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(Acts whose publication is obligatory)

**REGULATION (EC) No 91/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 16 December 2002
on rail transport statistics**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 285 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Having consulted the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) Railways are an important part of the Community's transport networks.
- (2) The Commission needs statistics on the transport of goods and passengers by rail in order to monitor and develop the common transport policy, as well as the transport elements of policies on the regions and on trans-European networks.
- (3) Statistics on rail safety are required by the Commission in order to prepare and monitor Community actions in the field of transport safety.
- (4) Community statistics on rail transport are also required in order to fulfil the monitoring tasks provided for in Article 10b of Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways ⁽⁴⁾.

(5) Community statistics 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.

(6) The restructuring of the rail industry under Directive 91/440/EEC, as well as changes in the type of information required by the Commission and by other users of Community statistics on rail transport, renders obsolete the provisions of Council Directive 80/1177/EEC of 4 December 1980 on statistical returns in respect of carriage of goods by rail, as part of regional statistics ⁽⁵⁾ in relation to the collection of statistics from specified administrations of main rail networks.

(7) 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.

(8) In accordance with the principle of subsidiarity laid down in Article 5 of the Treaty, the creation of common statistical standards which permit the production of harmonised data is an action which can only be undertaken efficiently at Community level. Such standards should be implemented in each Member State under the authority of the bodies and institutions in charge of producing official statistics.

(9) Council Regulation (EC) No 322/97 of 17 February 1997 on Community statistics ⁽⁶⁾ provides a reference framework for the provisions laid down by this Regulation.

(10) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁷⁾.

⁽¹⁾ OJ C 180 E, 26.6.2001, p. 94.

⁽²⁾ OJ C 221, 30.5.2001, p. 63.

⁽³⁾ Opinion of the European Parliament of 4 September 2001 (OJ C 72 E, 21.3.2002, p. 58), Council Common Position of 27 June 2002 (not yet published in the Official Journal) and Decision of the European Parliament of 24 October 2002 (not yet published in the Official Journal).

⁽⁴⁾ OJ L 237, 24.8.1991, p. 25. Directive as last amended by Directive 2001/12/EC of the European Parliament and of the Council (OJ L 75, 15.3.2001, p. 1).

⁽⁵⁾ OJ L 350, 23.12.1980, p. 23. Directive as last amended by the 1994 Act of Accession.

⁽⁶⁾ OJ L 52, 22.2.1997, p. 1.

⁽⁷⁾ OJ L 184, 17.7.1999, p. 23.

- (11) The Statistical Programme Committee established by Council Decision 89/382/EEC, Euratom of 19 June 1989 establishing a Committee on the Statistical Programmes of the European Communities ⁽¹⁾ has been consulted in accordance with Article 3 of the said Decision,

HAVE ADOPTED THIS REGULATION:

Article 1

Objective

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

Article 2

Scope

This Regulation shall cover all railways in the Community. 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 shall apply:

- (a) 'reporting country' means the Member State transmitting data to Eurostat;
- (b) 'national authorities' means national statistical institutes and other bodies responsible in each Member State for producing Community statistics;
- (c) 'railway undertaking' means any public or private undertaking which provides services for the transport of goods and/or passengers by rail.

2. The definitions referred to in paragraph 1 may be adapted, and additional definitions needed to ensure harmonisation of statistics may be adopted, in accordance with the procedure referred to in Article 11(2).

Article 4

Data collection

1. The statistics to be collected are set out in the Annexes to this Regulation. They shall cover the following types of data:

- (a) annual statistics on goods transport — detailed reporting (Annex A);
- (b) annual statistics on goods transport — simplified reporting (Annex B);
- (c) annual statistics on passenger transport — detailed reporting (Annex C);
- (d) annual statistics on passenger transport — simplified reporting (Annex D);
- (e) quarterly statistics on goods and passenger transport (Annex E);
- (f) regional statistics on goods and passenger transport (Annex F);
- (g) statistics on traffic flows on the rail network (Annex G);
- (h) statistics on accidents (Annex H).

2. Annexes B and D set out simplified reporting requirements, which may be used by Member States as alternatives to the normal detailed reporting set out in Annexes A and C, for undertakings for which the total volume of goods or passenger transport is less than 500 million tonne-km or 200 million passenger-km respectively. These thresholds may be adapted in accordance with the procedure laid down in Article 11(2).

3. Member States shall also provide a list of the railway undertakings for which statistics are provided, as specified in Annex I.

4. For the purposes of this Regulation, goods shall be classified in accordance with Annex J. Dangerous goods shall additionally be classified in accordance with Annex K.

5. The contents of the Annexes may be adapted, in accordance with the procedure referred to in Article 11(2).

Article 5

Data sources

1. Member States shall designate a public or private organisation to participate in collecting the data required under this Regulation.

2. The necessary data may be obtained using any combination of the following sources:

- (a) compulsory surveys;
- (b) administrative data, including data collected by regulatory authorities;
- (c) statistical estimation procedures;

⁽¹⁾ OJ L 181, 28.6.1989, p. 47.

- (d) data supplied by professional organisations in the rail industry;
- (e) ad hoc studies.

3. The national authorities shall take measures for the coordination of the data sources used and to ensure the quality of the statistics transmitted to Eurostat.

Article 6

Transmission of statistics to Eurostat

1. Member States shall transmit to Eurostat the statistics referred to in Article 4.
2. The arrangements for transmission of the statistics referred to in Article 4 shall be laid down in accordance with the procedure referred to in Article 11(2).

Article 7

Dissemination

1. Community statistics based on the data specified in Annexes A to H to this Regulation shall be disseminated by Eurostat. In this context, and in view of the characteristics of the European railway market, data deemed to be confidential under Article 13(1) of Council Regulation (EC) No 322/97 may be disclosed only if:

- (a) the data are already available to the public in the Member States; or
- (b) the explicit approval for such disclosure has been given in advance by the undertakings concerned.

The national authorities shall make a request to such undertakings for permission to disclose the required data and shall inform Eurostat of the result of this request when the data are transmitted to Eurostat.

2. The information reported under Annex I shall not be disseminated.

Article 8

Quality of statistics

1. In order to assist Member States in maintaining the quality of statistics in the domain of rail transport, Eurostat shall develop and publish methodological recommendations. These recommendations shall take account of the best practices of national authorities, of railway undertakings and of professional organisations for the railway industry.

2. The quality of the statistical data shall be evaluated by Eurostat. To this end, on request by Eurostat, Member States shall supply information on the methods used in producing the statistics.

Article 9

Report

After data have been collected over three years, the Commission shall send a report to the European Parliament and to the Council on experience acquired in the work carried out under

this Regulation accompanied, if necessary, by appropriate proposals. That report shall include the results of the quality evaluation referred to in Article 8. It shall evaluate the impact on the quality of rail transport statistics of the application to this Regulation of the provisions on the confidentiality of statistics laid down in Regulation (EC) No 322/97. It shall also evaluate the benefits of the availability of statistics in this domain, the costs of obtaining such statistics and the burden on enterprises.

Article 10

Implementing procedures

The following implementing measures shall be taken in accordance with the procedure specified in Article 11(2):

- (a) adaptation of the thresholds for simplified reporting (Article 4);
- (b) adaptation of the definitions and adoption of additional definitions (Article 3);
- (c) adaptation of the contents of the annexes (Article 4);
- (d) arrangements for transmitting data to Eurostat (Article 6);
- (e) definition of the guidelines for the reports on the quality and comparability of the results (Articles 8 and 9).

Article 11

Procedure

1. The Commission shall be assisted by the Statistical Programme Committee instituted by Article 1 of Decision 89/382/EEC, Euratom.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

Article 12

Directive 80/1177/EEC

1. Member States shall provide results for the year 2002 in accordance with Directive 80/1177/EEC.

2. Directive 80/1177/EEC is hereby repealed with effect from 1 January 2003.

Article 13

Entry into force

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16 December 2002.

For the European Parliament

The President

P. COX

For the Council

The President

M. FISCHER BOEL

ANNEX A

ANNUAL STATISTICS ON GOODS TRANSPORT — DETAILED REPORTING

List of variables and units of measurement	<p>Goods transported in:</p> <ul style="list-style-type: none"> — tonnes — tonne-km <p>Goods train movements in:</p> <ul style="list-style-type: none"> — train-km <p>Number of intermodal transport units carried in:</p> <ul style="list-style-type: none"> — number — TEU (20-foot-equivalent unit) (for containers and swap bodies)
Reference period	Year
Frequency	Every year
List of tables with the breakdown for each table	<p>Table A1: goods transported, by type of transport</p> <p>Table A2: goods transported, by type of goods (Annex J)</p> <p>Table A3: goods transported (for international and transit traffic) by country of loading and country of unloading</p> <p>Table A4: goods transported, by category of dangerous goods (Annex K)</p> <p>Table A5: goods transported, by type of consignment (optional)</p> <p>Table A6: goods transported in intermodal transport units, by type of transport and by type of transport unit</p> <p>Table A7: number of loaded intermodal transport units carried, by type of transport and by type of transport unit</p> <p>Table A8: number of empty intermodal transport units carried, by type of transport and by type of transport unit</p> <p>Table A9: goods train movements</p>
Deadline for transmission of data	Five months after end of reference period
First reference period for tables A1, A2 and A3	2003
First reference period for tables A4, A5, A6, A7, A8 and A9	2004
Notes	<ol style="list-style-type: none"> 1. Type of transport is broken down as follows: <ul style="list-style-type: none"> — national — international-incoming — international-outgoing — transit 2. Type of consignment may be broken down as follows: <ul style="list-style-type: none"> — full train loads — full wagon loads — other 3. Type of transport unit is broken down as follows: <ul style="list-style-type: none"> — containers and swap bodies — semi-trailers (unaccompanied) — road vehicles (accompanied) 4. For Table A3, Eurostat and the Member States may make arrangements to facilitate consolidation of data originating from undertakings in other Member States, in order to ensure the coherence of these data. 5. For Table A4, Member States shall indicate which categories of traffic, if any, are not covered by the data. 6. For tables A2 to A8 where complete information on transit transport is not available, Member States shall report all available data.

ANNEX B

ANNUAL STATISTICS ON GOODS TRANSPORT — SIMPLIFIED REPORTING

List of variables and units of measurement	Goods transported in — tonnes — tonne-km Goods train movements in: — train-km
Reference period	Year
Frequency	Every year
List of tables with the breakdown for each table	Table B1: goods transported, by type of transport Table B2: goods train movements
Deadline for transmission of data	Five months after end of reference period
First reference period	2004
Notes	1. Type of transport is broken down as follows: — national — international-incoming — international-outgoing — transit

ANNEX C

ANNUAL STATISTICS ON PASSENGER TRANSPORT — DETAILED REPORTING

List of variables and units of measurement	<p>Passengers transported in:</p> <ul style="list-style-type: none"> — number of passengers — passenger-km <p>Passenger train movements in:</p> <ul style="list-style-type: none"> — train-km
Reference period	Year
Frequency	Every year
List of tables with the breakdown for each table	<p>Table C1: passengers transported, by type of transport (provisional data, number of passengers only)</p> <p>Table C2: international passengers transported, by country of embarkation and by country of disembarkation (provisional data, number of passengers only)</p> <p>Table C3: passengers transported, by type of transport (final consolidated data)</p> <p>Table C4: international passengers transported, by country of embarkation and by country of disembarkation (final consolidated data, number of passengers only)</p> <p>Table C5: passenger train movements</p>
Deadline for transmission of data	<p>Eight months after end of reference period (Tables C1, C2, C5)</p> <p>14 months after end of reference period (Tables C3, C4)</p>
First reference period	2004
Notes	<ol style="list-style-type: none"> 1. Type of transport is broken down as follows: <ul style="list-style-type: none"> — national — international 2. For Tables C1 and C2, Member States may report provisional data based on ticket sales in the reporting country or any other available source. For Tables C3 and C4, Member States shall report final consolidated data including information from ticket sales outside the reporting country. This information may be obtained either directly from the national authorities of other countries or through international compensation arrangements for tickets.

ANNEX D

ANNUAL STATISTICS ON PASSENGER TRANSPORT — SIMPLIFIED REPORTING

List of variables and units of measurement	Passengers transported in: — number of passengers — passenger-km Passenger train movements in: — train-km
Reference period	Year
Frequency	Every year
List of tables with the breakdown for each table	Table D1: passengers transported Table D2: passenger train movements
Deadline for transmission of data	Eight months after end of reference period
First reference period	2004
Notes	1. For Table D1, Member States may report data based on ticket sales in the reporting country or any other available source.

ANNEX E

QUARTERLY STATISTICS ON GOODS AND PASSENGER TRANSPORT

List of variables and units of measurement	Goods transported in: — tonnes — tonne-km Passengers transported in: — number of passengers — passenger-km
Reference period	Quarter
Frequency	Every quarter
List of tables with the breakdown for each table	Table E1: goods transported Table E2: passengers transported
Deadline for transmission of data	Three months after end of reference period
First reference period	First quarter of 2004
Notes	1. Tables E1 and E2 may be reported on the basis of provisional data, including estimates. For Table E2, Member States may report data based on ticket sales in the reporting country or any other available source. 2. These statistics shall be supplied for the undertakings covered by Annexes A and C.

ANNEX F

REGIONAL STATISTICS ON GOODS AND PASSENGER TRANSPORT

List of variables and units of measurement	Goods transported in: — tonnes Passengers transported in: — number of passengers
Reference period	One year
Frequency	Every five years
List of tables with the breakdown for each table	Table F1: national goods transport by region of loading and region of unloading (NUTS 2) Table F2: international goods transport by region of loading and unloading (NUTS 2) Table F3: national passenger transport by region of embarkation and region of disembarkation (NUTS 2) Table F4: international passenger transport by region of embarkation and region of disembarkation (NUTS 2)
Deadline for transmission of data	12 months after end of reference period
First reference period	2005
Notes	<ol style="list-style-type: none"> 1. Where the place of loading or unloading (Tables F1, F2) or embarkation or disembarkation (Tables F3, F4) is outside the European Economic Area, Member States shall report only the country. 2. In order to assist Member States in the preparation of these tables, Eurostat shall provide Member States with a list of UIC station codes and the corresponding NUTS codes. 3. For Tables F3 and F4, Member States may report data based on ticket sales or any other available source. 4. These statistics shall be supplied for the undertakings covered by Annexes A and C.

ANNEX G

STATISTICS ON TRAFFIC FLOWS ON THE RAIL NETWORK

List of variables and units of measurement	<p>Goods transport:</p> <ul style="list-style-type: none"> — number of trains <p>Passenger transport:</p> <ul style="list-style-type: none"> — number of trains <p>Other (service trains, etc.) (optional):</p> <ul style="list-style-type: none"> — number of trains
Reference period	One year
Frequency	Every five years
List of tables with the breakdown for each table	<p>Table G1: goods transport, by network segment</p> <p>Table G2: passenger transport, by network segment</p> <p>Table G3: other (service trains, etc.), by network segment (optional)</p>
Deadline for transmission of data	18 months after end of reference period
First reference period	2005
Notes	<ol style="list-style-type: none"> 1. Member States shall define a set of network segments to include at least the rail TEN on their national territory. They shall communicate to Eurostat: <ul style="list-style-type: none"> — the geographical coordinates and other data needed to identify and map each network segment as well as the links between segments, — information on the characteristics (including the capacity) of the trains using each network segment. 2. Each network segment which is part of the rail trans-European network (TEN) shall be identified by means of an additional attribute in the data record, in order to enable traffic on the rail TEN to be quantified.

ANNEX H

STATISTICS ON ACCIDENTS

List of variables and units of measurement	<ul style="list-style-type: none"> — Number of accidents (Tables H1, H2) — Number of persons killed (Table H3) — Number of persons seriously injured (Table H4)
Reference period	Year
Frequency	Every year
List of tables with the breakdown for each table	<p>Table H1: number of accidents, by type of accident</p> <p>Table H2: number of accidents involving the transport of dangerous goods</p> <p>Table H3: number of persons killed, by type of accident and by category of person</p> <p>Table H4: number of persons seriously injured, by type of accident and by category of person</p>
Deadline for transmission of data	Five months after end of reference period
First reference period	2004
Note	<ol style="list-style-type: none"> 1. Type of accident is broken down as follows: <ul style="list-style-type: none"> — collisions (excluding level-crossing accidents) — derailments — accidents involving level-crossings — accidents to persons caused by rolling stock in motion — fires in rolling stock — others — total. <p>The type of accident refers to the primary accident.</p> 2. Table H2 has the following breakdown: <ul style="list-style-type: none"> — total number of accidents involving at least one railway vehicle transporting dangerous goods, as defined by the list of goods covered by Annex K — number of such accidents in which dangerous goods are released. 3. Category of person is broken down as follows: <ul style="list-style-type: none"> — passengers — employees (including contractors) — others — total. 4. The data in Tables H1-H4 shall be provided for all railways covered by this Regulation. 5. During the first five years of application of this Regulation, Member States may report these statistics according to national definitions, if data conforming to harmonised definitions (adopted according to the procedure of Article 11 paragraph 2) are not available.

ANNEX I

List of variables and units of measurement	See below
Reference period	One year
Frequency	Every year
List of tables with the breakdown for each table	See below
Deadline for transmission of data	Five months after end of reference period
First reference period	2003
Note	<p>The information listed below (Table I1) shall be supplied for each railway undertaking for which data are provided according to Annexes A to H.</p> <p>This information shall be used,</p> <ul style="list-style-type: none"> — to check which undertakings are covered by the tables in Annexes A to H — to validate the coverage of Annexes A and C in relation to total rail transport activity.

Table I1

	Identification of data source	
II.1.1	Reporting country	
II.1.2	Reference year	
II.1.3	Name of undertaking (optional)	
II.1.4	Country in which undertaking is based	
	Type of activities	
II.2.1	Freight transport: international	yes/no
II.2.2	Freight transport: national	yes/no
II.2.3	Passenger transport: international	yes/no
II.2.4	Passenger transport: national	yes/no
	Data included in Annexes A to H	
	Annex A	yes/no
	Annex B	yes/no
	Annex C	yes/no
	Annex D	yes/no
	Annex E	yes/no
	Annex F	yes/no
	Annex G	yes/no
	Annex H	yes/no

	Level of transport activity (optional)	
II.3.1	Total freight transport (tonnes)	
II.3.2	Total freight transport (tonne-km)	
II.3.3	Total passenger transport (passengers)	
II.3.4	Total passenger transport (passenger-km)	

ANNEX J

CLASSIFICATION OF GOODS

The following groups of goods shall be used until such time as a new classification is laid down according to the procedure specified in Article 11(2).

Groups of goods	NST/R chapter	NST/R groups	Description
1	0	01	Cereals
2		02, 03	Potatoes, other fresh or frozen fruits and vegetables
3		00, 06	Live animals, sugar beet
4		05	Wood and cork
5		04, 09	Textiles, textile articles and man-made fibres, other raw animal and vegetable materials
6	1	11, 12, 13, 14, 16, 17	Foodstuff and animal fodder
7		18	Oil seeds and oleaginous fruits and fats
8	2	21, 22, 23	Solid mineral fuels
9	3	31	Crude petroleum
10		32, 33, 34	Petroleum products
11	4	41, 46	Iron ore, iron and steel waste and blast furnace dust
12		45	Non-ferrous ores and waste
13	5	51, 52, 53, 54, 55, 56	Metal products
14	6	64, 69	Cement, lime, manufactured building materials
15		61, 62, 63, 65	Crude and manufactured minerals
16	7	71, 72	Natural and chemical fertilisers
17	8	83	Coal chemicals, tar
18		81, 82, 89	Chemicals other than coal chemicals and tar
19		84	Paper pulp and waste paper
20	9	91, 92, 93	Transport equipment, machinery, apparatus, engines, whether or not assembled, and parts thereof
21		94	Manufactures of metal
22		95	Glass, glassware, ceramic products
23		96, 97	Leather, textile, clothing, other manufactured articles
24		99	Miscellaneous articles

ANNEX K

CLASSIFICATION OF DANGEROUS GOODS

1. Explosives
2. Gases, compressed, liquefied or dissolved under pressure
3. Flammable liquids
- 4.1. Flammable solids
- 4.2. Substances liable to spontaneous combustion
- 4.3. Substances which, in contact with water, emit flammable gases
- 5.1. Oxidising substances
- 5.2. Organic peroxides
- 6.1. Toxic substances
- 6.2. Substances liable to cause infections
7. Radioactive material
8. Corrosives
9. Miscellaneous dangerous substances

Note: these categories are those defined in the regulations concerning the international carriage of dangerous goods by rail, usually known as the RID, as adopted under Council Directive 96/49/EC of 23 July 1996 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail and subsequent amendments ⁽¹⁾.

⁽¹⁾ OJ L 235, 17.9.1996, p. 25. Directive as last amended by Commission Directive 2001/6/EC (OJ L 30, 1.2.2001, p. 42).