

Position Paper

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CER comments on Commission's Guidelines on the progressive restoration of transport services and connectivity

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Summary

On 13 May 2020 the European Commission published the Communication 'Guidelines on the progressive restoration of transport services and connectivity – COVID-19'. In this paper CER analyses the recommended measures from a railway perspective, stressing some critical points. This can also be seen as a contribution to the reflection that may lead to a revision of the guidelines in the future.

The paper includes the following sections:

- **Comments on Commission's guidelines on transport services and connectivity**
- **Input for a future revision of the Commission's guidelines**
- **Annex - CER previous input about post COVID-19 arrangements (24 April 2020)**

1. CER comments on Commission's guidelines on transport services and connectivity

On 13 May 2020 the European Commission published the Communication "**Guidelines on the progressive restoration of transport services and connectivity – COVID-19**"¹. The guidelines provide a "common framework to support authorities, stakeholders, social partners and businesses operating in the transport sector during the gradual re-establishment of connectivity".

CER took note of this initiative and supports the objectives to progressively resume transport services and quickly restore customers' trust and confidence in collective transport, while safeguarding passengers' and transport workers' health and safety.

When addressing these topics at EU level, it is worth keeping in mind that railway undertakings and infrastructure managers must follow the instructions and recommendations issued by national authorities. Hence, the guidelines from the European Commission should primarily cover international transport.

CER welcomes the Commission's recommendations (Cfr. Points 12-14) stressing that any measures to protect the health of transport workers and passengers should be:

- Proportionate and effective, and in particular "limited, in their scope and duration, to what is necessary to protect public health"
- "duly motivated, transparent, relevant and mode-specific, non-discriminatory and maintain[ing] a level playing field in the Single Market"
- Cost-effective

In the assessment of the cost-effectiveness and cost-benefit ratio of the measures, rail companies will also have to consider negative indirect effects, such as: the **decrease of transportation capacity** due to distancing requirements, **loss of revenues** due to lower passenger density, and **increased expenditures** due to, for instance, management of passenger flows, handling/disposal of used PPE, intensified cleaning.

It is vital to ensure that there is no distortion of competition between the different transport modes because of specific health & safety measures. The measures should not harm rail's competitiveness and capacity to provide their services.

CER strongly supports the guidelines' point 21:

1 It should be ensured that transport operators and service suppliers that provide equivalent services for the same route are subject to equivalent measures. The objective should be to provide the same level of safety, clarity and predictability for passengers, to avoid discrimination and to preserve the level playing field »

This point must apply as a leading principle, especially assuring the level-playing field and a non-discriminatory approach among transport modes². For CER, it is paramount to have this principle reflected in the mode-specific guidelines.

Regrettably, having in mind the above criteria, some of the measures recommended in the Commission's guidelines can hardly be implemented in the railway sector without causing a negative impact on rail services and competitiveness compared to other modes.

¹ Communication from the Commission, Guidelines on the progressive restoration of transport services and connectivity – COVID-19', 2020/C 169/02
[https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1585741296732&uri=CELEX:52020XC0515\(04\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1585741296732&uri=CELEX:52020XC0515(04))

Public health being at the core of the guidelines, railways should be seen and promoted as an ally in creating a healthier public environment, having fewer externalities than other modes. The principles of the European Green Deal should be reflected in any future guidance, considering also the longer-term effects of modal choices prompted by the choice of certain measures over others.

While CER understands the non-binding nature of the recommendations enshrined in the Commission's Communication, we would like to provide feedback about some critical or unclear aspects therein. By doing so, we also wish to contribute to the reflection that may lead to a revision of the guidelines in the future.

Comments on specific measures from a rail perspective

When considering the Guidelines, it is important to keep in mind that measures recommended, such as physical distancing or increase of capacity are not feasible everywhere and cannot be retained in all rail stations or passenger services.

- **Random controls to ensure good level of compliance (point 54):** only the police or public health bodies have authority to control persons if they comply with the national health and hygiene rules. Railways and their staff are usually not in a position nor equipped to make such controls. As the point 54 rightly mentions, compliance depends on the diligence and sense of responsibility of each passenger.
- **Increase of frequency and capacity of trains (point 55a):** such measures are likely to disproportionately increase the operational costs for rail companies. Furthermore, any suggestion to expand services, by acting either on their frequency or capacity, should consider rail track capacity restrictions and availability of rolling stock. Moreover, in some cases public authorities have determined the frequency of the services, thus limiting already companies' freedom to organise them.
- **Mandatory seat reservation and limitation of passenger numbers (point 55b and 41a):** railways are known and appreciated by their customers for being an 'open system' allowing easy travel solutions for urban and suburban, regional and long-distances services. Passengers are used to "turn-up and go". Hence, the introduction of a mandatory seat reservation (including the identification of name/origin and destination of passengers) would go against an "open system" approach, hamper railways' overall attractiveness thus discouraging the use of railways.

The implementation of this measure for services can be retained and adapted where it already applies, as mentioned in the paragraph introduction (point 55). However, it should not be transformed into a general recommendation where it is not already in place. If so, it would reverse the overall booking model of railway companies and it may, thus, also require disproportionately expensive changes to the ticketing systems as well as to the vehicles. In general, the suggested limitation to the number of passengers (point 41a) may lead to higher ticket-prices and make rail less competitive compared to other modes of transport, especially individual passenger cars.

As an alternative to mandatory seat reservation and capacity restrictions, passengers can be invited to respect physical distancing as far as possible once in the train and wear a mask especially when the distance cannot be kept. Furthermore, in order to better manage traffic flows and avoid overcrowded trains, at many companies the onboard staff is already allocating passengers to their seats.

- **Face masks (point 41g):** bearing in mind that rules about the wearing of masks vary among member states and depend on instructions by public authorities, passengers can be advised to wear facial masks – surgical masks or other facial covering when masks are not available - in stations and trains. Wearing of face masks may also lead to waiving other measures such as physical distancing. The carrying and wearing of masks should be the responsibility of the individual passengers and not of the railway operator or infrastructure manager.
- **Use of on-board passenger counting systems (point 55.c.):** not only the introduction of such systems cannot be implemented quickly, it would also represent a disproportionate burden for railway undertakings.

- **Closing of stations / stops (point 55.d.):** beyond the realm of closures imposed by public authorities, this proposal is unrealistic and potentially damaging for the sector if implemented. Closing train stops would send a very negative signal, forcing travellers to prioritise the use of private cars. As such, the recommended measure goes against green and sustainable mobility objectives.
- **Encourage off-peak hour travel in the case of commuter trains (point 55.e.):** the recommendation for railways to adjust pricing of commuter services is disproportionate. Travellers' behaviour depends on many factors (e.g. working hours, availability of childcare) so changing the price may not have the desired effect that people travel at different times. Moreover, such recommendation has been given to no other mode in the Guidelines and it is therefore a discriminatory measure that puts railways in competitive disadvantage.
- **Door opening (Point 55.f):** the recommendation to have all doors opened at every stop automatically or remotely by the driver is mentioned in both the rail and the urban mobility sections of the guidelines. However, contrary to most urban transport vehicles, train sets/wagons are not always equipped with systems allowing the automatic or remote opening of doors. The implementation of this measure would have operational and safety implications, making its implementation less immediate and effective. In addition, vehicle design limitations should be considered as well.
- **Role of ERA and the Shift2Rail Joint Undertaking (point 56):** CER acknowledges the role of the ERA in the field of technical interoperability and safety. However, CER does not support a role of the Agency in the area of health & safety. CER has continuously been reporting about the negative impact of COVID-19, mitigation measures and recovery measures to the European Commission. A double reporting must be avoided. The activities and efforts of the Shift2Rail Joint Undertaking to continuously propose improvements and implementable solutions to the railway system are appreciated.
- **Sales of other goods, including food and beverages (Point 34):** recommending a limitation of the sale of goods and beverages within vehicles should be reconsidered, particularly in long-distance and international transport. In particular, in the upcoming summer season, passengers should be allowed to buy beverages on trains.

2. CER input for a future revision of the Commission's guidelines

On top of the critical points listed above, CER would like to provide the following input with a view to a possible revision of the Commission's guidelines.

- There is a huge difference between how the European countries are affected by the disease and governments are at different stages in the process of containing the virus. Guidelines should focus on international transport.
- Considering the rapid evolution of the epidemiological situation and to avoid inconsistencies with national measures, guidelines need to be adapted dynamically. Different sets and mix of measures are being applied in Europe, and they are likely to prove the extent of their effectiveness over a longer period.
- Guidelines should be less detailed and not recommending measures that are already known for being too costly or not feasible. This may hamper a specific sector or mode in the medium-to-long term.
- Information to passenger and travel advice before and during the journey is paramount to ensure that passengers arriving at the stations and boarding trains are aware of, and adhere to, the preventive measures put in place in order to ensure, at all times, a safe and healthy environment. Points 29 and 53 could be further enriched with current practices and examples from the railway sector.
- More detailed operational guidelines can be prepared by the rail sector stakeholders. Railway companies are already exchanging good practices and experience with handling COVID-19 within an ad-hoc task force of the International Union of Railways (UIC).
- Guidelines produced at EU level by the European Commission should focus on aspects related to international traffic in order to facilitate and guide cooperation between member states for the smooth operation of cross-border services.
- The impact of recommendations on the modal choices of passengers should also be considered. For instance, point 30 of the Commission's guidelines states: "[...] Furthermore, in case that different alternatives exist for reaching a destination, preference should be given to those options where physical distancing can be adequately ensured. [...]". Such a statement is likely to endorse a shift to private cars, as the mode of transport where physical distancing can be more easily guaranteed. On the contrary, the focus should be on the restoration of trust in collective modes of transport with a minor environmental impact.
- The responsibility for ensuring a safe and healthy environment in stations and on board trains is shared between rail operators and infrastructure managers, national authorities, passengers and the general public:
 - National authorities are responsible to check the compliance with public health rules established at national level. Companies should ensure that railway staff know how to behave and whom to contact in the case of passengers not abiding to the rules and thus creating situations of disorder in stations and trains.
 - Passengers are responsible for complying with the rules (e.g. respecting the physical distancing, wearing masks). In particular, symptomatic passengers should refrain from using collective transport and be invited to do so via risk communication and health promotion activities in stations and on trains.
 - To establish trust and regain passengers, studies should be undertaken to assess the risk of infection with COVID-19 in public transport, especially since there has been a lack of reliable studies so far.

Annex –CER previous input about post COVID-19 arrangements

On 24 April 2020 CER shared this input with the Commission's services in order to feed into the preparation of mode-specific guidelines.

Health & Safety in railway transport - Exit rules; post COVID-19 arrangements

General provisions

Railway undertakings, infrastructure managers and other concerned actors are supposed to follow the instructions and recommendations issued by the national authorities.

The measures described below should therefore be seen as guidelines to be used for those involved in international rail transport.

The measures should help to regain the trust of the railway customers as well as to ensure a healthy and safe environment for railway workers. At the same time, it is important to enable the railway companies to run their system in a robust and well-functioning way.

1. Internal company arrangements

- Removing magazines, booklets, menus, blankets, pillows, headphones, etc. from the carriages; in night trains changing the blankets after every single use;
- Special cleaning of areas where customers, public and staff are frequently present (stations, waiting rooms...)
- Special cleaning of surfaces presenting special risks (toilets, ticketing machines, waiting areas, door handles/buttons...)
- Providing employees with hand sanitizing dispensers and where necessary also with detergents (driver cabs, traffic management centres...)
- Providing all employees with direct contact to customers with disinfectants
- Providing hand sanitizers for customers in frequently used areas
- Adapting PRM assistance and on-board services to minimise interactions
- Placing information boards at the stations, explaining concisely the advices to the customers

2. Prior to the journey

Planning the trip; advice to the customers:

- Passengers who feel ill should not use public transportation
- Passengers should avoid journeys during peak times if possible, to follow the recommended social distancing rules
- Passengers should purchase tickets in advance before departure (online or at ticket machines)

When waiting and boarding, passengers should consider the following:

- When waiting at the station or stop, passengers should keep sufficient distance between themselves

- All available entry and exit areas / doors should be used evenly
- Before boarding, passengers should allow other passengers to disembark safely by waiting at a sufficient distance

3. During the journey

- The contactless ticket inspection should apply
- Border and health checks should only be carried out while the train is moving³
- Passengers should cough or sneeze only into the bent elbow
- Passengers should keep a sufficient distance between themselves throughout the whole journey, including boarding and disembarking the vehicle^{4 5}
- Eating and drinking on trains remains permitted

4. Monitoring

- Each and every individual is supposed to follow the guidelines
- However it is the responsibility of public authorities to monitor compliance with any legal requirements

About CER

The Community of European Railway and Infrastructure Companies (CER) brings together railway undertakings, their national associations as well as infrastructure managers and vehicle leasing companies. The membership is made up of long-established bodies, new entrants and both private and public enterprises, representing 71% of the rail network length, 76% of the rail freight business and about 92% of rail passenger operations in EU, EFTA and EU accession countries. CER represents the interests of its members towards EU policy makers and transport stakeholders, advocating rail as the backbone of a competitive and sustainable transport system in Europe. For more information, visit www.cer.be or follow [@CER_railways](https://twitter.com/CER_railways) on Twitter.

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³ International timetables do not provide enough time for long border stops. Inspections in border stations would lead to delays and a loss of connections throughout Europe

⁴ Binding restrictions concerning the vehicle occupancy should be avoided in the commuter transport since returning to "normality" will consequently lead to an increase of the number of passengers in trains. Strict restrictions would also cause an undesirable shift from rail to individual passenger cars.

⁵ In the long distance trains measures may be taken to maintain the distance between passengers; e.g. announcements can be made to inform customers that only the seats opposite each other, offset at an angle to each other, should be used to maintain the distance in the case of vis-à-vis seats.