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NOTE

From: General Secretariat of the Council
To: Council

Subject: **Council meeting (Transport, Telecommunications and Energy) on 8 October 2015**
Lunch debate on cross-border cooperation against terrorism and rail transport security

Delegations will find attached a Commission non-paper with a view to the Ministerial lunch debate taking place at the Transport Council on 8 October 2015.

Policy approach to rail transport security

Discussion Paper for TTE (TRANSPORT) Council's lunch

Luxembourg, 8th October 2015

On 21 August 2015, a security incident on board an international high-speed train, the Thalys, travelling from Belgium to France, has led decision-makers to consider making enhancements in passenger rail security.

The Commission immediately called an extraordinary meeting of the Experts Group on Land Transport Security (LANDSEC) - comprising officials from the Transport and Interior Ministries of the EU Member States and representatives from the industry - in Brussels on 11 September 2015. The Commission also actively participated at the Ministerial Meeting of Transport and Interior Ministers of 9 neighbouring countries held in Paris on 29 August 2015.

The purpose of this paper is for the Commission to report on the deliberations with experts in LANDSEC.

What kind of security approach is required for rail transport?

The Commission considers of utmost importance to pursue a security approach that is proportionate to the threat facing the users of rail transport and that continues to deliver the travelling public with open, accessible and convenient rail transport services.

For that to be achieved, four areas would require action: (1) enhanced cooperation of intelligence and law enforcement services in order to address risk assessment and the threat levels, (2) improved preparedness of rail operators for responding to threat levels and for addressing security incidents by implementing robust security programmes, (3) ensuring security training of staff and (4) further use of adequate security technologies at stations and on board of trains.

What scope should such a security approach cover?

The Commission believes that the scope of any measure adopted at EU level be defined on the basis of a proportional security approach and that the scope of potential action could focus in particular on international and high-speed passenger train services.

What measures would be contained in such a security approach?

Consideration could be given to the following measures:

1. Security programmes for rail operators laying down provisions for:
 - action plans to enable security to be adjusted appropriately to the level of threat, as defined by the appropriate authorities of Member States;
 - contingency planning, including the conduct of drills and exercises in light of major security incidents; and
 - rail service recovery plans.

The precise details of such security programmes would vary between Member States and even between railway stations and rail services, taking into account risk and threat assessments that would normally be conducted by the appropriate authority of the Member State.

2. Security training of staff in the following areas: both on recruitment and at subsequent intervals

3. Physical security in stations and on board trains with regard to the following areas:

- Requirements for the use of video-surveillance
- Requirements for security equipment and security features.

What form would these measures take?

Any EU measure would take one of the following forms:

- 1) Common rules in the field of rail transport security: this would require a legislative proposal from the Commission within the framework of the common transport policy laid down in the Treaty on the Functioning of the European Union;
- 2) Recommendations: to be developed and issued by the Commission;
- 3) Exchange of best practices amongst EU Member States and rail transport operators, facilitated by the Commission.

Way forward

The Commission has prepared and launched a study to assess the most efficient and effective security approach for international and high-speed passenger rail services that can be performed at the EU level. The study would collect the appropriate evidence, analyse the options that exist for implementing a proportionate security approach at the EU level, and evaluate those options through a cost-benefit analysis, incorporating the economic, social, legal, political and resources implications at stake. The Commission expects the study to be finished within 8 months.

The Commission invites Ministers to comment on the above. The outcome of discussions at this meeting of the Transport Council will be reported to LANDSEC. The Commission stands ready to continue to co-ordinate the work of LANDSEC and to carry out further work along the lines set out by the Transport Council with a view to propose measures where and if appropriate.

The next meeting of LANDSEC is scheduled to take place in Brussels on 4 November 2015.