

COMMISSION DECISION
of 29 June 2018
setting up the EU Rail Passenger Security Platform
(2018/C 232/03)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Whereas:

- (1) Article 91(1)(a) of the Treaty assigned the Union and the Member States the task of laying down the common rules applicable to international transport to or from the territory of a Member State or passing across the territory of one or more Member States. In addition, Article 91(1)(d) empowers the Union to lay down 'any other appropriate provisions' for the purpose of establishing a common transport policy.
- (2) Article 26 of Regulation (EC) No 1371/2007 on rail passengers' rights and obligations obliges rail undertakings, infrastructure managers and station managers, as well as Member States, to ensure that rail passengers using the European Union rail system are carried with consideration for their personal security; they are also to cooperate and exchange information on good practices for preventing acts which are likely to reduce the level of security.
- (3) With a view to improve rail passenger security and in line with the consultation initiated by the Commission ⁽¹⁾, there is a need to enhance cooperation with and between Member States, in particular for cross-border security, in train stations and on board trains. For this purpose, the Commission needs to call upon the expertise of specialists in an advisory body. It is therefore necessary to set up a Commission expert group and to define its tasks and structure. The group should help: to develop recommendations to help Member States coordinate rail security actions efficiently with a view to mitigate risks; provide technical expertise and support for updating and implementing a risk assessment methodology, and; to develop guidance for risk management plans.
- (4) The group should be composed of Member States' authorities competent in the field of rail passenger security.
- (5) Some activities of the group should benefit from the experience and knowledge of relevant rail stakeholders. These may be appointed as members of dedicated sub-groups, following a public call for applications.
- (6) Given the particular relevance of rail safety, which can contribute considerably to improving rail security, the European Union Agency for Railways should be granted observer status.
- (7) Rules on disclosure of information by members of the group should be laid down.
- (8) Personal data should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽²⁾.
- (9) It is appropriate to fix a period for the application of this Decision, which should be three years. The Commission will in due time consider the advisability of an extension,

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

The EU Rail Passenger Security Platform ('the group') is set up.

Article 2

Tasks

The group's tasks shall be to provide the Commission with advice and expertise on matters relating to the security of rail passengers in the European Union in train stations and on board trains, as well as to facilitate coordination and cooperation with and between Member States in that regard.

⁽¹⁾ 'Synopsis Report: Summary of the Consultation on improving the security of rail passengers' SWD(2018) 400.

⁽²⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

Its tasks shall include in particular:

- (1) assisting the Commission and bringing about an exchange of information and experience in the field of rail security, reflecting on how the security of cross-border rail services can be optimised as well as on the design of a coordination mechanism to ensure regular exchanges of information which avoid uncoordinated decisions at national level;
- (2) developing and providing good practice and technical advice on:
 - (a) provision of information to passengers if a security event occurs;
 - (b) security technology and design solutions adapted to the specific features of the railway sector;
 - (c) staff scrutiny procedures and appropriate security training;
- (3) consulting on the design of a mechanism to quickly assess at short notice new threats and security incidents, and reaching a common understanding and agreement on the reaction needed to mitigate any new or increased existing risk identified in the process;
- (4) contributing to the development and updating of a common methodology for assessing the risk from terrorism to rail passengers and staff and reporting on the implementation of this methodology;
- (5) developing guidance on rail security risk management programmes covering protective security and operational recovery measures for rail which can be scalable according to changes to defined national threat levels;
- (6) establishing cooperation with and between Member States on questions relating to rail security measures.

Article 3

Consultation

The Commission may consult the group on any matter relating to the security of rail passengers and staff.

Article 4

Membership

1. Members shall be Member States' national authorities competent in the field of rail security.
2. Each Member shall nominate one representative and one alternate. One expert in rail passenger security may accompany each representative or alternate in order to ensure a high level of technical expertise.
3. Members who are no longer capable of contributing effectively to the expert group's deliberations, who, in the opinion of the Commission department concerned, do not comply with the conditions set out in Article 339 of the Treaty on the Functioning of the European Union or who resign, shall no longer be invited to participate in any meetings of the group and may be replaced for the remainder of their term of office.

Article 5

Chair

The group shall be chaired by a representative of the Commission's Directorate-General for Mobility and Transport ('DG MOVE'), in close coordination and agreement with the Commission's Directorate-General for Migration and Home Affairs ('DG HOME').

Article 6

Operation

1. The group shall act at the request of DG MOVE, in consultation with DG HOME, and in compliance with the Commission's horizontal rules on expert groups ('the horizontal rules')⁽¹⁾.

⁽¹⁾ Commission Decision C(2016) 3301 of 30 May 2016 establishing horizontal rules on the creation and operation of Commission expert groups.

2. Meetings of the group shall, in principle, be held on Commission premises.
3. DG MOVE shall provide secretarial services. Commission officials from other departments with an interest in the proceedings may attend meetings of the group and its sub-groups.
4. In agreement with DG MOVE, the group may, by simple majority of its members, decide that deliberations shall be public.
5. Minutes of the discussion on each point on the agenda and on the opinions delivered by the group shall be meaningful and complete. Minutes shall be drafted by the secretariat under the responsibility of the Chair.
6. The group shall adopt its opinions, recommendations or reports by consensus. In the event of a vote, the outcome of the vote shall be decided by simple majority of the members. Members who have voted against shall have the right to have a document summarising the reasons for their position annexed to the opinions, recommendations or reports.

Article 7

Sub-groups

1. DG MOVE, in consultation with DG HOME, may set up sub-groups for examining specific issues on the basis of terms of reference defined by DG MOVE while ensuring there are no overlaps with other existing groups in this area. Sub-groups shall operate in compliance with the horizontal rules and shall report to the group. They shall be dissolved as soon as their mandate is fulfilled.
2. DG MOVE, in consultation with DG HOME, may appoint relevant stakeholders as members of the sub-groups, following a public call for applications.

Article 8

Invited experts

DG MOVE, in consultation with DG HOME, may invite experts with specific expertise on a subject matter on the agenda to take part in the work of the group or sub-groups on an ad hoc basis.

Article 9

Observers

1. The European Union Agency for Railways shall be granted observer status. Individuals, organisations and public entities other than Member States' authorities may also be granted observer status, in compliance with the horizontal rules, by direct invitation or as a result of a call for applications.
2. Organisations and public entities appointed as observers shall nominate their representatives.
3. Observers and their representatives may be permitted by the Chair to take part in the discussions of the group and provide expertise. However, they shall not have voting rights and shall not participate in the formulation of recommendations or advice by the group.

Article 10

Rules of procedure

On a proposal by and in agreement with DG MOVE, the group shall adopt its rules of procedure by simple majority of its members. This shall be done on the basis of the standard rules of procedure for expert groups, in compliance with the horizontal rules⁽¹⁾.

Article 11

Professional secrecy and handling of classified information

The members of the group and their representatives, as well as invited experts and observers, are subject to:

- (1) the obligation of professional secrecy which by virtue of the Treaties and the rules implementing them applies to all members of the institutions and their staff;

⁽¹⁾ See Article 17 of the horizontal rules.

(2) the Commission's rules on security regarding the protection of the Union's classified information, laid down in Commission Decisions (EU, Euratom) 2015/443 ⁽¹⁾ and (EU, Euratom) 2015/444 ⁽²⁾.

Should they fail to respect these obligations, the Commission may take all appropriate measures.

Article 12

Transparency

1. The group and its sub-groups shall be registered in the Register of Commission expert groups and other similar entities ('the Register of expert groups').
2. As concerns the group's composition, the following data shall be published on the Register of expert groups:
 - (a) the names of Member States' authorities;
 - (b) the names of observers;
 - (c) the names of members of sub-groups.
3. All relevant documents, including the agendas, minutes and participants' submissions, shall be made available either on the Register of expert groups or via a link from that Register to a dedicated website where this information can be found. Access to dedicated websites shall not be subject to user registration or any other restriction. In particular, the agenda and other relevant background documents shall be published in due time ahead of the meeting, followed by timely publication of the minutes. Exceptions to publication shall only be envisaged where it is deemed that disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council.

Article 13

Meeting expenses

1. Participants in the activities of the group and sub-groups shall not be remunerated for the services they offer.
2. Travel and subsistence expenses incurred by participants in the activities of the group and sub-groups shall be reimbursed by the Commission. Reimbursement shall be made in accordance with the provisions in force within the Commission and within the limits of the available appropriations allocated to the Commission departments under the annual procedure for the allocation of resources.

Article 14

Applicability

This Decision shall apply until 13 June 2021.

Done at Brussels, 29 June 2018.

For the Commission

Violeta BULC

Member of the Commission

⁽¹⁾ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

⁽²⁾ Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).