

Cross-border passenger rail pilot services, in the framework of the Commission *Action plan to boost long-distance and cross-border passenger rail*

This Question & Answer document complements the *Invitation to submit a proposal for cross-border pilot rail services*, published here:

https://transport.ec.europa.eu/transport-modes/rail/invitation-submit-proposals-cross-border-pilot-rail-services_en

The answers provided below are intended for information purposes only and do not commit the European Commission in any way.

Document version 1.0, of 19 July 2022

CLARIFICATION QUESTIONS

Is there a more precise definition of the long-distance service?

The invitation document provides the following definition:

"Article 3(15) of Regulation (EU) 2021/782 on rail passengers' rights and obligations provides the following definition: 'long-distance rail passenger service' means a rail passenger service which is not an urban, a suburban or a regional rail passenger service."

Please note that Articles 3(6) and 3(7) of Directive 2012/34/EU provide definitions of "urban and suburban services" and of "regional services" respectively.

However, combinations with and integration of suburban or regional services may be necessary to increase efficiency of the service offer.

When it comes to "faster", what kind of projects/services has the Commission in mind?

Shorter travel times for passengers.

Since there is no dedicated funding for the pilot services, what does the Commission see, from a railway undertaking or infrastructure manager perspective, as the benefits of participation? For example image, publicity, communication purposes?

The Commission, and the European Railways Agency, will prioritise support to applicants to address cross-border obstacles. Assistance could be provided, for example, in the form of coordination of stakeholders and assessment of compatibility with the legal framework. For selected pilot services, applicants can use the status of 'pilot service' for publicity and communication purposes.

Will the Commission open a service desk for selected pilot services?

During the kick-off meeting between the Commission and selected pilot services, the way of interaction during the pilot will be discussed.

Would the Commission appreciate to be informally approached by applicants, to give feedback / instructions during the drafting of the proposal?

In the pre-selection phase, applicants can send questions to MOVE-PILOT-SERVICES@ec.europa.eu. Questions and answers will be made available on https://transport.ec.europa.eu/transport-modes/rail/invitation-submit-proposals-cross-border-pilot-rail-services_en

What does the Commission mean by "innovative practices"? These are not mentioned as a ranking criterion.

"Innovative practices" means applying an approach beyond "business as usual" to remove one or more obstacles to cross-border operations (for example, enhanced application of European rules and less restrictions or requirements stemming from national rules, like train drivers' languages requirements).

During the online information meeting, the following examples have been given:

- Coordination of train paths;
- Addressing national and operational rules;
- Development of go-everywhere equipment;
- Advanced implementation of new technology;
- New business concepts;
- Incentives/performance schemes;

– Etc.

Is a phased introduction of the pilot service allowed?

Yes, this is allowed. At the same time, the cross-border aspect and the added value of Commission support needs to be present in the first stage already.

Can national and regional governmental bodies be involved?

Yes. In many cases their involvement is expected to be essential to realise the pilot service.

How many pilot services does the Commission intend to support?

The Commission expects to invite a maximum of 10 selected applicants for a kick-off meeting in the first quarter of 2023. Depending on the availability of resources, the starting date of the selected pilot services and the level of Commission involvement needed, this number can be lowered or increased. Obviously, the Commission strives to support as many pilot services as reasonably possible.

What support will you provide to pilot services?

Commission support for pilot services can consist of:

- facilitating coordination and contacts;
- help clarifying compatibility with EU legislation;
- help identifying existing or upcoming support tools that could benefit the pilot service;
- promotion of the pilot service;
- etc.

Please see also the first paragraph of section 8 of the invitation document.

No dedicated EU financial instrument is available for pilot services, nor are derogations to existing EU legislation envisaged.

What can the Commission do to support a new-entrant to find second-hand rolling stock?

The Commission sees the procurement and sales of rolling stock as a commercial activity, beyond the competence of the Commission. Depending on the situation, the Commission can clarify aspects of competition law.

ELIGIBILITY

Do applicants need a consortium to apply or is that only an option?

Applicants are free to apply as a single entity or as part of a consortium.

Are "*applicants*" that are not a railway undertaking, infrastructure manager or competent authority, eligible?

Yes, an "*applicant*" as defined in Article 3(19) of Directive 2012/34/EU is eligible to submit a proposal.

Can we propose a pilot service that re-activates a stopped service?

Yes, as long as the re-activation addresses obstacles and includes an enhancement of the previous service (faster, more frequent, more affordable or higher quality services).

Can we propose a pilot service with a starting date in 2027/2028?

Yes, a pilot service must start by December 2029.

Are infrastructure projects eligible?

In principle, infrastructure construction projects are not eligible, unless they are done in the framework of a specific cross-border service. Pilots can for example involve the improvement of infrastructure and the optimisation of the operating processes for cross-border long-distance passenger rail services between two or more Member States / third countries in general (e.g. common operating rules agreements between IMs; enhanced cross border cooperation for common cross-border path allocation; safety management system updates).

Can a rolling stock manufacturer apply for a pilot service?

No, a rolling stock manufacturer would need to team up with a railway undertaking, an applicant, an infrastructure manager or a competent authority.

Regarding eligible activities, the invitation to submit proposals refers to “new or enhanced” services, where “enhanced” might refer to faster, more frequent, more affordable or higher quality services. Can the Commission elaborate on these enhancement criteria?

The Commission has not chosen for a strict definition of "enhanced". Enhanced should be seen from the viewpoint of the passenger, where "faster" can mean shorter travel times, including by better service integration (combining different operators or categories of rail services, etc.), "more frequent" can mean more departures per day, per week, per month, per season or per year, "more affordable" can mean a lower ticket price and "higher quality services" can mean improved ticketing, rolling stock, on-board services, on-the-ground services, etc..

REQUIREMENTS FOR PILOT SERVICES

Do pilot projects need a governance project?

The Commission has no requirements regarding the governance of the pilot service. Commission involvement (topics, frequency, meeting modalities) will be discussed in the kick-off meeting and depend on the obstacles addressed and level of Commission involvement expected by the applicant.

What, if any, are reporting obligations?

There are no reporting obligations. Selection as a pilot service may involve participation in a small number of (remote) meetings to coordinate between selected pilot services and to present (successful) solutions and approaches to a wider professional public.

Would DG MOVE expect to attend any governance meeting?

Only where relevant to provide support as requested by the applicant.

Does a pilot service need to be operated a minimum number of days per year?

No, there is no minimum. The value of a pilot with few operating days can reside in the relevance of the obstacles that it addresses.

TICKETING

For ticketing, what would qualify as a third-party?

Ticket availability to passengers beyond the sales channels of the railway undertakings operating the pilot services, allowing increased visibility and enhanced comparability of the offers. This can be done via re-linking (meta-search) or via (re-)sales agreements between railway undertakings and third party ticket vendors.

Would sales via ATMs (Automated Teller Machine, or cash machine) qualify as a third-party?

Yes, as long as the geographical coverage of the ATMs concerned is relevant for the pilot service and not just limited to offers at stations.

What if in my geographical area no third-party ticket vendors are active?

In such a case, applicants must flag this as an obstacle they would like to address in the pilot service and indicate their willingness to make pilot service tickets available for third-party sale on a non-discriminatory basis.

RANKING CRITERIA

Why do you intend to assign more points to pilot services with an earlier starting date? Would this be disadvantageous for new-entrants that would need to procure rolling stock?

The Commission wishes to encourage applicants to start pilot services and address obstacles as quickly as possible; the Commission will therefore prioritise support to mature projects. At the same time, the possibility for starting dates between 2023 and December 2029 allows consideration of pilot services for which the Commission will provide assistance at a later stage.

Will a proposal score more points if multiple infrastructure managers and multiple railway undertakings are involved?

The score of a proposal is independent of the number or type of partners involved. However, an appropriate consortium composition will help addressing obstacles more quickly or more effectively (e.g. involve all the entity/entities responsible for the main obstacles). Depending on the description of the proposal, this might be reflected in the score on ranking criteria such as impact, relevance of Commission involvement and level of interoperability and full TSI compliance.