WORKSHOP ON RAIL SECURITY

Transmitted by the International Union of Railways (UIC)
Post-2010: what future for European rail transport security?
Successful triangulation: “confusion” of the three main players

- Prior to 1991: the national railways were controlled by the State or one of its agencies
- Rail security was one of the general policing tasks performed by each State
- At the highest level, there was a “confusion” between the three main players:
Successful triangulation: “confusion” of the three main players

This confusion manifested itself in different ways in different countries:

- **In France:**
  - Two laws governing the status and mandates of SNCF concerning security

- **In Belgium:**
  - SNCB called on the services of two subsidiaries (surveillance / intervention)

- **In Germany:**
  - Security at both federal and regional level was essentially ensured by the police

- **In Switzerland:**
  - An SBB subsidiary (under private law?) with Securitas. This subsidiary’s staff were sworn in by the courts and were mandated to conduct security tasks.
The public/private organisation of security tasks in the rail community

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<th>Country</th>
<th>French Law</th>
<th>Belgian Law</th>
<th>German Law</th>
<th>Swiss Law</th>
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<tr>
<td>France</td>
<td>Private law</td>
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<td>Decentralised sovereign authority law</td>
<td>Private law and public law</td>
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• since 1991: liberalisation of the rail sector has been underway:
• 29 July 1991: Directive 91/440 introduces separation between the operation of transport services and infrastructure management
• Since 1 January 2006, all rail freight transport services have been open to competition.

• From 2010, all rail passenger transport services will be opened up to competition.
• From 2010, in both freight and passenger transport, historical railway operators will be competing:
  – with one another, (e.g. DB with SNCF)
  – with new entrants (e.g. Trenitalia with Véolia).
• Already, infrastructure managers are allocating train paths both to historical railway operators and to new entrants.
Liberalisation fragments this triangulation

State


Police

Railway undertakings

Infrastructure manager
• Substandard security management leads to downgraded operational quality:

• The 4.10 train

• The 4.15 train
Liberalisation of the rail sector in Europe has two effects on the scope of rail security work:

- The increasing number of rail operators concerned
- The European dimension of the railways

The new scope of security work must take into account:
An increasing number of rail operators are affected

– security for the historical operator and new entrants:

Example: Deutsche Bahn AG currently competes with 300 private companies on the German freight market.

– security for the infrastructure manager:

Example: in Germany today, ten such private freight companies operate on lines owned by DB Netz (the national infrastructure manager), at the same time as freight trains operated by Deutsche Bahn (Schenker).
What vision for security post-2010? A sovereign law-maker’s perspective

Public authorities steer security tasks

Sovereign authority law
Decentralised sovereign authority law

• Each State?
• At EU level?

Who is to bear the cost of security?

Sovereign authority law → The taxpayer
Sovereign authority law → The passenger
User / payer
• Security is one of citizens’ fundamental rights in the same way as:
  – Justice, education, health.
• Are we to have varying levels of security from one country to another?
  – “Poor” countries will fare worse than “rich” countries
  – Rail transport must benefit from the same level of security as other transport modes.
• Are we to have varying levels of security from one railway company to another?
  – Can we imagine “budget” (low-security) railway companies?
  – Could security become a focus of intra-modal competition?
What vision for security post-2010?
A private law perspective

Where are existing security departments to be reallocated?

• Each railway company?
• Each infrastructure manager?

Who is to bear the cost of security?

Private law

The passenger

User / payer
What vision for security post-2010?
A private law perspective

• In a given country, the following have their own security services:
  • Each railway undertaking
  • The infrastructure manager(s)

• How is security managed and coordinated at interfaces?
  • Example: a station belongs to the infrastructure manager. A security incident occurs as a train arrives at the station. Who deals with this incident?

• Does the level of security serve purely a marketing purpose?
  • Are passengers prepared to pay more to travel in a more secure environment?
Post-2010: security goes beyond a national framework

• What are States’ positions concerning a security operation conducted on a foreign train on its national territory?
Post-2010: security goes beyond a national framework

• Only a solution at international level (UNECE, EU, etc.) will enable the situation to be resolved
Post-2010: security outgrows a purely national framework

• What shape should this cooperation take?

  – Need to discuss the issue as soon as possible:
    • At legal level (sovereign authority law or a private law solution?)
    • Concerning company staff (how will existing security services see their role evolve?)
    • At economic level (cost estimate, who is to pay?)

  – Initial line of enquiry:
    • Should we consider issuing a security certificate (similar to the safety certificate provided for by certain legislation?) to protect individuals, property and installations

  – Consideration of the secure area:
    • How are relations to be harmonised between the secure area and non-members of this area?
Objective for 2010……

Thank you for listening