

Bijlage 1: Nederlandse bijdrage aan EU publieke consultatie over beveiliging personenvervoer op het spoor

Ministerie van
Infrastructuur en
Waterstaat

The Netherlands (NL) thanks the European Commission for the possibility of replying to the public consultation with respect to a potential EU initiative to improve passenger railway security, launched on 8 December 2017.

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In relation to the inception impact assessment and the questionnaire, the NL would, in particular, like to highlight the following topics:

- Passenger railway security is an important topic nowadays in times of terror threat. Protection of passengers and staff is very important to reduce the risk of harm to people and to maintain the attractiveness of railway services. The NL stress the importance of maintaining the open character and the accessibility of rail transport as important factors to safeguard the competitiveness of the railway sector versus other transport modes, and to enable society to continue operating as normal.
- In assessing the potential of an EU initiative to improve passenger railway security, it is important to compare the attractiveness of (public areas in) the railway sector for terrorist attacks to other potential categories of soft targets. By focusing in this project solely on the railway system, the incorrect assumption could arise that the railway system 'stands out' as a (soft) target. A comparison with other soft targets is important in order to define the relative attractiveness of the railway sector for attacks, as many public areas (restaurants, bars, shopping areas etc.) share the same characteristics and form a soft target too. Proportionality in designating resources and measures (which could unnecessarily hamper business operations) is in this respect important to take into account.
- Next to the above, out-of-the-box thinking can help to understand the critical success factors and the weakest link in improving intra-EU security, for example in the railways system. **In this respect, the NL see a more urgent and prominent weakest link that is not addressed in this EU-initiative: the pro-active intra-EU sharing of heightened alerts and threats on cross-border issues.** It is striking how difficult it is to understand the background of a heightened threat level or security measures in another EU-Member State. The idea that a terrorist threat is contained within a country's border has proven to be incorrect on numerous occasions. **By proactively sharing reason for and details of extra security measures on cross-border issues, for example on cross-border railway lines, connecting countries are offered an opportunity to customise their security measures to that of their neighboring countries.**
- With respect to possible EU coordination in individual railway security measures, the NL suggest to improve communication between EU Member States when an individual country decides to take additional security measures. **The NL suggest the Commission to set up a common information system with a single Point of Contact whereby Member States are obliged to inform the Commission about what they are going to do, which type of measures, why and for which period.** Sharing this information with neighboring countries enables them

to assess proactively and seamlessly the necessity to customise their level of measures to that of their neighboring countries.

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- The possibility of target substitution is an important element to take into account. A measure should contribute to decreasing/elimination of the problem, not to a shift of the problem to, for example, queues in front of security controls. Flexibility should also be taken into account, meaning that measures should be tailor made according to the local situation. As indeed, there is a large diversity within the EU both in levels of threat as within the railway sector, e.g. geographical differences, type of transport, distances etc.
- One of the problem drivers identified in the inception impact assessment is described as 'insufficient understanding of the treat'. The Dutch authorities do not recognize themselves in this statement. Our national police forces know the threat of different forms of crime related to the railway system. At various levels data are shared between railway operators and the police, including at the local operational level at a daily basis. Roles and responsibilities of the various players are well defined in order to accurately contribute to the solution of the problem identified.
- The Ministry of Justice and Security has set up a Public Private Partnership (PPP) with many of its critical and soft target business sectors, including transport modalities such as the railway system. All parties in the railway sector are linked to this PPP. The PPP alerts and initiates protection of important Dutch (economic and soft target) sectors swiftly and systematically when a serious terrorist threat is detected. Depending on the characteristics of the threat, security measures and levels can be customised. In case of a threat, public authorities and operational services will be able to implement prepared security plans, designed to reduce the threat and limit the potential effects of a terrorist attack. Apart from this PPP, the Ministry of Security and Justice determines the general terrorist threat level in the Netherlands and will accordingly advice relevant authorities on security measures. The NL regard this PPP as a national responsibility (not an EU-responsibility).
- In general and depending of the results of the impact assessment, we see the merits of a proportionate common railway risk assessment approach to improve coordination and efficiency within the EU in the area of passenger railway security, and advise to focus on 'the weakest link' as mentioned before, addressing diversity (between countries), and taking possible target substitution into account. This approach should be based on existing (national) structures, such as we have in the NL. We have developed an effective policy for railway security, based on threats and risk assessments. The assessment of railway security risks is determined by means of risk analysis as an instrument: identify the risks, develop scenarios, compile risk profiles, draw up an inventory of measures, determine the residual risks, carry out a cost-benefit analysis and select appropriate solutions.
- With reference to the experience of the EU Agency for Railways regarding Common Safety Methods we could envisage a future role of ERA in the area of a common railway risk assessment approach.

- In the NL security management systems are common practice in the railway sector, both for NS as main railway undertaking as for ProRail as infrastructure manager. For ProRail their security management system is part of an overall safety management system. Security management systems should be based on risk and threat assessments.
- Implementation of operational measures in the field of passenger railway security is a national (not an EU-) responsibility with involvement of the sector. The Netherlands already have its PPP in place.
- The NL support the exchange of best practice within the EU, e.g. regarding proactive and preventive architectural and infrastructural standards to take into account when constructing potential attractive targets for terrorist attacks, e.g. railway stations. This would help improving the robustness of the railway system. Other topics could be the exchange of best practice on security awareness campaigns for (international) passengers or on railway staff scrutiny and training. In this respect, the organization of common security exercises could be useful.
- An EU wide framework for reporting and monitoring of data should be based on existing structures, as we currently have in the NL.
- As regards to rail freight, a topic only introduced during the last LANDSEC meeting in January, the case for an EU initiative should be substantiated both on the grounds of commonly identified risks and on possible threats to the EU open market for international rail freight, which could be hampered by different measures at national level.

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