CER ANSWERS

to the European Commission's consultation on the renewal of the EU Internal Security Strategy for 2015-2020

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ABOUT CER

The Community of European Railway and Infrastructure Companies (CER) brings together more than 70 members - European railway undertakings, their national associations as well as infrastructure companies. The membership is made up of long-established bodies, new entrants and both private and public enterprises. CER members represent about 61% of the rail network length, more than 84% of the rail freight business and about 99% of rail passenger operations in EU, EFTA and EU accession countries. For more information, see www.cer.be or follow us via Twitter at @CER_railways

EUROPEAN COMMISSION'S CONSULTATION ON THE RENEWAL OF THE EU INTERNAL SECURITY STRATEGY FOR 2015-2020

Which specific challenges need to be tackled by EU action in the coming five years regarding international crime, radicalisation and terrorism, cybercrime and cyber-attacks, natural and man-made disasters? What role should the border security have in addressing those challenges?

In general, we support continuing EU action to address these issues. We welcome stronger European coordination and cooperation between security authorities, police forces and transport operators. However, any EU action must be in conformity with the principle of subsidiarity and proportionality and must create clear added value for the security of transport and European countries and citizens as a whole. It should be borne in mind that the railway systems are very different from those of aviation and maritime sectors, thus railways need different approaches and security measures. The flexibility of rail as an open access transport mode requires the preservation of present structures which have evolved over the years and are culturally accepted.

International crime

The EU should intensify the international exchange of data, enhance targeted actions and controls, and provide even more support to the Member States and their law enforcement authorities in order to combat serious and organised crimes (in Europe), especially those involved in metal theft. Metal theft, considered as an organised cross-border crime in Europe, has resulted in disruption not only of rail services but also other services of general interest, such as energy networks and telecommunications, and has had a significant impact on the daily lives of people and has negatively affected national economies. Some countries have already experienced decrease of metal theft incidence in recent years, which has resulted, among others, from putting different technical measures in place and establishing cooperation mechanisms with law enforcements and affected sectors but also from pressure being brought to bear on government both by the public and industry which led in some countries to new laws being introduced (e.g. tightened up licensing and record keeping of scrap metal dealers, providing proof of ID and proof of address of sellers of scrap metal and prohibited cash purchases of scrap metal dealers). We would commend this approach as good practice that other Member States should consider following.

In order to mitigate metal theft, there is therefore a need that the Member States, the EU institutions, and private sector get more involved. Thus international coordination and cooperation between and amongst security authorities, police forces, transport operators, as well as other market operators, that play a key role in ensuring security within the EU, should be intensified and extended at the EU level

Beyond this, the rail sector is equally vulnerable to general financial fraud (e.g. ticketing fraud) and cybercrime as other sectors while human trafficking gives rise to some specific problems (for further information see below).

Terrorism

As the Communication notes, recent and current world events are serving both to increase the potential for radicalisation and also the capabilities of 'foreign fighters' on their return to their countries of residence. We therefore strongly support a continued focus in this area. The EU should play a key role in helping the

Member States to identify extremist groups, in facilitating the work of the state intelligence agencies, and in alerting the stakeholders of these groups. One of the focuses in this area could be also on the security protection of hazardous goods against possible terrorist attacks.

Cybercrime

Clearly cybercrime can be expected to continue to grow, both in scope and sophistication and we are particularly supportive of any guidance/leadership that the EU is able to provide in this area. Nevertheless, the EU should acknowledge the already existing national practices, strategies and approaches, which help effectively the operators in this area. The obligations being put in place on market operators should be proportionate to the threats. In addition, the EU should bear in mind the difficulties the small and medium enterprises (SMEs) have when complying with these obligations. We also in favour of focusing on the prevention against misleading/wrong transport data as of the start of the supply chain, and within this framework also on transport data protection.

Natural and man-made disasters

The European legislation already enables to formalise a structured and exhaustive approach, and should be transposed into national law accordingly. The EU should play a key role as a facilitator in case of emergencies and provide funding, when needed.

Border security

The role of border security should be such as to prevent/disrupt criminal activity to the maximum possible extent without at the same time unduly restricting the movement of law abiding citizens. Increasing security within Schengen should not mean that EU members outside Schengen should be put at a disadvantage. The EU should make sure that more integrated Schengen procedures do not have a negative effect on EU countries which are not Schengen members. In order to enable a coherent and well-functioning EU rail market, there is a need to allow Non-Schengen authorities to conduct a proportionate screening of Schengen passengers on mixed trains where the final destination is outside Schengen, but with intra Schengen stops.

The Registered Travellers Programme is a potentially interesting initiative, nevertheless should be better elaborated, with a perspective to also extend it to non-Schengen EU countries.

Taking into account the developments in the next five years, which are the actions to be launched at the EU level?

From a rail perspective, we believe it is the case that the coming five years will essentially see the existing challenges continuing rather than new ones emerging. Thus, the EU should enable better and more efficient cooperation between intelligence services of several authorities, which is rather fragmented nowadays: police, customs, border protection, etc. The EU should also clearly define the responsibilities of these existing organisations and bodies of law enforcement and railway undertakings/infrastructure managers. Furthermore, the EU should also enable the setting up of different working groups for specific topics taking into account the already existing organisations and bodies.

In addition to this, the EU should give (financial) resources to those projects mentioned in the next answer. Furthermore, the EU together with the Member States should find an agreement on biometric standards to enable the interoperability within Europe. The EU should also develop standards for the Machine Readable Passport Zone, and for electronic data transmission to authorities.

Which specific research, technology and innovation initiatives are needed to strengthen the EU´s capabilities to address security challenges?

In addition to already existing projects, inter alia, under the Seventh Framework Programme of the European Union for the funding of research and technological development in Europe related to rail security (e.g. Secure-ED and Protectrail), the rail sector is also interested in following potential projects related to (rail) security under the Horizon 2020.

Regarding the technology, the EU should in first instance support initiatives adapting and modernising existing technologies. Furthermore, the EU should:

- Set up dedicated and appropriate data bases, and improve the encryption technology for data exchange between authorities;

- Develop smart systems at (customs) border crossing points to check the cargo on/in wagons without disturbing the logistics (e.g. the rail container X ray scanner in Rotterdam-Maasvlakte already able to scan a driving train at 50 km/h). A similar technology could be developed in order to detect CBRNe materials (chemical, biological, radiological, nuclear and explosives). This would enable more security with less stay/delay of trains. Such a device could even enable the abolishment of customs entry and exit summary declarations, which is a rather stressful process for railway undertakings and their customers;

- Invest in development of a robot able to detect explosives in the stations; an intelligent system that would automatically detect the presence of CBRNe sending an immediate warning;

- Further support the development of drones for civil use, with a special focus on use and counter measures, which could be used in order to protect the railway network.

What is needed to safeguard rights of European citizens when developing future EU security actions?

In the first instance, the EU should take into account the already existing national laws but also national specifies. Together with the Member States, the EU should adapt the rules regarding protection of personal data and of private life (video protection, computerised files, etc.) in order to reduce the administrative costs and to improve security operational efficiency in public transports. Furthermore, the EU should develop or improve already existing security systems and procedures in such a way that it does not result in undermining freedom and democracy. For instance, the railway employees/customs declarants, should have the possibility to lodge declarations only on company level, which is not the current practice. The customs demand personal information on railway employees when lodging a customs declaration.

How can the EU´s foreign policy improve the security within the EU and/or your country?

The EU should further strengthen the cooperation with International and European organisations and bodies in order to avoid duplication, e.g. the International Criminal Police Organization (INTERPOL), the European Union's law enforcement agency (EUROPOL), the European network of Railway Police Forces (RAILPOL) but also the European Anti-fraud Office (OLAF) and the World Customs Organisation (WCO), and promote uniform procedures and techniques on international level.

The special focus of the EU should be on the current international developments related above all to global migration and ongoing conflicts, which could have an impact not only on the Member States and their territories but also on the railway services – e.g. illegal immigration via the railway carriers to EU territory, or higher security risks to railways due to returning terrorists. The EU should reflect and propose soft measures in order to control illegal migration flows via the railway carrier while respecting the principle of subsidiarity of the Member State bearing in mind the division of competences and responsibilities between law enforcement authorities and transport operators at the same time.

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