



Invitation to submit a proposal for cross-border pilot rail services

In the framework of the Commission Action Plan to boost long-distance and cross-border passenger rail

Version 1.1
19 July 2022



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1. Introduction

The Commission Action Plan to boost long-distance and cross-border passenger rail¹ announced pilot services to help test and implement measures to remove identified obstacles. The pilot services can help finding solutions to remove obstacles that still hinder the setting up and operation of cross-border railway services in the European Union and can therefore contribute to the growth of such services. Pilots can establish new services or enhance existing ones. The Commission will support these pilots by facilitating contacts between the relevant stakeholders and by providing assistance.

With this invitation to submit proposals, the Commission invites interested stakeholders to propose cross-border pilot services that address obstacles identified in the action plan. For this invitation, no dedicated EU financial instrument is available, nor are derogations to existing EU legislation envisaged.

2. Timetable

Proposals for pilot services can be submitted between:

29 June 2022 – 31 October 2022

The results of the evaluation will be made public by 13 January 2023.

The Commission may issue further invitations to submit proposals after 31 October 2022.

3. Admissibility and documents

To be admissible, proposals must be submitted before the deadline: 31 October 2022, 23:59:59 Brussels time.

Proposals must be submitted **in English**, using the form which is provided in Annex 1 of this document. Proposers may complement this form with additional documents.

Proposals must be submitted electronically via the following mail address:

MOVE-PILOT-SERVICES@ec.europa.eu

Paper submissions are not possible.

Proposals must be readable, accessible and printable. Further documents may be asked at a later stage to complement submissions.

4. Eligibility

Eligible participants (eligible countries)

In order to be eligible, applicants must:

- be legal entities (public or private bodies), either a:
 - railway undertaking, licensed according to Directive 2012/34/EU establishing a Single European Railway Area;
 - infrastructure manager (as defined in Article 3(2) of Directive

¹ COM(2021) 810 final of 14 December 2021

2012/34/EU);

- competent authority (as defined in Article 2(b) of Regulation (EC) No 1370/2007);
- applicant (as defined in Article 3(19) of Directive 2012/34/EU);
- be established in one of the EU Member States;
- not be directly or indirectly controlled from a third-country, either by public or private bodies;

Applicants may team up with partners (such as associated partners, subcontractors, third parties giving in-kind contributions, etc.). Partners may be established in one of the following third-countries: Norway, United Kingdom, Switzerland, Liechtenstein, Andorra, Monaco, San Marino, Vatican City, Serbia, Bosnia and Herzegovina, Montenegro, Kosovo, Albania, North Macedonia, Ukraine, Moldova and Turkey.

Eligible activities

Pilot services can be new or enhanced services, where 'enhanced' might refer to faster, more frequent, more affordable or higher quality services.

Pilot services must be cross-border, have at least one commercial stop in an EU Member State and must include long-distance connections².

Pilot services must comply with EU policy interests and priorities, notably EU Single European Railway Area related policies, as well as policies related to Public Service Obligations. Pilot services are expected to be operated on a commercial basis. Where a proposed pilot service is operated under a Public Service Contract (PSC), or receives any form of public compensation, procedures must comply with Regulation (EC) No 1370/2007.

Pilot services may have a multimodal, improved accessibility and/or innovation component.

Pilot "projects" with a horizontal impact on cross-border services are eligible, for example a project on ticketing that covers multiple cross-border services or a project aimed at reducing track access charges in compliance with Directive 2012/34/EU.

Duration

Proposed pilot services must start operations not later than December 2029.

Once the applicant has decided that the proposed pilot service can be set up, it must be operated during minimum one timetable year, unless decisive technical, operational, legal or economic grounds would prevent this.

Pilot services lose their status of "pilot" after four years, unless critical obstacles which require Commission support persist.

Ethics

Pilot services must comply with:

- the highest ethical standards;
- applicable EU, international and national law;
- guidelines, instructions, rulings, etc. of regulatory bodies, safety authorities,

² Article 3(15) of Regulation (EU) 2021/782 on rail passengers' rights and obligations provides the following definition: 'long-distance rail passenger service' means a rail passenger service which is not an urban, a suburban or a regional rail passenger service.

competition authorities and any other relevant authority.

5. Financial and operational capacity

Financial capacity

Applicants must have stable and sufficient resources to successfully implement the projects, and in case of applications of multiple partners, contribute their share. Organisations participating in several projects must have sufficient capacity to implement all these projects.

Operational capacity

Applicants must have the know-how, qualifications and human resources to successfully implement the pilot service and contribute their share.

6. Evaluation and selection of proposals

The Commission will assess all proposals. Proposals will first be checked for formal requirements (admissibility and eligibility). Proposals found admissible and eligible will be evaluated against the ranking criteria presented in section 7 and then ranked according to their scores. The Commission intends to invite a maximum of 10 selected applicants for a kick-off meeting. This number can be lowered in function of available resources in the Commission.

All applicants will be informed about the evaluation result.

7. Ranking criteria

Proposals will receive points for each of the following criteria and be ranked according to their total scores:

- impact: which obstacle(s) will be addressed in the pilot max. 20 points
Evaluation method: qualitative assessment
- relevance of proposed Commission involvement to remove obstacles and relevance for EU policy development max. 20 points
Evaluation method: qualitative assessment
- level of interoperability and full TSI compliance without derogations max. 20 points
Evaluation method: qualitative assessment
- operations under an open market scheme max. 15 points
Evaluation method:
 - open access service: 15 points
 - competitively awarded Public Service Contract (entire service or one or more legs of the service, including so-called hybrid services³): 5 points
 - directly awarded Public Service Contract (entire service or one or more legs of the service, including so-called hybrid services): 0 points
- availability of tickets, in a non-discriminatory manner, through third-parties

³ A hybrid service contains one or more legs operated under an open access scheme, as well as one or more legs operated under a Public Service Contract

(via re-linking(meta-search) or via (re-)sales agreements) max. 10 points

Evaluation method:

- tickets available on additional platforms beyond the Railway Undertaking(s) operating the pilot service

– starting date of operations max. 10 points

Evaluation method:

- expected start of operations in or before December 2025: 10 points
- expected start of operations in 2026: 7 points
- expected start of operations in 2027: 5 points
- expected start of operations in 2028: 3 points
- expected start of operations in 2029: 1 point

– expected number of yearly passengers max. 5 points

Evaluation method:

- more than 500 000: 5 points
- between 300 000 and 500 000: 4 points
- between 100 000 and 300 000: 3 points
- between 50 000 and 100 000: 2 points
- 50 000 or less: 1 point

Maximum theoretical score: 100 points

No weighing of criteria will take place.

Non-selection as a pilot service, does not mean that the Commission disapproves or discourages the introduction of the non-selected services.

8. Organisation after selection

Proposers are expected to prepare and set up pilot services as they would normally do when introducing or enhancing a cross-border service. At the request of the applicant, the Commission can support specific elements of the preparations and set-up. The Commission can, among others, provide support to:

- involve relevant stakeholders (e.g. regulatory bodies, European Union Agency for Railways) in the process;
- establish contacts with entities such as the European Investment Bank (EIB) and Rail Net Europe (RNE);
- identify existing financing opportunities in support of pilots (such as for technical assistance, rolling stock finance, etc.);
- assess whether interoperability obstacles can be included in the Issues Log Book (a tool developed by the Commission to remove concrete interoperability issues);
- assess possible implementation of Article 33.3 of Directive 2012/34/EU which allows for reduced charges for new services and of Article 34 which allows Member States to balance unpaid external costs of other modes.

At no point in time, the Commission is owner or initiator of the pilot service. The Commission will not provide financial support to pilot services, other than through

existing instruments to which applicants may decide to apply. The Commission involvement ends either when the project is on track and no obstacles persist which would require Commission support, or when the Commission deems its further involvement having little added value. Where Commission involvement has ended, pilot services may keep and continue to publish their status of "pilot" during the first four years of operations.

After selection, the Commission will invite selected applicants for a kick-off meeting which will take place in the first quarter of 2023. In the kick-off meeting, the applicants will be able to further present their pilot services, highlighting the areas in which Commission support is expected to bring added value. Further, a planning with milestones and concrete steps to bring the pilot services forward will be agreed.

Selection as a pilot service may involve participation in a small number of (remote) meetings to coordinate between selected pilot services and to present (successful) solutions and approaches to a wider professional public.

9. Terms and conditions

- Combination with EU, EIB and/or national financing instruments is allowed.
- Multiple proposals — Applicants may submit more than one proposal for different projects.
- Organisations may participate in several proposals. If there are several proposals for very similar projects, only one application will be accepted and evaluated; the applicants may be asked to withdraw one of them.
- Rejection — By submitting the application, all applicants accept the conditions set out in this Document (and the documents it refers to). Proposals that do not comply with all the conditions will be rejected. This applies also to applicants: all applicants need to fulfil the criteria; if any one of them doesn't, they must be replaced or the entire proposal will be rejected.
- Cancellation — There may be circumstances which may require the cancellation of the invitation to submit proposals. In this case, you will be informed. Please note that cancellations are without entitlement to compensation.
- Data protection — The submission of a proposal under this invitation may involve the collection, use and processing of personal data. This data will be processed in accordance with the applicable legal framework. It will be processed solely for the purpose of evaluating your proposal, subsequent coordination of pilots and, if needed, monitoring, evaluation and communication.
- Selected applicants can advertise and publish their status as a European Commission Pilot Service during the first four years of operations.

ANNEX 1: SUBMISSION FORM

Part A: applicant and pilot service

Name, address, company registration number of applicant
Type of company (railway undertaking, infrastructure manager, etc.)
Partners (if applicable)
Proposed pilot service or pilot project (origin, destination, planned intermediate stops, day/night service, frequency, other type of service)
Intended starting date of the service
Number of expected passengers / passenger increase
Will the service be operated on a commercial basis, under a PSC or as a so-called "hybrid" service (please see footnote 3)? In case of a (partial) PSC, will the service be tendered competitively? (max 500 words)
How will the ticket distribution be organised? Will passengers be able to buy tickets via third-party channels? (please specify via which channels) (max 500 words)

Part B: Obstacles and Commission's role

What cross-border obstacle(s) will be addressed in the pilot? (max 1000 words)
What role do you envisage for the Commission when preparing / setting up the pilot service? (max 1000 words)
Describe the level of interoperability and TSI compliance to be achieved by the pilot service and challenges to overcome (max 2000 words)
Comments / additional documents