Evaluation of the implementation of Regulation (EC) No 881/2004 of 29 April 2004 establishing the European Railway Agency

Results of the stakeholder analysis

Public seminar

Friday, 10th December 2010

Steer Davies Gleave
28-32 Upper Ground
London, SE1 9PD
+44 (0)20 7919 8500

www.steerdaviesgleave.com
Programme

Session 1:
- Introduction and Methodology
- Presentation of findings relating to the impact of the Regulation
- Discussion

Session 2:
- Presentation of findings relating to the effectiveness of the Agency
- Discussion

Session 3:
- Presentation of findings on the future role of the Agency
- Next steps
- Discussion
Introduction and methodology
Introduction

- SDG has been commissioned to assist the Commission with evaluation of the European Rail Agency as required by Article 43 of the Regulation 881/2004 and as amended by Regulation 1335/2008. A draft interim report has recently been prepared.

- The purpose of the study is to review:
  - the implementation of the Regulation
  - the effectiveness of the Agency
  - potential new roles for the Agency

- This presentation summarises findings from the stakeholders consultation:
  - Web based survey
  - Follow-up interviews

- The aim of the presentation is to provide an overview of the evidence from stakeholders that will inform the evaluation. This will be supplemented by further analysis including benchmarking with comparator agencies and which is excluded from the presentation.

- Also outside of the scope of the presentation are any conclusions on the way forward.
Methodology: Overview

- Evidence for this study has been drawn from:
  - Stakeholder survey
  - Interviews with the stakeholders
  - Interviews with the Agency
  - Desktop analysis of published information
  - Benchmarking of comparator Agencies
  - Independent analysis

- The approach to the stakeholders consultation was discussed and agreed with the Commission at the beginning of the study.

The subject of today’s seminar
Methodology: Stakeholder consultation - Online Surveys (1)

- Developed by Steer Davies Gleave in consultation with the Commission.

- 1,269 survey invitations sent (contact details received from the Agency).

- Received 260 completed responses (those that clicked on the finish button).

- Achieved a 20% response rate, but some surveys were completed collectively on behalf of associations.

- Received additional responses in the form of position papers and written submissions from a number of parties.

- We believe that this represents a good level of response for a survey of this nature.
Methodology: Stakeholder consultation - Online Surveys (2)

Breakdown of respondents

- **Other and unspecified**: 23
- **Member State representative**: 8
- **Administrative Board member**: 9
- **Notified Body**: 11
- **Railway Undertaking**: 14
- **National Investigation Body**: 21
- **Representative Body**: 22
- **Infrastructure Manager**: 32
- **Supplier of equipment or systems**: 37
- **National Safety Authority**: 83

★ Representative bodies: Article 3(2) of 881/2004
Methodology: (1) Stakeholder consultation and interviews
(2) Agency visits and interviews

- Following the online survey we conducted interviews with Stakeholder representatives involved in the activities of the Agency:
  - 8 of the 10 Representative Bodies
  - 2 NSAs
  - 3 NIBs
  - 3 members of the Administrative Board
  - A member of NBRail
  - A member of one of the Representative Bodies

- To help our understanding of the functioning of the Agency and related issues we also visited the Agency on three occasions and interviewed:
  - The Executive Director
  - All Heads of Units
  - 12 other members of staff
Findings relating to the impact of the Regulation
To what extent has the Agency fulfilled its objectives? - Overview

- Established a common approach to railway safety
- Established effective systems of registration and exchange of information
- Progressed the development of ERTMS
- Achieved an optimal level of technical harmonisation in the interoperability field

Consensus that the objectives have been at least partially fulfilled
Objective: Progressed development of ERTMS

- Less than 70% responded. Surveys generally positive.
- Interview responses consistent with the survey
ERA has made substantial progress
But registers still lacking in content and information
Objective: Establish a common approach to safety

- General consensus with approach
- ERA acted appropriately in the aftermath of the Viareggio accident
Objective: - Define an optimum level of technical harmonisation

- Comments varied on this subject
- Some observed differences between Agency and Stakeholder views on the right approach
- Also concern about the inclusion of EN standards within TSIs
Quality rating of Agency outputs: Recommendations

- Railway Undertaking
- Other and unspecified
- National Safety Authority
- Member State representative
- Administrative Board member
- Supplier of equipment or systems
- National Investigation Body
- Infrastructure Manager
- Representative Body
- Notified Body

Total response rate: 87%

![Chart showing quality ratings]

- High Quality: 133
- Neutral: 83
- Low Quality: 11
- No Opinion: 33

Legend:
- Very High Quality
- High Quality
- Neutral
- Low Quality
- Very Low Quality
Quality rating of Agency outputs: Technical Opinions

- Survey generally positive
- Substantial concerns in the interviews about the quality of the outputs
- Notably the driving force of the outputs

Total response rate: 87%
How would you rate the Agency’s performance? - Working parties

- Majority of the survey responses considered working parties effective
- Some concerns on heterogeneity of the working parties and hijacking by vested interests
How would you rate the Agency’s performance? - Network of NSAs

-43% Neutral
8% Ineffective
66% Effective
139 No Opinion
Total response rate: 47%

Less than half of the respondents provided an opinion on this question.
Interviewees said that improvements could be made in the functioning on the network.
How would you rate the Agency’s performance? - Network of NIBs

- Very low response rate
- Interviewees expressed similar concern to the NSA network

Total response rate: 27%
Extent of the Agency’s contribution - Overview

Promoting Innovation

Improving safety revitalising the railways and creating a genuine railway culture

Assisting Member States in the implementation of the Directives

Increasing railway interoperability

Percentage of respondents

- A great deal
- Somewhat
- Not at all

ERA Evaluation - Public Seminar
To what extent has the Agency contributed to promoting innovation?

A significant proportion of responses were less than positive.

Interviewees noted the improved rate of progress in the industry.

Total response rate: 27%
To what extent has the Agency contributed to developing a European railway culture?

- **Other and unspecified**
- **Supplier of equipment or systems**
- **National Investigation Body**
- **Representative Body**
- **Railway Undertaking**
- **Member State representative**
- **National Safety Authority**
- **Infrastructure Manager**
- **Notified Body**
- **Administrative Board member**

**Percentage of respondents**

- **A great deal**
- **Somewhat**
- **Not at all**

**Views generally positive**

- **Some stakeholders stressed the tension between harmonisation and subsidiarity**
To what extent has the Agency contributed to assisting Member States with Directive implementation?

- Views generally positive
- Substantial focus in interviews on the Agency doing more to assist MS by informing them on the requirements of the Directives.
To what extent has the Agency contributed to increasing interoperability?

Concerns expressed in the interviews about the number of open points in the TSIs which had hindered, rather than enhanced interoperability
How useful are the instruments of the Agency?

- The Virtual Vehicle Register
- EC declarations of verification of subsystems
- EC declarations of suitability for use of...
- EC declarations of conformity of...
- Information in the Common Safety Indicators...
- Information on licensing
- Information on authorisations for placing into...
- Information on NSA and NIB Reports
- Information on investigation reports
- Information on safety certification
- Information on National Rules
- Document Register
- Extranet
- Website

There appears to be poor awareness of the status of most of the registers
Some interviewees said they did not have access to the registers
How cost effective is the Agency?

A smaller sample answered this question - on balance more were positive than negative
Interviewees considered the relative size of the administrative unit as excessive
Questions and discussion
Findings relating to the effectiveness of the Agency
Rating the Agency’s performance - Overview

- Meeting its obligations efficiently
- Assisting organisations to fulfil their obligations
- Consulting industry stakeholders from Member States
- Relationship with Member State representatives
- Involving industry and railways in working parties

POOR - percentage of those expressing a view - GOOD

- Quite good
- Very good
- Neither
- Quite poor
- Very poor
How would you rate the Agency’s performance? - Relationship with Member States

- Generally ERA has good relationships with Member States, but there were some dissenters
- Scope to improve dissemination and provide more direct assistance to Member States

Total response rate: 62%
How would you rate the Agency’s performance? - Involving industry expertise

- Views generally positive
- Interviews raised issues in relation to finding suitable candidates and getting them to Lille
How would you rate the Agency’s performance? - Consulting stakeholders

Few views expressed, but generally positive

Total response rate: 71%
How would you rate the performance of Agency functions? - Overview

- Networks of National Safety Authorities
- Networks of National Investigating Bodies
- Administrative Board
- Administrative functions supporting operations
- Overall effectiveness of the internal organisation
- Working parties
- Executive Director

떡 INEFFECTIVE - % of respondents expressing a view - EFFECTIVE 떡

- Quite Effective
- Very Effective
- Neither
- Quite Ineffective
- Very Ineffective
How would you rate the Agency’s performance regarding the Administrative Board?

Very low response rate

While those who responded gave a positive result, interviews said the Board added little...
How would you rate the Agency’s performance regarding the administrative functions?

Some concerns about lack of communication between the Units
How would you rate the Agency’s performance regarding the overall effectiveness of its internal organisation?

Views generally positive

Interviewees considered the relative size of the administrative unit as excessive

Total response rate: 48%
Questions and discussion
Findings relating to the future role of the Agency
Opinions on possible extensions of the Agency’s role - Overview

- Spot checks of safety-critical components
- Investigation of railway accidents
- Direct and active role in directing industry innovation
- Type approval and certification of rail vehicles and ERTMS
- International cooperation and promotion of EU standards
- Certification of infrastructure managers
- Certification of railway undertakings
- Supervision, audit and inspection of NSAs
- Dissemination of railway-related information and training
- Monitoring national safety and interoperability legislation

DISAGREE - % of those expressing a view - AGREE

Agree  ■  Strongly agree  ■  Neither agree nor disagree  ■  Disagree  ■  Strongly disagree
The majority of the respondents disagreed with this proposal
Those interviewed were consistently unsupportive of this proposal
There was a strong dislike of this role for the ERA among many respondents.

Some NIBs far more experienced than others – a ‘one size fits all’ approach is inappropriate.

Feasibility questioned (e.g. resource requirement, alignment with national legislation).

ERA could do more to facilitate and support NIBs with information exchange.
Possible future Agency role – Directing industry innovation

- Slightly more disagreed than agreed with this proposal
- Interviewees suggested a tension between standard setting and innovation
Possible future Agency role - Type approval and certification (incl ERTMS)

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More agreed than disagreed, but there was no absolute majority

Interviewees suggested need to improve the framework but not take over the role of NoBos

Total response rate: 70%
The majority agreed with a greater role for ERA in this area

Should not allow this to distract from existing core activities and objectives
Survey results were more positive than negative
But interviewees suggested there would be minimal benefit of doing this centrally
Possible future Agency role - Certification of Railway Undertakings

- Survey results were more positive than negative.
- But interviewees suggested focus should be on ensuring the setting up of an appropriate framework (the harmonised certificate).
Possible future Agency role - Supervision, audit and inspection of NSAs’ administrative capacity

The majority of responses were positive, but with some strong dissenter.
A key issue is around how far audit should go.
Shortcomings of some NSAs acknowledged.
Possible future Agency role - Dissemination of railway related training and information

- 70% of respondents agreed with this role
- Reasons for those in disagreement was not evidenced by comments
This proposal received the most positive survey response
Views suggested that enforcement should remain with the Commission
Road map to the Final Report
Next steps

- Take account of comments received today.
- Take note of comments received from the Commission in relation to the Draft Interim Report.
- Undertake the work necessary for the finalisation of the final report.
- Submit Final Report by 1st February 2011.
Questions and discussion
Thank you