Regulation (EU) 2018/643 of the European Parliament and of the Council of 18 April 2018 on rail transport statistics (recast)

REGULATION (EU) 2018/643 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 18 April 2018

on rail transport statistics

(recast)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 338(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[(1)],

Acting in accordance with the ordinary legislative procedure[(2)],

Whereas:

(1) Regulation (EC) No 91/2003 of the European Parliament and of the Council[(3)] has been substantially amended several times[(4)]. Since further amendments are to be made, that Regulation should be recast in the interests of clarity.

(2) Railways are an important part of the Union's transport networks.

(3) Statistics on the transport of goods and passengers by rail are necessary to enable the Commission to monitor and develop the common transport policy, as well as the transport elements of policies relating to the regions and to trans-European networks.

(4) Statistics on rail safety are also necessary to enable the Commission to prepare and monitor Union action in the field of transport safety. The European Union Agency for Railways collects data on accidents under Annex I to Directive 2004/49/EC of the European Parliament and of the Council[(5)] as regards common safety indicators and common methods of calculating accident costs.

(5) Statistics at Union level on rail transport are also required in order to fulfil the monitoring tasks provided for in Article 15 of Directive 2012/34/EU of the European Parliament and of the Council[(6)].

(6) Statistics at Union level on all modes of transport should be collected according to common concepts and standards, with the aim of achieving the fullest practicable comparability between transport modes.

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(7) It is important to avoid duplication of work and to optimise the use of existing information that is capable of being used for statistical purposes. To that end, and with a view to providing easily accessible and useful information to Union citizens and other stakeholders on rail transport safety and interoperability of the rail system, including the rail infrastructure, appropriate cooperation agreements on statistical activities should be established between the Commission's services and relevant entities, including at international level.

(8) A balance should be struck between the needs of the users and the burden on respondents when producing European statistics.

(9) In its report to the European Parliament and to the Council on its experience acquired in applying Regulation (EC) No 91/2003, the Commission referred to the fact that long-term developments will probably result in the suppression or the simplification of the data already collected under that Regulation, and that the aim is to reduce the data transmission period for annual data on rail passengers. The Commission should continue to provide reports at regular intervals on the implementation of this Regulation.

(10) The coexistence of publicly and privately owned railway undertakings operating in a commercial rail transport market requires an explicit specification of the statistical information which should be provided by all railway undertakings and disseminated by Eurostat.

(11) Since the objective of this Regulation, namely the creation of common statistical standards which permit the production of harmonised data and which are to be implemented in each Member State under the authority of the bodies and institutions in charge of producing official statistics, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

(12) Regulation (EC) No 223/2009 of the European Parliament and of the Council[(7)] provides a reference framework for the provisions laid down by this Regulation.

(13) In order to reflect new developments in the Member States while, at the same time, maintaining the harmonised collection of rail transport data across the Union, and with a view to maintaining the high quality of the data transmitted by the Member States, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending this Regulation to adapt the technical definitions and to provide for additional technical definitions. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[(8)]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts,

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and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(14) The Commission should ensure that those delegated acts do not impose a significant additional burden on the Member States or on the respondents.

(15) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards the specification of the information to be supplied for the reports on the quality and comparability of the results, and the arrangements for the dissemination of those results by the Commission (Eurostat). Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[(9)].

(16) The European Statistical System Committee has been consulted,

HAVE ADOPTED THIS REGULATION:

Article 1

Objective

The objective of this Regulation is to establish common rules for the production of rail transport statistics at Union level.

Article 2

Scope

This Regulation shall cover all railways in the Union. Each Member State shall report statistics which relate to rail transport on its national territory. Where a railway undertaking operates in more than one Member State, the national authorities concerned shall require the undertaking to provide data separately for each country in which it operates so as to enable national statistics to be compiled.

Member States may exclude from the scope of this Regulation:

(a) railway undertakings which operate entirely or mainly within industrial and similar installations, including harbours;

(b) railway undertakings which mainly provide local tourist services, such as preserved historical steam railways.

Article 3

Definitions

1 For the purposes of this Regulation, the following definitions apply:

(1) ‘reporting country’ means the Member State transmitting data to Eurostat;

(2) ‘national authorities’ means national statistical institutes and other bodies responsible in each Member State for producing European statistics;

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(3) ‘railway’ means a line of communication made up by rail exclusively for the use of railway vehicles;

(4) ‘railway vehicle’ means mobile equipment running exclusively on rails, moving either under its own power (tractive vehicles) or hauled by another vehicle (coaches, railcar trailers, vans and wagons);

(5) ‘railway undertaking’ means any public or private undertaking which provides services for the transport of goods and/or passengers by rail. Undertakings whose only business is to provide services for the transport of passengers by metro, tram and/or light rail are excluded;

(6) ‘transport of goods by rail’ means the movement of goods using railway vehicles between the place of loading and the place of unloading;

(7) ‘transport of passengers by rail’ means the movement of passengers using railway vehicles between the place of embarkation and the place of disembarkation. The transport of passengers by metro, tram and/or light rail is excluded;

(8) ‘metro’ (also known as ‘subway’, ‘metropolitan railway’ or ‘underground’) means an electric railway for the transport of passengers with the capacity for a heavy volume of traffic and characterised by exclusive rights-of-way, multi-car trains, high speed and rapid acceleration, sophisticated signalling as well as the absence of level crossings to allow a high frequency of trains and high platform load. Metros are also characterised by closely spaced stations, normally meaning a distance of 700 to 1 200 m between the stations. ‘High speed’ refers to the comparison with trams and light rail, and means here approximately 30 to 40 km/h on shorter distances, 40 to 70 km/h on longer distances;

(9) ‘tram (streetcar)’ means a passenger road vehicle designed to seat more than nine persons (including the driver), which is connected to electric conductors or powered by diesel engine and which is rail-borne;

(10) ‘light rail’ means a railway for the transport of passengers that often uses electrically powered rail-borne cars operating singly or in short trains on fixed duo-rail lines. There is generally a distance of less than 1 200 m between stations/stops. In comparison to metros, light rail is more lightly constructed, is designed for lower traffic volumes and usually travels at lower speeds. It is sometimes difficult to make a precise distinction between light rail and trams; trams are generally not separated from road traffic, whereas light rail may be separated from other systems;

(11) ‘national transport’ means rail transport between two places (a place of loading/embarkation and a place of unloading/disembarkation) located in the reporting country. It may involve transit through a second country;

(12) ‘international transport’ means rail transport between a place (of loading/embarkation or unloading/disembarkation) in the reporting country and a place (of loading/embarkation or unloading/disembarkation) in another country;

(13) ‘transit’ means rail transport through the reporting country between two places (a place of loading/embarkation and a place of unloading/disembarkation) outside the reporting country. Transport operations involving loading/embarkation or unloading/disembarkation of goods/passengers at the border of the reporting country from/onto another mode of transport are not considered as transit;

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(14) 'rail passenger' means any person, excluding members of the train crew, who makes a trip by rail. For accident statistics, passengers trying to embark/disembark onto/from a moving train are included;

(15) 'number of passengers' means the number of trips by rail passengers, where each trip is defined as the movement from the place of embarkation to the place of disembarkation, with or without transfers from one rail vehicle to another. If passengers use the services of more than one railway undertaking, when possible they shall not be counted more than once;

(16) 'passenger-km' means the unit of measure representing the transport of one passenger by rail over a distance of one kilometre. Only the distance on the national territory of the reporting country shall be taken into account;

(17) 'weight' means the quantity of goods in tonnes (1 000 kilograms). The weight to be taken into consideration includes, in addition to the weight of the goods transported, the weight of packaging and the tare weight of containers, swap bodies, pallets as well as road vehicles transported by rail in the course of combined transport operations. If the goods are transported using the services of more than one railway undertaking, when possible the weight of goods shall not be counted more than once;

(18) 'tonne-km' means the unit of measure of goods transport which represents the transport of one tonne (1 000 kilograms) of goods by rail over a distance of one kilometre. Only the distance on the national territory of the reporting country shall be taken into account;

(19) 'train' means one or more railway vehicles hauled by one or more locomotives or railcars, or one railcar travelling alone, running under a given number or specific designation from an initial fixed point to a terminal fixed point. A light engine, that is to say, a locomotive travelling on its own, is not considered to be a train;

(20) 'train-km' means the unit of measure representing the movement of a train over one kilometre. The distance used is the distance actually run, if available, otherwise the standard network distance between the origin and destination shall be used. Only the distance on the national territory of the reporting country shall be taken into account;

(21) 'full train load' means any consignment comprising one or more wagonloads transported at the same time by the same sender at the same station and forwarded with no change in train composition to the address of the same consignee at the same destination station;

(22) 'full wagon load' means any consignment of goods for which the exclusive use of a wagon is required, whether or not the total loading capacity is utilised;

(23) 'TEU (Twenty-foot Equivalent Unit)' means a standard unit based on an ISO container of 20 feet length (6,10 m), used as a statistical measure of traffic flows or capacities. One standard 40' ISO Series 1 container equals 2 TEUs. Swap bodies under 20 feet correspond to 0,75 TEU, between 20 feet and 40 feet to 1,5 TEU and over 40 feet to 2,25 TEU.

2 The Commission is empowered to adopt delegated acts in accordance with Article 10 amending this Article to adapt the technical definitions set out in points (8), (9), (10), (21), (22) and (23) of paragraph 1 of this Article and to provide for additional technical definitions, when needed to take into account new developments which require a certain level of technical detail to be defined in order to ensure the harmonisation of statistics.