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► **B** REGULATION (EC) No 91/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 16 December 2002

on rail transport statistics

(OJ L 14, 21.1.2003, p. 1)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Commission Regulation (EC) No 1192/2003 of 3 July 2003	L 167	13	4.7.2003
► <u>M2</u>	Commission Regulation (EC) No 1304/2007 of 7 November 2007	L 290	14	8.11.2007
► <u>M3</u>	Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009	L 87	109	31.3.2009
► <u>M4</u>	Regulation (EU) 2016/2032 of the European Parliament and of the Council of 26 October 2016	L 317	105	23.11.2016

▼B**REGULATION (EC) No 91/2003 OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL****of 16 December 2002****on rail transport statistics***Article 1***Objective**

The objective of this Regulation is to establish common rules for the production of Community rail transport statistics.

*Article 2***Scope**

This Regulation shall cover all railways in the Community. Each Member State shall report statistics which relate to rail transport on its national territory. Where a railway undertaking operates in more than one Member State, the national authorities concerned shall require the undertaking to provide data separately for each country in which it operates so as to enable national statistics to be compiled.

Member States may exclude from the scope of this Regulation:

- (a) railway undertakings which operate entirely or mainly within industrial and similar installations, including harbours;
- (b) railway undertakings which mainly provide local tourist services, such as preserved historical steam railways.

*Article 3***Definitions****▼M1**

1. For the purposes of this Regulation the following definitions shall apply:

1. 'reporting country' means the Member State transmitting data to Eurostat;
2. 'national authorities' means national statistical institutes and other bodies responsible in each Member State for producing Community statistics;
3. 'railway' means line of communication made up by rail exclusively for the use of railway vehicles;
4. 'railway vehicle' means mobile equipment running exclusively on rails, moving either under its own power (tractive vehicles) or hauled by another vehicle (coaches, railcar trailers, vans and wagons);

▼ M1

5. 'railway undertaking' means any public or private undertaking which provides services for the transport of goods and/or passengers by rail. Undertakings whose only business is to provide services for the transport of passengers by metro, tram and/or light rail are excluded;
6. 'transport of goods by rail' means the movement of goods using railway vehicles between the place of loading and the place of unloading;
7. 'transport of passengers by rail' means the movement of passengers using railway vehicles between the place of embarkation and the place of disembarkation. The transport of passengers by metro, tram and/or light rail is excluded;
8. 'metro' (also known as 'subway', 'metropolitan railway' or 'underground') means an electric railway for the transport of passengers with the capacity for a heavy volume of traffic and characterised by exclusive rights-of-way, multi-car trains, high speed and rapid acceleration, sophisticated signalling as well as the absence of level crossings to allow a high frequency of trains and high platform load. Metros are also characterised by closely spaced stations, normally meaning a distance of 700 to 1 200 m between the stations. 'High speed' refers to the comparison with trams and light rail, and means here approximately 30 to 40 km/h on shorter distances, 40 to 70 km/h on longer distances;
9. 'tram (streetcar)' means a passenger road vehicle designed to seat more than nine persons (including the driver), which is connected to electric conductors or powered by diesel engine and which is rail-borne;
10. 'light rail' means a railway for the transport of passengers that often uses electrically powered rail-borne cars operating singly or in short trains on fixed duo-rail lines. There is generally a distance of less than 1 200 m between stations/stops. In comparison to metros, light rail is more lightly constructed, is designed for lower traffic volumes and usually travels at lower speeds. It is sometimes difficult to make a precise distinction between light rail and trams; trams are generally not separated from road traffic, whereas light rail may be separated from other systems;
11. 'national transport' means rail transport between two places (a place of loading/embarkation and a place of unloading/disembarkation) located in the reporting country. It may involve transit through a second country;
12. 'international transport' means rail transport between a place (of loading/embarkation or unloading/disembarkation) in the reporting country and a place (of loading/embarkation or unloading/disembarkation) in another country;
13. 'transit' means rail transport through the reporting country between two places (a place of loading/embarkation and a place of unloading/disembarkation) outside the reporting country. Transport operations involving loading/embarkation or unloading/disembarkation of goods/passengers at the border of the reporting country from/onto another mode of transport are not considered as transit;

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14. 'rail passenger' means any person, excluding members of the train crew, who makes a trip by rail. For accident statistics, passengers trying to embark/disembark onto/from a moving train are included;
15. 'number of passengers' means the number of trips by rail passengers, where each trip is defined as the movement from the place of embarkation to the place of disembarkation, with or without transfers from one rail vehicle to another. If passengers use the services of more than one railway undertaking, when possible they should not be counted more than once;
16. 'passenger-km' means the unit of measure representing the transport of one passenger by rail over a distance of one kilometre. Only the distance on the national territory of the reporting country shall be taken into account;
17. 'weight' means the quantity of goods in tonnes (1 000 kilograms). The weight to be taken into consideration includes, in addition to the weight of the goods transported, the weight of packaging and the tare weight of containers, swap bodies, pallets as well as road vehicles transported by rail in the course of combined transport operations. If the goods are transported using the services of more than one railway undertaking, when possible the weight of goods should not be counted more than once;
18. 'tonne-km' means the unit of measure of goods transport which represents the transport of one tonne (1 000 kilograms) of goods by rail over a distance of one kilometre. Only the distance on the national territory of the reporting country shall be taken into account;
19. 'train' means one or more railway vehicles hauled by one or more locomotives or railcars, or one railcar travelling alone, running under a given number or specific designation from an initial fixed point to a terminal fixed point. A light engine, i.e. a locomotive travelling on its own, is not considered to be a train;
20. 'train-km' means the unit of measure representing the movement of a train over one kilometre. The distance used is the distance actually run, if available, otherwise the standard network distance between the origin and destination shall be used. Only the distance on the national territory of the reporting country shall be taken into account;
21. 'full trainload' means any consignment comprising one or more wagonloads transported at the same time by the same sender at the same station and forwarded with no change in train composition to the address of the same consignee at the same destination station;
22. 'full wagonload' means any consignment of goods for which the exclusive use of a wagon is required, whether the total loading capacity is utilised or not;
23. 'TEU (Twenty-foot Equivalent Unit)' means a standard unit based on an ISO container of 20 feet length (6,10 m), used as a statistical measure of traffic flows or capacities. One standard 40' ISO Series 1 container equals 2 TEUs. Swap bodies under 20 feet correspond to 0,75 TEU, between 20 feet and 40 feet to 1,5 TEU and over 40 feet to 2,25 TEU.

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2. The Commission is empowered to adopt delegated acts in accordance with Article 10 concerning the amendment of the present Article to adapt the technical definitions set out in points 8 to 10 and 21 to 23 of paragraph 1 and to provide for additional technical definitions, when needed to take into account new developments which require a certain level of technical detail to be defined in order to ensure the harmonisation of statistics.

When exercising that power the Commission shall ensure that the delegated acts do not impose a significant additional burden on the Member States or on the respondents. Furthermore, the Commission shall duly justify the statistical actions for which those delegated acts provide, using, where appropriate, cost-effectiveness analysis, including an assessment of the burden on respondents and of the production costs, as referred to in point (c) of Article 14(3) of Regulation (EC) No 223/2009 of the European Parliament and of the Council ⁽¹⁾.

▼ B*Article 4***Data collection**

1. The statistics to be collected are set out in the Annexes to this Regulation. They shall cover the following types of data:

(a) annual statistics on goods transport — detailed reporting (Annex A);

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(c) annual statistics on passenger transport — detailed reporting (Annex C);

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(e) quarterly statistics on goods and passenger transport (Annex E);

(f) regional statistics on goods and passenger transport (Annex F);

(g) statistics on traffic flows on the rail network (Annex G).

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⁽¹⁾ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

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2. Member States shall report under Annexes A and C data for undertakings that have:

- (a) a total volume of goods transport of at least 200 000 000 tonne-km or at least 500 000 tonnes;
- (b) a total volume of passenger transport of at least 100 000 000 passenger-km.

Reporting under Annexes A and C shall be optional in respect of undertakings falling below the thresholds referred to in points (a) and (b).

3. Member States shall report under Annex L the total data for undertakings falling below the thresholds referred to in paragraph 2 if those data are not reported under Annexes A and C, as specified in Annex L.

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4. For the purposes of this Regulation, goods shall be classified in accordance with Annex J. Dangerous goods shall additionally be classified in accordance with Annex K.

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5. The contents of the Annexes may be adapted by the Commission. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(3).

▼ B*Article 5***Data sources**

1. Member States shall designate a public or private organisation to participate in collecting the data required under this Regulation.

2. The necessary data may be obtained using any combination of the following sources:

- (a) compulsory surveys;

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- (b) administrative data, including data collected by regulatory authorities, in particular the rail freight waybill if one is available;

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- (c) statistical estimation procedures;
 - (d) data supplied by professional organisations in the rail industry;
 - (e) ad hoc studies.
3. The national authorities shall take measures for the coordination of the data sources used and to ensure the quality of the statistics transmitted to Eurostat.

*Article 6***Transmission of statistics to Eurostat**

1. Member States shall transmit to Eurostat the statistics referred to in Article 4.

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2. The arrangements for transmission of the statistics referred to in Article 4 shall be laid down in accordance with the procedure referred to in Article 11(2).

▼ M4*Article 7***Dissemination**

Statistics based on the data specified in Annexes A, C, E, F, G and L shall be disseminated by the Commission (Eurostat).

The Commission shall adopt implementing acts laying down the arrangements for the dissemination of results. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).

▼ B*Article 8***Quality of statistics**

1. In order to assist Member States in maintaining the quality of statistics in the domain of rail transport, Eurostat shall develop and publish methodological recommendations. These recommendations shall take account of the best practices of national authorities, of railway undertakings and of professional organisations for the railway industry.

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1a. Member States shall take all measures necessary to ensure the quality of the data transmitted.

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2. The quality of the statistical data shall be evaluated by Eurostat. To this end, on request by Eurostat, Member States shall supply information on the methods used in producing the statistics.

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3. For the purposes of this Regulation, the quality criteria to be applied to the data to be transmitted are those referred to in Article 12(1) of Regulation (EC) No 223/2009.

4. The Commission shall adopt implementing acts specifying the detailed arrangements, structure, periodicity and comparability elements for the standard quality reports. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).

*Article 9***Reports on implementation**

By 31 December 2020 and every four years thereafter, the Commission, after consulting the European Statistical System Committee, shall submit a report to the European Parliament and to the Council on the implementation of this Regulation and on future developments.

In that report, the Commission shall take account of relevant information provided by Member States relating to the quality of the data transmitted, the data collection methods used and information on potential improvements and on users' needs.

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In particular, that report shall:

- (a) assess the benefits, accruing to the Union, the Member States and the providers and users of statistical information, of the statistics produced, in relation to their costs;
- (b) assess the quality of the data transmitted, the data collection methods used and the quality of the statistics produced.

Article 10

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 3(2) shall be conferred on the Commission for a period of five years from 13 December 2016. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 3(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ⁽¹⁾.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 3(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 11

Committee procedure

1. The Commission shall be assisted by the European Statistical System Committee established by Regulation (EC) No 223/2009. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽²⁾.

⁽¹⁾ OJ L 123, 12.5.2016, p. 1.

⁽²⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

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2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

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Article 13

Entry into force

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.



ANNEX A

ANNUAL STATISTICS ON GOODS TRANSPORT — DETAILED REPORTING

List of variables and units of measurement	<p>Goods transported in:</p> <ul style="list-style-type: none"> — tonnes — tonne-km <p>Goods train movements in:</p> <ul style="list-style-type: none"> — train-km <p>Number of intermodal transport units carried in:</p> <ul style="list-style-type: none"> — number — TEU (20-foot-equivalent unit) (for containers and swap bodies)
Reference period	Year
Frequency	Every year
List of tables with the breakdown for each table	<p>Table A1: goods transported, by type of transport</p> <p>Table A2: goods transported, by type of goods (Annex J)</p> <p>Table A3: goods transported (for international and transit traffic) by country of loading and country of unloading</p> <p>Table A4: goods transported, by category of dangerous goods (Annex K)</p> <p>Table A5: goods transported, by type of consignment (optional)</p> <p>Table A6: goods transported in intermodal transport units, by type of transport and by type of transport unit</p> <p>Table A7: number of loaded intermodal transport units carried, by type of transport and by type of transport unit</p> <p>Table A8: number of empty intermodal transport units carried, by type of transport and by type of transport unit</p> <p>Table A9: goods train movements</p>
Deadline for transmission of data	Five months after end of reference period
First reference period for tables A1, A2 and A3	2003
First reference period for tables A4, A5, A6, A7, A8 and A9	2004
Notes	<p>1. Type of transport is broken down as follows:</p> <ul style="list-style-type: none"> — national — international-incoming — international-outgoing — transit <p>2. Type of consignment may be broken down as follows:</p> <ul style="list-style-type: none"> — full train loads — full wagon loads — other

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| | <p>3. Type of transport unit is broken down as follows:</p> <ul style="list-style-type: none">— containers and swap bodies— semi-trailers (unaccompanied)— road vehicles (accompanied) <p>4. For Table A3, Eurostat and the Member States may make arrangements to facilitate consolidation of data originating from undertakings in other Member States, in order to ensure the coherence of these data.</p> <p>5. For Table A4, Member States shall indicate which categories of traffic, if any, are not covered by the data.</p> <p>6. For tables A2 to A8 where complete information on transit transport is not available, Member States shall report all available data.</p> |
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ANNEX C

ANNUAL STATISTICS ON PASSENGER TRANSPORT — DETAILED REPORTING	
List of variables and units of measurement	Passengers transported in: — number of passengers — passenger-km Passenger train movements in: — train-km
Reference period	One year
Frequency	Every year
List of tables with the breakdown for each table	Table C3: passengers transported, by type of transport Table C4: international passengers transported, by country of embarkation and by country of disembarkation Table C5: passenger train movements
Deadline for transmission of data	Eight months after end of reference period
First reference period	2016
Notes	1. Type of transport is broken down as follows: — national — international 2. For Tables C3 and C4, Member States shall report data including information from ticket sales outside the reporting country. This information may be obtained either directly from the national authorities of other countries or through international compensation arrangements for tickets



ANNEX E

QUARTERLY STATISTICS ON GOODS AND PASSENGER TRANSPORT

List of variables and units of measurement	Goods transported in: — tonnes — tonne-km Passengers transported in: — number of passengers — passenger-km
Reference period	Quarter
Frequency	Every quarter
List of tables with the breakdown for each table	Table E1: goods transported Table E2: passengers transported
Deadline for transmission of data	Three months after end of reference period
First reference period	First quarter of 2004
Notes	<ol style="list-style-type: none"> 1. Tables E1 and E2 may be reported on the basis of provisional data, including estimates. For Table E2, Member States may report data based on ticket sales in the reporting country or any other available source. 2. These statistics shall be supplied for the undertakings covered by Annexes A and C.



ANNEX F

REGIONAL STATISTICS ON GOODS AND PASSENGER TRANSPORT

List of variables and units of measurement	Goods transported in: — tonnes Passengers transported in: — number of passengers
Reference period	One year
Frequency	Every five years
List of tables with the breakdown for each table	Table F1: national goods transport by region of loading and region of unloading (NUTS 2) Table F2: international goods transport by region of loading and unloading (NUTS 2) Table F3: national passenger transport by region of embarkation and region of disembarkation (NUTS 2) Table F4: international passenger transport by region of embarkation and region of disembarkation (NUTS 2)
Deadline for transmission of data	12 months after end of reference period
First reference period	2005
Notes	<ol style="list-style-type: none"> 1. Where the place of loading or unloading (Tables F1, F2) or embarkation or disembarkation (Tables F3, F4) is outside the European Economic Area, Member States shall report only the country. 2. In order to assist Member States in the preparation of these tables, Eurostat shall provide Member States with a list of UIC station codes and the corresponding NUTS codes. 3. For Tables F3 and F4, Member States may report data based on ticket sales or any other available source. 4. These statistics shall be supplied for the undertakings covered by Annexes A and C.

▼ B*ANNEX G***STATISTICS ON TRAFFIC FLOWS ON THE RAIL NETWORK**

List of variables and units of measurement	Goods transport: — number of trains Passenger transport: — number of trains Other (service trains, etc.) (optional): — number of trains
Reference period	One year
Frequency	Every five years
List of tables with the breakdown for each table	Table G1: goods transport, by network segment Table G2: passenger transport, by network segment Table G3: other (service trains, etc.), by network segment (optional)
Deadline for transmission of data	18 months after end of reference period
First reference period	2005
Notes	<p>1. Member States shall define a set of network segments to include at least the rail TEN on their national territory. They shall communicate to Eurostat:</p> <ul style="list-style-type: none"> — the geographical coordinates and other data needed to identify and map each network segment as well as the links between segments, — information on the characteristics (including the capacity) of the trains using each network segment. <p>2. Each network segment which is part of the rail trans-European network (TEN) shall be identified by means of an additional attribute in the data record, in order to enable traffic on the rail TEN to be quantified.</p>

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ANNEX J

NST 2007

Division	Description
01	Products of agriculture, hunting, and forestry; fish and other fishing products
02	Coal and lignite; crude petroleum and natural gas
03	Metal ores and other mining and quarrying products; peat; uranium and thorium
04	Food products, beverages and tobacco
05	Textiles and textile products; leather and leather products
06	Wood and products of wood and cork (except furniture); articles of straw and plaiting materials; pulp, paper and paper products; printed matter and recorded media
07	Coke and refined petroleum products
08	Chemicals, chemical products, and man-made fibres; rubber and plastic products; nuclear fuel
09	Other non-metallic mineral products
10	Basic metals; fabricated metal products, except machinery and equipment
11	Machinery and equipment n.e.c.; office machinery and computers; electrical machinery and apparatus n.e.c.; radio, television and communication equipment and apparatus; medical, precision and optical instruments; watches and clocks
12	Transport equipment
13	Furniture; other manufactured goods n.e.c.
14	Secondary raw materials; municipal wastes and other wastes
15	Mail, parcels
16	Equipment and material utilised in the transport of goods
17	Goods moved in the course of household and office removals; baggage transported separately from passengers; motor vehicles being moved for repair; other non-market goods n.e.c.
18	Grouped goods: a mixture of types of goods which are transported together
19	Unidentifiable goods: goods which for any reason cannot be identified and therefore cannot be assigned to groups 01–16.
20	Other goods n.e.c.



ANNEX K

CLASSIFICATION OF DANGEROUS GOODS

1. Explosives
2. Gases, compressed, liquefied or dissolved under pressure
3. Flammable liquids
- 4.1. Flammable solids
- 4.2. Substances liable to spontaneous combustion
- 4.3. Substances which, in contact with water, emit flammable gases
- 5.1. Oxidising substances
- 5.2. Organic peroxides
- 6.1. Toxic substances
- 6.2. Substances liable to cause infections
7. Radioactive material
8. Corrosives
9. Miscellaneous dangerous substances

Note: these categories are those defined in the regulations concerning the international carriage of dangerous goods by rail, usually known as the RID, as adopted under Council Directive 96/49/EC of 23 July 1996 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail and subsequent amendments ⁽¹⁾.

⁽¹⁾ OJ L 235, 17.9.1996, p. 25. Directive as last amended by Commission Directive 2001/6/EC (OJ L 30, 1.2.2001, p. 42).

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ANNEX L

Table L.1

LEVEL OF TRANSPORT ACTIVITY IN GOODS TRANSPORT	
List of variables and units of measurement	Goods transported in: — total tonnes — total tonne-km Goods train movements in: — total train-km
Reference period	One year
Frequency	Every year
Deadline for transmission of data	Five months after end of reference period
First reference period	2017
Notes	Only for undertakings with a total volume of freight transport of less than 200 million tonne-km and less than 500 000 tonnes and not reporting under Annex A (detailed reporting)

Table L.2

LEVEL OF TRANSPORT ACTIVITY IN PASSENGER TRANSPORT	
List of variables and units of measurement	Passengers transported in: — total passengers — total passenger-km Passenger train movements in: — total train-km
Reference period	One year
Frequency	Every year
Deadline for transmission of data	Eight months after end of reference period
First reference period	2017
Notes	Only for undertakings with a total volume of passenger transport of less than 100 million passenger-km and not reporting under Annex C (detailed reporting)