
(2000/C 204/04)

On 17 February 2000 the Council decided to consult the Economic and Social Committee, under Article 156 of the Treaty establishing the European Community, on the above-mentioned proposal.

The Section for Transport, Energy, Infrastructure and the Information Society, which was responsible for preparing the Committee’s work on the subject, adopted its opinion on 4 May 2000. The rapporteur was Mr Vinay.

At its 373rd plenary session (meeting of 24 May 2000) the Economic and Social Committee adopted the following opinion by 102 votes in favour, with one abstention.

1. The Commission proposals

1.1. The draft directive under consideration aims first and foremost to make progress towards a single market for rail services, as provided for in the Treaty; it has three basic objectives:

— to make the transport of freight and passengers organisationally more efficient on lines which form part of the trans-European transport network

(1);

— to promote the interoperability of conventional rail networks through technical harmonisation;

— to help to create a single market for equipment open to public procurement, hitherto evaded by a system of specifications such as to favour the suppliers of the respective national markets.

1.2. The Communication which accompanies the proposal and recommends its adoption draws attention to its structural similarities with the directive on high-speed rail systems

(2), but also to the differences, which relate mainly to:

— geographical scope (network concerned)

(1);

— technical specifications and the sub-systems concerned;

— adoption of a gradual approach in removing obstacles to interoperability; conventional railways are an old system in which accelerated adaptation without the necessary step-by-step approach would entail very high costs for railway undertakings, infrastructure managers and state budgets;

— adoption of a work programme organised on the basis of a scale of priorities;

— specific attention to be paid to economic analysis of the impact of the new standards and to the search for economically effective solutions.

1.3. The communication stresses the current difficulties and problems of rail transport; sketches out a set of progressive step-by-step measures; draws attention to those which can be carried out quickly and free of cost; defines the need for Community action, which it places in the context of the sharing of responsibilities with the Member States under Articles 154 and 155 of the treaty; and sets out objectives and priorities.

1.4. Objectives

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— To improve the organisation of international services, especially for freight, by acting essentially through railway undertakings on the slow and costly exchange of commercial data, the poor match of timetables and the complexity of the procedures carried out at frontiers.

— To promote the interoperability of conventional rail networks, by taking action to deal with the diversity of locomotives, passenger carriages and freight wagons, and with the technical and operating standards which make it necessary to change locomotives and crews at frontiers.

— To create a single market for railway equipment, by opening up the national markets which at present are largely closed.


1.4.2. Priorities

— Harmonisation of sub-systems and their components, beginning with:

— signalling and command/control systems

— information technology applications for data exchange

— rolling stock

— noise emissions

— qualifications required for cross-border operations by train crews

— assessment of conformity with specifications

— mutual recognition of maintenance and repairs.

— Introduction of equipment built to Community specifications.

1.5. The harmonisation process is to take place at two levels:

— organisational aspects: in the short term railway undertakings should aim at reducing delays at border crossings to the time strictly necessary to change locomotives and crews; in the medium term it is intended to eliminate these stops;

— system and sub-system aspects: the Commission, assisted by the Committee set up under Article 21 of Directive (EC) No 96/48/EC (1), will be responsible for issuing the instructions for drawing up the specifications and for adopting the proposed specifications, following a work programme on the basis of the priorities.

1.5.1. Finally, the procedures for laying down the Technical Specifications for Interoperability (TSI) for various sub-systems are clearly indicated. As for high-speed trains, the preparation of the TSI would be given to a representative joint body, the AEIF (2), composed of representatives of representatives of the railway undertakings, the operators, public transport bodies and the railway equipment industry. The European standards for components of the sub-systems are drawn up by CEN (3), Cenelec (4) or ETSI (5) as the case may be. The responsibility for assessing conformity with the specifications and standards is entrusted to independent organisations (notified bodies) thus breaking with the tradition of entrusting this task to the railway undertakings themselves.

2. General comments

2.1. The Committee agrees that there is a need for Community action: for institutional, social, economic and transport policy reasons, the whole system needs a high level of interconnection and integration. Indeed, the current situation is unsatisfactory. At present in the EU Member States there are 21 railway undertakings using 6 different track gauges (6), 5 different electrical systems requiring a change of locomotive at the frontier or the use of multi-current locomotives, and 16 different signalling, command and control systems. Moreover, 11 railway undertakings have agreed to make technical checks on freight trains only at their point of departure instead of at every frontier crossing (exchange technical inspections) (7). It is obvious that, in setting up a trans-European rail network, one cannot rely on voluntary standardisation: it is necessary to lay down basic requirements and parameters.

2.1.1. Moreover, although the gradual consolidation of the internal Community market has brought about a significant growth in freight and passenger traffic, the railways' share in both sectors has shown a constant decline and, if the trend were to continue, it is not unreasonable to suppose that some lines would cease to be economic by any criterion and they would risk closure. This would have not only negative effects for users, regional development and jobs but also totally counter-productive effects in terms of the objective of sustainable mobility at European level.

2.1.2. As emphasised in the Commission Communication, the present draft directive is only a first step towards effective, full interoperability: it will apply to design, construction, bringing into service, restructuring, renewal and operation of only those components of the railway system which are brought into service after it comes into force. It follows that full infrastructure harmonisation will occur only in the long term; however, it is essential to take action aiming in the short term to harmonise components and procedures, and in the longer term to achieve increasing approximation of infrastructure standards.


(2) AEIF: European Association for Rail Interoperability.

(3) CEN: European Committee for Standardisation.

(4) Cenelec: European Committee for Electrotechnical Standardisation.

(5) ETSI: European Telecommunications Standards Institute.

(6) The standard gauge (1 435 mm) is used by 11 Member States, whereas Portugal and Spain use a 1 668 mm gauge, Ireland a 1 600 mm gauge, and Finland a 1 524 mm gauge.

(7) It should be noted that this solution is not always suitable — particularly when dealing with 'mixed' trains loaded also with swap bodies and containers, because of the differing loading gauges of lines and consequent differences in coding.
2.1.3. To this should be added that only the definition of consistent construction specifications can overcome the system of detailed national requirements which has so far prevented the development of Europe-wide competition on the market for supply of railway systems and installations, reducing it to the status of a national industry, despite the fact that it has been subject to public procurement rules for a number of years(1).

2.2. This overall picture brings out not a few reasons for the inefficiency of intra-Community rail transport and for the lack of competition in the sector. Thus the Commission appears to have set itself the right objective of giving coherence to the whole system in order to meet the ever greater and more specialised demands of users of passenger and freight services and to open up the production market.

2.3. The Committee welcomes and supports this draft directive. In the light of the ESC opinion on the high-speed rail system directive(2), the principles, approach and perspective of which are also found in the current proposal, it does not seem to be necessary to go into technical aspects already dealt with there.

2.3.1. The Committee takes a special interest in the fact that the concept of interoperability is at last being extended to freight transport also. This critical assessment leads the Committee to attach most importance to the existence of a real political will on the part of Member States and railway undertakings — a fundamental prerequisite for achieving effective interoperability between the networks.

3. Specific comments

3.1. Nonetheless, the Committee wishes to make certain comments and bring out certain aspects which still make the rail transport sector a thorny one, despite the fact that it has been gradually liberalised since 1991 and the fact that it has undoubted advantages in terms of sustainable development. This critical assessment leads the Committee to attach most importance to the existence of a real political will on the part of Member States and railway undertakings — a fundamental prerequisite for achieving effective interoperability between the networks.

3.1.1. The needs for a step-by-step policy and for a distinction between technical/normative measures and infrastructure measures also entail action by the Member States, not least because this initiative must be seen in the context of a comprehensive, coordinated approach to transport policy. Hence the need for careful monitoring of costs and benefits in order to make the action taken practical and productive.

3.2. The statistics for recent years should be studied. Rather than simply listing the cases where the railways have lost their market share — which are now well known — one should look into the fact that, despite the policies adopted to encourage combined transport, it is still lagging behind significantly, although the average distance of freight journeys in the European Union increased by 2 % per year between 1970 and 1997(3).

3.2.1. There is no doubt that the decline in rail transport is partly due to the market impact of other modes of transport which are more flexible, free of interoperability constraints and extremely competitive in terms of costs. It is therefore urgent and essential to begin to restore, partly through interoperability, a degree of competitiveness to the rail transport system.

3.2.2. The Committee thinks it necessary to ensure maximum consistency between the measures relating specifically to interoperability and those forming part of the 'infrastructure package'. Special attention will need to be given to the management of train paths and to the allocation of priorities among different types of services. It is important, while safeguarding the interests of passengers, to succeed in providing guarantees of efficiency and competitiveness for freight transport also.

3.2.3. The Committee notes that the Commission, too, acknowledges that the rules on procurement have not yet had a positive impact on the market, precisely because of the fragmentation of systems which still enables national suppliers to be favoured. It therefore hopes that as the various phases of interoperability progress there will be stricter checks to ensure full application of European rules on procurement, not least with a view to containing costs(1).

3.2.3.1. With regard to railway equipment manufacturers, the directive should guarantee the involvement of SMEs, which currently account for 20 % of total market share.

3.3. While endorsing the priorities set out in Article 22 of the Commission's draft directive, the Committee feels that the timescale for defining the TSI should be indicated in order to avoid excessively long procedures. The main objective of measures on standards should be to harmonise existing systems on joint minimal conditions, and then go on to seek innovatory solutions on the basis of the best available practice and in connection with research programmes. It is also conceivable that, even before the TSI are adopted, the basic parameters identified could already constitute a recommended basic reference framework — albeit not legally binding — for any investment projects in the Member States.

3.3.1. Among the priorities listed in the draft directive for the TSI definition stage, it would also be desirable to include a guarantee of adequate investment flows both on the infrastructure and on the management side. When the work concerned involves a contribution both from those in charge of infrastructure and from those in charge of day-to-day operation, it is essential that costs be borne by both sides beforehand, so that both can reap the benefits later on.

3.3.2. It could be desirable to include among the TSI the question of automatic coupling. Indeed, it seems that such a system could be implemented within a fairly short timescale if the necessary funds are available. Among other things, it would increase productivity and improve safety for workers in the section concerned.

3.3.3. As regards the initiatives on noise, the Committee appreciates and supports the Commission's declared intention to set up a working group on railway noise emissions. It recommends that full consistency with Community legislation be ensured when harmonising methods for measuring noise, and that consideration be given not only to the level but also to the frequency of noise emissions from rail traffic, when planning the necessary measures to be taken by national and local authorities to protect the public.

3.3.4. In the short term, however, the ESC is concerned at the timescale estimated as being needed for modernising brake blocks, and calls upon the Commission to take action to speed up this process as much as possible, and to tackle all the other factors known to contribute to the total noise pollution caused by rail traffic.

3.4. The Committee is in favour of confirming the AEIF as a representative joint body, but feels the need to emphasise, with further arguments also found in the communication accompanying the draft directive, some points already made in its Opinion on the high-speed rail system directive (1).

3.4.1. The Commission Communication points out that the AEIF does not represent all the parties concerned — with special reference to the role of the social partners — and does not have all the necessary expertise. The Committee therefore thinks it particularly desirable for the draft directive to define specific ways in which the social partners can participate in drawing up the TSI, nearly all of which have implications for work organisation, safety and health of staff, definition of skills which will become necessary as interoperability develops, training, vocational retraining, working hours, and the essential standardisation of operating documents. The contribution of the social partners can only be made in the first instance when the specifications are being drawn up. This participation enriches the value and effectiveness of the developing social dialogue, which has already made progress between the sector's employers' and trade union organisations at European level (CER and ETF) on precisely the subject of interoperability.

3.5. As regards the future extension of interoperability to the applicant countries (CEEC) the Committee could be desirable to include among the TSI the applicant countries (CEEC, ETF) on precisely the subject. This share of the interest shown in the draft directive in possible interoperability beyond the present and future frontiers of the Union. Such an aim has important social and economic implications. The ESC therefore supports both the Commission's proposals for the future TSI, without which adherence to the TSI at the time of joining the EU could in many cases prove to be ineffective. There is therefore a need to intensify cooperation with these countries on the subject.

3.5.1. The Committee shares the interest shown in the draft directive in possible interoperability beyond the present and future frontiers of the Union. Such an aim has important social and economic implications. The ESC therefore supports both the Commission's proposals in relation to the TINA (Convention concerning International Carriage by Rail) and its proposal that the European Community become a member of the OTIF (Central Office for International Carriage by Rail).

3.5.2. However, since the Committee believes that maximum priority should always be given to a high level of safety in the movement of trains as in the construction specifications for equipment, it calls for extremely careful safety checks to be made on any specifications already approved at international level which it is intended to take as a basic point of reference for the future TSI.

3.5.2.1. In the section of the draft directive devoted to essential requirements, safety is amply covered both as regards general aspects and in terms of the specifications for each subsystem. The Committee takes the view that on this, as on health protection (including ergonomic aspects), it is important to have a direct contribution from the social partners, and from qualified bodies representing users, in identifying and applying the essential requirements.

3.6. The Committee feels that attention should be drawn to the potential contributions to innovation from research projects carried out under the Fifth Framework Programme for research and technological development.

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(1) CER: Community of European Railways.
(2) ETF: European Transport Federation.
(3) CEEC: Central and Eastern European Countries.
(4) TINA: Transport Infrastructure Needs Assessment.
3.7. The financial impact of the draft directive appears to be greater than that of high-speed rail interoperability. It would be useful to explain in a more analytical way the reasons for the increase in the impact of certain costs.

The Committee reiterates the need for in-depth assessments of the cost/benefit ratio, as regards both the definition of priorities and timescales and the drawing-up of the standards themselves, as mentioned above.

3.7.1. Since the Community funding for interoperability projects set out in the communication accompanying the draft directive is limited, the Committee suggests — without going into the merits of whether it is adequate overall — that the draft directive should encourage the search for other possible means of Community funding for specific projects of particular supra-national interest.

3.8. Incorporation in the draft directive of the guidelines and comments set out above would in the Committee’s view make more complete and therefore more effective a provision which amounts to a first, but decisive, step towards interoperability. Although this is, in the nature of things, a process which can be completed only in the longer term, the Committee is convinced that not only the policy value of the draft directive under consideration but also its implications for all related aspects — social, environmental, productive and in terms of employment and market efficiency — can emerge in a positive light even at this initial stage.


The President
of the Economic and Social Committee
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