



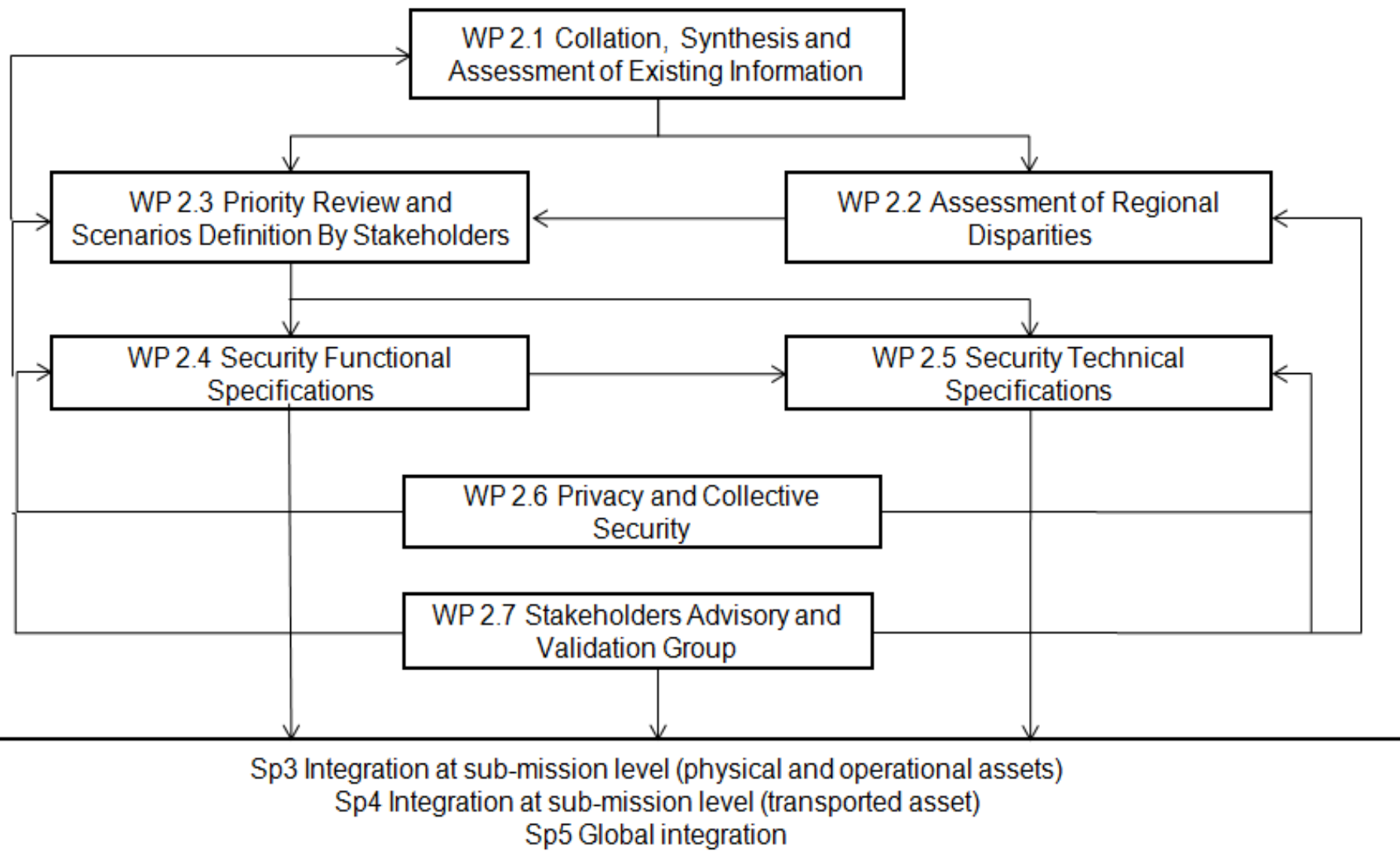
***PROTECTRAIL (242270) - The Railway-Industry Partnership  
for Integrated Security of Rail Transport***

---

**LEGAL FRAMEWORK FOR RAIL SECURITY IN  
EUROPE**

***WP22 – Regional disparities***

# SP2 Relationship among WPs





## LEGAL ASPECTS – SOME QUESTIONS

- How is security to be ensured on a train from Paris-Cologne in a situation where the terrorist threat level in France is red and France's "Vigipirate" plan requires measures which are not applicable in Belgium or Germany?
- Who could provide security on the ICE from Frankfurt-Brussels, which is a train belonging to an international rail group?
- In authorising security service staff on board a train to act beyond national boundaries, what should staff do if one country stipulates uniforms of one colour and the other country uniforms of a different colour?

***How can rail security interoperability be improved at European level?***



# LEGAL FRAMEWORK FOR RAIL AND SECURITY AT EUROPEAN LEVEL

- No legislation and quality control inspection systems are in place to improve railway transport security
- Security aspects are currently included in two regulations:
  - Regulation (EC) No 1371/2007 on rail passengers' rights and obligations, Article 26 sets in place a "right to security" for passengers on board trains and in stations
  - RID: Regulation concerning the International Carriage of Dangerous Goods by Rail (Chapter 1.10) which is applicable beyond the European Union which defines measures or precautions to be taken to minimise theft or misuse of dangerous goods that may endanger persons, property or the environment
- Regarding the protection of personal data, Directive 95/46/EC is the reference text



# NATIONAL LEGAL FRAMEWORK

- Legal and organisational devices are implemented at the national level with systems specific to each State.
- Regarding terrorism, level of threat is assessed with national intelligence services at national level. On the same hand, the accepted risk is also a national political decision.
- The legal framework for rail transport security is defined at national level and is not consistent at European level.
- 
- For now, there is no European organisation involving States and operators, focusing on rail transport security field.

***no harmonisation between states***



# LEGAL ASPECTS – ANALYSIS OF THE SITUATION AND CHALLENGES

- **Who (private or public?) is responsible for security in case of:**
  - Incumbent/new entrants operators?
  - National/international transport?
- **How to avoid security generating distortion of competition?**
- **What is at stake?**
  - Business, for rail companies
  - Citizens' fundamental rights, for national authorities
- **What level of harmonisation is needed for international transport regarding:**
  - Human factors?
  - Technology?
  - Procedures and organisation?



# LEGAL ASPECTS – SYNTHESIS OF THE FINDINGS

---

- Main topics focused on legal issues for which consistency at European level is needed:
  - Technical standards for security technology adapted to rail
  - Legal framework for CCTV, data processing, etc.
  - Privacy and data protection
  - Security requirements for railway undertakings and infrastructure managers taking into account new entrants
  - Sharing responsibilities and developing partnerships between railways and authorities



---

**Thank you for your attention**