

Transport Community Permanent Secretariat

SERBIA FIRST ONLINE RAIL WORKSHOP

11:00 – 13:00, via Microsoft Team

Minutes of meeting

1. Introductory Speech, 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 its certain aspects such as Electronic Vehicle Register, and issues of safety and interoperability.

2. Introductory Speech, Mr. Josef Doppelbauer, Executive Director ERA

Executive ERA Director Josef Doppelbauer welcomed TCT Secretariat's initiative to organize such in-depth discussions with regional partners in order to define exact needs and state of play of each participant, as well as 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.

The ERA Executive Director pointed out that this authority has issued more than 1000 decisions and authorized more than 12000 vehicles since establishing its new powers in June 2019.

He welcomed Serbia's efforts to bring forward its railway system, pointing out to several joint activities in recent past, such as IPA workshop on safety in 2019, the IPA summit opened by previous Serbian Minister of Transport Ms. Zorana Mihajlovic in November 2019 and this year's Seminar on regulatory and risk assessments on transport of dangerous goods hosted by the Serbian Railway Directorate. Belgrade being the seat of TCT Secretariat represents a political recognition of Serbia as the key player in the region.

3. Introductory Speech Head of Department for railways and intermodal transport Ms. Vida Jerković

Head of Department for railways and intermodal transport Vida Jerkovic thanked TCT Secretariat for its significant contributions in setting out and preparation of Action Plans. She expressed Serbia's goal to integrate WB transport market into EU and its willingness to remain leader in the reforms by successfully fulfilling activities set out in the endorsed Action Plans, such as opening of national railway market, modernization of railway network, signing and implementing the border-crossing agreements etc.

TCT Secretariat Rail Coordinator Dejan Lasica thanked to the participants of the Technical Committee on Railways for their contributions in preparation of Rail Action Plan that was endorsed on 26th October by Ministerial Council.

He emphasized that Serbia is one of the most advanced member among the regional partners regarding transposition and implementation of EU Acquis, that made great steps in rail reforms

after 2016 when it opened rail market at the national level, today having several private RUs in operation- which hold almost 19% of the market share.

He underlined that today's workshop will address the technical pillar response, also touching projects and market pillar, but with special focus on safety and interoperability.

4. Joining to the European Electronic register of vehicles

ERA expert Christoph Kaupat informed participants that as of June 2021 onwards European vehicle register will be operational. European Vehicle Register shall be one and only vehicle register for single European railway market. There are several benefits to join it, such as less burdens with own national registers, no interface problems, it is also cheaper in the long run, giving full access to data from other users.

One problem with current vehicle registers is a need of double registration – it is to be solved in order to have full benefits regarding EVR in the future.

Serbia already established national NVR in 2013, further steps?

Serbian Directorate for Railways Representative (Milan) – Serbia is working on amendments to railway safety law and railway interoperability law.

According to the current law, all vehicles have to be registered in National Vehicle Register, but once European Vehicle Register is functional how to switch from NVR to EVR? What software and hardware are needed? Are extension periods until the end of 2021 possible?

Christoph Kaupat underlined that matter of transferring data from NVR to EVR is crucial, it is a question also raised by other EU MSs, not all can be answered now, there might be certain extensions due to pandemics and tight deadlines and short resources of ERA (manpower).

TCT Secretariat together with ERA and DG MOVE will work together to provide Serbia with necessary support with regard to this question.

5. Changes into the Railway Safety Law and other Transport Community Treaty commitments of Serbia/Transposition and implementation of forth Rail Package

DG MOVE representative: With regard to technical pillar, transposition of up-to-date EU legislation on interoperability and safety is a prerequisite of market opening at regional level. This enables RUs to be able to plan and apply for access to network outside of their home base.

He raised issue of implementation of provisions where, in the EU, executive tasks of vehicle authorization and safety certification are now entrusted at central level to ERA. This mechanism applies only on EU MS territory and cannot, as a general rule, extend to the third countries. As far as the Western Balkans RPs are concerned, full implementation of the TCT would be a pre-condition. In order to transpose relevant provisions of the safety and interoperability Directives in national law, it is suggested nevertheless to include reference to ERA but with open-ended transitional period until adequate level of integration is achieved, entrusting the relevant tasks and responsibilities to national bodies and authorities in transitional period.

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, in particular the new Technical Specifications for Interoperability (TSIs): formal update is expected on first RSC meeting in 2021, cutoff date 1st September 2020. This should become a yearly exercise.

Dejan Lasica: Serbia having highest percentage in current transposition of rail legislation and Serbia can count on TC Secretariat's support on the way to opening the next transitional period of rail market opening,

Where does it stand with draft laws?

Vida Jerkovic: Given that a new minister has been appointed, we cannot say for sure when the amendments to the law will be realized in the procedure. Hope to fulfil transposition of railway legislation in laws and bylaws by end of next year if all stakeholders remain efficient.

Railway market opening and Montenegro? Montenegro has small rail market, one state and one private RU, Serbia has 10 private RUs, but Dejan emphasized that port is an added value in connecting.

DG MOVE representative pointed out that completion of conditions of 1st transitional period is assessed by the Commission, but the actual decision is to be taken by the Council of EU. Therefore, RPs should make sure to meet all formal conditions of the Treaty before initiating this procedure.

Serbian Rail Directorate: ERA's role regarding non-EU countries?

DG MOVE representative: preliminary consultation and conclusion of EC is that the Treaty lacks specific consideration about role of ERA's executive tasks at central level. This is because the 4th Railway Package was not yet designed when the TCT was drafted and negotiated. DG MOVE explores different options to remedy this issue in the mid-term, bearing in mind that formal amendment procedure of the Treaty is heavy and long. At this point in time, under the current legal framework and phase, ERA cannot act as authority on Serbian territory.

Once there is a stable working version of provisions referring to competences of ERA, with open-ended transitional period, it should be sent to the EC via the TC Secretariat for a legal evaluation of these aspects. This could then help other RPs to design a similar approach.

Vida: proposal will be sent via TC Secretariat in the following days.

DG MOVE representative: Serbia may consider reflecting or cross-referencing provisions of the Treaty itself and protocols, in order to justify that until the two open-ended transitional periods are completed, vehicle authorization and safety certification should rest with national bodies. It should be noted that transitional period and possibility to move ahead can be assessed per RP; there is no legal requirement to be in synchronized manner for the whole region.

6. Rail infrastructure and Asset Management System (RIAMS)

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

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.

An infrastructure register could also be a useful tool for TC Secretariat to follow developments on interoperability for WB countries.

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 in order to streamline the process of updating the data in the application to 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 Serbia 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 Serbia manage the inventory of assets?

One WB project is ongoing in scope of the 1st phase of World Bank Transport and Trade Facilitation Project?

Infrastructure manager (Infrastructure of Serbian railway) Lazar Radakovic:

Serbian IM works on a pilot project with WB where procurement of information system is foreseen.

Timeline of WB project?

Ready for procurement by the end of next year since the negotiation between government and WB are ongoing. The Procurement plan is set and the usage of money in the first phase is foreseen, by the end of next year the procurement to be done and the rail asset management system to be established by the beginning of 2022 including procurement services consultant and hardware (equipment. Also a help by DG MOVE and ERA will be needed to analyze tricky points.

DG MOVE representative 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. The reports are uploaded on the website of the TC and available to all RPs. He invited all

stakeholders to look at report (report 3 and 4 especially) as a tool for developing maintenance plan.

Use of this and to what extent?

Vida: railway infrastructure manager uses reports but not detailed.

Connection of RAMS with maintenance plans?

Dejan: Serbia will not establish full RAMS before 2023? How infrastructure data is managed?

Lazar: not covered with electronic system giving current info on status of infrastructure. For now, it is managed manually, no advanced decision making introduced at the moment.

Dejan: If managers will be final beneficiary of this, well-structured budget is novelty and it will require hard negotiation with ministries of finance, should start with making transparent budget per each item (now only estimations no exact info on quality of network).

7. Establishing of the National Safety Authority, National Investigation Body, Regulatory Body

Institutional framework is already established in Serbia, there is one body for NSA and regulatory, well recognized. What is the plan with the national investing body? Shall regulatory body be more independent in accordance with EU regulation?

Vida: Serbian regulatory body (Directorate for Railways) exists and is established by current law. We will consider possibility of the separation of the regulatory body and the safety body.

DG MOVE representative mentioned two policy initiatives at EU level. First, the recent Communication on economical and investment plan for WB as strong commitment of the EC to support reform in the region and to accelerate integration and process of membership of most advanced countries, where funds for infrastructural projects will be available. This is also a window of opportunity to advocate and accelerate reforms at the level of Ministry.

Second, 2021 being year of rail. This is a proposal from the EC to Council to put lot of focus on rail transport, green and digital transition, with lot of public events to improve image of rail in general will be organized. In this regards TC Secretariat will organize conference to bring together stakeholders in the region, it is a chance for RUs to increase visibility. These initiatives will be accessible to 3rd countries, not only EU MS.

8. Training and certification of train drivers

ERA Christoph Kaupat: EU opened market for train drivers, it provides RUs easier access to human resource as it allows drivers to work in different countries. This is precondition to interoperability as well. ERA supports the EC in the development of common minimum requirements and procedures concerning staff certification of train drivers.

Train drivers should undergo psychological and medical checkups on regular basis, all in aim to enhance interoperability. There are obstacles for mutual recognition, differences in procedures and requirements for licencing whereas they should be unique.

He offered dedicated meeting with ERA expert Olaf Mette online or live if pandemics is over soon.

Milan: - Directorate for Railways is issuing licenses for several years under the conditions and laws compliant with Directive 59/2007, employers issue complement certificates without problems and Register is working for licenses.

9. Other topics relevant for Serbia

TC Secretariat representatives will organize next round of meetings very soon. Also another dedicated session to discuss rail issues and how to provide further assistance will follow. Additionally, meeting of TC Secretariat's director with the newly appointed Minister of transport will be organized in the following days.

Conclusions

- All participants welcomed the organization of this meeting between Rail Authorities in Serbia and Transport Community Secretariat, DG MOVE and ERA.
- European Union Agency for Railways, TC Secretariat and DG MOVE will work together to provide Serbia with necessary support and answers regard to the joining to the European Register of Vehicle.
- Serbia will send certain provisions of ERA competences of draft Law on Rail Safety to the TC Secretariat, and TC Secretariat in cooperation with ERA and DG MOVE will provide Serbia with opinion regarding the formulation of the articles related to the ERA competency from 4th Rail Package.
- Assessment of progress at the end of 1st transitional period is a decision to be taken by the Council of EU, so RPs should make sure to meet all formal conditions of the Treaty before requesting the Commission to initiate this procedure.
- Serbia expressed readiness and willingness to finish transposition and implementation of all EU Rail legislation from Annex I, in aim to pass to the 2nd transitional period.
- All participants acknowledged presentation given by ERA regarding establishing of Register of Infrastructure (RINF).
- Serbia presented ongoing activities regarding establishing Rail Asset Management System. In terms of that, Serbia will update TC Secretariat regularly about progress on it.
- Serbia as well as the other RPs should use CONNECTA guidelines issued in 2018 as a tool for developing maintenance plan and establishing of RIAMS.
- Serbia will consider needs for the more independence of Regulatory Body during the next changes of the Railway Law in the next year
- All participants acknowledged importance of EC communication on economic and investment plan (COM (2020) 641 final) as well as signing of MoU between TCT Permanent Secretariat and S2R JU.



- ERA will organize online or live meeting with Serbia related to the certification of train drivers.
- Implementation of the actions from the Rail Action Plan to be main objective for future developments.