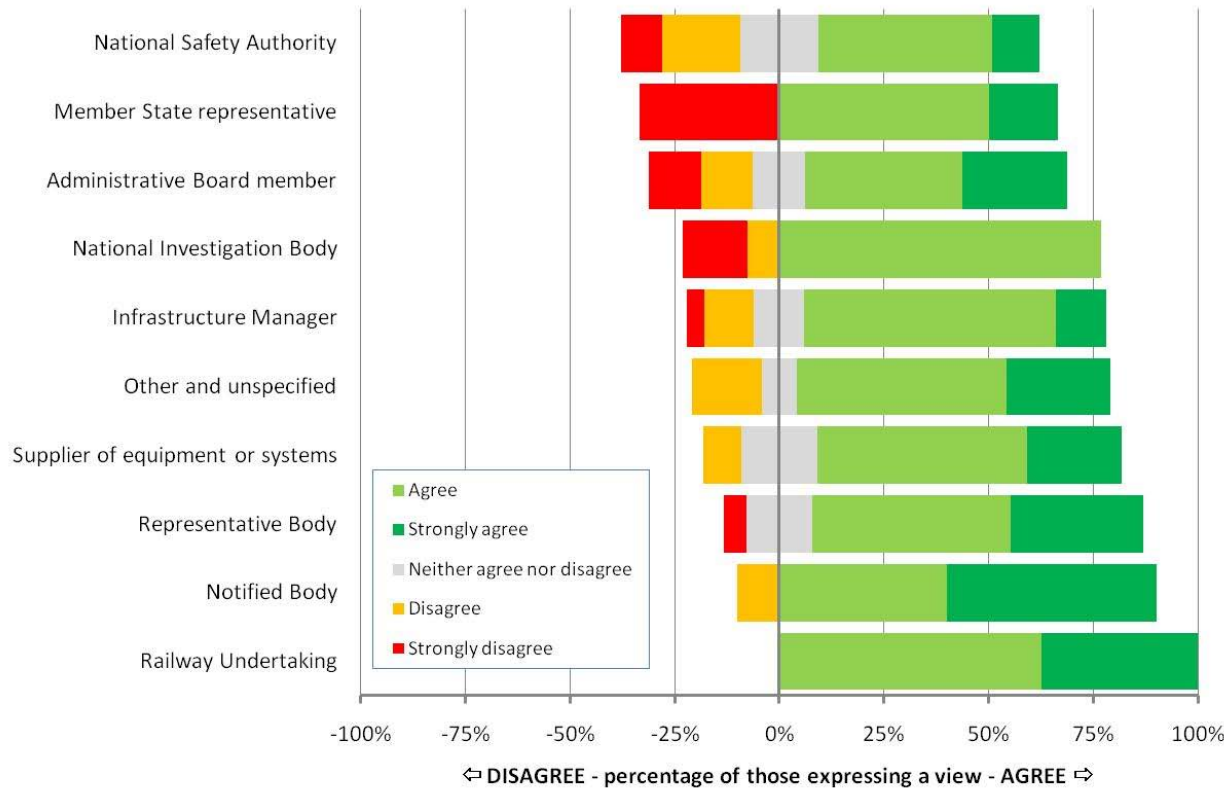
- Survey results were more positive than negative
- But interviewees suggested there would be minimal benefit of doing this centrally

Possible future Agency role - Certification of Railway Undertakings



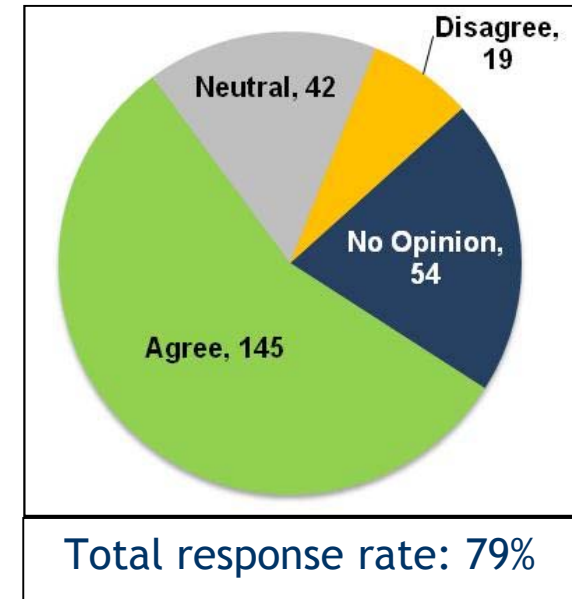
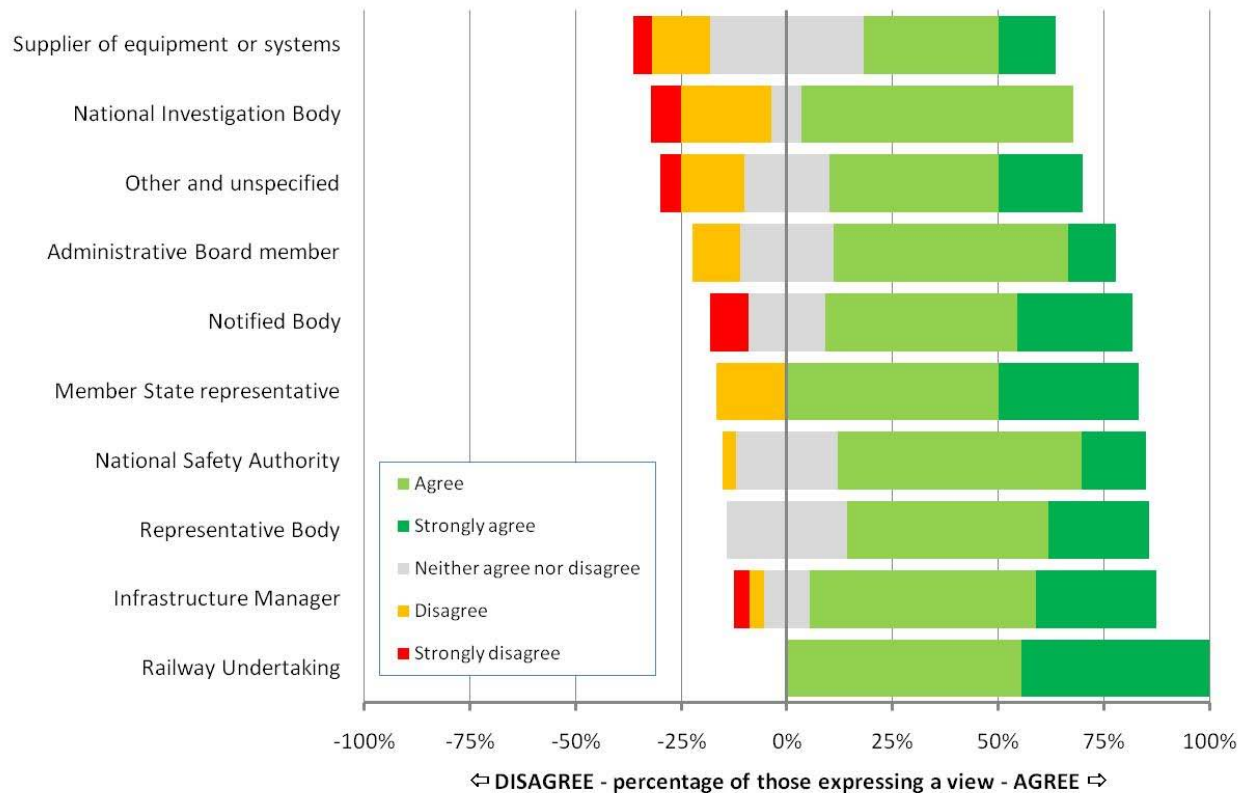
- Survey results were more positive than negative
- But interviewees suggested focus should be on ensuring the setting up of an appropriate framework (the harmonised certificate)

Possible future Agency role - Supervision, audit and inspection of NSAs' administrative capacity



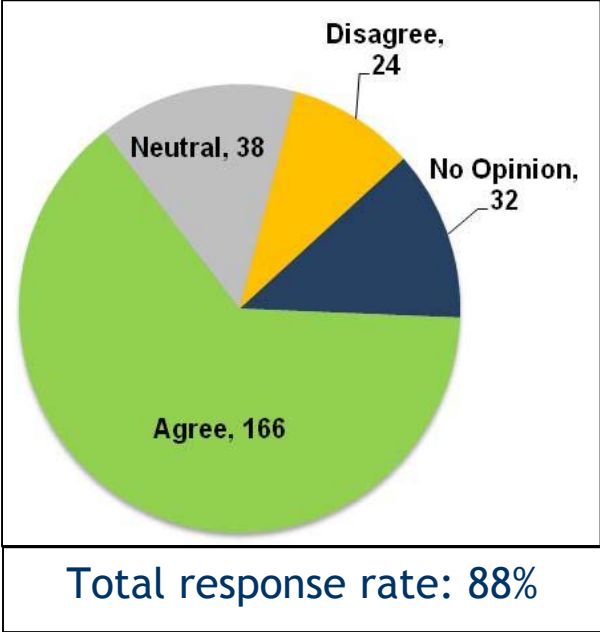
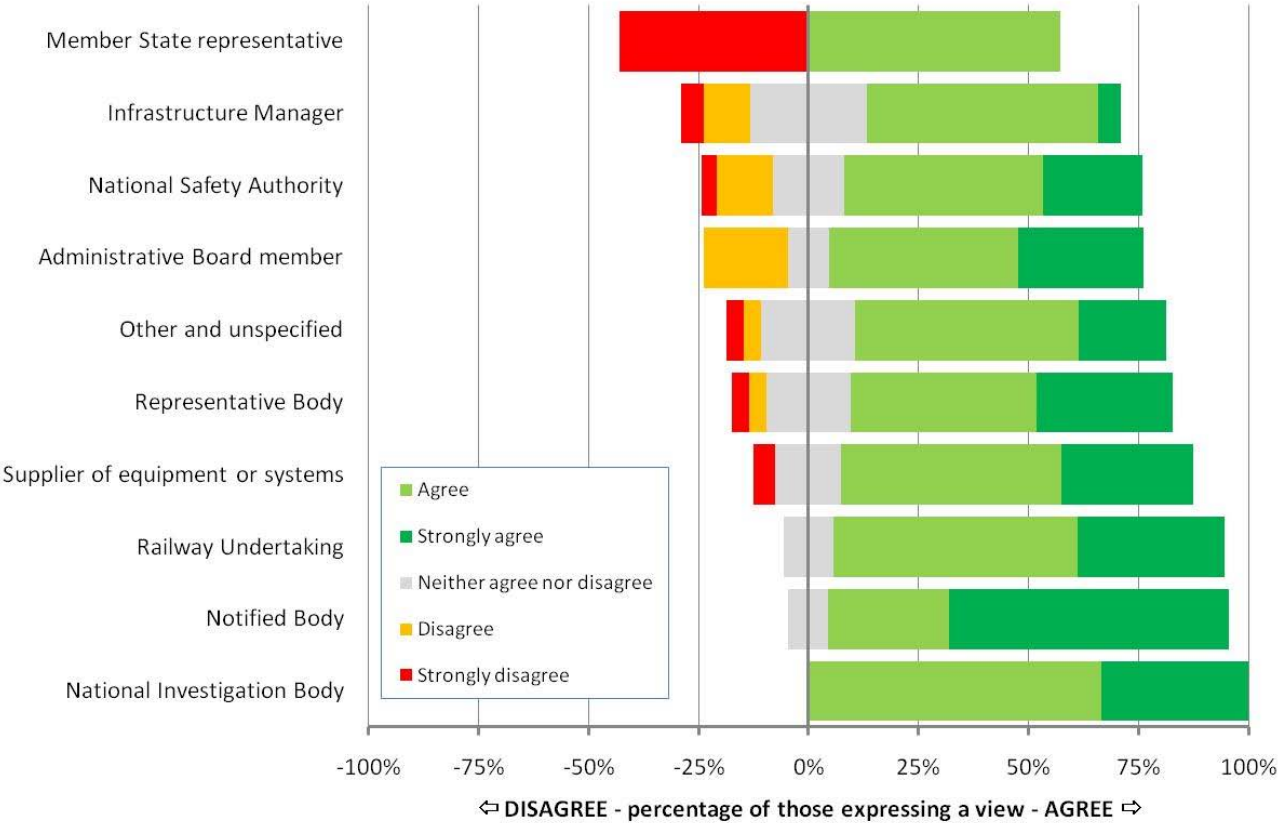
- The majority of responses were positive, but with some strong dissenters
- A key issue is around how far audit should go
- Shortcomings of some NSAs acknowledged

Possible future Agency role - Dissemination of railway related training and information



- 70% of respondents agreed with this role
- Reasons for those in disagreement was not evidenced by comments

Possible future Agency role - Monitoring implementation of legislation



- This proposal received the most positive survey response
- Views suggested that enforcement should remain with the Commission

Road map to the Final Report

Next steps

- Take account of comments received today.
- Take note of comments received from the Commission in relation to the Draft Interim Report.
- Undertake the work necessary for the finalisation of the final report.
- Submit Final Report by 1st February 2011.

Questions and discussion

Thank you