

## **Progress Report on Implementation of Rail Action Plan for Developing a Regional Rail Strategy in the Western Balkans**

February 2020 (April update)

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\*This designation is without prejudice to positions on status and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.

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## 1. Introduction

The 1<sup>st</sup> set of actions for developing a regional rail strategy in the Western Balkans was adopted by Regional Steering Committee of the Transport Community in Belgrade on 19.06.2019. It represents one part of the Action Plan, which should be developed and implemented in accordance with the general and specific objectives set out in the *Joint declaration for a new Regional Rail Strategy in the Western Balkans*, endorsed by Transport Ministers and representatives of the Western Balkans parties (meeting in Brussels at the occasion of the second Ministerial Council of the Transport, December 2018).

During the High-level Summit in Poznan last year, WB Ministers endorsed 1<sup>st</sup> set of actions for developing a regional rail strategy in the Western Balkans. Also, they agreed about main priority – Adoption of the Rail Action Plan and beginning of implementation.

Transport Community Secretariat has established Technical Committee on Railway as a relevant body for all rail issues. TC on Rail consists of two representatives per regional participants (three for BIH). Also, different organizations took role as observers and contributed to our common work (ERA, Shift to Rail, CER and EIM. On behalf the EU member states active participation was from Austria, Greece, Croatia. Great support came from DG Move and DG Near.

In period May-December 2019, the Permanent Secretariat organized three meetings. After the three meetings, we have a solid base about current situation in the region- where we are now regarding the legislation, as well as what should be done in the coming years. On the technical level, Rail Action Plan is adopted in November 2019.

The purpose of this report is to present the progress of the implementation of Rail Action Plan for developing a regional rail strategy in the Western Balkans and accordingly to provide various stakeholders involved in the implementation of RAP an objective view on where and by whom further efforts are needed.

## 2. Rail Action Plan - content

The Rail Action Plan for developing a regional rail strategy in the Western Balkans is divided into six types of actions: Rail market opening, Passenger rights, Border/Common crossing operations, Interoperability, Governance and Modernisation of rail infrastructure.

The Rail Action Plan was adopted on the 3rd Technical Committee on Railway. Rail Action Plan covers period 2020-2022.

### **Rail market opening**

- Amend national law to remove potential breaches of TCT provisions about opening the market at national level (phase 1)

- Establish functioning institutions (regulatory body, licensing body, national safety authority, national investigation body, designated body) – including legal, administrative, and budgetary actions
- Publish Network Statement for railway infrastructure
- Publish Network Statement for service facilities (sea and river ports, terminals)
- Take legislative and/or regulatory measures to achieve mutual recognition at regional level of: operating licenses, train driver licenses, safety certificates, vehicle authorisation
- Modernise rules on public procurement in the rail sector, through transposition and implementation of Regulation 1370/2007 concerning public transport services by rail
- Establishing of Contractual relation between IM and competent authorities for the maintenance and operation on public infrastructure

### **Passenger rights**

- Transpose and implement Regulation (EC) No 1371/2007

### **Governance**

- Create a network of EU DEL rail correspondents in the region to assist in the implementation and monitoring of the TCT Rail Action Plan
- Organize a stakeholder workshop on the streamlining of technical assistance and financing of the reform of the rail sector and rail infrastructure projects in the Western Balkans (ERA, S2R, CER, EIM, WB, EIB, EBRD, EU DELs, DG MOVE, DG NEAR, CONNECTA, EU MS...)

### **Interoperability**

- Transpose and implement the Interoperability Directive 2008/57/EC (valid until June 2020) and its new version Directive (EU) 2016/797 (4th railway package)
- Transpose and implement all EU Technical Specifications for Interoperability
- Prepare a detailed plan for the review and cleaning up of national rail technical and safety rules in line with the EU rail acquis and the prerogatives of ERA
- Establish electronic register of vehicles, taking into account the European Centralised Virtual Vehicle Register (ECV)
- Establish electronic register and management system of railway infrastructure, taking into account the existence of the European Registers of Infrastructure (RINF)
- Adoption of five-year Maintenance Plan

### **Improving rail border-crossing operations**

- Signing/upgrading all bilateral BCAs and their implementation

### **Modernisation of rail network infrastructure**

- Establishing a regional network of infrastructure managers for regular consultation and coordination at regional level before adoption maintenance plans for railway infrastructure and for the schedule of work, and other relevant activities.
- Identification of priority projects of regional interests for the upgrading / reconstruction / construction of specific railway sections;
- Level-crossings Safety Improvement (mapping the most critical LCRs within WB region)
- Adoption of five-year Maintenance Plan

### **3. Implementation of the Rail Action Plan – activities between TCs**

After the meeting of the Technical Committee in September, TC Secretariat prepared 2<sup>nd</sup> set of actions and delivered to all RPs. Based on comments and remarks received, the text was updated and presented to Regional Steering Committee in Pristina on October 16<sup>th</sup>. In principle all RPs agreed with 2<sup>nd</sup> set of actions with some exception related to the deadlines for some actions. TC Secretariat has taken into account all remarks and comments.

One of the conclusions from the Poznan Summit was to continue the work on implementation of EU rail legislation and adopt the Rail Action plan before the end of 2019.

Technical Committee on Railway has adopted Rail Action Plan on the meeting which was held in Belgrade on November 21<sup>st</sup>. Next step will be adoption by the Regional Steering Committee and endorsement by the Ministerial Council. There is only one pending issue regarding the full adoption of the RAP. It is rail arrangement/agreement between Serbia and Kosovo. The Secretariat obliged to facilitate this issue and propose new formulation for this sub action. During the December 2019, TC Secretariat delivered new proposals to both, but there was no positive feedback from any side. However, Rail Action Plan is going to the next step of adoption – to the level of regional Steering Committee.

TC Secretariat has started with data collection process on rail legislation in the WB region in June last year. The aim of this activity is to get a complete overview of the level of harmonization of national rail legislation with the EU acquis. The first conclusion is that, at this point in time, none of the RPs have completed full transposition of EU rail legislation in its up-to-date version as it is stated in Annex I.2 of TCT. Some of the RPs (like Serbia, Albania and Bosnia and Herzegovina) delivered to the TC Secretariat Tables of Concordance about rail legislation. This task should continue in order to make solid baseline for the future monitoring of the process.

Translation of national rail legislation should be permanent task for all RPs.

Based on discussion and conclusions from 3<sup>rd</sup> TC, Secretariat disseminated three questionnaires to the regional partners.

First was related to the level crossings in the region, second for the establishing rail infrastructure asset management system and third about monitoring track conditions.

All members of the TC on Railway expressed strong request regarding the technical assistance in this three fields.

After the summarising the questionnaires, there is no doubt that region needs support for improvement current situation.

Regarding the level crossings, with exception of Montenegro, there are just 25% of level crossings with active signal system (barriers/half barriers with light or/and sound signals) and 75% with passive (Saint Andrew Cross + STOP sign).

Around 50% of total number of the accidents and incidents happened on level crossings in Kosovo, Albania and Bosnia and Hercegovina, while around 15% in Serbia, Montenegro and North Macedonia.

Related to the Rail Infrastructure and Asset Management System and Track monitoring conditions, none of the RPs have established this system in operation. Some of them have some machines for recording track parameters but without software in operation which can process information. In other words, none of the regional participants has reliable tools for the planning maintenance cost.

### 3.1. Overall progress by measures

Current progress on implementation is presented in the following figures

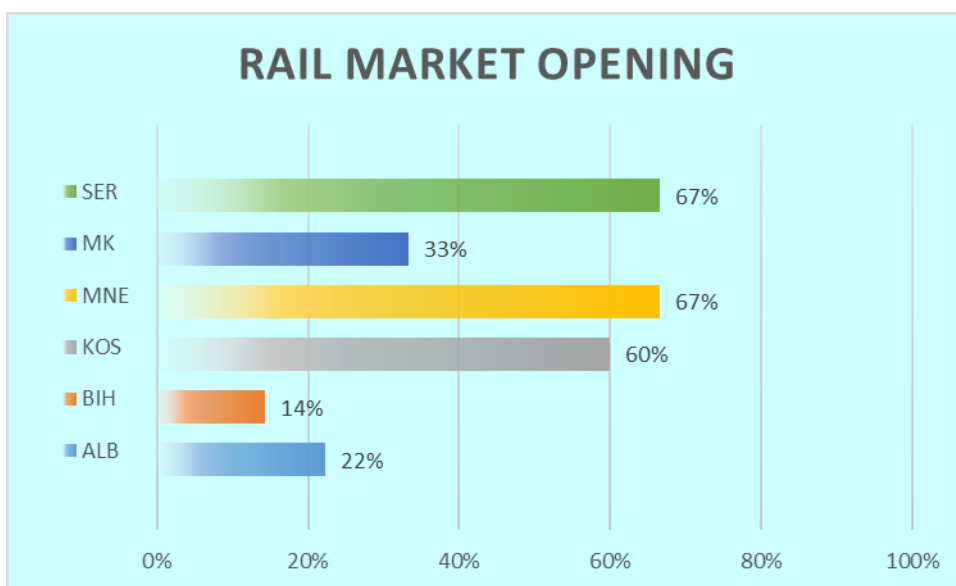


Figure 1. Rail market opening

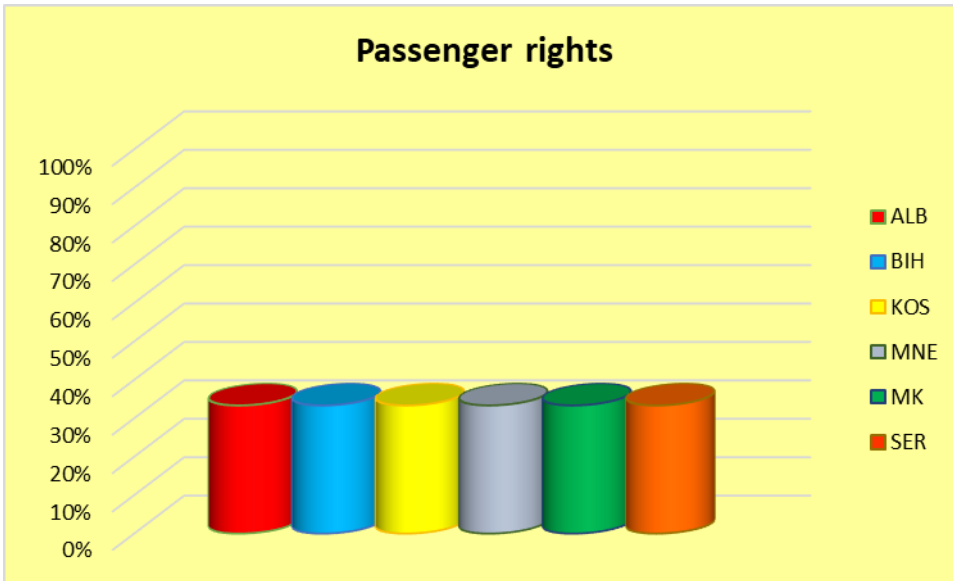


Figure 2. Passenger rights

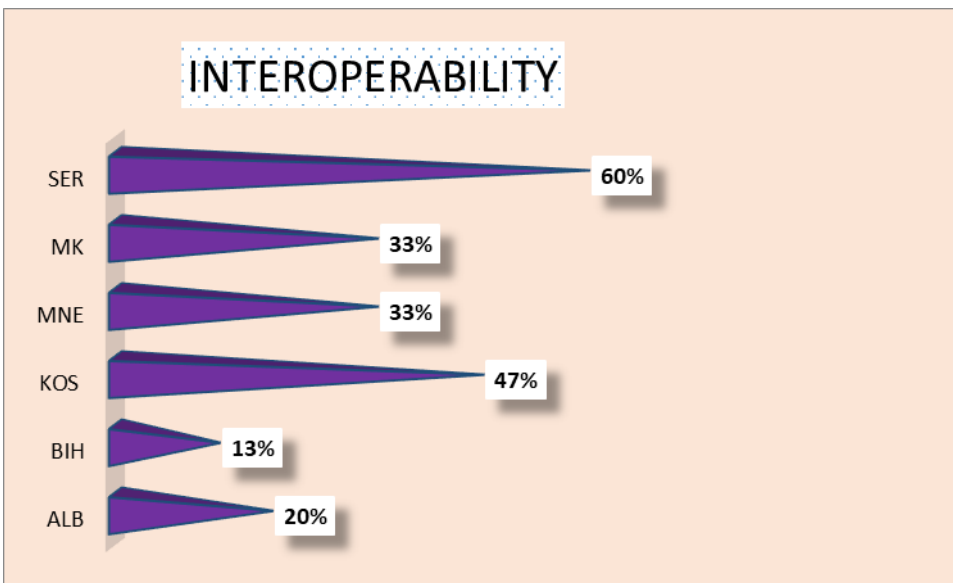


Figure 3. Interoperability



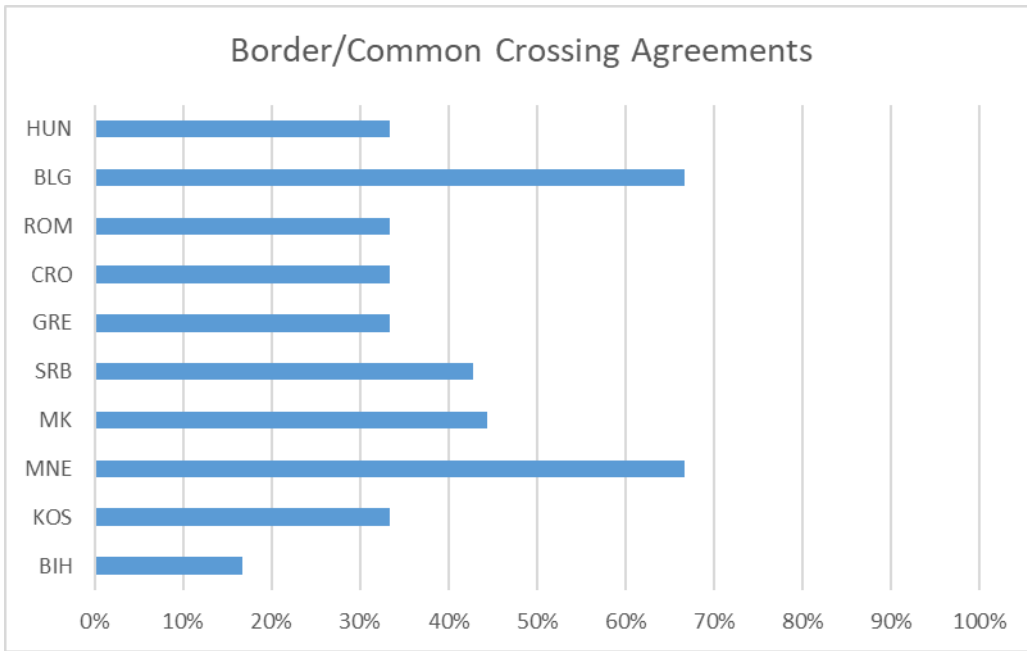


Figure 4. Improvement border/common crossing operations

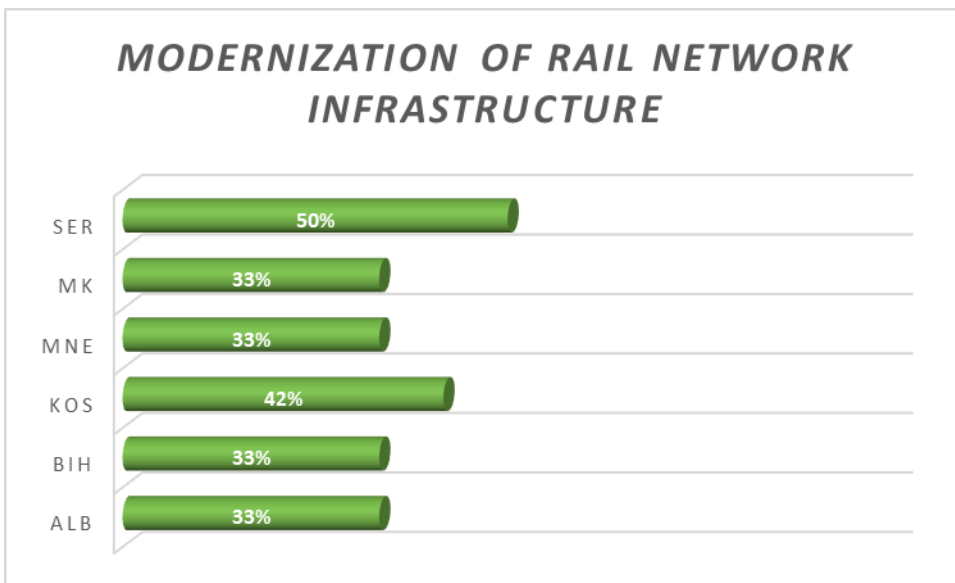


Figure 5. Modernization of rail infrastructure network

This is the current overall progress by measures.

During the last reporting period (November 2019 – February 2020) none of the regional participants made visible progress.

### 3.2. Overall progress made by the Regional Participants

#### Albania

The following development in the implementation of Rail Action Plan in Albania can be highlighted:

#### *Rail market opening*

- Albanian Railways (HSH) is one of the public enterprises, which remained in the ownership and management of the Albanian state. Before 2018, the railway system in Albania was a single, state owned, monopolistic company, whose role was defined by the Railway Code, adopted in 2004. The company had full rights on all sectors of railway, such as possession of railway infrastructure and operations, finance, human resource management etc.
- The situation changed when the new Railway Law entered into force after 12<sup>th</sup> January 2018. This provided independent status of railway undertakings and the separation of the infrastructure management from its various transport operation activities. In line with all these reforms that came into force at the beginning of 2018, the Government of Albania took steps to integrate private capital into Albania's railway infrastructure. This was found to be the only example among WB6 RPs where an RP is preparing itself for this solution at this moment.
- Currently, there is ongoing technical assistance for the restructuring of the whole rail system, based on Rail Code from 2018. Albanian Government will decide about institutional framework (licencing, safety, regulatory, investigation body) before the end of 2019.
- Albania opened the rail market in 2018. Today, two private railway undertakings (“Albrail” and “Betonplus”) have more than 50% of the market share in Albania. Also, it is expected that third operator could be in place soon.
- A technical assistance was received for the preparation of the new legal basis including the law for the restructuring of the Albanian Railway, based on the new Railway Code.
- Four laws are still in preparation. These are Law for establishing NSA, Law for establishing NIB, Law for establishing Regulatory Body and Law on separation national HSH company on infrastructure and operations. Government procedures should have been finished by the end of 2019, but following the remarks received by the line ministries and because of the force majeure (Earthquake of 26 November) the drafts were not finalized within the set deadlines. However, final adoption by the Parliament could take place in second quarter of 2020.
- The plan was not fulfilled completely because Government did not approve proposed Laws.

- Network statement for the Railway infrastructure is published by the HSH (national rail company) for the 2019.
- The New Rail code is partly aligned with Regulation (EC) 1370/2007.

#### *Passenger rights*

- The New Rail code is partly aligned with Regulation (EC) 1371/2007.

#### *Interoperability*

- The new Railway Code is partially aligned with Directive (EU) 2016/797.
- The Ministry/Albania Railways has obtained the EBRD Grant for Technical Assistance with International Financial Reporting Standards (IFRS) and Asset Management Plan and Track Access Charges.

#### *Modernization of rail network infrastructure*

- Priority projects are included in the National Single Sector Project Pipeline. The projects for the improvement of the railway infrastructure include:
  - Rehabilitation of railway Durrësi – Tirana and construction of the new railway branch to Mother Teresa (Rinasi) International Airport (total cost is 90.45 million euro). Tendering for the construction works is in its final phase.
  - Rehabilitation of the railway line Vora – Hani i Hotit. The preparation of the detailed design has started and is financed by WBIF through a 4.5-million-euro grant.
  - Rehabilitation of Durrësi – Pogradeci – Lin railway and the construction of a new railway link Lin – border to North Macedonia (part of rail Corridor VIII). The feasibility study for this project was finished in January 2018 and the preliminary design of the Durrësi – Rrogozhina railway line, 34 km, (part of this project) is completed. WBIF Grant is received for the preparation of the Detailed Design for Durres – Rrogozhine railway segment; With a grant of 1.75 million euro from EIB will start in March 2020 the preparation of the Preliminary Design for the Reconstruction of the Rrogozhina- Pogradec Railway.
  - CB RAIL Initiative for improving cross border transport through rail connection between Krystallopiqi and Pogradec (a joint application between the Greek Railways and the Albanian Ministry of Infrastructure and Energy, under the INTERREG Program regional cooperation Albania – Greece, estimated to cost 900,000 euro).

- The Albanian Railways have identified the most critical LCs and will consider their further improvement with state budget or donations/grants.
- Maintenance Plan is included in the 3 - year Mid-Term Budget Plan, and regularly updated yearly.

### **Recommendations**

- Albanian authorities should complete restructuring of the National Rail Company as well as model for the other rail institutions (Regulatory body, NSA, NIB ...)
- Publish Network Statement for service facilities (seaports, terminals) should be published
- Further transposition of EU rail legislation is needed through set of bylaws
- RIAMS should be set as well as electronic register of vehicles

## **Bosnia and Herzegovina**

### *Introduction*

The complexity of Bosnia's state constitution has an impact on the reform of the railway sector. The legal framework for the railway sector is a “two railway system”. One railway system is “Railway of the Federation of Bosnia and Herzegovina” - RoFBiH in the Federation of Bosnia and Herzegovina and the second is Railways of Republic of Srpska in Republika Srpska. BiH is only one of all RPs that has 2 state (entity)- integrated railway companies.

The entity governments are majority owners of the railways located within their territory. They are responsible for its policy framework, performance oversight, and budgetary support. Both companies have been separated internally between infrastructure and operations, but the account is one for the whole company. Financing of the entire infrastructure (including maintenance and traffic management) is based on annual contracts – **subsidies** from the entity budget.

At BiH level, there are two railway bodies:

- (1) Bosnia and Herzegovina Railway Public Corporation is a joint body of the Entities of the Federation of Bosnia and Herzegovina and Republika Srpska for Inter-Entity Coordination. BHRPC is established for the mutual benefit of the Federation of BiH and the Republic of Srpska and its purpose is to establish an institutionalized cooperation between the entities and to facilitate decision-making in the transport sector, and
- (2) the Regulatory Board, which is responsible for international regulation, sets technical standards and technical specifications, controls the railway sector in Bosnia and Herzegovina, conducts accident investigations, issues licenses, safety certificates and permits.

The Federation of BiH adopted the Law on FBiH Railways (Official Gazette of FBiH, No 41/01 and 25/12), The Republic of Srpska adopted the Law on Railways of the Republika Srpska, (Official Gazette of RS No 19/17).

Regarding the above, there is no information that the competent entity ministries have planned amendments to the Entities' laws on railways.

The Governments of both Entities should start the process of adopting Railway Laws that are supposed to be able to reform the rail sector and the separation of existing railway companies.

In one entity (Republic of Srpska) there is an ongoing study on restructuring carrying out by World Bank. Deadline for completion of the study is 2021. Implementation is planned after that.

### *Rail market opening*

- The Law on Railways of Bosnia and Herzegovina regarding market opening is not in collision with TCT. However, two Laws on Entity level should be changed in aim to provide non-discriminatory access to the public railway infrastructure.
- The Law established the Railway Regulatory Board of Bosnia and Herzegovina as the regulatory body, licensing body, national safety authority, national investigation body, designated body and notification body.
- Planned legislative activity: amendments to this law have been initiated concerning accident investigations or inspection. Such amendment will also provide the alignment of the BiH legislation with the EU legislation in this area (Directive 2004/49/EC, 2008/57/EC, 2012/34/EC). Estimated deadline is last quarter of 2020.
- Currently there is no published Network Statement for the railway infrastructure as well as for service facilities (sea and river ports, terminals) in Bosnia and Herzegovina.
- Mutual recognition of driver licences, operating licences and safety certificates is described within few bylaws. However, it will have sense only when rail market is functioning properly.
- There is no multi-annual contract between infrastructure manager and relevant authority.
- In accordance with applicable entity regulations (in FBiH and RS) there is a one-year maintenance plan signed between entity government and integrated companies - JP Željeznice Federacije Bosne i Hercegovine i A.D. Željeznice Republike Srpske.
- On entity level, there is a direct award contract, for PSO, between government and integrated companies.

### *Passenger rights*

- As a signatory of the Convention concerning International Carriage by Rail – COTIF Bosnia and Herzegovina adopted and implements Appendix A to COTIF as regulation on rail passengers' rights in case of death and injury.
- Also, passenger's rights in Bosnia and Herzegovina are prescribed by the Rulebook on the rights and obligations of passengers in railway transport of Bosnia and Herzegovina, which is aligned with Regulation (EC) No 1371/2007).

### *Interoperability*

- The Interoperability Directive 2008/57/EC is partially transposed into the national legislation.

Planned legislative activities (in 2020) regarding the alignment with Directive (EU) 2016/797 are:

- Rulebook Uniform technical regulations GEN-A BASIC REQUIREMENTS, transposing the Directive (EU) 2016/797
- Rulebook on changes and amendments to the Rulebook on the railway telecommunications network in the railway systems in BiH (Official Gazette of BiH, 47/14) transposing Directive (EU) 2016/797.
- Currently in force: Rulebook on the Register of Railway Vehicles (Official Gazette of BiH No. 33/13) aligned Directives 2008/57/EC and Decision: 2007/756/EC and 2011/107/EU . Also aligned with OTIF Rolling Stock Registration System, National Vehicle Registry (NVR) - amendments with Annex 1 and Appendices 1,2,3,4,4a, 5; Expert Committee on Tech. Issues no. A 94-20 / 2.2012 dated 23/05/2012.
- Concerning COMMISSION IMPLEMENTING DECISION (EU) 2018/1614 of 25 October 2018 laying down the specifications for vehicle registers referred to in Article 47 of Directive (EU) 2016/797 of the European Parliament and the Council amending and repealing Commission Decision 2007 / 756 / EC, the same states: " Bosnia and Herzegovina uses two special railway codes and that the country code is 49 ".
- The current UIC code is 44 RS Railways and 50 FBiH Railways, and code 49 is reserved for Bosnia and Herzegovina in the UIC.
- There is no RIAMS in place.

### *Modernization of rail network infrastructure*

- There is a one-year maintenance plan signed between entity government and infrastructure managers.
- Priority projects of regional interests for the upgrading / reconstruction / construction of specific railway section are as following:
  - (1) Development of technical documentation for railways on Route 9a - IPA 2017
  - (2) Development of technical documentation for railways on Corridor Vc / Mediterranean Corridor, Samac-Sarajevo
  - (3) Preparation of technical documentation for the elimination of bottlenecks in railway traffic on the section of the Ivan-Bradina railway line on corridor Vc / Mediterranean corridor - AD IPA 2017

**Recommendations:**

- The Law on Railways of Bosnia and Herzegovina regarding opening the market is not in conflict with TCT, **but this Law should be amended to transpose the relevant EU rail legislation.**
- **Railway Laws at Entity level should be changed to meet the requirements of the TCT, in particular to provide non-discriminatory access to the railway network.**
- Restructuring process of the national rail company (in two entities) should be a permanent task. Separation on infrastructure and operation is precondition for rail market opening.
- Publishing of Network Statement as well as NS for service facilities (ports, terminals) should be published
- Further transposition of EU rail legislation is needed through set of bylaws.
- RIAMS should be set as well as electronic register of vehicles.
- Five years maintenance plan should be developed.
- Multi annual contract between IM and Government should be established.

## Kosovo\*

### *Rail market opening*

- In 2011 Kosovo established Railway Regulatory Authority (RRA) with its independent Bodies:
  - Department on Licensing
  - Department on Safety
  - Department on Interoperability
  - Department on Market Regulation
  - Administration, Finance and legal Departments
- Accident Investigation Body is within Prime Minister's Office together with Civil Aviation Investigation Body.
- After the approval of the Network Statement by the Ministry of Infrastructure and Transport, foreseen by the Law 04 / L-063, as well as by the RRA Regulation No. 01/2013 on Network Statement, the NS 2020 was published in three languages.
- INFRAKOS is publishing regularly its NS on Terminals starting from 2017. The NS 2020 is published in three languages.
- Law on Railways clearly defines the opening of the railway market to all local, regional and wider Railway Undertakings. According to Article 10 of Law on Railways, the Ministry of Infrastructure and Transport is responsible for recognition of all licenses in the railway sector in Kosovo. In this regard, the Ministry has amended its Administrative Instruction no. 02/2012 with the new AI no. 17/2017 setting the criteria and procedures for recognition of licenses of railway undertakings.
- Procedure for mutual recognition of train driver licenses is ongoing. The Ministry is in the process of drafting a new administrative instruction on this matter.
- When it comes to safety certificates and authorization, the law does not prescribe responsible institution for such recognition, even though it clearly stipulates that safety certificates issued in the EU countries can be recognized. Considering the fact that RRA is competent to issue new certificates, it is somehow understood that it should be responsible for recognition as well.
- Kosovo Railway Law No. 04 / L-063 is in full accordance with Regulation No. 1370/2007 (EC) for the provision of public passenger transport services by rail, thus guaranteeing fair, transparent, non-discriminatory and equal access to all Railway Undertakings for provision of passenger railway transport services in Kosovo.



- Since RAILTRANS as the only private Railway Undertaking in Kosovo currently offers only freight railway transport services, the Ministry of Infrastructure and Transport has signed a three-year PSO contract with the public Railway Undertaking TRAINKOS for the provision of public passenger railway transport services.
- There is no contractual relationship between Infrastructure Manager and competent authorities. In October 2019 INFRAKOS has drafted and submitted the five-year financial agreement (2020 - 2024) to the relevant ministries for approval, but this agreement has not been signed yet.

### *Passenger rights*

- Article 140 to Article 142 of the Law on Kosovo Railways clearly defines the passenger rights and it is in full compliance with Regulation (EC) No. 1371/2007 on rail passengers' rights and obligations.
- Pursuant to the Law on Railways and Regulation (EC) No. 1371/2007, the Department for Market Regulation of the Kosovo Railway Regulatory Authority has adopted its Regulation No. 03/2017 on passenger rights which is implemented by the Railway Undertaking – TRAINKOS.

### *Interoperability*

- The Interoperability Directive 2008/57/EC is included into the Law on Kosovo Railways, whereas the new version of Interoperability Directive 2016/797 / EU has not been transposed into the national legislation.
- RRA is in the process of adopting the regulations for Technical Specifications on Interoperability (TSIs).
- RRA Board has adopted TSI Regulation no. 05/2018 for 'Infrastructure INF' subsystem, TSI Regulation no. 08/2018 for 'Traffic Operation and Management' subsystem OPE, TSI Regulation no. 02/2019 for Subsystem Rolling Stock / locomotives and passenger vehicles - LOC & PAS'
- The process of adopting the TSI Regulation for the ' Rolling Stock / Freight Wagons - WAG' subsystem, scheduled for approval in Q4 2019.
- RRA since 2012 applies the National Vehicle Registers (NVR) in accordance with Regulation No. 05/2012 adopted by RRA transposing Decision 2007/756 / EC.
- In the absence of the State Rail Code, the national vehicle register (NVR) is not accessible / unrelated to the European Centralized Virtual Vehicle Register (ECVVR).
- Railway Regulatory Authority (RRA) in cooperation with international experts and INFRAKOS in 2012 have carried out the infrastructure registration. RRA has adopted the regulation on the registration

of railway infrastructure no. 06/2012, which transposes part of the Interoperability Directive 2008 / 57EC. During 2018, INFRAKOS has implemented the project on Track Access Charges (TAC) and Asset Management Plan (AMP). The asset management plan includes the entire infrastructure asset register with the relevant database but due to lack of software the system is not yet operational.

- *Modernization of rail network infrastructure*
- INFRAKOS has adopted seven years strategic BP (2019 – 2025) which is still not approved by Government. At the same time, supported by EBRD during 2018, INFRAKOS has implemented the project on Track Access Charges (TAC) and Asset Management Plan (AMP), and now process of buying a new software through which we could maintain AMP in order to make better maintenance plans in ongoing.
- INFRAKOS through Single Project Pipeline (SPP) has identified priority projects for General Rehabilitation and Modernization of the Kosovo Railway Network and the construction of new regional railway lines. In 2015 the National Investment Committee approved the list of priority railway infrastructure projects. This list includes:
  - General Rehabilitation and Modernization of the Railway Route 10 (Border with Serbia - Leshak - Fushe Kosove - Hani i Elezit - Border with North Macedonia); and
  - General Rehabilitation and Modernization of the Railway Route 7 (Border with Serbia - Podujevo - Fushe Kosove)
  - Supported by EBRD and EIB loans, WBIF grants and the Government of Kosovo, in 2017 has started implementation of this project. Thus, in August 2019 the General Rehabilitation and Modernization of the Railway Route 10 – Phase 1: (Fushe Kosove - Border with North Macedonia) has started. Project Detailed Design for the Phase 2: (Fushe Kosove - Mitrovica) has also been completed, so in 2020 is expected to start execution of works, while the entire line is expected to be completed in 2022/2023.
  - Concerning the Railway Route 7, a Preliminary Project Design is ongoing and expected to be completed in Q2 of 2020, so INFRAKOS is looking to find possibility of financing for the General Rehabilitation of this railway line too.
- It is worth to mention that after rehabilitation and modernization both of these lines will meet Technical Specifications on Interoperability (TSIs) including European Train Control System Level 1 with infill (ETCS Level 1) and European Railway Traffic Management System (ERTMS).
- INFRAKOS has established contact with the Kosovo Ministry of Infrastructure and Transport and the Ministry of Transport and Communications of North Macedonia which are signatories of the BCA in order to hold joint meetings with all stakeholders (border police, customs and phytosanitary

institutions) so that in the coming days they will start with the activities necessary to draft and finalize the respective sub agreements.

- INFRAKOS through the implementation of the project of General Rehabilitation and Modernization of the Railway Route 10 and Railway Route 7 will protect most of the level crossings with automatic equipment, while a number of level crossings will be closed / removed by directing them to other level crossings.
- In the meantime, due to the increase of safety at the road / railway crossings, the Ministry of Infrastructure and Transport has funded the protection of the 5 most dangerous and frequented level crossings on the Railway Line (Fushe Kosove - Peja) during 2019. By the end of this year it is expected to complete the realization of this very important project for traffic safety at the level crossings. It is expected that this support of the ministry will continue in the coming years.
- INFRAKOS has adopted seven years strategic Business Plan (2019 – 2025) which is still not approved by the respective ministries. At the same time, supported by EBRD during 2018, INFRAKOS has implemented the project on Track Access Charges (TAC) and Asset Management Plan (AMP), and now a process of buying a new software through which we could maintain AMP in order to make better maintenance plans is ongoing.

#### Recommendations:

- The Law on Railways should be upgraded with relevant EU rail legislation (34/2012, 2016/797)
- Further transposing and implementing of Technical Specifications on Interoperability.
- Establishing of Contractual relation between IM and state for the maintenance and operation on public infrastructure

## Montenegro

### *Rail market opening*

- Montenegro has adopted first modern Law on Railways in January 2014, which is almost fully aligned with EU Directive 2012/34 (recast). So, since 2014, Montenegro has opened market at domestic level (for the local companies) in passenger as well as freight transport.
- Montenegro has one RU for passengers and one freight RU, both state-owned companies. According to the Railway law, the State signed PSO contract with RU for passenger transport, since 2016. There are no private RUs in Montenegro.

- Montenegro has established NIB, NSA and Regulatory body. NSA and Regulatory body are in the same body – Railway authority, independent from the Ministry of Transport and Maritime Affairs. This body is competent for RU and IM licensing.
- Designated body - In accordance with the Law on safety and interoperability, the authorization for verification of subsystem upon request of a domestic legal entity is issued by the Railway authority. Regarding this provision in the law the DeBo is not established yet.
- Two laws are in preparation. New Railway Law and new Law on Safety and Interoperability. – These two laws will be in force during the next year.
- In accordance with Law on railway Network statement for state rail network is published since 2009, and Network statement for port facilities is published since 2014.
- This Regulation EC 1370/2007 will be transposed through new Law on railways.
- According to the Law on railway, the IM and the State have signed one-year contract through Annual programme for financing the railway infrastructure.
- Currently there is no multi-annual contract signed between the relevant stakeholders.

### *Interoperability*

- The Interoperability Directive 2008/57/EC is fully transposed into the national legislation. Directive 2016/797 will be transposed to the new Law on Safety and Interoperability.
- Train driver licenses: In accordance with the Law on safety and interoperability, on the territory of Montenegro, train driving licenses issued to drivers from other countries are recognised in accordance with bilateral agreements ratified by the country. Currently, there are no bilateral agreements. NSA is competent for issuance.
- Safety certificates: In accordance with the Law on safety and interoperability, the safety certificates Part A, issued to the RUs from the other countries are recognised in Montenegro.
- Vehicle authorization: In accordance with the Law on safety and interoperability, Authorisation for the type of vehicle shall be granted by the Railway Authority.

Vehicles registered in other states, which are in full conformity with all TSIs, shall not be subject to any additional authorisation for placing in service, provided that they operate on the network which is in conformity with the TSI or under the conditions specified in the corresponding TSIs. For vehicles which were granted authorisation for placing in service in other states, if they do not operate on the network in conformity with the TSI or under the conditions specified in the corresponding TSIs, the Administrative body shall decide if additional authorisations are necessary for placing in service such vehicles in Montenegro.

- Montenegro has published TSI/Control and Signalling and TSI/Infrastructure.
- The Electronic register of Vehicle is established.
- At this moment, there is no available budget for setting up a Rail Infrastructure and Asset Management System (RIAMS).

#### *Modernization of rail network infrastructure*

- There is a three- year Maintenance plan as well as a DRAFT of the five-year Maintenance plan. It is expected to be finished until Q4 2020.

#### Recommendations:

- The Law on Railways should be upgraded with relevant EU rail legislation;
- Further transposing and implementing of Technical Specifications on Interoperability;
- Establishing of Rail Infrastructure Asset Management System.

### North Macedonia

#### *Rail market opening*

- The new Law on Railways is in phase of drafting and is planned to be in force this year (2020) in line with the recast Directive 2012/34/EU. It should remove any potential breaches of TCT provisions regarding the opening the rail market at national level.
- Regulatory body: The Law on railway system addresses the Agency for regulation of the railway sector. The Agency for regulation of the railway sector is acting as a regulatory body and as a licensing body. The Agency was established as an independent non-profit entity and began its operations in 2009. The Agency is responsible to the Assembly of the RNM for its work.
- National safety authority: Directorate for safety in the railway system, within the Ministry of transport and communications (Article 16 of Directive 2004/49/EC). Directorate is financed from the State budget-it does not have its own account.
- National investigation body: Committee for conducting the investigation as a permanent separate body that is independent from the actors of the rail sector has not been established yet, but staff is

in procedure of employment. Currently, the investigations are conducted through a Committee comprised of railway staff from both railway companies and staff from the Ministry of Interior. To meet this demand, in January 2020 a letter has been forwarded to the General Secretariat of the Government of the Republic of North Macedonia requesting funding for the operational work of the Committee for 2020 and developed budget for 2021 and 2022. Also, a letter is forwarded to the Office for General and Common Affairs to inform on the timeframe when the premises will be provided for the appointed staff of the Committee.

- Regarding the above, the General Secretariat on 20<sup>th</sup> January (2020) reported that it had provided funding for the Committee in total amount of € 63.000. According to the 172<sup>nd</sup> session of the Government of the RNM held on December 24<sup>th</sup> 2019, a public announcement for the appointment of three investigators was published (in line with the national legislation) with a deadline for submission of interested applicants until 24<sup>th</sup> January 2020.
- Designated body: In accordance with the Law on interoperability of the railway system, the authorization for verification of subsystem upon request of a domestic legal entity is issued by the Ministry of Transport and Communications which acts as a national body for verification of subsystems for the infrastructure, but not for the vehicles. Regarding this provision in the law the DeBo is not established yet.
- Network Statements are regularly published by Infrastructure Manager.
- NS for freight terminal located in Skopje is part of the existing basic NS.
- Train driver licenses: In accordance with the Law on safety of the railway system, on the territory of the Republic of North Macedonia, operating licenses and train driving licenses issued to drivers from other countries who operate exclusively at the border crossing points of the railway system, are recognised in accordance with bilateral agreements ratified by the country. NSA is responsible for issuance. The Republic of North Macedonia also recognizes licenses issued by other countries which are issued in accordance with European Union legislation.
- Safety certificates: In accordance with the Law on railway system, the safety certificates may apply to the entire railway network of the Republic of North Macedonia or only to a certain part of it.
- Vehicle authorisation - In accordance with the Law on interoperability of the railway system, the vehicle authorisation is issued by the Directorate for putting the vehicle into service. Technical specifications should be in line with the Law in force. Instructions for applying the parameters used when checking vehicles before they are put into service are prepared by the Directorate against the COMMISSION DIRECTIVE 2009/131/EC of 16<sup>th</sup> October 2009 amending Annex VII to Directive 2008/57/EC of the European Parliament and of the Council on the interoperability of the rail system within the Community. These instructions are in force since April 2012 and are available on its official website.

- The Regulation 1370/2007 is fully transposed in the Law on Contract for carriage by rail, and the implementation should apply after accession of the country in the European Union as a MS. However, this is in breach of TCT obligations and should be corrected as soon as possible.
- Currently there is no multi-annual contract signed between the State and IM.

#### *Passenger rights*

- Transposition of Regulation (EC) No 1371/2007 is not done yet. The only action that has been taken is translation of the Regulation into Macedonian language.

#### *Interoperability*

- The Interoperability Directive 2008/57/EC is partially transposed into the national legislation.
- Regarding the DIRECTIVE (EU) 2016/797 on the interoperability of the rail system within the European Union, the transposition is underway and planned to be fully transposed in Q1 2020.
- TSI will be transposed into the legislation in Q1 2020.
- The Electronic register of vehicle is not established yet.
- The Rail infrastructure and asset management system is not established yet.
- Currently in accordance with the national budget and Law on railway system there is a three-year Maintenance plan.

#### *Border/Common crossing agreements*

- Regarding the railway branch Corridor Xd, a reconstructed and renewed section from Bitola to Kremenica (border with Greece) the Minister for transport and communications has sent a letter to the Greek minister for the same field, and proposed a meeting in February or March this year, to meet in Skopje and discuss the options for putting into operation the new rail link. Rail border crossing operations will be regulated by an Agreement which is already drafted, and needs to be accepted by both Parties, only.  
This issue shall be solved for all rail border crossing points with MKD and Greece.

Recommendations:

- Railway Law should be changed with the aim to provide non-discriminatory access to the public railway infrastructure
- Restructuring process of the national RU should be finished by mid 2020
- Further transposing and implementing of Technical Specifications on Interoperability
- Establishing of Contractual relation between IM and state for the maintenance and operation on public infrastructure

## Serbia

### *Rail market opening*

- The rail market has been open since 2016. Currently, there are 8 private RUs (in freight transport) in operation with approximately 15% of market share.
- The Directorate for Railways, as a special organization of the state administration of the Republic of Serbia, performs tasks within the railway sector as defined by the Law on Railways, Law on Safety in Railway Traffic, Law on Interoperability of the Railway System and Law on Cableways for the Transport of Persons. The Railway Directorate has the role of regulatory body, licensing body, national safety authority, passenger rights body, and until the designation of the conformity assessment body, Directorate also performs the tasks of the designated body.
- The Transport Accident Investigation Centre as a national investigation body is a separate independent organization formed according to Law on Air, Rail and Water Accident Investigation. The same law establishes competencies related to the performance of professional tasks related to the investigation of accidents and serious accidents in air traffic, serious accidents, other accidents and incidents in rail traffic, very serious maritime accidents, serious maritime accidents, maritime accidents, maritime incidents, serious waterborne accidents and waterborne accidents.
- Both organizations are independent government authorities with their own budgets.
- IM publishes Network Statement regularly.
- Serbia has transposed the Commission Implementing Regulation (EU) 2017/2177 on access to service facilities and rail related services by publishing:
  - Regulation on the details of the procedure and the criteria applied for access to services provided in service facilities
  - Rulebook on the elements of service facility description
- These two acts are being applied since January 2020.



- According to Serbian Law on Safety of Railway Traffic mutual recognition of operating licenses, train driver licenses, safety certificates, vehicle authorisation can be achieved based on ratified international agreements. Also, the Treaty establishing the Transport Community can be the basis for mutual recognition.
- Mutual recognition was established for operation from other countries between border crossing points in accordance with bilateral agreements ratified by our country.
- National legislation of Republic of Serbia is fully aligned with Regulation 1370/2007.

#### *Passenger rights*

- Law on Railways and Law on Railway Transport Contracts are partly aligned with Regulation (EC) no 1371/2007 on rail passengers' rights and obligations.
- The Draft of the Law Amending Law on Railways and the Draft of the Law Amending Law on contracts in railway traffic have been adopted by the Government on January 30<sup>th</sup> 2020, while adoption by National Assembly is possible in the Q2 of 2020.
- These Drafts includes provisions enabling full harmonization with the Regulation (EC) 1371/2007 on the rights and obligations of rail passengers.

#### *Interoperability*

- Law on Interoperability of Railway System with two bylaws are fully aligned with Interoperability Directive 2008/57/EC. These bylaws include:
  - Rulebook on the requirements to be met by the body for assessment of interoperability constituent's conformity and suitability for use and subsystem verification procedure
  - Rulebook on conformity assessment of interoperability constituents and elements of structural subsystems, verification of structural subsystems and granting authorisations for placing in service of structural subsystems.
  - The Ministry of Construction, Transport and Infrastructure is planning to set up a Working group to draft a railway laws in line with the Fourth Rail Package in early 2020 and with Directive (EU) 2016/797 itself.
  - Directorate for Railways publishes the TSI's in the Official Gazette of the Republic of Serbia. Until now, translation of fifteen regulations regarding the TSIs is on the website.
- The Republic of Serbia established the National Register of Railway Vehicles in March 2013.

### *Improving rail border crossing operations*

- Serbia has initiated new border crossings agreements with Croatia, Hungary, Bulgaria and Romania.
- There is no feedback from Croatia and Romania, whereas Bulgaria and Hungary do not want common station (“one stop shop”). On 10 March, Serbia sent a letter to Hungary and proposed joint border station again.

### *Modernization of rail network infrastructure*

Priority projects have been defined within of the National public railway infrastructure program for the period 2017 - 2021 ("Official Gazette of RS", No. 53/2017).

Currently, improvement of safety of level-crossing is one of the main priorities. With international loans from EBRD and WB, improvement of around 95 level crossings on territory of Republic of Serbia was proposed. Within the EBRD loan, 35 crossings have been proposed for improvement but EBRD still did not approve this proposal. Also, 60 level-crossings are proposed for improvement in relation to WB Credit Facility (Trade and Transport Facilitation Project). Furthermore, within new multiyear loan from WB modernization of 850 level crossings was proposed. The multiyear loan from WB is planned to start from 2021.

IM has adopted the Program for construction, reconstruction and maintenance of railway infrastructure and organization and management of rail traffic for 2019 with a Projection of maintenance costs for 2020-2023 according to Article 48 of the Law on Railways. Also, the Government of RS gave the approval of this Program.

Preparation of the Program for construction, reconstruction and maintenance of railway infrastructure and organization and management of rail traffic for 2020 with a Projection of maintenance costs for 2021-2024 is ongoing.

#### Recommendations:

- The Law on Railways should be upgraded with relevant EU rail legislation
- Further transposing and implementing of Technical Specifications on Interoperability
- Publishing a Network Statement for the service facilities (terminals, ports)
- Establishing RIAMS.

#### 4. Monitoring mechanism for the implementation of Rail Action Plan

Monitoring mechanism for the implementation of Rail Action Plan was adopted by the members of Technical Committee on Railway.

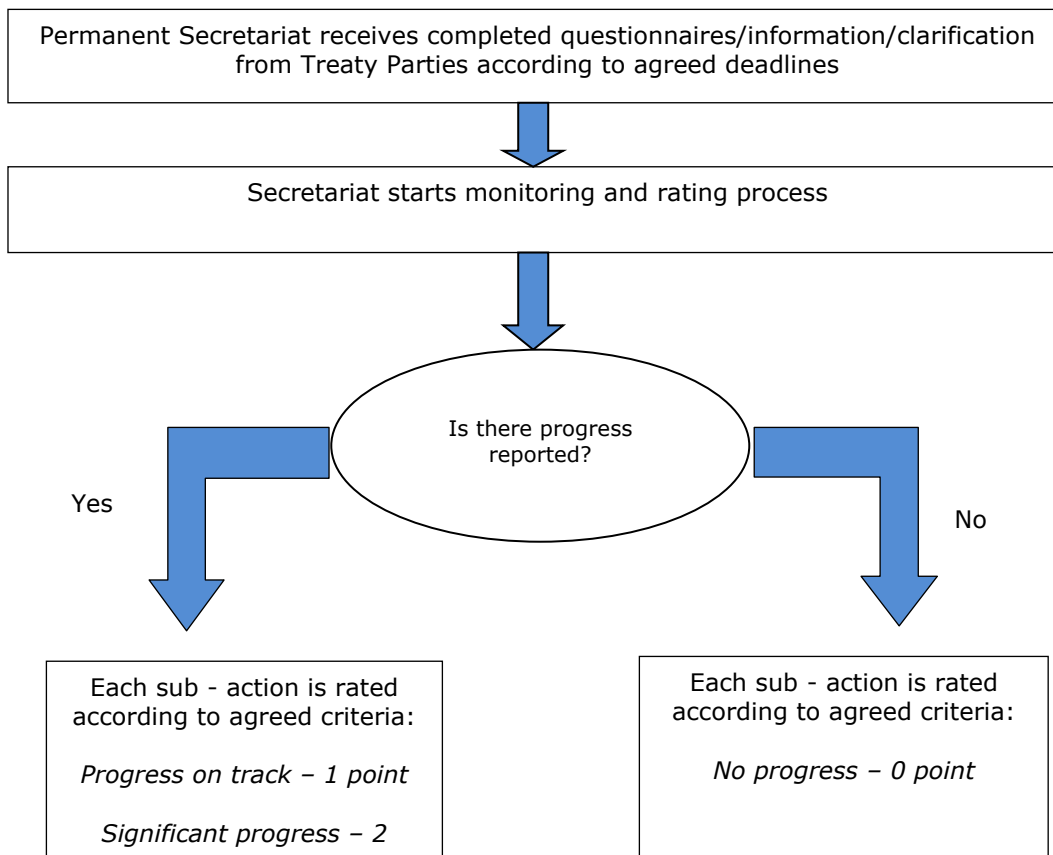
Monitoring mechanism enables qualitative assessments of implementation of actions. The monitoring mechanism has been applied to sub-actions of the Rail Action Plan, where each sub-action has been given grades according to the methodology. Based on the grades for each sub-action, progress in the implementation of one action has been assessed. Percentage of implementation of one action has been calculated based on the scores for each sub-action.

##### 4.1 Progress indicators

In order to simplify the evaluation process, it was proposed to use only four basic progress indicators:

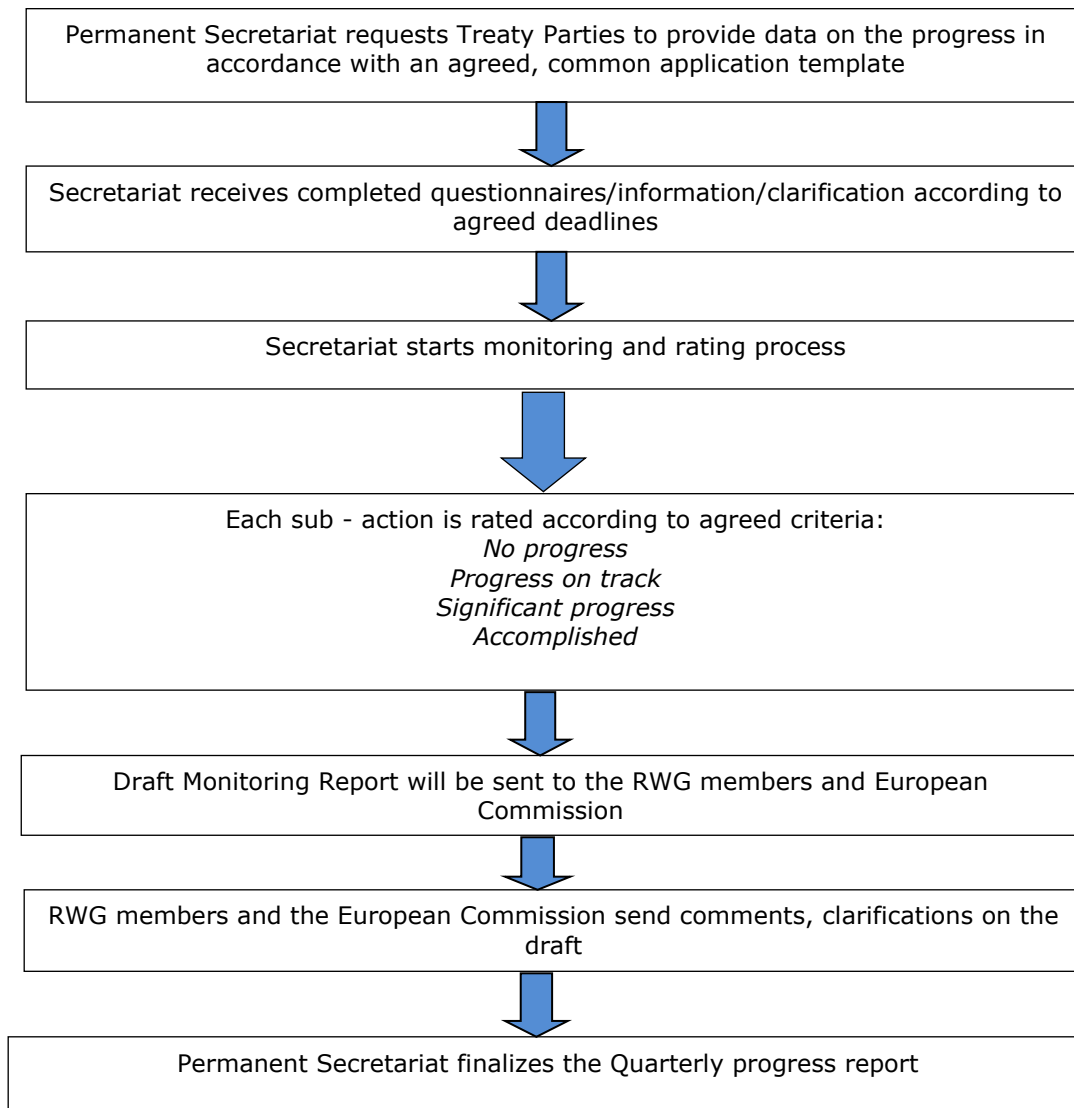
1. **no progress in implementation of the action (0),**
2. **progress on track (1),**
3. **significant progress (2),**
4. **action accomplished (3);**

##### 4.2 Schematics of the Monitoring Mechanism scoring process is given below:



### 4.3 Reporting

Assessment of the progress of each Action will be carried out on quarterly basis or before Technical Committee on Railway. Flow of information for preparation of such report is presented in the following diagram:



#### 4.4 Definition and description of action progress indicators

<b>No progress (scoring 0)</b>
<p>There are <u>no actions</u> undertaken by the respective authorities in relation to:</p> <ul style="list-style-type: none"> <li>• setting up working groups and negotiation structures;</li> <li>• providing information, data as per request.</li> </ul>
<b>Progress on track (scoring 1)</b>
<p>There are clearly demonstrated actions undertaken by the respective authorities, within the agreed timeline, in relation to:</p> <ul style="list-style-type: none"> <li>• Documents such as laws, bylaws, Plans, Network statement, Strategies etc drafted;</li> <li>• All the necessary data submitted to interested parties;</li> <li>• Negotiations for BC agreement and/or protocols are ongoing between relevant authorities (police, customs, IM, etc);</li> </ul>
<b>Significant progress (scoring 2)</b>
<p>There are clearly demonstrated actions undertaken by the respective authorities, within or in advance of the agreed timeline, in relation to:</p> <ul style="list-style-type: none"> <li>• Laws, bylaws, strategies etc are undergoing Governmental/Parliamentary procedure;</li> <li>• Documents formally adopted like, Plans, Network statements</li> <li>• BC negotiations finalized;</li> </ul>
<b>Accomplished (scoring 3)</b>
<p>There are clearly demonstrated actions undertaken by the respective authorities in relation to:</p> <ul style="list-style-type: none"> <li>• Laws/bylaws being approved by the parliaments/governments and entered into force;</li> <li>• Plans, strategies being implemented;</li> <li>• BC agreements are fully operational;</li> </ul>

## Annex 1: Monitoring mechanism of the Rail Action Plan

### 1. Rail market opening

MEASURE 2019/2020	SUB-ACTIONS	IMPLEMENTING BODY (Stakeholders)	Regional partners						Deadline for implementation
			ALB	BIH	KOS	MNE	MK	SER	
<b>1. Rail market opening</b>	SA. 1 Amend national law to remove potential breaches of TCT provisions in regard to opening up the market at national level (phase 1)	Ministries of Transport supported by the Railway Regulatory bodies	n/a	0	n/a	n/a	1	n/a	Q4 2020 – MK Q2 2022- BIH
	SA. 2. Establish functioning institutions (regulatory body, licensing body, national safety authority, national investigation body, designated body) – including legal, administrative, and budgetary actions	Ministries of Transport supported by the Railway Regulatory bodies and TC Secretariat	1	1	2	2	1	2	Q2 2022
	SA. 3. Publish Network Statement for railway infrastructure	Infrastructure managers supported by the TC Secretariat	2	0	n/a	n/a	n/a	n/a	Q3 2020 – ALB Q3 2021 - BIH
	SA. 4. Publish Network Statement for service facilities (sea and river ports, terminals)		0	0	3	2	1	1	Q4 2020
	SA. 5. Take legislative and/or regulatory measures to achieve mutual recognition at regional level of: operating licenses, train driver licenses, safety certificates, vehicle authorisation	Ministries of Transport supported by the Railway Regulatory bodies and TC Secretariat	0	1	2	2	1	2	Q4 2021
SA. 6. Modernise rules on public procurement in the rail sector, including through transposition and implementation of Regulation 1370/2007 concerning public transport services by rail	Ministries of Transport supported by the Ministries of Finance and TC Secretariat	1	0	2	2	1	3	Q1 2022	

	SA 7. Establishing of Contractual relation between IM and state for the maintenance and operation on public infrastructure	Infrastructure managers, Ministries of Transport and Ministries of Finance	0	1	0	n/a	1	n/a	Q1 2021 – KOS, ALB, MK Q2 2022 - BIH
Total scoring			22%	14%	60%	67%	33%	67%	

## 2. Passenger rights

MEASURE 2019/2020	SUB-ACTIONS	IMPLEMENTING BODY (Stakeholders)	Regional partners						Deadline for implementation
			ALB	BIH	KOS	MNE	MK	SER	
<b>2. Passenger rights</b>	SA. 1 Transpose and implement Regulation (EC) No 1371/2007	Ministries of Transport supported by the Railway Regulatory bodies	1	1	1	1	1	1	Q4 2021
Total scoring			33%	33%	33%	33%	33%	33%	

### 3. Interoperability

MEASURE 2019/2020	SUB-ACTIONS	IMPLEMENTING BODY (Stakeholders)	Regional partners						Deadline for implementation
			ALB	BIH	KOS	MNE	MK	SER	
<b>3.</b> <i>Interoperability</i>	SA. 1 Transpose and implement the Interoperability Directive 2008/57/EC (valid until June 2020) and its new version Directive (EU) 2016/797 (4th railway package)	Ministries of Transport supported by the Railway Regulatory bodies and TC Secretariat	1	1	1	2	2	2	Q4 2021
	SA. 2 Transpose and implement all EU Technical Specifications for Interoperability	Ministries of Transport supported by the Railway Regulatory bodies and TC Secretariat	0	0	2	1	1	2	Q4 2021
	SA. 3 Prepare a detailed plan for the review and cleaning up of national rail technical and safety rules in line with the EU rail acquis and the prerogatives of ERA	Ministries of Transport supported by the Railway Regulatory bodies and ERA	1	0	1	1	1	1	Q2 2022
	SA. 4: Establish an electronic register of vehicles, taking into account the OTIF National Vehicle Registers specifications 'NVR 2015' and the European Centralised Virtual Vehicle Register (ECVVR)	Railway Regulatory bodies supported by ERA and OTIF	0	1	1	1	0	3	Q1 2022
	SA. 5 Establish an electronic register and management system of railway infrastructure, taking into account the existence of the European Registers of Infrastructure (RINF)	Infrastructure Managers supported by the ERA and DG Move	1	0	2	0	1	1	Q2 2022
<b>Total scoring</b>			20%	13%	47%	33%	33%	60%	



#### 4. Governance

MEASURE 2019/2020	SUB-ACTIONS	IMPLEMENTING BODY (Stakeholders)	Regional partners						Deadline
			ALB	BIH	KOS	MNE	MK	SER	
<b>4. Governance</b>	SA. 1 Create a network of EU DEL rail correspondents in the region to assist in the implementation and monitoring of the TCT Rail Action Plan.	DG NEAR/ TC Secretariat to set up and maintain the EU DEL network	n/a	n/a	n/a	n/a	n/a	n/a	Q4 2019
	SA. 2 Organise stakeholder workshop on the streamlining of technical assistance and financing of the reform of the rail sector and rail infrastructure projects in the Western Balkans	TC Secretariat to organise the event, in liaison with DG NEAR and DG MOVE	n/a	n/a	n/a	n/a	n/a	n/a	Q2 2020
<b>Total scoring</b>									

## 5. Improving rail border crossing operations

MEASURE 2019/2020	SUB-ACTIONS	IMPLEMENTING BODY (Stakeholders)	Regional/EU partners											Deadline	
			ALB	BIH	KOS	MNE	MK	SRB	GRE	CRO	ROM	BLG	HUN	Signing	Implementation
<b>5. improving rail border crossing operations</b>	Serbia – North Macedonia	MoTs supported by the customs, border police and inspection from SRB and NMKD	n/a	n/a	n/a	n/a	2	2	n/a	n/a	n/a	n/a	n/a	Done	Q2 2021
	North Macedonia - Kosovo	MoTs supported by the customs, border police and inspection from KOS and NMKD	n/a	n/a	1	n/a	1	n/a	n/a	n/a	n/a	n/a	n/a	Q2 2020	Q2 2021
	Bosnia and Herzegovina - Croatia	MoTs supported by the customs, border police and inspection from BIH and CRO	n/a	1	n/a	n/a	n/a	n/a	n/a	n/a	1	n/a	n/a	Q2 2020	Q2 2021
	North Macedonia – Greece	MoTs supported by the customs, border police and inspection from GRE and NMKD	n/a	n/a	n/a	n/a	1	n/a	1	n/a	n/a	n/a	n/a	Q4 2020	Q4 2021
	Serbia - Bulgaria	MoTs supported by the customs, border police and inspection from SRB and BLG	n/a	n/a	n/a	n/a	n/a	2	n/a	n/a	n/a	2	n/a	Q4 2020	Q2 2021
	Serbia - Montenegro	MoTs supported by the customs, border police and inspection from SRB and MNE	n/a	n/a	n/a	2	n/a	2	n/a	n/a	n/a	n/a	n/a	Done	Q2 2021
	Serbia – Bosnia and Herzegovina	MoTs supported by the customs, border police and inspection from SRB and BIH	n/a	0	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	n/a	Q4 2021	Q4 2022
	Serbia – Hungary	MoTs supported by the customs, border police and inspection from SRB and HUN	n/a	n/a	n/a	n/a	n/a	1	n/a	n/a	n/a	n/a	1	Q4 2020	Q4 2021
	Serbia - Romania	MoTs supported by the customs, border police and inspection from SRB and ROM	n/a	n/a	n/a	n/a	n/a	1	n/a	n/a	1	n/a	n/a	Q4 2020	Q4 2021
	Serbia - Croatia	MoTs supported by the customs, border police and inspection from SRB and CRO	n/a	n/a	n/a	n/a	n/a	1	n/a	1	n/a	n/a	n/a	Q4 2020	Q4 2021
<b>Total scoring</b>			n/a	17%	33%	66%	44%	43%							

## 6. Modernization of rail network infrastructure

MEASURE 2019/2020	SUB-ACTIONS	IMPLEMENTING BODY (Stakeholders)	Regional partners						Deadline
			ALB	BIH	KOS	MNE	MK	SER	
<b>6. Modernization of rail network infrastructure</b>	SA. 1. Establishing a regional network of infrastructure managers for regular consultation and coordination at regional level before adoption maintenance plans for railway infrastructure and for the schedule of work, and other relevant activities.	Infrastructure managers supported by Ministries of Transport and TC Secretariat	1	1	1	1	1	1	Q3 2020
	SA. 2. Identification of priority projects of regional interests for the upgrading / reconstruction / construction of specific railway sections;	Ministries of Transport supported by the infrastructure managers and TC Secretariat	1	1	2	1	1	2	Q2 2020
	SA. 3. Level-crossings Safety Improvement (mapping the most critical LCRs within WB region)	Ministries of Transport supported by the Railway Regulatory bodies, ERA and TC Secretariat	1	1	1	1	1	1	Q4 2021
	SA. 4. Adoption of five-year Maintenance Plan	Infrastructure Managers supported by the ERA, DG Move and TCT Secretariat	1	1	1	1	1	2	Q4 2020
<b>Total scoring</b>			33%	33%	42%	33%	33%	50%	

- 1) RULES APPLICABLE TO TRANSPORT INFRASTRUCTURE FORMING THE SOUTH EAST EUROPE CORE NETWORK (Annex I.1 of TCT)
- 2) RULES APPLICABLE TO RAIL TRANSPORT (Annex I.2 of TCT)
- 3) ENVIRONMENT RULES APPLICABLE TO TRANSPORT SECTOR (Annex I.6 of TCT)
- 4) PUBLIC PROCUREMENT RULES APPLICABLE TO TRANSPORT SECTOR (Annex I.7 of TCT)

- 1) RULES APPLICABLE TO TRANSPORT INFRASTRUCTURE FORMING THE SOUTH EAST EUROPE CORE NETWORK (Annex I.1 of TCT)

Regulatory area	Legislation	Regional partner concerned						Comments
		ALB	BIH	KOS	MK	MNE	SER	
TEN-T development	Regulation (EU) No 1315/2013  Commission Delegated Regulation (EU) 2016/758							

2) RULES APPLICABLE TO RAIL TRANSPORT (Annex I.2 of TCT)

Regulatory area	Legislation	Regional partner concerned						Comments
		ALB	BIH	KOS	MK	MNE	SER	
Market access	Regulation No 11 concerning the abolition of discrimination in transport rates and conditions, in implementation of Article 79 (3) of the Treaty establishing the European Economic Community (OJ EC 52, 16.8.1960, p. 1121).							
	Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ EU L 343, 14.12.2012, p. 32).							
	Commission Implementing Regulation (EU) No 869/2014 of 11 August 2014 on new rail passenger services (OJ EU L 239, 12.8.2014, p. 1).							
	Commission Implementing Regulation (EU) 2015/10 of 6 January 2015 on criteria for applicants for rail infrastructure capacity and repealing Implementing Regulation (EU) No 870/2014 (OJ EU L 3, 7.1.2015, p. 34).							
	Commission Implementing Regulation (EU) 2015/171 of 4 February 2015 on certain							

Regulatory area	Legislation	Regional partner concerned						Comments
		ALB	BIH	KOS	MK	MNE	SER	
	aspects of the procedure of licensing railway undertakings (OJ EU L 29, 5.2.2015, p. 3).							
	Commission Implementing Regulation (EU) 2015/909 of 12 June 2015 on the modalities for the calculation of the cost that is directly incurred as a result of operating the train service (OJ EU L 148, 13.6.2015, p. 17).							
	Commission Implementing Regulation (EU) 2015/1100 of 7 July 2015 on the reporting obligations of the Member States in the framework of rail market monitoring (OJ EU L 181, 9.7.2015, p. 1).							
	Commission Implementing Regulation (EU) 2016/545 of 7 April 2016 on procedures and criteria concerning framework agreements for the allocation of rail infrastructure capacity (OJ EU L 94, 8.4.2016, p. 1).							
	Regulation (EU) No 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight (OJ EU L 276, 20.10.2010, p. 22).							

Regulatory area	Legislation	Regional partner concerned						Comments
		ALB	BIH	KOS	MK	MNE	SER	
Train driver licensing	Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community (OJ EU L 315, 3.12.2007, p. 51).							
	Commission Regulation (EU) No 36/2010 of 3 December 2009 on Community models for train driving licenses, complementary certificates, certified copies of complementary certificates and application forms for train driving licences, under Directive 2007/59/EC of the European Parliament and the Council (OJ EU L 13, 19.1.2010, p. 1).							
	Commission Decision 2010/17/EC of 29 October 2009 on the adoption of basic parameters for registers of train driving licenses and complementary certificates provided for under Directive 2007/59/EC of the European Parliament and of the Council (OJ EU L 8, 13.1.2010, p. 17).							

Regulatory area	Legislation	Regional partner concerned						Comments
		ALB	BIH	KOS	MK	MNE	SER	
	Commission Decision 2011/765/EU of 22 November 2011 on criteria for the recognition of training centres involved in the training of train drivers, on criteria for the recognition of examiners of train drivers and on criteria for the organization of examinations in accordance with Directive 2007/59/EC of the European Parliament and of the Council (OJ EU L 314, 29.11.2011, p. 36).							
Interoperability	Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ EU L 138, 26.5.2016, p. 44).							
	Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (OJ EU L 191, 18.7.2008, p. 1).							
	(See however Article 58 of Directive (EU) 2016/797).							



Regulatory area	Legislation	Regional partner concerned						Comments
		ALB	BIH	KOS	MK	MNE	SER	
	Commission Regulation (EU) No 1299/2014 of 18 November 2014 on the technical specifications for interoperability relating to the 'infrastructure' subsystem of the rail system in the European Union (OJ EU L 356, 12.12.2014, p. 1).							
	Commission Regulation (EU) No 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility (OJ EU L 356, 12.12.2014, p. 110).							
	Commission Regulation (EU) No 1301/2014 of 18 November 2014 on the technical specifications for interoperability relating to the 'energy' subsystem of the rail system in the Union (OJ EU L 356, 12.12.2014, p. 179).							
	Commission Regulation (EU) No 1302/2014 of 18 November 2014 concerning a technical specification for interoperability relating to the 'rolling stock — locomotives and passenger rolling stock' subsystem of the rail system in the European Union (OJ EU L 356, 12.12.2014, p. 228).							

Regulatory area	Legislation	Regional partner concerned						Comments
		ALB	BIH	KOS	MK	MNE	SER	
	Commission Regulation (EU) No 1303/2014 of 18 November 2014 concerning the technical specification for interoperability relating to 'safety in railway tunnels' of the rail system of the European Union (OJ EU L 356, 12.12.2014, p. 394).							
	Commission Regulation (EU) No 1304/2014 of 26 November 2014 on the technical specification for interoperability relating to the subsystem 'rolling stock — noise' amending Decision 2008/232/EC and repealing Decision 2011/229/EU (OJ EU L 356, 12.12.2014, p. 421).							
	Commission Regulation (EU) No 1305/2014 of 11 December 2014 on the technical specification for interoperability relating to the telematics applications for freight subsystem of the rail system in the European Union and repealing the Regulation (EC) No 62/2006 (OJ EU L 356, 12.12.2014, p. 438).							
	Commission Implementing Decision 2011/665/EU of 4 October 2011 on the European register of authorised types of railway vehicles (OJ EU L 64, 8.10.2011, p. 32).							

Regulatory area	Legislation	Regional partner concerned						Comments
		ALB	BIH	KOS	MK	MNE	SER	
	Commission Implementing Decision 2014/880/EU of 26 November 2014 on the common specifications of the register of railway infrastructure and repealing Implementing Decision 2011/633/EU (OJ EU L 356, 12.12.2014, p. 489).							
	Commission Decision 2012/757/EU of 14 November 2012 concerning the technical specification for interoperability relating to the 'operation and traffic management' subsystem of the rail system in the European Union and amending Decision 2007/756/EC (OJ EU L 345, 15.12.2012, p. 1).							
	Commission Decision 2011/229/EU of 4 April 2011 concerning the technical specifications of interoperability relating to the subsystem							
	Commission Decision 2011/291/EU of 26 April 2011 concerning a technical specification for interoperability relating to the rolling stock subsystem — 'Locomotives and passenger rolling stock' of the trans European conventional rail system (OJ EU L 139, 26.5.2011, p. 1).							

Regulatory area	Legislation	Regional partner concerned						Comments
		ALB	BIH	KOS	MK	MNE	SER	
	Commission Regulation (EU) No 454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem 'telematics applications for passenger services' of the trans European rail system (OJ EU L 123, 12.5.2011, p. 11).							
	Commission Decision 2011/314/EU of 12 May 2011 concerning the technical specification for interoperability relating to the 'operation and traffic management' subsystem of the trans-European conventional rail system (OJ EU L 144, 31.5.2011, p. 1).							
	Commission Regulation (EU) No 201/2011 of 1 March 2011 on the model of declaration of conformity to an authorised type of railway vehicle (OJ EU L 57, 2.3.2011, p. 8).							
	Commission Regulation (EU) 2016/919 of 27 May 2016 on the technical specification for interoperability relating to the 'control-command and signalling' subsystems of the rail system in the European Union (OJ EU L 158, 15.6.2016, p. 1).							

Regulatory area	Legislation	Regional partner concerned						Comments
		ALB	BIH	KOS	MK	MNE	SER	
	Commission Regulation (EU) No 321/2013 of 13 March 2013 concerning the technical specification for interoperability relating to the subsystem 'rolling stock — freight wagons' of the rail system in the European Union and repealing Decision 2006/861/EC (OJ EU L 104, 12.4.2013, p. 1).							
	Commission Decision 2010/713/EU of 9 November 2010 on modules for the procedures for assessment of conformity, suitability for use and EC verification to be used in the technical specifications for interoperability adopted under Directive 2008/57/EC of the European Parliament and of the Council (OJ EU L 319, 4.12.2010, p. 1).							
European Union Agency for Railways	Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004 (OJ EU L 138, 26.5.2016, p. 1).							
Railway safety	Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (OJ EU L 138, 26.5.2016, p. 102).							

Regulatory area	Legislation	Regional partner concerned						Comments
		ALB	BIH	KOS	MK	MNE	SER	
	<p>Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) (OJ EU L 164, 30.4.2004, p. 44).</p> <p>(See however Article 34 of Directive (EU) 2016/798).</p>							
	<p>Commission Regulation (EC) No 653/2007 of 13 June 2007 on the use of a common European format for safety certificates and application documents in accordance with Article 10 of Directive 2004/49/EC of the European Parliament and of the Council and on the validity of safety certificates delivered under Directive 2001/14/EC (OJ EU L 153, 14.6.2007, p. 9).</p>							

Regulatory area	Legislation	Regional partner concerned						Comments
		ALB	BIH	KOS	MK	MNE	SER	
	Commission Regulation (EU) No 445/2011 of 10 May 2011 on a system of certification of entities in charge of maintenance for freight wagons and amending Regulation (EC) No 653/2007 (OJ EU L 122, 11.5.2011, p. 22).							
	Commission Regulation (EU) No 1158/2010 of 9 December 2010 on a common safety method for assessing conformity with the requirements for obtaining railway safety certificates (OJ EU L 326, 10.12.2010, p. 11).							
	Commission Regulation (EU) No 1169/2010 of 10 December 2010 on a common safety method for assessing conformity with the requirements for obtaining a railway safety authorisation (OJ EU L 327, 11.12.2010, p. 13).							
	Commission Regulation (EU) No 1078/2012 of 16 November 2012 on a common safety method for monitoring to be applied by railway undertakings, infrastructure managers after receiving a safety certificate or safety authorisation and by entities in charge of maintenance (OJ EU L 320, 17.11.2012, p. 8).							

Regulatory area	Legislation	Regional partner concerned						Comments
		ALB	BIH	KOS	MK	MNE	SER	
	Commission Regulation (EU) No 1077/2012 of 16 November 2012 on a common safety method for supervision by national safety authorities after issuing a safety certificate or safety authorisation (OJ EU L 320, 17.11.2012, p. 3).							
	Commission Decision 2009/460/EC of 5 June 2009 on the adoption of a common safety method for assessment of achievement of safety targets, as referred to in Article 6 of Directive 2004/49/EC of the European Parliament and of the Council (OJ EU L 150, 13.6.2009, p. 11)							
Inland transport of dangerous goods	Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ EU L 260, 30.9.2008, p. 13).							
Transportable pressure equipment	Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC (OJ EU L 165, 30.6.2010, p. 1).							



Regulatory area	Legislation	Regional partner concerned						Comments
		ALB	BIH	KOS	MK	MNE	SER	
Social field - working time / hours	Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ EU L 299, 18.11.2003, p. 9).							
	Council Directive 2005/47/EC of 18 July 2005 on the Agreement between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector - Agreement concluded by the European Transport Workers' Federation (ETF) and the Community of European Railways (CER) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services (OJ EU L 195, 27.7.2005 p. 15).							
Passenger rights	Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ EU L 315, 3.12.2007, p. 14).							

3) ENVIRONMENT RULES APPLICABLE TO TRANSPORT SECTOR (Annex I.6 of TCT)

Regulatory area	Legislation	Regional partner concerned						Comments
		ALB	BIH	KOS	MK	MNE	SER	
Assessment of effects	<p>Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ EU L 26, 28.1.2012, p. 1)</p> <p>and the Convention on Environmental Impact Assessment in a Transboundary Context of 1991 (Espoo Convention).</p> <p>All projects falling under the scope of this Treaty will be subject to an environmental impact assessment in line with Union standards. In addition, transboundary aspects should be addressed in line with the requirements of the Espoo Convention.</p>							

Regulatory area	Legislation	Regional partner concerned						Comments
		ALB	BIH	KOS	MK	MNE	SER	
	<p>Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ EC L 197, 21.7.2001, p. 30)</p> <p>and the Protocol on strategic Environmental Assessment to the Espoo Convention (SEA protocol).</p> <p>All plans and programmes in the field of transport will, where applicable, be subject to an environmental assessment similar to that provided for in Directive 2001/42/EC. In addition, transboundary aspects should be addressed in line with the requirements of the SEA protocol to the Espoo Convention.</p>							
Conservation	<p>Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ EC L 206, 22.7.1992, p. 7).</p> <p>If a project is likely to affect sites of nature conservation importance, an appropriate nature conservation assessment shall be made, equivalent to that provided for in Article 6 of Directive 92/43/EEC</p>							
Fuels	<p>Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC (OJ EC L 350, 28.12.1998, p. 58).</p> <p>Directive (EU) 2016/802 of the European Parliament</p>							

Regulatory area	Legislation	Regional partner concerned						Comments
		ALB	BIH	KOS	MK	MNE	SER	
	and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels (OJ EU L 132, 21.5.2016, p. 58).							
Water policy	<p>Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ EC L 327, 22.12.2000, p. 1).</p> <p>All transport projects on navigation falling under the scope of this Treaty should be developed and implemented in line with Article 4(7) of Directive 2000/60/EC.</p> <p>All transport projects on navigation falling under the scope of this Treaty should, where applicable, be carried out in line with the Joint Statement on Inland Navigation and Environmental Sustainability in the Danube River Basin as endorsed by the International Commission for the Protection of the Danube river (ICPDR), Danube Commission and Sava Commission.</p>							

4) PUBLIC PROCUREMENT RULES APPLICABLE TO TRANSPORT SECTOR (Annex I.7 of TCT)

Regulatory area	Legislation	Regional partner concerned						Comments
		ALB	BIH	KOS	MK	MNE	SER	
Review procedures	Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts (OJ EC L 395, 30.12.1989, p. 33).							
	Council Directive 92/13/EEC of 25 February 1992 coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (OJ EC L 76, 23.3.1992, p. 14).							
Procurement procedures	Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ EU L 94, 28.3.2014, p. 1).							
	Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ EU L 94, 28.3.2014, p. 65).							

Regulatory area	Legislation	Regional partner concerned						Comments
		ALB	BIH	KOS	MK	MNE	SER	
	<p>Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ EU L 94, 28.3.2014, p. 243).</p> <p>Commission Implementing Regulation (EU) 2015/1986 of 11 November 2015 establishing standard forms for the publication of notices in the field of public procurement and repealing Implementing Regulation (EU) No 842/2011 (OJ EU L 296, 12.11.2015, p. 1).</p>							
Public services	Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70 (OJ EU L 315, 3.12.2007, p. 1).							