

FIRST ONLINE RAIL WORKSHOP BETWEEN: KOSOVO*, ERA, DG MOVE, DG NEAR AND TCT SECRETARIAT

Location: MS Teams Meeting
Date: 06.11.2020
Time: 11:00
Facilitator: Dejan Lasica (TCT Secretariat)

Agenda

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| 11:00 – 11:15 | Introductory Speeches <ul style="list-style-type: none">• Transport Community Treaty Secretariat• Ministry of Infrastructure• European Railway Agency | |
| 11:15 – 11:30 | Establishing an Electronic register of vehicles | All Participants <i>Lead: ERA</i> |
| 11:30 – 11:45 | Establishing Rail infrastructure and Asset Management System (RIAMS) | All Participants <i>Lead: ERA</i> |
| 11:45 – 12:00 | Transposition and implementation of fourth Rail Package | All Participants <i>Lead: TCT/DG Move</i> |
| 12:00 – 12:15 | Establishing of contractual relationship between IM and the State | All Participants <i>Lead: TCT</i> |
| 12:15 – 12:30 | Training and certification of train drivers | All Participants <i>Lead: ERA</i> |
| 12:30 – 12:45 | Transport Community Treaty commitments of Kosovo | All Participants <i>Lead: TCT</i> |
| 12:45 – 13:00 | Other topics relevant for Kosovo* | All Participants <i>Lead: KOS</i> |

Additional information

The working language of the Workshop will be English.

* This designation is without prejudice to positions on status and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo Declaration of Independence.

Transport Community Permanent Secretariat
KOSOVO - FIRST ONLINE RAIL WORKSHOP
11:00 – 13:00, via Microsoft Team
Minutes of meeting

1. Introductory Speeches:

Mr. Matej Zakonjšek, Director TCT Secretariat

TCT Secretariat Director Matej Zakonjšek welcomed all participants and highlighted that such workshops are the most effective way of putting the Rail Action Plans in practice, with special focus on aspects such as Electronic Vehicle Register, safety and interoperability.

Mr. Josef Doppelbauer, Executive Director ERA

Executive ERA Director Josef Doppelbauer welcomed and fully supported TCT Secretariat's initiative to organize such in-depth discussions in order to define exact needs and state of play of each participant, and to address other issues in domain of EVR, interoperability and safety. ERA Director introduced two documents prepared by ERA with regard to COVID crisis: The COVID-19 Rail Protocol containing Recommendations for safe resumption of railway services in Europe and a COVID-19 Information Bulletin with technical expert advice on Ventilation in Railway Vehicles, both available on ERA website.

He underlined that transitional period for transposition of technical pillar of Fourth railway package is completed, and as of 31 October ERA is the only EU authority for vehicle authorisation and safety certification.

ERA Director pointed out that, since establishing its new powers in June 2019, this authority has issued more than 1000 decisions and authorized more than 12500 vehicles.

He referred to previous fruitful cooperation of Kosovo's professionals interacting with ERA in the framework of IPA projects. An expert from Kosovo participated as observer in monitoring of polish NSA this autumn (remotely), and currently 2 colleagues from Kosovo are on waiting list for upcoming monitoring exercises next year.

All mentioned represents a light example to ERA on how to cooperate with national authorities.

Mr. Gjynejt Mustafa, Multimodal transport demand expert, Ministry of Infrastructure

Mr Gjynejt Mustafa greeted all participants on behalf of Minister of Infrastructure who could not participate due to his attendance at Governmental meeting. He thanked TCT Secretariat, ERA, DG MOVE and DG NEAR for facilitation and organization of the workshop which would benefit for all institutions in order to present its achievements, needs and make future links and cooperation with respective agencies and institutions in the future.

TCT Secretariat Rail Coordinator Dejan Lasica thanked the participants of the Technical Committee on Railways and Regional Steering Committee for their contributions in preparation and adoption of Rail Action Plan.

He underlined that, beside North Macedonia, Kosovo is the only RP who has completely independent regulatory agency, which is completely in line with the EU legislation.

2. Establishing an Electronic register of vehicles

ERA expert Christoph Kaupat informed participants that currently existing ECVVR is connecting national vehicle registers, but as of June 2021 onwards the European vehicle register (EVR) will be operational. The European Vehicle Register shall be one and only vehicle register for single European railway market. There are several advantages to join it, such as less burdens to own national registers, avoiding disrupted connection, no interface problems, it is also cheaper in the long run, giving full access to data from other users, no need to administer its own register, it allows to send and receive vehicles from abroad to neighboring countries (keeper and entity in charge of maintenance is visible in the register).

A lot of work to transfer the different sets of data of EU MS to EVR has been done, and if Kosovo* is willing to join to EVR it is needed to see in what format present data is available to see how to transfer it to EVR properly.

Current state of play in Kosovo?

Railway Regulatory Authority representative: legal basis for NVR is current law on railways which entered into force in 2012. With support of EU experts national vehicle register in electronic format is established and all vehicles in territory of Kosovo are registered, it is updated on yearly basis, case by case, in accordance with EU Directive 2008/57 and 2011/107. It is not connected to EVR. Difficulties with railway code for Kosovo (which is lacking).

Support from ERA shall be needed to connect to EVR and advance own register in order to be compliant with EU requirements.

It is proposed to get in touch with ERA experts to make preparatory steps for joining EVR.

3. Establishing Rail infrastructure and Asset Management System (RIAMS)

Dejan Lasica recalled the study commissioned by DG MOVE to the consultant CONNECTA two years ago, which delivered a comprehensive report on practical steps and methodology to setup infrastructure asset management system and develop maintenance plans.

ERA expert Christoph Kaupat held a presentation on the Database of European Railway Infrastructure (RINF).

RIAMS consists of RINF, ERFP (managed by RailNet Europe), CRD (base for telematic data exchange), and Telematics.

An infrastructure register as a part of RIAMS aims to catalogue network offer for train path sales (including capacity inventory, track access charge calculation and data integration for EU wide business tools), to perform vehicle route compatibility checks, design of mobile subsystems, check the feasibility of train services etc.

The EU's infrastructure register is called RINF and has the following characteristics:

- RINF is set up and managed by the Agency, it allows to download and import files by National Registration Entities (NRE) in charge of the implementation of the register at national level.
- Over 220 parameters groups: identification, performance parameters, line parameters, track parameters etc.
- RINF shall be updated by 1 January 2021. It shall allow infrastructure managers to update information as soon as it becomes available, to improve the description of the network, to provide information regarding possible routing of the network.

He encouraged Kosovo to follow RINF development and expressed willingness to establish contacts with relevant stakeholders and be up to date on the progress since one day maintaining such register will be obligation.

TC Secretariat: How does Kosovo manage the inventory of assets?

Xhevat Ramosaj – In 2018, Kosovo's rail infrastructure supported by EBRD developed a project- which is step towards establishment asset management plan.

There are four components: strategies, asset inventory, network development strategy, asset management and maintenance plan.

All documents concerning asset management system are available since 2018. Kosovo would like to upgrade system to include maintenance plan. Currently the inventory is maintained in excel and in the discussion with the EIB was expressed the readiness to provide the loan for procurement of software in order to implement RIAMS.

There are two railway routes in Kosovo on the Core Network of TEN-T: Rail Route and Rail Route 7. On the Rail route 10 modernisation and implementation of EU standards on interoperability is foreseen and Rail route 10 should fulfil EU conditions as well including the ERTMS system Level 1. Also the possibility of rail route 7 projects were being discussed with Serbia in Washington.

Dejan: procurement of software to manage data (in asset management system) is necessary in order to give reliable inputs for decisions.

TCT Secretariat recalled on recent EC communication on Economical and investment plan – envisaging 9 billion euros of investments, with rail being priority and crucial element of flagship projects.

TCT Secretariat sent questions to DG MOVE on how to proceed as an umbrella organization to coordinate and lead projects for WB6 through CONNECTA and other partners, aiming to be beneficiary for specific projects on behalf of RPs (answer expected next week).

TCT Secretariat will facilitate all efforts in aim to provide adequate technical assistance for Kosovo.

4. Transposition and implementation of fourth Rail Package

DG MOVE representative informed participants that as of 31 October 2020 EU legislation on safety and interoperability has been repealed – transitional period is over and only legislation of fourth railway package (technical pillar) is now in force and applicable in EU. Therefore, it is a crucial priority for all RPs to transpose fourth railway package.

As regards the implementing acts, in accordance with fourth Railway Package, the EC and the TC Secretariat have started screening of Annex I of the Treaty to eliminate obsolete legislation and supplement with acts currently in force: formal update is expected on first RSC meeting in 2021, cutoff date 1st September 2020. This should become a yearly exercise.

As regards safety certification and authorisation of vehicles as new roles of ERA, it is confirmed that until both transitional periods described in the protocol of the Treaty are completed by a regional participant, ERA shall not be authorised to issue certificates on its territory. DG MOVE representative suggested to include the relevant provisions of the Directives in national law with reference to ERA but with transitional period until adequate level of integration is achieved (open-ended timeline), entrusting the relevant tasks and responsibilities to national bodies and authorities in transitional period.

It is suggested to submit final draft laws to TCT Secretariat (which will forward it to DG MOVE) in order to prior check its compliance to the relevant acquis.

Support from TCT Secretariat and ERA shall be needed to transpose EU directives into primary and secondary legislation of Kosovo.

Dejan: Current Railway Law is a good base, as Kosovo is the only RP which recognizes safety certificates and vehicle authorisations issued by EU MS.

RRA representative: during last 3 years several requests were submitted to Mol to amend Railway Law due to changes in EU legislation, only Directive 2012/34 is incorporated in the current railway law.

RRA is in favor of having separate law on safety, but no concrete steps have been taken in this regard.

ERA encouraged Kosovo to submit requests for IPA projects in order to establish new legislation (contact point Christoph Kaupat).

5. Establishing of contractual relationship between IM and the State

This issue was raised during previous TC on railway, and is foreseen as one of by actions in Rail Action Plan in order to provide better conditions for IM in most sustainable manner.

Current Railway law provides legal basis to sign a 5-year-agreement between IM and the state (Mol), but it didn't happen so far. A request for budget was sent to Ministry of finance but no answer, the final draft of agreement is being discussed but it will not be possible to proceed without budget is provided.

6. Training and certification of train drivers

ERA Expert Olaf Mette: In accordance with Directive 59/2007, member states are requested to establish a system of train driver certification based on 2 pillars: licenses, issued by public authorities (NSA) and linked to basic competences and requirements, such as medical and psychological and general professional competence on the one hand, and complementary certificates, issued by the employing company and showing the specific competences of the driver in regard to infrastructure and vehicles, on the other hand.

Establishment of 2 kinds of registers, for license at the NSA and for complementary certificates at the companies. The Directive defines a number of responsibilities of the NSA between those the responsibility to publish a register with persons and bodies they have

recognized for the purpose of providing training respectively fitness or competence related examinations.

State of play in Kosovo?

RRA representative: since 2014 RU is in charge of issuing certificates, with it the applicant applies for license to RRA, it is in line with EU Directive, as well as requirements such as professional competence, medical checks and high school degree needed for applicants for train drivers.

Open issue with recognition of train drivers licenses - not in competence of RRA, but within Mol. Only Ministry can agree with other state bodies for mutual recognition of train driver licenses. So far it hasn't been done despite RRA's frequent requests to the Ministry.

TCT Secretariat proposed this issue to be resolved within new draft law on safety.

7. Transport Community Treaty commitments of Kosovo

As previously mentioned: need for contract between IM and state, need to amend Railway Law, need to adopt new Rail Safety Law, further transposition of TSI's.

8. Other topics relevant for Kosovo

DG MOVE representative informed that 2021 will be declared 'European Year of Rail' by the EU. A series of events, campaigns and initiatives in 2021 will promote rail as a sustainable, innovative and safe mode of transport. It will highlight its benefits for people, the economy and the climate and focus on the remaining challenges to create a true Single European Rail Area without borders. Those events will be accessible to third countries, not only EU MS. It is a chance to increase visibility and use opportunity of acceleration of reforms increasing visibility of rail transport.

TC Secretariat representatives will organize next round of meetings with each RP in the following weeks as another dedicated session to discuss rail issues and how to provide further assistance will follow.

Conclusions

- All participants welcomed the organization of this meeting between Rail Authorities in Kosovo and Transport Community Secretariat, DG MOVE and ERA.
- European Union Agency for Railways, TC Secretariat and DG MOVE will work together to provide Kosovo with necessary support and answers regard to the joining to the European Register of Vehicle.
- All participants acknowledged presentation given by ERA regarding establishing of Register of Infrastructure (RINF).
- Kosovo presented ongoing activities regarding establishing Rail Asset Management System. Representative of Kosovo introduced that establishing RAIMS of the rail infrastructure is priority. In terms of that, Kosovo will update TC Secretariat regularly about progress on it.
- Kosovo as well as the other RPs should use CONNECTA guidelines issued in 2018 as a tool for developing maintenance plan and establishing of RIAMS.

- Kosovo will work on establishing contractual relationship between IM and relevant authority.
- All participants acknowledged importance of EC communication on economic and investment plan (COM (2020) 641 final).
- Implementation of the actions from the Rail Action Plan to be main objective for future developments.
- Kosovo will draft new law on Safety and it will solve the issue with the train drivers licenses.
- ERA encouraged Kosovo to submit requests for IPA projects in order to establish new legislation on Rail.