

UIC WORKING GROUP: STRATEGY, PROCEDURES AND REGULATIONS



CONTEXT

- 3 Permanent Working Groups in the Security Platform:
 1. Human Factors,
 2. New Technologies
 3. **Strategy, Procedures and Regulations**

TOPIC

General:

- The effect of liberalising the European transport market on the organisation of railway security.

Particular:

- The sharing of roles and responsibilities between national and international authorities and private companies.
- The status of security personnel.

STARTING POINTS

REGULATION (EC) No 1371/2007 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 October 2007 on rail passengers' rights and obligations

- **Article 26 – Personal security of passengers**

“In agreement with public authorities, railway undertakings, infrastructure managers and station managers shall take adequate measures in their respective fields of responsibility and adapt them to the level of security defined by the public authorities to ensure passengers' personal security in railway stations and on trains and to manage risks. They shall cooperate and exchange information on best practices concerning the prevention of acts, which are likely to deteriorate the level of security.”

CHARACTERISTICS

- Applicable to international services and domestic networks
- Starting date: 3 December 2009
- Directly applicable in national legislation
- Mechanism for exemptions and postponements not applicable in the case of Article 26

TASKS OF THE WORKING GROUP

To propose areas for consideration of the following questions:

- How can the security services be developed in the context of European regulations and European directives (liberalisation of the market)?
- How can uniform security be guaranteed in the new railway environment (development of the structure of the companies)?

SHARING ROLES AND RESPONSIBILITIES BETWEEN NATIONAL AND INTERNATIONAL AUTHORITIES AND COMPANIES

1. Present situation

Fact: There is an absence of European legislation on role-sharing and a multiplicity of forms of security organisation:

A. *In terms of internal structure:*

- Police monopoly.
- Sharing between police and security firm personnel with public powers (inspection).
- Sharing between police and security firm personnel with no public powers
- As per 1 and 2, with the addition of private security firms.
- In general, a single security service for the railway group.

B. *In terms of deregulation:*

- For practically everyone: no opening up to foreign security services and barriers between existing services (security vacuum).

SHARING ROLES AND RESPONSIBILITIES BETWEEN NATIONAL AND INTERNATIONAL AUTHORITIES AND COMPANIES.

2. Options for the future:

Is minimum standardisation, aimed at defining and coordinating responsibilities, feasible and desirable?

What model should it be based on?

A. In terms of internal structure:

- Removal of private enterprise in favour of public security? Including the “commercial” aspect of security? Or the opposite?
- One security department per legal entity (railway undertaking, infrastructure manager, etc.)?

B. In terms of deregulation:

- Status quo: security vacuum. To be filled by police services?
- State security service covering all transport within the territory of the State in question, and no deregulation of security.
- Opening up to the security services belonging to the railway companies of the country of origin (under \pm strict conditions, see theory of equivalence of conditions or application of the spirit of the Services Directive)?
- Ditto, with market opened up to private firms.

STATUS OF SECURITY PERSONNEL

1. Present situation

Facts:

- Disparity of statutes, legislations, powers and safeguarding authorities.
- Absence of European regulations.

STATUS OF SECURITY PERSONNEL

2. Options for the future:

- Uniform regulations and status?
- What about weapons, uniforms, powers, sworn guards, etc.?

THALYS

1) Illustration

In the 9310 Thalys Amsterdam - Paris-Nord the Dutch train manager, sworn officer according to Dutch law, signals a German passenger boarding the train in Brussels without a valid ticket.

2) Problem

- Thalys circulates in four different countries (Belgium, France, The Netherlands, Germany)
- Train managers: four possible nationalities, sworn officers only in their home country
- Legislation: no common rules
- Which national legislation to apply? The one where the infraction has been detected or the one from the home country of the sworn officer?

➔ Proposition to & follow up: UIC WG Strategy & Regulation

EUROSTAR

1. Security and immigration control in Brussels
Goal: combat terrorism and illegal immigration;
2. All trains from Brussels to Great-Britain make a stop in France;
3. All passengers getting off in France remain in the Schengen area
→ illegal immigration control;
4. Creation Schengen corridor → no immigration control for passengers getting off in France;
5. Problem? A persistent threat of illegal immigration

EUROSTAR

6. Solution:

- Dedicated coach for Schengen travelers (except for season ticket holders)
- Security service: Securail (SNCB) in the train from Brussels to France

Problem: Securail can currently only use its power in Belgium → ongoing analysis on a collaboration with the PAF (Police Aux Frontières)

- Introduction of a demand of experiment to allow Securail to work with full competencies on the French territory
- → Proposition to & follow up: UIC WG Strategy & Regulation