



House of Commons
Transport Committee

Land transport security – scope for further EU involvement?

Eleventh Report of Session 2012–13

Volume I

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The Transport Committee

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The Reports of the Committee, the formal minutes relating to that report, oral evidence taken and some or all written evidence are available in a printed volume. Additional written evidence may be published on the internet only.

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Summary

Last year the European Commission published a staff working document that was principally concerned with extending the Commission's involvement in transport security matters from the aviation and maritime sectors to land transport. The Commission has not brought forward any legislative proposals, but it does suggest areas for consideration, some of which could lead to recommendations for legislation at a later stage.

Land transport security measures seek to prevent acts of unlawful interference against passengers, freight or transport infrastructure in the road and rail sectors. Unlawful interference, as referred to in the Commission's document, includes anything from terrorism to relatively minor crime against passengers and transport operators. The conflation of such wide-ranging security issues is not helpful and we urge the Government to ensure that any future EU land security transport proposals are more focussed.

Overall, we heard that the current risk-based approach to land transport security in the UK was working well and that security measures deployed across UK transport modes are proportionate to the current threats that any given sector is exposed to. However, some weaknesses in the UK's current land transport security regime were identified, including, for example, procedures for dealing with multi-modal transport hubs at which different threat levels are applied to different modes; ensuring that staff had a consistent level of training and an understanding of potential threats, risks and preventative measures; and the difficulty of maintaining a high level of both staff and public vigilance. The Department for Transport must ensure that these weaknesses are addressed at the appropriate level.

There was a distinct lack of enthusiasm, both from Government and industry, for further EU involvement in relation to land transport security, not least because the Government was concerned that action at EU-level might result in the levelling down of existing security measures in the UK. The lack of detail in the Commission's proposals makes it difficult for us to comment further at this stage.

The Commission's document identifies a number of interesting issues that warrant further attention by the House of Commons if and when more detailed proposals emerge. Our principal recommendation is that the Government should participate actively in EU discussions to ensure that any detailed proposals are focussed and appropriate to the UK. Parliament should be keep abreast of developments so that we can continue to contribute to the shaping of policy in this area.

1 Introduction

1. Land transport security measures seek to prevent acts of unlawful interference against passengers, freight or transport infrastructure in the road and rail sectors. Unlawful interference includes anything from terrorism to relatively minor crime against passengers and transport operators. While there are EU legislative requirements in the aviation and maritime security sectors, this is not the case with land-based transport.

2. The European Commission's 2011 White Paper, Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system, places transport security high on the EU's agenda and describes “a need to find an appropriate European approach to land transport security in those areas where EU action has an added value”.¹ As a first step, the Commission's White Paper recommended setting up a permanent expert group on land transport security.² This group was established by a Commission Decision on 31 May 2012.³ At the same time the Commission published a staff working document on transport security, which provided an overview of potential areas for the development of EU land transport security policies.⁴ While the Commission has not brought forward any legislative proposals in this document, it has suggested areas of consideration, which might lead to recommendations for legislation at a later stage.

3. The Government has already expressed reservations to our colleagues on the European Scrutiny Committee about the need for the sorts of EU activity on land transport security proposed in the Commission's document. The European Scrutiny Committee shared the Government's concerns about possible subsidiarity issues and asked us for a formal Opinion on the Commission's document. The Committee further suggested that “the views of both the Government and the industry, as to what might be acceptable at EU-level be sought”.⁵ We published a call for evidence on 1 November 2012 seeking views. We received 10 written submissions and heard oral evidence on 21 January 2013. We are grateful to those who provided oral and written evidence.

4. In this report we assess the current land transport security arrangements in the UK and reaction to the Commission's staff working document. We also seek to answer the question of what further EU involvement in land transport security might be desirable. Our conclusions on this matter form the basis of our Opinion to the European Scrutiny Committee and we hope that this report will inform future discussions on land transport security in the House of Commons. While we have focussed on the UK perspective on land transport security we intend to pursue this subject further, in the first instance with representatives of the European Commission during our upcoming visit to Brussels.

1 European Commission, Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system, March 2011, para 38

2 European Commission, Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system, March 2011, Annex 1

3 European Commission Decision of 31 May 2012 on the creation of an Expert Group on Land Transport Security (2012/286/EU)

4 European Commission, Staff Working Document on Transport Security, 31 May 2012, (SWD(2012) 143 final)

5 European Scrutiny Committee, Eighth Report of Session 2012–13, HC 86-viii, para 6.8

2 Existing arrangements for land transport security in the UK

The current legislative framework

5. In Great Britain, the rail network (the infrastructure operated by Network Rail and HS1 and the train operating companies using it), London Underground, the Docklands Light Railway and the Glasgow Subway are mainly regulated by instructions issued under the Railways Act 1993, under which the Government places legal obligations on the operators to put in place particular security arrangements.⁶ With other networks such as trams and buses, the Department for Transport (DfT) provides best practice guidance, rather than formal regulation.⁷

6. A significant aspect of the UK's domestic rail and bus networks is that they are open, that is, they operate on a "turn up and go" basis where it is not necessary to pre-book travel arrangements. Unlike domestic services the Channel Tunnel railway network is not an open system. Channel Tunnel services are governed by specific directions, under the Channel Tunnel (Security) Order 1994, which ensure that passengers, vehicles and goods are subject to searching prior to boarding. Additionally, Channel Tunnel terminals are restricted zones that only persons with legitimate reason are allowed to enter. Under the provisions of the Treaty of Canterbury 1986, the UK and France jointly agree security arrangements regarding rail services using the Tunnel.⁸

7. Further legislation, based on internationally agreed recommendations, is in place to regulate the movement of dangerous goods by road and rail. In the UK, the principal legislation in this area is Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods.⁹

The risk-based approach

8. The current approach to land transport security in the UK has been described to us as "risk-based", whereby any security measures deployed are proportionate to the current threats that the sector is exposed to.¹⁰ This often results in different responses at different times in different transport sectors. The risk-based approach was widely supported across industry.¹¹ Chris Welsh, from the Freight Transport Association (FTA), explained that this approach was "more likely to achieve results" as it ensured that authorities were better able

6 The regulatory framework in Northern Ireland is different but in practice, the security regime is broadly similar to that for the railways in Great Britain.

7 Ev 26, paras 7-11 [Department for Transport]

8 Ev 26, para 9 [Department for Transport]

9 Ev 20, para 4 [Rail Freight Group]; and Ev 26, para 9 [Department for Transport]

10 Ev 26, para 4 [Department for Transport]

11 Q 2 [Chris Welsh, Freight Transport Association]; Q 3 [Jack Semple, Road Haulage Association]; Q 5 [Chris Dugdale, Rail Freight Group]; Q 47 [Peter Guy, Network Rail]; and Q 48 [Peter Lovegrove, Association of Train Operating Companies, and Gareth Williams, Eurostar]

to target potential problem areas rather than inconveniencing the whole sector with an unduly heavy-handed approach to security.¹²

9. We questioned witnesses on how appropriate a risk-based approach was, particularly in relation to minimising the threat of a terrorist attack on the land-based transport network. Peter Lovegrove, from the Association of Train Operating Companies (ATOC), told us that there were three factors that needed to be balanced: cost versus benefits of security measures; the practicality of security measures that are both workable for the industry and also acceptable to the travelling public; and, the balance between technology and human activity. We raised concerns that the risk-based approach might be seen as having been complacent if there was a serious terrorist attack, akin to the 2004 Madrid train bombing, on the UK's transport network. Mr Lovegrove disagreed and stated that “ultimately, the rail industry takes its guidance from the security services on where the risks are greatest and what form they take”.¹³ The Rt Hon Simon Burns MP, Minister of State for Transport, assured us that “considerable work is done, day in and day out, to give the highest level of protection to both the transportation system and to those using it”.¹⁴ Andrew Cook, Head of International Rail at the DfT, explained that enforcement measures include the use of DfT compliance inspectors who make sure that railway operators are compliant with agreed security measures.¹⁵ Similar procedures are in place with the cross-border Eurostar and Eurotunnel operations. Mr Cook added that “there is a certainty that the level of security that the Government require is being met either through covert tests or regular frequent visits to the different sites”.¹⁶

10. John Fuller, Head of Land Transport Security at DfT, acknowledged that there would be disadvantages to the current approach if the threats to land transport networks were not correctly identified or if there were problems with the analysis of risk. Concerns were raised by Jack Semple, from the Road Haulage Association (RHA), about how risks are identified and reacted to “in the era of cuts at the police level”.¹⁷ The FTA and RHA raised specific concerns about the Government withdrawal of financial support for the TruckPol service, which comprised a small team of police active in compiling intelligence from across the UK on lorry and load theft.¹⁸ The RHA acknowledged that while the TruckPol service was not perfect, it was hoped that a similar reporting system would be established by the National Business Crime Solution, which allows participating businesses to report and analyse collective business crime data on a national level.¹⁹ The Minister explained that the decision to withdraw funding was taken by the Home Office and that “it would be up to any police and crime commissioner who might wish to spend money from their budgets locally to take part in TruckPol to do so if they wanted to”.²⁰ ***We recommend that***

12 Q 2 [Chris Welsh, Freight Transport Association]

13 Q 57 [Peter Lovegrove, Association of Train Operating Companies]

14 Q 108 [Rt Hon Simon Burns MP]

15 Q 109 [Andrew Cook, DfT]

16 Q 109 [Andrew Cook, DfT]

17 Q 3 [Jack Semple, Road Haulage Association]

18 Q 4 [Jack Semple, Road Haulage Association]; Q 21 [Chris Welsh, Freight Transport Association]; and Ev 17, para 12 [Freight Transport Association]

19 Q 42 [Jack Semple, Road Haulage Association]; and Ev 18 [Road Haulage Association]

20 Q 112 [Rt Hon Simon Burns MP]

Government acknowledge the importance of the work done by TruckPol and work with industry to ensure that the successor system is fit for purpose.

11. In general terms, Mr Fuller told us that the DfT “work hand-in-glove with the intelligence agencies [and were] constantly looking at where the new threats might be coming from”.²¹ Mr Fuller added that, with the current state of technology, there were no conceivable practical alternatives to a risk-based approach that would deliver people quickly to where they needed to go.²²

Strengths and weaknesses

12. Given the widespread support for a risk-based approach it is not surprising that this approach was seen as a strength of the current security regime. The relationship between transport operators, the DfT and the British Transport Police was also seen as a strength.²³ The RHA noted, in relation to the security of trucks and the goods they carry, that another strength in the UK was that it was considered to have a “clear legal system and, in parts, effective enforcement”.²⁴

13. Nonetheless, concerns were raised about general weaknesses in the current security regime, these included:²⁵

- The need to rely on the accurate identification of threats to make a risk-based approach work;
- Funding arrangements that placed significant financial responsibilities on transport operators, while the benefits were more widespread;
- The challenge of dealing with multi-modal transport hubs at which different threat levels (and hence different security requirements) are applied to different modes;
- Ensuring that staff had a consistent level of training and an understanding of potential threats, risks and preventative measures;
- The difficulty of maintaining a high level of both staff and public vigilance; and
- In relation to cross-border services, the complexity of differing security requirements from one country to another.

We discussed, with representatives of the transport industry, the potential to address at EU-level these concerns in the context of the proposals in the Commission’s staff working document.

21 Q 98 [John Fuller, Head of Land Transport Security, DfT]

22 Qq 101-104 [John Fuller, Head of Land Transport Security, DfT]

23 Ev w1 [British Transport Police]; and Ev 21, paras 2.1-2.2 [Association of Train Operating Companies and Network Rail]

24 Ev 18 [Road Haulage Association]

25 Q 98 [John Fuller, Head of Land Transport Security, DfT]; Ev w2 [British Transport Police]; Ev 22, para 2.5 [Association of Train Operating Companies and Network Rail]; and Ev 25, para 4 [Eurostar]

3 The European Commission's staff working document

Overall aim of the document

14. The main aim of the European Commission's staff working document is "to consider what can be done at the EU-level to improve transport security, particularly in areas where putting in place common security requirements would succeed in making Europe's transport systems more resilient to acts of unlawful interference".²⁶ The security issues covered are wide ranging, from counter-terrorism to relatively minor crime. The Commission explains that transport security is not as well advanced as it could be in the EU as a whole for several reasons:²⁷

- Security can be perceived by some transport operators to be a negative cost, or something that is not their responsibility to provide;
- Mandatory requirements for transport security usually develop reactively following major incidents, indicating a lack of political urgency to develop pro-active measures;
- Cargo crime has often been neglected, in part because it is perceived to be a "victimless crime";
- Levels of security are often not consistent across intermodal transport hubs;
- There have been insufficient efforts to deal with cross-border crime; and
- Attitudes towards the risks from terrorist attacks against transport targets vary considerably throughout the EU.

15. Broadly speaking, the organisations we consulted in the course of this inquiry recognised that the Commission's aim to improve transport security had merit and that the staff working document raised some important issues. In the section below we discuss reaction to the Commission's document both in relation to the general premise that EU-level action is needed and also the specific proposals identified.

Reaction to the Commission's document

National vs. EU-level action

16. The Commission's document stated that "whilst transport security policy should be developed at national or local level under the principle of subsidiarity, [...] there is an added value to certain actions being taken at the EU-level". However, concerns were raised about a lack of evidence to support the assertion that EU-level action was either needed or desirable.²⁸ Moreover, the case was often put forward for national or local action rather

26 European Commission, Staff Working Document on Transport Security, 31 May 2012, (SWD(2012) 143 final)

27 European Commission, Staff Working Document on Transport Security, 31 May 2012, (SWD(2012) 143 final)

28 Ev 27, para 18 [Department for Transport]; Ev w2 [British Transport Police]; and Ev 19 [Road Haulage Association]

than action at the EU-level. For example, we heard that security risks are different according to the nature of the transport service as well as the country in which they are operated.²⁹ It follows that security measures are best tailored to those different circumstances. The Minister was clear that it is Member States themselves that “are best placed to understand the particular threat they face and judge what measures are needed”.³⁰ We sought clarification on whether the Government’s stance against further EU legislation in this area was based on political principle rather than direct evidence, particularly given the EU’s good record in regulating other transport sectors, such as aviation. However, the Minister rejected this and explained that drawing too many parallels with other transport modes was inappropriate. The international aviation sector, for example, was fundamentally different to the predominantly domestic land transport sector.³¹

17. In making the case for EU-level action, the Commission also argued that “where the EU has no baseline standards for transport security there is a risk that those countries with low levels of security become the ‘entry point’ into the EU for security risks”.³² This was a concern echoed by industry. For example, the FTA explained that “the greatest efforts to improve transport security in Europe need to be made at the external border crossings of the Union in eastern and southern Europe where the risks to EU security are highest” and where “better controls” could be “better policed”.³³ However, this did not necessarily mean that industry favoured the introduction of EU-wide standards. Mr Semple, from the RHA, explained that where there are a multitude of border crossings, there would always be some areas that are weaker than others.³⁴ He told us that where problems have been identified, there should be an obligation on the Member State to improve its performance but that ultimately it would be down to the Member State to resource the policing of its borders.³⁵ The Minister acknowledged the historic problem of containers, trains and lorries not being properly checked at some EU entry points but expressed confidence in the security systems for freight coming into the UK.

18. The Minister also expressed more general concerns about EU-level action on land transport security. In his view the introduction of “inappropriate pan-European requirements” must not risk undermining the “well-developed UK approach” to transport security.³⁶ Furthermore, he stated that:³⁷

one would not want legislation flowing from Europe that created a common denominator that might bring up the requirements on some countries where the threats are far less than those facing this country, which might then have the knock-on effect of reducing the levels of sophistication that we have with our own system.

29 Q 64 [Gareth Williams, Eurostar]

30 Q 91 [Rt Hon Simon Burns MP]

31 Q 91 and Q 93 [Rt Hon Simon Burns MP]

32 European Commission, Staff Working Document on Transport Security, 31 May 2012, (SWD(2012) 143 final)

33 Q 13 [Chris Welsh, Freight Transport Association]; and Ev 16, para 4 [Freight Transport Association]

34 Q 18 [Jack Semple, Road Haulage Association]

35 Q 18 [Jack Semple, Road Haulage Association]

36 Q 91 [Rt Hon Simon Burns MP]

37 Q 94 [Rt Hon Simon Burns MP]

Specific proposals and reaction to them

19. The Commission's document sets out a number of areas on which work might be taken forward to further the overall aim of the document.³⁸ While the specific proposals were mostly lacking in detail, they provided sufficient clarity for witnesses to raise some general concerns, as described below.

Security of transport interchanges and mass transit security

20. The Commission's document calls for the consideration of EU-level action to develop better integrated security at multi-modal interchanges. For example, it pointed out that the level of security practised at railway stations located at airports may be lower than that in the nearby airport terminals, yet an attack on an airport railway station would affect both rail services and airport operations.³⁹ The challenge of dealing with multi-modal transport hubs was identified by the British Transport Police (BTP) as a potential weakness of the current land transport security regime in the UK.⁴⁰ However, BTP also warned that "any promotion of the threats to transport [irrespective of mode] as a homogenous entity may have a detrimental effect on perceptions of risk and attitudes towards risk tolerance".⁴¹ **We recommend that the Government explain what action it is taking to improve the security of the UK's multi-modal transport hubs.**

Rail security

21. On the subject of rail security, the Commission's document stated that consideration should be given to setting EU-wide security standards for high-speed rail networks and to having EU legislation that requires security features to be incorporated into the design of rail and subway rolling stock and infrastructure. Gareth Williams, from Eurostar, agreed that commonality of standards was helpful, but explained that he did not see this as a matter for EU-wide legislation.⁴² ATOC and Network Rail also did not support the development of legislation in areas such as security standards for high-speed rail.⁴³ The DfT informed us that the proposal to incorporate security features into the design of railway rolling stock is something that it sees merit in doing. At the EU-level the DfT considers that this would be best delivered through updates to the EU-wide standards found in the Technical Specifications for Interoperability (TSIs).⁴⁴ Furthermore, the DfT has also issued guidance to ensure proportionate security features are incorporated into the design of railway infrastructure in the UK. **We conclude that while there is some support for commonality of rail standards, there is no appetite for further EU legislation in this area. We note that the DfT considers that EU-level action would be best delivered through updates to the EU-wide standards found in the Technical Specifications for Interoperability. We recommend that the Government seek further information from the**

38 European Commission, Staff Working Document on Transport Security, 31 May 2012, (SWD(2012) 143 final)

39 European Commission, Staff Working Document on Transport Security, 31 May 2012, (SWD(2012) 143 final)

40 Ev w2 [British Transport Police]

41 Ev w2 [British Transport Police]

42 Q 60 and Q 64 [Gareth Williams, Eurostar]

43 Ev 22, para 3.3 [Association of Train Operating Companies and Network Rail]

44 Ev 27, para 24 [Department for Transport]

Commission and report back to us on the exact nature of potential legislative changes that are discussed in the Commission's document.

Training of staff and planning for the aftermath of an incident

22. In order to ensure a skilled EU-wide cadre of security staff in land transport, the Commission's document suggests bringing forward mandatory requirements for training of security staff, as well as mandatory security awareness training for everyone working in the land transport domain. Furthermore, a legal requirement that all staff working in the public transport domain have basic training to deal with the initial aftermath of a major incident was considered "desirable".⁴⁵ Mr Lovegrove, from ATOC, explained that existing arrangements for the training of staff in the railway industry worked well and were driven by the National Railways Security Programme (NRSP).⁴⁶ The NRSP is issued to train operating companies, Network Rail and others with direct involvement in railway security and provides details of both mandatory and best practice standards for the industry. Mr Williams, from Eurostar, added that its plans for responding to threats, including in relation to the training of staff, were already regulated by the DfT.⁴⁷ Despite existing arrangements the BTP maintained that ensuring there was a consistent level of training remains a weakness of the current rail security regime.⁴⁸ The RHA gave an overview of views from the road haulage and distribution sector, explaining that any mandatory requirements were likely to be disproportionate to the threat.⁴⁹

23. The proposals for mandatory requirements for training are not supported by either the rail or road haulage and distribution sectors. However, despite existing arrangements, concerns remain about the consistency of staff training, particularly in the rail sector. We recommend that the DfT work with the rail industry and other relevant stakeholders to address these concerns. In the first instance, the DfT should review the mandatory and best practice standards relating to training requirements in the National Railway Security Programme.

Technology and equipment

24. The Commission's document proposes the use of common standards and certification processes for security equipment. The suggestion is made that manufacturers are more likely to invest in research for new security equipment to a specific regulatory standard that is mandated, as this would provide a guaranteed market.⁵⁰ The RHA disputed the accuracy of this view and argued that:⁵¹

Pre-defined standards risk becoming quickly out of date [...] and mandating their use risks large scale imposition on operations to which they are irrelevant or not

45 European Commission, Staff Working Document on Transport Security, 31 May 2012, (SWD(2012) 143 final)

46 Q 67 [Peter Lovegrove, Association of Train Operating Companies]

47 Q 69 [Gareth Williams, Eurostar]

48 Ev w2 [British Transport Police]

49 Ev 19 [Road Haulage Association]

50 European Commission, Staff Working Document on Transport Security, 31 May 2012, (SWD(2012) 143 final)

51 Ev 19 [Road Haulage Association]

cost-effective. The proposed approach risks stifling innovation and moving the emphasis from what is needed to what is regulated.

We recognise that the development of new security equipment will be driven by a number of factors, including commercial needs and regulatory standards. We recommend that further work is undertaken to determine appropriate action for encouraging the development of new security equipment. This is something that we would like to see the advisory groups on land transport security (discussed later in this report) take forward.

Research on transport security

25. The Commission’s document identifies investment in research as an area in which there is a “force-multiplier” effect of acting together, rather than as individual Member States. The document states that it is important that the EU-wide “Horizon 2020” Framework Programme for Research and Innovation allows for security-related research to remain closely linked to needs and developments in transport security policy.⁵² Closer alignment between transport security policy and the large sums of money allocated to research was welcomed by the Government and others.⁵³ **We support the closer alignment between transport security policy and funding available for EU research.**

Better communication and sharing of classified information

26. The commitment, and willingness, of national authorities to share information relating to types of security risk, both terrorist and criminal, was described by the Commission as being of major importance. It was suggested that the structured mechanism for the exchange of threat and risk information that is currently functioning in relation to air cargo and mail security should be broadened to land transport. While there were doubts raised that there would be, for example, “a ready read-across from air cargo terrorist risk to either terrorist or criminal activity relating to road haulage”,⁵⁴ the general exchange of threat information was considered by the Government to be a good thing. The DfT explained that the EU would be making a positive contribution by “bringing Member States together to share information and best practice”.⁵⁵ In general terms, the sharing of best practice and information was favoured by the Government as an alternative to EU-wide legislation.⁵⁶ We heard widespread support for this approach from industry.⁵⁷ There is a potential role for the advisory groups on land transport security to assist in the dissemination of good practice and the sharing of information, this is discussed in further detail later in this report.⁵⁸

52 European Commission, Staff Working Document on Transport Security, 31 May 2012, (SWD(2012) 143 final)

53 Ev 27, para 19 [Department for Transport]; and Ev w7, para 7.2 [ITS (UK)]

54 Ev 20 [Road Haulage Association]

55 Ev 27, para 23 [Department for Transport]

56 Ev 28, para 27 [Department for Transport]

57 Q 20 [Jack Semple, Road Haulage Association]; Q 21 [Chris Welsh, Freight Transport Association]; Q 49 [Peter Lovegrove, Association of Train Operating Companies]; Q 59 [Peter Guy, Network Rail]; and Q 60 [Gareth Williams, Eurostar]

58 See paragraph 33

Security of the supply chain

27. The Commission's document suggests that consideration should be given to having an EU standard for end-to-end cargo security for transport operators. Such a standard could take the form either of a binding requirement for the transport of particular types of cargo or a "Quality Standard" which transport providers would choose to adhere to. Mr Welsh, from the FTA, explained that there were already a number of measures in place addressing supply chain security.⁵⁹ Chris Dugdale, from the Rail Freight Group, described in further detail the current system of using seals to secure containers and random intelligence-led checks on consignments.⁶⁰ Mr Welsh said that the seal system appeared to work well.⁶¹ The RHA argued that the Commission's document provided "no evidence that the absence of common EU rules for supply chain security creates a weakness". The RHA added that there was a high risk that the financial and administrative burden, which may prove unaffordable to SMEs, would be added for little or no benefit.⁶²

Secure lorry parking

28. While the Commission's document describes EU action in the provision of secure lorry parking as "desirable", the RHA countered that the EU has already established a standard for rating the security and comfort of truckstops and that no further EU involvement was necessary.⁶³ Industry representatives sought instead stronger intervention at the level of local and national government, particularly to help overcome the often considerable local opposition met in creating secure parking sites.⁶⁴ ***We recommend that the Government work with representatives from the road haulage and distribution sector to identify and overcome barriers to the provision of secure lorry parking sites.***

Cybercrime against transport

29. As noted in the Commission's document it is important, given its dependence on computerised management systems, to ensure that transport is resilient to cyber-attacks. The document stated that "if appropriate – and following the forthcoming Commission European Strategy for Internet Security – targeted actions for the transport sector should be considered".⁶⁵ There was recognition from industry of the importance of being alert to new threats such as cybercrime and we were informed that such threats were being looked at.⁶⁶ The DfT accepted that there was merit in exploring pan-European arrangements for dealing with cybercrime.⁶⁷ ***We recommend that the DfT update us in 12 months on its progress in exploring pan-European arrangements for dealing with the threat of cybercrime against land-based transport networks.***

59 Q 23 [Chris Welsh, Freight Transport Association]

60 Qq 29-36 [Chris Dugdale, Rail Freight Group]

61 Q 34 [Chris Welsh, Freight Transport Association]

62 Ev 20 [Road Haulage Association]

63 Qq 25-27 [Jack Semple, Road Haulage Association]; and Ev 20 [Road Haulage Association]

64 Ev 17, para 12 [Freight Transport Association] ; and Ev 20 [Road Haulage Association]

65 European Commission, Staff Working Document on Transport Security, 31 May 2012, (SWD(2012) 143 final)

66 Q 86 [Peter Lovegrove, Association of Train Operating Companies]; and Q 88 [Peter Guy, Network Rail]

67 Q 96 [Andrew Cook, DfT]; and Ev 27, para 23 [Department for Transport]

Inland waterway transport

30. The Commission's document notes that the inland waterway sector has no security requirements at the EU-level and that "this needs to be addressed". We note the Government's comments to the European Scrutiny Committee, that the justification for further EU intervention in respect of inland waterways is not clear. The lack of detail in this section of the Commission's document seems to support the Government's contention and make it difficult to comment further on this subject.

International activity

31. The importance of ensuring that transport operations can function as seamlessly as possible when crossing borders was noted in the Commission's document. From the GB perspective, the main land-based cross-border service is the Eurostar rail service. Eurostar explained that it was in broad agreement with the Commission's general assessment that there is today no coherent approach to land transport security in the EU. Moreover, it considered that there was "a case for increased coordination of security measures at EU-level, at the very least for cross-border services, to reduce the costs of having to satisfy multiple and often inconsistent national regulations".⁶⁸ However, while Eurostar supported the idea of further EU-level discussions to improve the current situation, Mr Williams considered that there was no need for further EU-wide legislation and that he favoured the extension to other parties of established ways of working.⁶⁹ ***We recommend that the Government, in consultation with industry, should consider the viability of proposals to increase coordination of security measures in relation to cross-border services, as an alternative to further EU legislation.***

Reaction to the land transport security advisory groups

32. The Commission's document also explained that an Advisory Group on Land Transport Security would provide a forum in which representatives from Member States could discuss with the Commission topics where there would be added value for action at the EU-level. This newly-formed group would be invited to examine all the potential areas for development highlighted in the Commission's document. The Member States' Advisory Group would also be complemented by a Stakeholder Advisory Group on Land Transport Security, comprising key stakeholder organisations representing transport operators, transport infrastructure managers, equipment manufacturers and transport user organisations at EU-level.⁷⁰

33. We previously noted that the sharing of best practice and information was favoured by the Government as an alternative to EU-wide legislation and that this approach had widespread support from industry (see paragraph 26). Both advisory groups could provide a means of sharing experience and good practice between different organisations and countries; they might also help to expand knowledge of both threats and responses.⁷¹ We

68 Ev 25, para 8 [Eurostar]

69 Ev 25, para 8 [Eurostar]; and Q 60 and Q 81 [Gareth Williams, Eurostar]

70 European Commission, Staff Working Document on Transport Security, 31 May 2012, (SWD(2012) 143 final)

71 Ev 22, para 3.2 [Association of Train Operating Companies and Network Rail]

noted concerns from Mr Semple, from the RHA, that SMEs should be represented in the stakeholder group, and from Mr Guy, from Network Rail, that he would like to see “clear lines of communication between the two groups”.⁷² While the DfT considered that the group on land transport security established by the Commission could be a useful forum, Mr Cook expressed some caution and explained that these groups would bring greater advantage by sharing best practice rather than by proposing legislation.⁷³ **We agree with the Government and industry that the new advisory groups on land transport security could be a useful forum for exchanging information and sharing good practice. We recommend that the Government provide further information on who should be included in these two groups, the actual composition of members on them, and on lines of communication between them.**

72 Q 38 [Jack Semple, Road Haulage Association]; and Q 82 [Peter Guy, Network Rail]

73 Qq 110-11 [Andrew Cook, DfT]; and Ev 27, para 19 [Department for Transport]

4 Conclusion

Our Opinion to the European Scrutiny Committee

34. Overall, the tone of both industry's and the Government's response to the Commission's proposals can be summarised as a distinct lack of enthusiasm for further EU involvement in relation to land transport security. The majority of organisations that responded to our call for evidence called for better sharing of information and good practice across the EU, rather than use of the "blunt tool" of EU legislation.⁷⁴ **The issues raised in the Commission's document are significant and deserve proper consideration in the House of Commons if, and when, more detailed proposals come forward. We do not consider that a debate in a European Committee would be appropriate at this stage because of the lack of detail in the proposals as they stand. However, given the industry's strong disinclination towards EU legislation in this area, we recommend that the European Scrutiny Committee keep abreast of, and alert the House to, any further proposals as they arise from the Commission, with a view to recommending them for debate.**

Principal conclusions for Government

35. It was recognised that many of the issues raised in the Commission's document overlap with weaknesses identified in the UK's current land transport security regime. **We encourage Government to participate actively in the Member States' Advisory Group on land transport security. Through this forum the Government should provide input into further discussions on EU proposals in this area. The Government is already alert to the potential that action at the EU-level might result in levelling down existing security measures and it should steer discussion towards an approach more appropriate to UK land-based transport sectors. Furthermore, the DfT should note the concerns about current weaknesses in the land transport security regime identified in this report and ensure that these are addressed at the appropriate level. We recommend that the Government provide us with an update in its response to us, and again 12 months from now, on the Commission's emerging proposals, including the work of the advisory groups on land transport security, Government's contribution to the development of these proposals, and its view on the proposals as they stand.**

36. Finally we note that the Commission's document covers an enormous range of issues, from counter-terrorism to relatively minor crime. **There is a risk that in conflating such a wide range of security issues the Commission's thinking on how to deal with those issues will lack focus. We urge the Government, through its participation in the Member States' Advisory Group, to ensure that future EU land transport security proposals are more focussed and that a broad range of security issues, which each require distinct responses from Government, are not unnecessarily conflated. Government should also ensure that appropriate measures are brought forward to deal with these differing types of security challenges.**

⁷⁴ Ev 21, para 9 [Rail Freight Group]; Ev 28, para 27 [Department for Transport]; Ev w2 [British Transport Police]; Ev 22, para 3.4 [Association of Train Operating Companies and Network Rail]; and Ev 20 [Road Haulage Association]

Conclusions and recommendations

The risk-based approach

1. We recommend that Government acknowledge the importance of the work done by TruckPol and work with industry to ensure that the successor system is fit for purpose. (Paragraph 10)

Security of transport interchanges and mass transit security

2. We recommend that the Government explain what action it is taking to improve the security of the UK's multi-modal transport hubs. (Paragraph 20)

Rail security

3. We conclude that while there is some support for commonality of rail standards, there is no appetite for further EU legislation in this area. We note that the DfT considers that EU-level action would be best delivered through updates to the EU-wide standards found in the Technical Specifications for Interoperability. We recommend that the Government seek further information from the Commission and report back to us on the exact nature of potential legislative changes that are discussed in the Commission's document. (Paragraph 21)

The training of staff and planning for the aftermath of an incident

4. The proposals for mandatory requirements for training are not supported by either the rail or road haulage and distribution sectors. However, despite existing arrangements, concerns remain about the consistency of staff training, particularly in the rail sector. We recommend that the DfT work with the rail industry and other relevant stakeholders to address these concerns. In the first instance, the DfT should review the mandatory and best practice standards relating to training requirements in the National Railway Security Programme. (Paragraph 23)

Technology and equipment

5. We recognise that the development of new security equipment will be driven by a number of factors, including commercial needs and regulatory standards. We recommend that further work is undertaken to determine appropriate action for encouraging the development of new security equipment. This is something that we would like to see the advisory groups on land transport security (discussed later in this report) take forward. (Paragraph 24)

Research on transport security

6. We support the closer alignment between transport security policy and funding available for EU research. (Paragraph 25)

Secure lorry parking

7. We recommend that the Government work with representatives from the road haulage and distribution sector to identify and overcome barriers to the provision of secure lorry parking sites. (Paragraph 28)

Cybercrime against transport

8. We recommend that the DfT update us in 12 months on its progress in exploring pan-European arrangements for dealing with the threat of cybercrime against land-based transport networks. (Paragraph 29)
9. We recommend that the Government, in consultation with industry, should consider the viability of proposals to increase coordination of security measures in relation to cross-border services, as an alternative to further EU legislation. (Paragraph 31)

Reaction to land transport security advisory groups

10. We agree with the Government and industry that the new advisory groups on land transport security could be a useful forum for exchanging information and sharing good practice. We recommend that the Government provide further information on who should be included in these two groups, the actual composition of members on them, and on lines of communication between them. (Paragraph 33)

Our opinion to the European Scrutiny Committee

11. The issues raised in the Commission's document are significant and deserve proper consideration in the House of Commons if, and when, more detailed proposals come forward. We do not consider that a debate in a European Committee would be appropriate at this stage because of the lack of detail in the proposals as they stand. However, given the industry's strong disinclination towards EU legislation in this area, we recommend that the European Scrutiny Committee keep abreast of, and alert the House to, any further proposals as they arise from the Commission, with a view to recommending them for debate. (Paragraph 34)

Principal conclusions for Government

12. We encourage Government to participate actively in the Member States' Advisory Group on land transport security. Through this forum the Government should provide input into further discussions on EU proposals in this area. The Government is already alert to the potential that action at the EU-level might result in levelling down existing security measures and it should steer discussion towards an approach more appropriate to UK land-based transport sectors. Furthermore, the DfT should note the concerns about current weaknesses in the land transport security regime identified in this report and ensure that these are addressed at the appropriate level. We recommend that the Government provide us with an update in its response to us, and again 12 months from now, on the Commission's emerging proposals, including the work of the advisory groups on land transport security,

Government's contribution to the development of these proposals, and its view on the proposals as they stand. (Paragraph 35)

13. There is a risk that in conflating such a wide range of security issues the Commission's thinking on how to deal with those issues will lack focus. We urge the Government, through its participation in the Member States' Advisory Group, to ensure that future EU land transport security proposals are more focussed and that a broad range of security issues, which each require distinct responses from Government, are not unnecessarily conflated. Government should also ensure that appropriate measures are brought forward to deal with these differing types of security challenges. (Paragraph 36)

Formal Minutes

Monday 11 March 2013

Members present:

Mrs Louise Ellman, in the Chair

Jim Dobbin
Karen Lumley
Karl McCartney
Lucy Powell

Adrian Sanders
Iain Stewart
Graham Stringer

Draft Report (*Land transport security – scope for further EU involvement?*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 36 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Eleventh Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Monday 15 April at 4.00 pm]

Witnesses

Monday 21 January 2013

Page

Chris Welsh, Director of Global and European Policy, Freight Transport Association, **Jack Semple**, Director of Policy, Road Haulage Association, and **Chris Dugdale**, Rail Freight Group Ev 1

Peter Guy, Operational Security & Continuity Planning, Network Rail, **Peter Lovegrove**, Operational Resilience Manager, Association of Train Operating Companies, and **Gareth Williams**, Director of Regulatory Affairs, Eurostar International Ltd Ev 6

Rt Hon Simon Burns MP, Minister of State, **Andrew Cook**, Head of International Rail, and **John Fuller**, Head of Land Transport Security, Department for Transport Ev 11

List of printed written evidence

1	Freight Transport Association	Ev 16
2	Road Haulage Association	Ev 17
3	Rail Freight Group	Ev 20
4	ATOC	Ev 21
5	Network Rail	Ev 21: Ev 24
6	Eurostar	Ev 24
7	Department for Transport	Ev 25

List of additional written evidence

(published in Volume II on the Committee's website www.parliament.uk/treascom)

1	The British Transport Police	Ev w1
2	Chartered Institute of Logistics and Transport in the UK	Ev w3
3	ITS (UK)	Ev w3
4	Associated Society of Locomotive Engineers and Firemen (ASLEF)	Ev w8: w9

List of unprinted evidence

The following written evidence has been reported to the House, but to save printing costs has not been printed and copies have been placed in the House of Commons Library, where they may be inspected by Members. Other copies are in the Parliamentary Archives (www.parliament.uk/archives), and are available to the public for inspection. Requests for inspection should be addressed to The Parliamentary Archives, Houses of Parliament, London SW1A 0PW (tel. 020 7219 3074; email archives@parliament.uk). Opening hours are from 9.30 am to 5.00 pm on Mondays to Fridays.

John Smith Solicitors
Ask & Prosper

List of Reports from the Committee during the current Parliament

Session 2012–13

Eleventh Report	Land transport security – scope for further EU involvement?	HC 875
Ninth Special Report	Rail 2020: Government and Office of Rail Regulation Responses to the Committee's Seventh Report of 2012–13	HC 1059
Tenth Report	The Coastguard, Emergency Towing Vessels and the Maritime Incident Response Group: follow up: Government Response to the Committee's Sixth Report of 2012–13	HC 1018
Ninth Report	Marine Pilotage	HC 840
Eighth Report	Cancellation of the InterCity West Coast franchise competition	HC 537
Eighth Special Report	Plug-in vehicles, plugged in policy?: Government Response to the Committee's Fourth Report of Session 2012-13	HC 884
Seventh Report	Rail 2020	HC 329
Sixth Report	The Coastguard, Emergency Towing Vessels and the Maritime Incident Response Group: follow up	HC 647
Fifth Report	Future programme: autumn and winter 2012–13	HC 591
Fourth Report	Plug-in vehicles, plugged in policy?	HC 239
Third Report	Competition in the local bus market	HC 10 (HC 761) (Incorporating HC 1861–i–iii)
Fifth Special Report	Flight Time Limitations: Government Response To The Committee's First Report Of Session 2012–13	HC 558
Fourth Special Report	Air Travel Organisers' Licensing (Atol) Reform: Government Response To The Committee's Seventeenth Report Of Session 2010–12	HC 557
Second Report	Road safety	HC 506 (HC 648) Incorporating HC 1738
First Report	Flight time limitations	HC 164 Incorporating HC 1838
Third Special Report	Sulphur emissions by ships: Government Response to the Committee's Sixteenth Report of Session 2010–12	HC 87
Second Special Report	Counting the cost: financial scrutiny of the Department for Transport 2011–12: Government Response to the Committee's Fifteenth Report of Session 2010–12	HC 15
First Special Report	Draft Civil Aviation Bill: Pre-Legislative Scrutiny: Government Response to the Committee's Thirteenth Report of Session 2010–12	HC 11

Session 2010–12

Seventeenth Report	Air Travel Organisers' Licensing (ATOL) reform	HC 1798
Sixteenth Report	Sulphur emissions by ships	HC 1561
Fifteenth Report	Counting the cost: financial scrutiny of the Department for Transport 2011–12	HC 1560
Fourteenth Report	Cable theft on the Railway	HC 1609 (HC 1933)
Thirteenth Report	Draft Civil Aviation Bill: Pre-Legislative Scrutiny	HC 1694
Twelfth Report	Cost of motor insurance: follow up	HC 1451 (HC 1934)
Eleventh Report	Thameslink rolling stock procurement	HC 1453 (HC 1935)
Tenth Report	High Speed Rail	HC 1185–I (HC 1754)
Ninth Report	Out of the jam: reducing congestion on our roads	HC 872 (HC 1661)
Eighth Report	Bus Services after the Spending Review	HC 750 (HC 1550)
Seventh Report	Taxis and private hire vehicles: the road to reform	HC 720 (HC 1507)
Sixth Report	The Coastguard, Emergency Towing Vessels and the Maritime Incident Response Group	HC 948, incorporating HC 752–i (HC 1482)
Fifth Report	Keeping the UK moving: The impact on transport of the winter weather in December 2010	HC 794 (HC 1467)
Fourth Report	The cost of motor insurance	HC 591 (HC 1466)
Third Report	Transport and the economy	HC 473 (HC 962)
Second Report	Financial Scrutiny of the Department for Transport	HC 683
First Report	Drink and drug driving law	HC 460 (Cm 8050)
Tenth Special Report	The proposal for a National Policy Statement on Ports: Government Response to the Committee Fifth Report of Session 2009–10	HC 1598
Third Special Report	The performance of the Department for Transport: Government response to the Committee's Fourth Report of Session 2009–10	HC 549
Second Special Report	Update on the London Underground and the public-private (PPP) partnership agreements: Government response to the Committee's Seventh Report of Session 2009–10	HC 467
First Special Report	The major road network: Government response to the Committee's Eighth Report of Session 2009–10	HC 421

Oral evidence

Taken before the Transport Committee on Monday 21 January 2013

Members present:

Mrs Louise Ellman (Chair)

Steve Baker
Kwasi Kwarteng
Karl McCartney

Lucy Powell
Iain Stewart
Graham Stringer

Examination of Witnesses

Witnesses: **Chris Welsh**, Director of Global and European Policy, Freight Transport Association, **Jack Semple**, Director of Policy, Road Haulage Association, and **Chris Dugdale**, Rail Freight Group, gave evidence.

Q1 Chair: Good afternoon and welcome to the Transport Select Committee. Would you give your name and the organisation you are representing?

Chris Welsh: I am Chris Welsh representing the Freight Transport Association.

Jack Semple: I am Jack Semple representing the Road Haulage Association.

Chris Dugdale: I am Chris Dugdale representing the Rail Freight Group.

Q2 Chair: We have heard that the UK takes a risk-based approach to land transport security. Could you explain to us what that means for your sector and whether you support that approach?

Chris Welsh: Yes; we very much support a risk-based approach to security. Our understanding and definition of that is that, rather than every piece of cargo delivered by truck, plane or ship that comes into the country being individually checked, a more intelligent-based approach should be used, based on profiling and known data that authorities have so that they are better able to target potential problem areas rather than ensuring that the whole of industry, which may be operating legitimately, is not inconvenienced by an over-bureaucratic approach to security measures. Overall, we think it is a better approach because it is more likely to achieve results than just a fishing expedition where you may hope to catch something.

Q3 Chair: Mr Semple, can you tell us what a risk-based approach means for you in your sector?

Jack Semple: I would agree with the comments we have just heard. A risk-based approach is appropriate. If we take the different categories for the operators involved in transport—I would like to focus on conventional crime particularly here—most of the industry takes a risk-based approach in practice. We have seen it and it is evidenced in the EU paper. For example, they identify the risk with high-value goods, and industry and operators of transport respond to that risk in terms of goods transport.

We have a concern in how we identify and react to those risks going forward in the era of cuts at the police level. It might be useful to revisit what the risks are and what the policing response is. Many of our members have a fear that, first of all, we do not have

adequate statistics on what the extent of freight crime is in the UK. We could do with better management of that and better management of response. There is also a fear that leaving the management of business crime to business may see crime against road haulage and distribution getting a low priority. That is a concern going forward.

The risk-based approach is right, but we need to keep an eye on what the risks are, what the extent of the problems are and ensure that there is an adequate response from the police because there is some concern that it may not be there going forward.

Q4 Chair: Is that to do with lack of resources or is it to do with policies?

Jack Semple: I think the one chases the other to a degree. We are really talking about the Department for Transport and the Home Office here. The police are under a lot of pressure on priorities and costs. We have a new police governance structure and the climate around business crime is changing. In the haulage industry, for example, we had the TruckPol organisation. It had its faults, but it was useful and was building. It has had its financial support from Government withdrawn. We are very keen to reinvigorate that process to re-engage with police forces around the country and also the new police and crime commissioners to ensure that there is an understanding of the extent of crime against distribution and an appropriate response.

Q5 Chair: Mr Dugdale, what can you tell us about the risk-based approach in relation to rail freight? Is that the approach that you think is the most helpful?

Chris Dugdale: Very much so. It is a way of making more effective use of resources. Whether they are limited or unlimited, you concentrate them where they can be best used. We very much support that. The better use of resources applies whether they are the carrier's own resources or public resources.

Q6 Chair: Are stowaways a big problem?

Chris Dugdale: For us?

Chair: Yes; stowaways.

Chris Dugdale: We had an unfortunate few years of that, but we have largely controlled that situation. I

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take it that you are referring there to the channel tunnel.

Q7 Chair: Stowaways can be there particularly, but it applies more generally as well.

Jack Semple: In road haulage, the problem is very much diminished from what it was in the past. There are now protocols for operators to go through that are well understood. Certainly, in relation to the Road Haulage Association, the issue in terms of our members is very much diminished from the past.

Q8 Chair: Mr Welsh, do you have a view on stowaways?

Chris Welsh: Yes; I concur with that. The arrangements that were put in place in the early 2000s, when it was a big problem—particularly the procedures at ports in France, the measures that the ferry operators have taken and, indeed, the measures that international road hauliers have taken—have ameliorated the problem quite considerably. There are significant fines still there as a penalty should people detract from those arrangements. I very much agree with Mr Semple that it is much less of a problem than it was.

Q9 Chair: Mr Dugdale, did you want to say any more about the problems—

Chris Dugdale: Of stowaways?

Chair: More generally on the problems that are being faced.

Chris Dugdale: No; my colleagues have covered it quite adequately and I agree with what they have said.

Q10 Iain Stewart: I want to pick up on one point about the channel tunnel. It has largely been a closed system, in the sense that passengers and goods are screened before going through the tunnel. There are very welcome moves to increase the amount of freight going through the tunnel, including services that start and finish at points far away from the tunnel. Do you have any concerns that those extra services might undermine the closed system that we currently have, or is it adequately screened?

Chris Dugdale: When you say additional freight, are you thinking of freight carried entirely by rail rather than the lorry shuttles?

Iain Stewart: Yes.

Chris Dugdale: The system that is in existence is a closed system that applies to the whole of the United Kingdom. In principle, if you develop the traffic, you are still using exactly the same system. There should not be any additional problems.

Q11 Iain Stewart: I recently visited the Daventry rail freight terminal, which is close to my constituency. Some of the traffic is for the channel tunnel and some of it is entirely domestic. I was not clear if there was a separate screening system for channel tunnel freight as opposed to domestic freight.

Chris Dugdale: It is largely done by trusting the consignor. If you have full confidence in the consignor and the consignor signs for the traffic that is moving, then you can have confidence that it is innocuous.

Q12 Iain Stewart: You are content that the current arrangements are satisfactory.

Chris Dugdale: Yes, exactly.

Q13 Chair: Is there a need to improve land transport security at an EU level? Is there a problem there, Mr Welsh?

Chris Welsh: The main problem we have identified is in southern and eastern Europe, where, arguably, better controls at the external borders of the Community could be better policed. In other words, they could intercept any terrorist or crime elements at that part rather than when it gets, more, to the internal part of the Community, if I can put it that way. The Commission's report on security is greatly valued by the industry and, in particular, the high-level expert group that it has established as part of that to enable a better dialogue between industry and the Commission in terms of what additional measures could be applied to improve security. That is one thing.

The second thing is that, as always with Community measures, what is really important is that we have genuine harmonisation of the arrangements throughout the EU. We do not want a plethora of different measures differently enforced and applied in each member state because that becomes really difficult for industry to cope with.

Q14 Chair: Are you saying that that specific area is where you would like to see an EU involvement?

Chris Welsh: Yes. The Commission has a really important role to play in trying to get some degree of harmonisation of the existing security arrangements across EU member states. Indeed, one could extend it even further in the sense that that is the kind of mutual recognition of security regimes we would like to see between, for example, the United States and Europe, and Australia and New Zealand and Europe, where systems are compatible and attached to the risk-based approach that we were discussing earlier.

Q15 Chair: Which of the European border crossings have a problem? Which are the crossings where you would like to see action taken?

Chris Welsh: I cannot pinpoint the exact ones, but it does appear to be more the southern European areas into north Africa, Italy, Spain and those kinds of areas, and potentially the eastern borders.

Q16 Graham Stringer: Do you think security will get worse when Croatia joins the European Union? The accession documents indicated that the borders would not be secure.

Chris Welsh: It is difficult for me to comment but it is a good question.

Q17 Graham Stringer: I am pleased it is a good question, but why is it difficult for you to comment?

Chris Welsh: I am not completely familiar with the situation on the ground in Croatia. It tends to lead towards my more general comment about a concern with eastern and southern Europe.

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Q18 Chair: Mr Semple, what is your view on the need for more European Union improvements?

Jack Semple: Where you have a multitude of border crossings, I suspect those who want to cross will choose the weakest area in terms of security. There will always be some that are weaker than others. That is in the way of things where you have such a very large border. The United States finds the same. Clearly, where there are identified problems, there should be an obligation on the member state to improve its performance. I suspect that, ultimately, it will be down to the member state in reality to resource the policing of its borders.

Q19 Chair: Mr Dugdale, do you have a view on that and where would you like to see more EU-level action?

Chris Dugdale: There are a number of points to be made. The first one is that, when we are talking about security, we need to differentiate between the reasons that we are taking security measures. Is it, for example, to prevent terrorism? Is it to reduce crime? Is it to stop illegal immigration and so on? The measures you adopt in each case are slightly different. From the railway viewpoint, there is already a great deal of co-operation between railway organisations. They classically hand over traffic to each other, and so they have to co-operate and make arrangements between each other. We see less need for Commission initiatives. We think we have a number of those issues covered already.

Jack Semple: It is a very valid point. Security is used in the EU working paper to cover such an enormous range of issues from counter-terrorism to relatively minor crime that a more specific targeted approach may be necessary where they identify particular problems in specific areas. The one I would add to the list of my colleague is crime against the driver. From our point of view, that one is also a worry.

Q20 Chair: Is that something that you think should be dealt with at an EU level—a European level?

Jack Semple: No. I cannot see that that has a lot of merit. The exchange of good practice among enforcement authorities is very positive; if the EU can encourage that, then well and good. I have to say that in certain other areas that are, on the face of it, less challenged—for example, enforcement of road haulage regulations—the EU has some way to go, after a couple of decades, in getting harmonised enforcement. There are three bodies comprising enforcement bodies from member states that consider enforcement issues in the EU just in road haulage. In terms of the practicality, the responsibility has to rest fundamentally with the member state.

Q21 Chair: Mr Welsh, you say in your evidence that you think the Department for Transport needs to persuade the European Commission for a harmonised system of intelligent transport to help prevent cargo theft. Is there a problem there and is the Commission dragging its feet on that? Is it something it has not thought about?

Chris Welsh: This is why we value the report it produced in May and also the establishment of this

expert group that I talked about. Crime is quite a big problem. As the report identified, something like €8 billion of crime is due to theft and probably by organised crime. As my colleagues have pointed out, the better exchange of information, whether it is crime or security-related, among the various authorities in Europe, could play an important role in that regard. We have previously laid evidence before your Committee relating to problems with the lack of driver facilities and truck stops, not only in Britain but throughout the European Union. It is often very difficult for drivers and operators to have secure premises. All of those things contribute to the problem.

Where the Commission can work with member states is in the better sharing of information; Jack mentioned that just a minute ago, and other areas would certainly help. As has also been said previously, the funding from Government was removed for TruckPol, which was about £40,000, which had a dedicated police team to be able to do this work. We felt that was a retrograde step for a relatively small sum of money but offering quite a big value for what it did. So, yes, the Commission does have a role to play.

Q22 Chair: You think the answer is in the better sharing of information in this particular area.

Chris Welsh: I think that is quite a critical thing, yes.

Jack Semple: Perhaps the Commission should focus on that rather than the need to regulate for a number of standards—certainly, in the goods sector, it recognises that in high value they are already there—and mandate various training requirements and regulations in regard to equipment. It should focus on assisting in the dissemination of good practice and identifying the scale of the problem. For example, in the UK, we don't really have any accurate figures as to the cost of security in terms of movement of goods in the UK. If we had a more accurate view on the cost of crime, that would be a good starting point.

Q23 Chair: Is there a case for introducing common security standards? For example, is end-to-end cargo supply chain security an area where you think there should be any further action?

Chris Welsh: The Commission has put quite a lot of measures in place already in that area. I share common ground with my colleagues that that is sufficient. We would not want to go down the route of any additional security measures because, otherwise, it becomes bureaucratically very difficult to be able to comply with the arrangements. The Commission has done some things in other areas. For example, it introduced the authorised economic operator scheme. We have a very low take-up in the United Kingdom for that scheme. If you talk to industry—both the shippers and also the transport operators—it is the very high costs of compliance with that, with limited results for them in terms of improved security, which has dissuaded people from going down that route. It is a classic example where, had the Commission talked to industry a bit more before going ahead with that scheme, it could have got better value from it. Maybe it has learned its

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lesson with the expert group that it is now talking about establishing.

Q24 Chair: Mr Dugdale, do you have any views on that?

Chris Dugdale: Yes. If we are talking about rail traffic to and from the United Kingdom, then the security regime for that rail traffic is aligned and similar to the security regime for airline movements. They have the same principles of a known consignor and known flows. They are not exactly the same but they are very similar. There is already a comparison or similar schemes in place.

Q25 Chair: Are there any other ways in which technology can help freight security issues?

Chris Welsh: Yes, undoubtedly. There are intelligent transport systems and the greater use of telematics, particularly in the cab, and that kind of thing. There is the track and trace capability. Those commercial things are increasingly coming in and becoming standard kit for the trucks. I guess it is the same in the rail area as well. That does offer an opportunity for surveillance here and for companies to know if a truck, if it is destined for a particular point, deviates. That is then made readily available to transport managers, who can ask questions as to whether something has gone awry.

Jack Semple: The significant point in terms of the EU paper is that these technologies exist. They are constantly being developed. They are being adopted increasingly by transport operators where they see the need. They are managing and assessing risk all the time, especially the larger operators, but all operators are assessing risk with the use of track and trace. There is a possible implication in the document that these systems are not being adopted by the industry, but they are. If you look at the appendix to the working group report, there is a great emphasis on technology and perhaps not as much emphasis as there might be on what are called human factors and training and security culture.

Chris Dugdale: The rail industry does use track and trace, but, to be honest, it is more for its own reasons and to make its own operations more efficient. Fortunately, we do not have a great problem with theft. We do not use track and trace quite so much to avoid theft.

Jack Semple: The FTA mentioned the issue of truck stops. In terms of road haulage, one of the benefits of track and trace is that you know exactly where your vehicle is. In contrast to rail, the driver can deviate from his route, either voluntary or otherwise, whereas that tends not to happen on the railway.

Where is there somewhere he can stop confident that he has adequate security? We have in the UK the situation where even on the motorway service area network—on our major trunk routes and major Euro routes—we do not have adequate security, particularly at night. In many of our large motorway service areas, we have no security for the lorries at all. This is one specific issue as an example where we need to take an appraisal of the risk and suggest that the motorway service area operators be required by the Department as part of their licence to provide adequate security.

In the commercial world, risks are being assessed. If you are developing a new warehouse service that you want to sell as a third-party logistics provider, you will make it to a high standard of security if that is the nature of the goods that you want to store. The problem arises when you are away from your own store or your customer's store. That is the area where we think Government may have a greater role to play in promoting the security of premises and, perhaps, also local authorities. There is a problem whereby, if you improve the security of your truck stop, your rateable value increases very substantially. So it is not just the one-off cost that you have; it is a continuing annual cost. That is something of a deterrent.

Perhaps we could look holistically at how we can improve the security away from the depots. Most transport operators would accept that the security on their patch is down to them, although, obviously, they would like the police to turn out where there is significant crime. When they are away from the depot, they try and work with other operators where they can, but there is a responsibility for the Government to assist in the promotion of adequate secure truck stops.

Q26 Chair: Do you see that as a national Government responsibility and not something with a wider network?

Jack Semple: Working with local government. This is a point we make to local authorities.

Q27 Chair: Not a European-wide issue.

Jack Semple: In Europe, they have identified the SETPOS/LABEL standards by which you might measure truck stops, but, in our view, that is a national competence. I cannot see what Europe would bring that national Government cannot bring.

Q28 Chair: Do you generally agree with that, Mr Welsh?

Chris Welsh: Yes, broadly. The problem with sufficient truck stops is a problem throughout Europe, though it is for national Governments to take up. We have made our views known to the European Commission to ensure that national Governments within the EU understand that this is a significant problem.

Q29 Graham Stringer: If a container is loaded on to a ship in south-east Asia, stops at x number of ports on the way, arrives in a port in the UK and is loaded on to the back of a lorry or a train, how do you know that what is labelled on the outside of that container is actually in the container and not something deeply unpleasant?

Chris Dugdale: You don't, but you do know that, if the seals are intact, then what was loaded in it is what is still in it.

Q30 Graham Stringer: Can you explain that? The seals are not very sophisticated, are they?

Chris Dugdale: Very frequently, yes, they are.

Q31 Graham Stringer: So the real problem is that, if at the original port somebody said, "I am putting a shipment of toys in there", and it is actually something

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that might go bang, it is not checked when it comes into this country.

Chris Dugdale: That is a potential problem, but we also need to draw attention to the fact that there is this system of authenticating shippers and checking the contents on consignment. If you get something that is inherently suspicious—and, typically, that is something in which there is no profit in its movement or something that just does not seem right—then a customs authority will stop it and look at it.

Q32 Graham Stringer: I am thinking of some parts of the world where there are people who do not wish this country well and do not have very high standards of security at the ports. They can say, for example, that it is toys or textiles, there would not be a profit in it, and it could be something completely different. There is no check that what it says on the label is what it actually has in the containers. That is the point I am getting at.

Chris Dugdale: There can be no guarantees, but people are on the look-out for this sort of thing.

Q33 Graham Stringer: We are relying on the security at either the port of embarkation or that something at any of the ports in between does not happen to it, aren't we? There is no security in the United Kingdom that checks on the initial security.

Chris Dugdale: If it is an import from outside the European Union, of course it will be declared to customs. Part of the customs process is to look at things that don't seem right.

Q34 Graham Stringer: You said that the seals are very secure. Can you give the Committee a little more information about the kinds of seals and how they are secured?

Chris Dugdale: There are two principal types of seal. One of them is indicative. That does not protect the container; it merely indicates whether it has been opened or not. The other one is much more like a padlock and it is difficult to open. One of them is simply to indicate whether the contents are intact; the other one is to protect the contents principally against theft. There are international standards for seals. The ones at the top end of the standard are very secure.

Chris Welsh: I want to concur. The seals process works quite well, because, if it has been tampered with, it will be noticed by those handling the container, which will indicate that there has been some interference with the consignment. That could lead to an inspection and so on. The seal system is governed by international legislation and does appear to work well.

I want to come back to a point made by Mr Stringer. I can't remember if it is 24 or 48 hours, but, under new EU arrangements, pre-manifest information now has to be given to the shipping company before the goods are shipped into the United Kingdom. This is deliberately so that Her Majesty's Customs and Revenue and other agencies that may want to do the profiling of particular consignments from particular origins and things like that can have a look at it. Although it is an initial burden on trade, we understand the reasoning for it. Provided the advance

data can be provided, it lends itself to the risk-based approach that we described earlier in terms of trying to target particular areas where there may be a problem.

Q35 Iain Stewart: I want to follow up on Mr Stringer's questions. Assuming that the seals are all intact, the profiling does not raise any questions and the documentation is in order, over and above that, are there still random checks made to make sure that the consignment of toys is not components for a nuclear weapon, drugs or something of that ilk?

Chris Welsh: My understanding is that customs do actually do that. There are random checks on consignments.

Q36 Iain Stewart: Do you believe they are sufficiently frequent?

Jack Semple: I understand there are random checks that are intelligence-led checks. In terms of really nasty things, I would not feel qualified to say whether they are adequate or not. I would make the point that, when we are talking about the movement of goods, you can get something pretty nasty into a car, with or without darkened windows. Whereas, in the past, somebody might have taken a 7.5 tonne lorry into London or Manchester and done something nasty with it, you can get a big impact from a relatively small vehicle. In terms of the threat, I am not sure it is all just from commercial vehicles.

Chris Dugdale: My colleagues in customs tell me that they do have intelligence-based and risk-based checks, but, in order to inform them and for them to be certain of the basis upon which the risk-based system is mounted, they must also do random ones so that they can get it right the next time.

Q37 Chair: It is proposed, too, that there are Advisory and Stakeholder Advisory Groups set up. Do you agree with that? If you do, which issues do you think those groups should be considering, if there are any specific ones?

Chris Welsh: Yes; we welcome the establishment of the expert group mentioned in the EU report. That has been welcomed by bodies such as the International Road Transport Union as well. We are able to input into the debate as it goes on and raise industry issues where we feel it would be helpful for guidance of the Commission going forward on security matters. So, yes, we have taken advantage of it in our European organisations.

Q38 Chair: Mr Semple, do you have the same view? Do you think these would be helpful?

Jack Semple: Broadly. An Advisory Group that helps to promote good practice and information is probably welcome. On the idea of splitting the Advisory Group from the Stakeholder Group, I think the two would be better merged. Clearly, given the huge range of threats and goods and passengers, they probably need to define their priorities quite closely to make progress. In terms of promoting engagement, then, yes, it is positive. Providing they focus on promoting engagement, we would be happy with that.

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One point we would be keen to ensure is that there was SME representation there. You can sometimes have quite a rarefied atmosphere. The very largest shippers and carriers may be invited to express a view or may not. Given the very large number of operators there are in Europe in the goods sector, for example, then SME representation should be there as well and should be ensured. DG TREN's record in the past is a little patchy.

Q39 Chair: Do you think the Department for Transport should be involved in the groups?

Jack Semple: I would hope the Department for Transport would want to follow what was going on there, yes.

Q40 Chair: Mr Dugdale, do you agree with these groups being set up? Do you think it would be helpful?

Chris Dugdale: Yes. I would add that it would be desirable to have mirror groups within the United Kingdom.

Q41 Chair: You like the idea and you want mirror groups in the UK as well.

Chris Dugdale: Yes.

Q42 Chair: Finally, a number of you have mentioned the TruckPol service. You have expressed concerns that it has stopped. Would you like that reinstated?

Chris Welsh: Yes.

Jack Semple: Yes. For many years, the RHA has made a financial contribution to TruckPol. We were very disappointed when the Home Office funding was withdrawn last April. TruckPol had its faults. It had progress to make but was moving in the right direction. We have just completed a three-month trial of a similar reporting system. We are at something of a critical stage in terms of TruckPol. We are very keen—and, certainly, elements of the industry would be keen—for it to be maintained. It is very important for police forces around the country to have this area of crime on their profile.

We have reporting through the National Business Crime Bureau. It is prepared to receive reports from the police. However, the police have a number of funding and priority concerns, as we have said. We need any support that the Committee can give to the

idea of maintaining a system for the central collection of data on crimes that we can identify, the scale of the problem and on patterns of good practice, so that the police can talk to each other and respond. We also need to take it to the private sector to inform and encourage them in good practice. We are at something of a crossroads at the moment.

I would also like to highlight the broader context of the Government stepping back somewhat from managing business crime, as it is perceived by our members. There is concern in the freight and haulage sector as to where that will lead us. If there is a diminution in focus to crime among the police and in the police response—and perhaps also the judicial response—that will be noted by criminals attacking the industry. We are keen to avoid that.

Q43 Karl McCartney: I have a question about security on either road or rail. Which do you think is safer for freight? Do you think we should be taking more of the freight that comes through the channel tunnel further on the railway system rather than immediately decamping it on to the M20 and M26?

Chris Dugdale: We would like to see that, of course, but for commercial reasons. Historically, we have had a much easier profile in so far as security from crime is concerned, but I would echo what my colleagues have said about counter-terrorism security. A lot of people just look for opportunities and, if they cannot do it one way, they will do it another.

Jack Semple: In terms of all the discussions between modes, I am not sure that security is the one that comes out most frequently, but I would say that most goods that go by rail also go by road. There is a bit more handling involved, so you are probably more secure going by road in that you do not have the double or triple handling that you have with rail. You go very often by road to the railhead and put it on, but I do not think it is a big issue in terms of road or rail.

Q44 Chair: Mr Welsh, do you want to comment on that?

Chris Welsh: There are procedures in place for all modes and I think they are adequate.

Chair: That sounds a very diplomatic answer. Thank you very much, gentlemen, for coming and answering our questions.

Examination of Witnesses

Witnesses: **Peter Guy**, Operational Security & Continuity Planning, Network Rail, **Peter Lovegrove**, Operational Resilience Manager, Association of Train Operating Companies, and **Gareth Williams**, Director of Regulatory Affairs, Eurostar International Ltd, gave evidence.

Q45 Chair: Good afternoon, gentlemen. Welcome to the Transport Select Committee. Would you give your name and organisation, please?

Peter Guy: I am Peter Guy from Network Rail.

Peter Lovegrove: I am Peter Lovegrove from the Association of Train Operating Companies and therefore, am here representing the UK's domestic passenger operating companies.

Gareth Williams: I am Gareth Williams from Eurostar.

Q46 Chair: We have heard that the UK takes a risk-based approach to transport security. Could you tell us what this means for your sector and whether you think that is the right approach?

Peter Guy: For us, the risk-based approach means identifying the potential risks or threats that exist to

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the railway infrastructure and its operation and performance. We would assess the likelihood of those risks or threats occurring and then assess the impact of the risk or the threat. We would then develop, in concert with people like DFT security, the British Transport Police and other rail users—for example, the Association of Train Operating Companies and freight operators—mitigations for those risks and threats, but at the same time highlight the fact that any mitigation or response to the risk must be proportional. As part of the whole risk review, we would also review the processes, steps and mitigations that we put into place.

Q47 Chair: Are there any problems with a risk-based approach as far as you are concerned?

Peter Guy: No, not at this time.

Q48 Chair: Mr Lovegrove, what is your view on that?

Peter Lovegrove: Yes, I would agree with that. A lot of our arrangements are based on a threat model that looks at the groups and individuals who are posing a threat and what their particular targets will be. That may be the infrastructure; it may be stations. Obviously, even within stations there will be targets that are more attractive to a terrorist than others. There is also the modus operandi. That all goes into that. Obviously, there are limited resources so it makes sense to concentrate the resources that are available on where we perceive the greatest risk to be. For us, yes, it is very much the right approach.

Gareth Williams: I would echo what my colleagues have been saying. We apply the same principles of the risk-based model. The only thing I would add is that, of course, it depends on working very closely with Government authorities so that you can get their view as to the level and nature of the risk.

Q49 Steve Baker: On this point, thank God, I don't think we have ever had a bomb on a train in the UK, but I do remember one going off in Spain. Were they subject to a risk-based approach and were any lessons drawn over to the UK from what happened there?

Peter Guy: I am not aware if the Spanish operator infrastructure or train operators used a similar risk-based approach to us. However, from the lessons perspective, yes, there were lessons that came out of what happened in Madrid. For example, it highlighted that the threat is still very much there. While we did not have a recent attack on the overground rail system, the events of 7/7 in 2005 highlighted, again, within the UK that the same threat does exist.

The other lesson is that we are facing a new dynamic of terrorist threat—7/7 highlighted this especially—in the fact that we had what we termed home-grown terrorists who were prepared to commit suicide in the process of conducting a terrorist attack. That brought a completely different change from the tactics that we had seen in the UK previously and, I suggest, the tactics previously used by Irish Republican terrorist groups, both in Northern Ireland and on the mainland UK.

Peter Lovegrove: We will always work with the security services here to learn any lessons from any

information we get from elsewhere. We have had attacks on trains in the UK but admittedly not in recent times. We will certainly review everything, which is one of the reasons why we are supporting the sharing of good practice across Europe but not legislation. We believe that all that can be gained can be gained from simple sharing of good practice.

Q50 Chair: Mr Williams, did Eurostar learn any lessons from Madrid?

Gareth Williams: I would echo the first comment that Peter made. We had been set up initially with a regime that looked very similar to that for aviation. The nature of the threat was deemed to be slightly different because of the critical infrastructure. Madrid and a number of the other attacks merely brought home the point that this is a threat that extends to rail as well. It was very much a warning on the threat, but lessons were learned on how to apply measures against it.

Q51 Steve Baker: I am thinking about my commute this morning. There was no security checking, and I am pretty sure that I don't want to live in a world in which there is. We are having this conversation about a risk-based approach, but, at the moment, as a passenger I do not think there is any visible security on the overground train network. I cannot remember the last time I even saw a policeman overground. What practical measures are taken as a result of this risk-based approach?

Peter Guy: We operate what is called the National Railways Security Programme. I am sure my colleagues in the DFT would be able to comment on this in a lot more detail when they follow our session. We are obligated to carry out specific security procedures and tasks. I cannot comment upon those conducted on trains because Network Rail does not operate passenger or freight traffic as such. However, we own and manage some of the biggest railway stations in mainland UK, and we carry out specified security tasks that are set within the National Railways Security Programme for that.

As for the presence of policing on trains, again, I cannot comment upon that because I do not have visibility of the operation and deployment of police on to trains. However, I am aware that the British Transport Police have set up neighbourhood policing teams. This was set up two to three years ago. They are dedicated to policing main transport hubs that exist.

Q52 Steve Baker: I just make the point, though, that they only police main transport hubs. When I said I had never seen a policeman, I meant at High Wycombe. We see them in London, of course, all the time, but is there anywhere apart from the main transport hubs where we should expect to see a police presence?

Peter Guy: Again, I would not like to comment upon British Transport Police operation and deployment or where they decide to deploy their officers. That is very much for them to decide that. However, I would assume that, if there is an area that suggests there is a requirement for the British Transport Police to either

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introduce or increase a presence, then they would follow that accordingly.

Q53 Karl McCartney: There is CCTV on various stations, which might well be owned or run by Network Rail, by some of the train operators or even by Eurostar. Do you share that with British Transport Police or other agencies, or do you have your own responsibility for your own teams who look at that? Is it all fed into somewhere where somebody is, hopefully, having an overview of some characters that are acting suspiciously?

Peter Guy: Yes, we do. We have invested a significant amount of money into developing the CCTV hub at Ebury Bridge at Victoria for the British Transport Police. All the major stations in London are fed into there, whereby they can be monitored, used for intelligence-gathering and for monitoring of potential crime taking place.

Q54 Karl McCartney: That is all well and good, but the 7/7 bombers did not start in London. What happens in the rest of the country, if you don't mind my asking?

Peter Guy: Ebury Bridge deals with the main stations in London. However, we are expanding that to include out-of-London stations, and that work is ongoing as we speak.

Q55 Graham Stringer: I want to follow up on Mr Baker's question. It seems to me that, rather than being a risk-based policy, it is a stable-door-based policy. The last time I was in Madrid, I went through airport-style security to get on the trains after 200 people were killed there in the Atocha bombings. Here, where there must be at least the same threat from terrorists, there is no security whatsoever. Can we really believe that that is risk-based and not stable-door policy?

Peter Lovegrove: We cannot eliminate the terrorist threat; we can only do our best to minimise it. That means you have three areas of balance that you have to bring in, so it is risk-based. One of those is obviously about cost versus benefits. That is pretty basic. There is also what I call the practicality balance. Anything that we do must be something that we can work to as the industry and must also be acceptable to the public. Of course, for the most part, we run a mass transit system in the UK. The sort of airline security that they have on certain routes in Spain would not work in a commuter area around London. Finally, there is the balance between technology—how much you can apply CCTV and other clever means of identifying people acting unusually—and the human element. Our staff get a gut feel for what does and does not look right. Although it is not quite a balance, the other thing that is worth mentioning is sustainability. As human beings, we have to be able to sustain whatever measures we are taking.

All of those factors need to be balanced. In the case of Mr Baker's High Wycombe, that will not be regarded as high a risk station as, for example, King's Cross or Euston. There will be measures in place such as locking waste containers so that bombs cannot be hidden in there and so on and so forth, but we would

not expect them to be visible necessarily to the public at large.

Q56 Graham Stringer: That is a fuller answer and it is one I suspected, but, basically, it is not risk; it is cost-benefit and fingers crossed hoping that something does not happen. I cannot believe that the policy would stay the same if somebody did blow one of our trains up. Can you?

Peter Lovegrove: As I said earlier, we will learn any lessons from any incidents that happen here or elsewhere. I cannot really add more beyond that to what I have already said.

Q57 Chair: That does sound a bit complacent.

Peter Lovegrove: No; I do not think it is complacent. As Mr Guy said, there is a National Railways Security Programme that is worked out between the DFT security people and the rail industry looking at the risks and how they can best be identified. That is fully monitored. There are compliance inspections on that and so on and so forth. Ultimately, the rail industry takes its guidance from the security services on where the risks are greatest and what form they take.

Q58 Graham Stringer: We have been making the comparison with Madrid. Do you think we need more, less or the same amount of European legislation when it comes to train security?

Peter Lovegrove: Personally, I do not think that legislation would help us in the areas of weakness that we have. For example, one area I have mentioned already is the need to sustain a high level of alertness. As human beings, it is very difficult to do that. I do not see how legislation would help on something like that.

Q59 Graham Stringer: Does anybody else want to add to that?

Peter Guy: I would agree with what the previous freight operators were commenting on. It is a case of sharing best practices to the best of our abilities rather than mandating or legislating.

Q60 Chair: Mr Williams, do you agree with the other replies about whether there is a need for any more European-level legislation or involvement?

Gareth Williams: Yes. We do not see the need for European-wide legislation. We welcome the exchange of best practice as in the document and, of course, press for commonality of standards in all our operating bases, but we do not see it as a matter of European-wide legislation.

Q61 Chair: What about issues to do with customs control and with trains going through different countries?

Gareth Williams: Again, the more there is commonality of standards, the easier it is for our passengers to understand what is expected of them and what they can and cannot do, wherever they join the train. That is something that is generally co-ordinated between the Governments, in our case, as part of the Joint Security Committee of the Intergovernmental Commission. Although there are

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different people who are undertaking the work, there is a common approach.

Q62 Iain Stewart: Mr Williams made the point in one of his answers that the reason Eurostar has airline security checks is because of the iconic nature of the infrastructure. Assuming that the terrorist threat remains similar to today, when High Speed 2 opens, do you think there should be similar airline-style checks on domestic services? Is it something that has been discussed in the industry?

Peter Lovegrove: I am not aware that it has been discussed in the industry. One issue that you would need to look at from a practicality point of view is that there are some cases where high-speed systems are essentially a closed system. We make the channel tunnel a closed system, but the majority of the high-speed network, if you look across Europe, has trains that are running on to it and off it from the traditional infrastructure. I think it would be quite difficult to establish that boundary.

Q63 Iain Stewart: In your written evidence, you made the point about the open nature of high-speed rail in European countries. You go on to reject the need for European-wide standards and legislation on this. If the UK system is similar to that on the continent, why shouldn't there be a European-wide standard?

Peter Lovegrove: We answered the question from the perspective of the UK. We do not believe that European legislation would improve matters in the UK. I am not in a position to answer whether it would improve matters in other European countries because I have no oversight of their security arrangements.

Q64 Chair: Mr Williams, do you have a view on that in addition to the answer you gave me to the earlier question?

Gareth Williams: One of the difficulties of trying to set European-wide standards is that there are very different natures of services. Indeed, just from talking to the three of us, you can see that the national network differs from the high-speed network, which differs from the channel tunnel and so on and so forth. There is a risk that you will spend quite a lot of time trying to draw up common standards for all eventualities, whereas the risks are different according to the nature of the service or the country in which you are operating.

We are very supportive of the work done in order to co-ordinate standards where the nature of the service and the risk is common. For instance, when Deutsche Bahn were talking about running new services through the tunnel, they were or are talking about running trains from Cologne and Amsterdam, and they would know that the UK and French Governments had been in contact with Germany and Holland in order to try and widen the approach taken to channel tunnel security and apply a similar approach and standards to the whole system. It feels to me more practical and focused to be done on that kind of case-by-case basis than to wait for a commonality of standard across the continent.

Q65 Chair: Is that the approach that you accept in relation to the possibility of a terrorist incident in the channel tunnel? Do you think the approach you have indicated between countries is the way to address that rather than any European involvement?

Gareth Williams: Yes, to ensure that any train entering the system undertakes similar security standards before it passes through the tunnel.

Q66 Graham Stringer: Going back to the previous question, and all these questions are related, you are right to say that alertness of staff is vital in security. Training of staff in alertness is also vital in security, and yet in your evidence you said you do not want that to be made statutory or mandatory. Why not?

Peter Lovegrove: The proposal is that that should apply to all staff, which would by implication include office-based staff. It is very appropriate for staff at the stations to be trained, as indeed they are, and regularly tested on that training as well through inspections.

Q67 Graham Stringer: So that I am clear, you would be supportive of mandatory or statutory training for staff that are close to the security risk, or do you just want it to be self-regulation?

Peter Lovegrove: In the UK, it is driven by the National Railways Security Programme that I mentioned earlier. It has a legislative element and a good practice element to it. That seems to work reasonably well as far as we can tell in the UK.

Q68 Chair: Are you saying you are satisfied with that? Is that what you are saying?

Peter Lovegrove: Yes; I would say we are satisfied with that, without being complacent.

Q69 Chair: What makes you satisfied?

Peter Lovegrove: It seems to represent a balance that is risk-based.

Gareth Williams: Our situation is slightly different in that our plans for responding to the threat are regulated by the Department. Part of those plans is about the training of staff, so all the relevant staff are trained to a standard, and that is in the UK where we take responsibility. In Belgium it is done by the national authority, Securail, and in France it is the Douanes or PAF.

Q70 Steve Baker: I would like to ask you for some numbers. You may not have them to hand, so I will forgive you of course. Could you compare the number of genuine incidents you get on the network to the number of reports you get of suspicious objects or whatever, to the number of passenger journeys?

Peter Guy: I would not be able to offer you the comparison in figures. Suffice to say that we do get a lot of hoax calls made either to the police or other organisations that do not lead to something significant or threatening. For example, it could be to the Samaritans.

Q71 Steve Baker: We are all aware that staff and passenger vigilance is a good idea. I will put it to you qualitatively. I would imagine that the number of reports of suspicious devices or incidents is vastly less

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than the number of passenger journeys. I am sure it is enormously less. For the record, you are nodding. How many genuine security incidents do you get on the network each year—roughly, if you do not know exactly?

Peter Guy: I am sorry; I do not have that figure with me.

Q72 Steve Baker: Is it single digits, 20 or 100?

Peter Guy: Again, I would not like to guess, but I am happy to provide that in further written evidence.

Q73 Chair: We would like to know not just how many but what they are and what the trends might be.

Peter Guy: If you are happy, Chair, I will provide that afterwards in written evidence.

Gareth Williams: It is not necessarily the way we measure effectiveness. We do still get incidents. There are still tourists who try to bring back ammunition from world war one battlefields in France, which occasionally causes incidents at Gard du Nord. The way in which we audit is very similar to the airlines. You conduct mystery shopper tests on your security and see how many of those get through. That is what you measure rather than relying on a trend of incidents as your principal measure. You audit and that is systematic.

Q74 Steve Baker: I hesitate to ask you this given the earlier conversations we have had, but, when you do that audit, what sort of numbers do you find?

Gareth Williams: I really would not want to talk about audit numbers in that sort of way in an open forum. I could write to the Committee.

Q75 Steve Baker: If you write, it is a matter of public record as well. Is it classified?

Gareth Williams: Yes.

Q76 Chair: Are you sure it is? It is not just that you don't want to say.

Gareth Williams: No; I know it is restricted information.

Q77 Chair: ASLEF, the trades union, has drawn our attention to the problems of overcarry, when not all passengers have disembarked following the termination of a rail journey. Do you see that as a serious problem and what can be done about it? Mr Lovegrove, do you have a view?

Peter Lovegrove: From a terrorist perspective, no, I do not see it as a problem.

Q78 Chair: But from a general security perspective is it a problem?

Peter Lovegrove: It is perhaps more of a safety problem than a security problem, in that there is a risk that those passengers will disembark on to the running line, but that is quite a different matter.

Q79 Chair: Do you think it is a problem? You are giving an impression that you do not think it is a problem.

Peter Lovegrove: I said I do not think it is a problem from a security perspective. It is potentially a problem from the safety perspective of those individuals.

Q80 Chair: Therefore, what should be done about it?

Peter Lovegrove: I guess steps should be taken to ensure that the likelihood of people being carried into depots is reduced. The specific example that ASLEF refers to is on the underground rather than the mainline railway, so I am afraid I am not in a position to talk about the detail of that.

Q81 Chair: Mr Williams, how could we get greater co-ordination of security measures for cross-border services without imposing additional costs? Is that possible, or is it inevitable that it will cost more?

Gareth Williams: No; I do not think it is inevitable that it will cost more. We and all operators accept that the provision of security is part of the cost of running this sort of operation. If you are looking to extend a new route, then you will accept that there is an additional cost, just as there is in all parts of the operation of running that route. I mentioned before that there has been a system that has worked well—a Joint Security Committee—between the French and British Governments as part of the channel tunnel regulator. They meet regularly, and I know that the British Government have looked to extend those discussions with the Germans and Dutch, as I said before. It seems to me, therefore, that there is a forum, a practice and established ways of working, which could very easily be extended to bring in other parties, depending on where operators look to run services.

Q82 Chair: It is proposed that Advisory and Stakeholder Advisory Groups be set up. Do you think that is a good idea? What things would you like such a group to look at?

Peter Guy: I think it is a very good idea. We would like to see clear lines of communication between the two groups. Obviously, you would assume that the Stakeholder Group is going to be people like the infrastructure operators and the train operating companies. The advisory body may be the more official body or Government Departments that would be representing transport in the European countries. If we do have clear lines of communication, then that opens up the process we have already commented upon where there is good sharing of information and good practice across the board through all interested parties, both Government-led and from the operators themselves.

Q83 Chair: Are there any other views about the proposed groups?

Peter Lovegrove: I would absolutely echo that.

Gareth Williams: We see it as a forum for sharing experience and best practice, and then taking that and applying it within the more detailed discussions that I was talking about earlier.

Q84 Chair: Finally, could you summarise for us what you see as the major challenges for both operators and passengers in relation to security? What are those challenges at the moment?

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Peter Guy: From Network Rail's perspective, it is one of maintaining staff vigilance and ensuring that they conduct any security tasks or duties comprehensively and consistently. I am not saying it is a major problem, but it is something that we always have to keep an eye on to ensure that we provide as safe an environment as possible, not just for people who use the rail network but also for our staff to work in.

Q85 Chair: Are there any specific changes that would help you to achieve that?

Peter Guy: I do not think there are any specific changes, be it anything legislative, that would help us do that. That is very much a managerial process for us to look at ourselves.

Q86 Chair: Mr Lovegrove, what is your view?

Peter Lovegrove: I think the challenge is to maintain the balance that I was referring to earlier, and also being alert and able to respond to new threats that emerge. The one I would cite there is the cyber threat. That is something to which we have not given any great consideration yet within the rail industry.

Gareth Williams: I would certainly echo the point about maintaining staff vigilance, particularly when you are running a process of security checks day in and day out, ensuring that those are all done to a standard. That is a constant need and a constant driver. The other issue we face as we expand services is the practicality of ensuring that, wherever you start your service, it is subject to the same standard and level of security controls as currently happens in London, Paris, Brussels or wherever.

Q87 Chair: Do you think that can be achieved by national Governments?

Gareth Williams: Yes. I very much welcome the amount of attention that is being given to this issue by both the Home Office and the Department for Transport, who have really seized on the idea of rail liberalisation and the potential for expanding international rail, and are starting to plan ahead for that eventuality and set up the structures to deal with it. We welcome that.

Q88 Steve Baker: Mr Lovegrove, are there plans to look at the cyber threat?

Peter Lovegrove: Yes, there are.

Peter Guy: I might be able to add to that. Especially with the introduction of systems like the European Rail Traffic Management System, where you are talking about a pan-European system for, as it says, traffic management, Network Rail, certainly—who will be the owner and operator of such systems for the line side and infrastructure aspects; there are going to be parts of the system on the trains themselves—are looking very closely at that. The cyber threat to that is very much on our radar.

Q89 Chair: Are you satisfied that you have the correct resources, powers and co-operation from others to enable you to address that?

Peter Guy: Yes, we have. At this very moment, we are speaking with organisations like the Centre for Protection of the National Infrastructure and with the Department for Transport as well.

Chair: Thank you very much, gentlemen.

Examination of Witnesses

Witnesses: Rt Hon Simon Burns MP, Minister of State, Andrew Cook, Head of International Rail, and John Fuller, Head of Land Transport Security, Department for Transport, gave evidence.

Q90 Chair: Good afternoon, Minister. Welcome to the Transport Select Committee. Would you and your team give your names for our records?

John Fuller: I am John Fuller. I am Head of Land Transport Security in the Department for Transport.

Andrew Cook: I am Andrew Cook from the Department for Transport. I head up International Rail Security Policy.

Q91 Chair: Minister, I gather you would like to make an opening statement.

Mr Burns: I wondered if you thought it might be helpful if I gave a brief overview of our general approach to this important issue before the questions flowed.

Chair: Yes, please.

Mr Burns: First of all, it goes without saying that I welcome being here and seeking to assist your Committee in its inquiry and commission. What I would like to say is that, there will possibly and potentially be some issues touching on security that cannot be explored in too great a detail in this forum given the nature of the subject. I hope we can also concentrate on land security in the generality and specifics on its own merits. Trying to draw too many

parallels with other transport modes, as the European Commission's working document does, is to my mind a dangerous course when circumstances vary so greatly within the EU. Aviation, for example, has always been an international sector. Land transport is fundamentally domestic, with some international links, for which special arrangements between the relevant countries apply.

Setting this issue in historical context, the UK has a very strong record on security. We have had to contend with serious threats from different terrorist groups over the last four decades and we have learned a considerable amount during this time about how to deliver proportionate, sustainable and practical security. That is particularly true of transport, where the ease and convenience of travel needs to be preserved as far as practicable at the same time as the traveller is protected and the operator not overburdened.

The balance needs to vary according to transport mode, location and threat. It is for those reasons that the Government have taken the position that they do not support the case for European standards or regulations on land transport security. It is a very important principle that member states are best placed

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to understand the particular threat they face and judge what measures are needed.

The UK has had a high threat over a long period, so it is no surprise that our security regime is one of the best. We would not ask other countries facing lesser threats to level up to that, but we certainly should not level down our own measures just to conform to theirs.

That is not to say that we think we have nothing to learn from other countries' experiences. The threat keeps developing and we cannot afford to be complacent. We are, therefore, very much in favour of countries sharing experience and best practice. We have done this for many years, with countries facing similar security challenges both inside and outside the EU. The Commission may have a role in helping this to happen even more, as my written evidence has highlighted, but we can see no case for a general EU-wide legislative approach to land transport security, which would be taking a very blunt instrument to a very delicate and complex problem.

In conclusion, the Commission's working document is very wide-ranging and the specific proposals lack detail. Some even fail to take account of existing European legislation—for example, the requirements already in place for the secure transport of dangerous goods. But, even if proposals are at an early stage of development, there is enough clarity to justify taking a position of general caution.

From the views expressed to us and in written evidence to this Committee, we believe this caution is supported by transport operators. They know what the costs, financial and practical, of ill-thought-out legislation would be. They understand that those costs would fall ultimately on the public, whether in high ticket prices or the cost of carriage, making goods in the shops more expensive.

In summary, we intend to make sure that the well-developed UK approach to transport security and the good experience of UK transport users at home and abroad is not undermined by inappropriate pan-European requirements. We will engage constructively with partners in the EU to see where co-operation can be bolstered, but we see definite limits to the EU role in the area of land transport security.

Q92 Chair: What do you see as the current or new challenges for transport security?

Mr Burns: As I said in my preliminary remarks, it varies from country to country because the threat and the potential vary. What is crucial is that we have to have robust and sustainable procedures and mechanisms in place so as to minimise the potential threat and danger to the transport system, passengers, freight and other things. That is why we have developed our *modus operandi*, our plans and the procedures we have in place to such a high level following the experience we have had now for over four decades, and also working in co-operation with other countries and organisations, sharing best practice. You can never for one minute be complacent. As techniques and other methods develop, we have to be on top of our game to be able to counter those

threats and that danger to both the public and our transport system.

Q93 Chair: You say you are against any further EU legislation in this area, but European legislation has a good record in regulating aviation and maritime transport. Why are you so opposed? Is it opposition on principle or because you are looking at the detail?

Mr Burns: I certainly would not say it is on principle because it is an EU proposal. No; I would not say that. It is because the aviation transport system is very different from the domestic transport system. First of all, with aviation, there are very tight controls, because of the nature of the transportation system, with border controls and security before you board a plane and with the checking of the luggage. If you take the rail system in this country, it is primarily but not exclusively a domestic service. There are between 2,600 and 2,700 stations. You have to have a different approach because it would not work in the same way that the aviation security system warrants such very tight controls. There are other ways in which you can seek to protect the transportation in a domestic setting compared with an international one.

Q94 Chair: You have spoken about the need to share information and best practice. Is that being done effectively? Are you concerned that, perhaps, lower standards in some member countries could put the UK at risk? Isn't that a vulnerability that should be taken very seriously?

Mr Burns: It should certainly be taken very seriously, but that is why I believe we have been so proactive in developing our highly sophisticated and in-depth approach to security. We liaise at an international level through international organisations, but we also liaise with other countries that have similar levels of threat to our own. We are always looking out within the international community, as well as internally, for any new developments, any new ideas and any new methods to assess whether they are relevant or appropriate for our own approach.

With a piece of legislation and given the level of sophistication of our own systems, one would not want legislation flowing from Europe that created a common denominator that might bring up the requirements on some countries where the threats are far less than those facing this country, which might then have the knock-on effect of reducing the levels of sophistication that we have with our own system. That is what worries me about having a common denominating piece of legislation or proposals.

Q95 Chair: But that would not be an inevitability, would it? It would surely be possible, if there was a circumstance like that, where it was agreed that other countries had to improve their standards, that we could maintain what we were doing. Would that be something that was impossible to negotiate if you found an incidence where that was required?

Mr Burns: In some ways one has to look at individual situations. Certainly, the approach of an EU-wide initiative could promote further the sharing of experience between EU states. We also recognise that some standards are already produced on an

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international basis, such as those for rolling stock. We would look to the EU to support changes to the European rail standards to incorporate security features.

I don't think that there is a need for EU legislation on the nature of this draft document because I do not think it could be written in a way that was appropriate to all member states. It could be too high a threshold for some and too low for others. Obviously, the threat levels differ between different states. I don't see the need to change the system as it works now, when it is completely appropriate for countries like the United Kingdom, which has had to face a threat for four decades or so.

Q96 Iain Stewart: Following on from that answer, I accept your point about EU-wide legislation being a very blunt instrument and the UK potentially having to diminish its current standards. In very specific areas where there is going to be a European-wide system like the European Rail Traffic Management System, is there scope there for having a pan-European arrangement to protect against cyber attack or some other threat?

Andrew Cook: There is certainly merit in looking at that. That is probably one of the very limited areas where there is scope to do that. Certainly, at the moment, what we are looking at is the cyber threat more generally against the rail industry. As part of the European standards coming forward, as you say, certainly from the safety perspective they have been looked at, but there is a need to look at that from the security perspective. At this stage, all we can really say is that it is worth investigating. I don't think it is a given that it would necessarily mean that at the end of the day.

Q97 Iain Stewart: Potentially, it would not have to be legislation that governs it; it could just be a system of bilateral standard agreements.

Andrew Cook: Yes. The big difficulty about legislation is that everybody has to agree to it. Where we can see the advantage in best practice and sharing that information is that it allows member states to look at things and gets away from some of the quite detailed arguments about where the impact will be.

Q98 Steve Baker: Thinking about the risk-based approach, are there any disadvantages to taking a risk-based approach? Mr Fuller, do you want to answer that?

John Fuller: The risk-based approach is one that allows us to prioritise resources where the threat is highest. Obviously, we are looking at a network that is very big. As the Minister has said, there are more than 2,500 stations and more than a billion passenger journeys. You have to deploy your resources in a way where they can be targeted on the biggest threat. The disadvantage is if you don't correctly identify the threat and there is a problem with your risk analysis. That is why we work hand-in-glove with the intelligence agencies. We are looking at how the threat is evolving all the time so that we are not operating by fighting the last war, as it were. We are constantly looking at where the new threats might be coming

from. We have just been talking about cyber as an example.

Q99 Steve Baker: If I were to play that back, what I am hearing is that it is all about time, place and people, so taking security staff, police officers and whoever else and putting them in the right place at the right time to respond to intelligence, however it has been gathered. Is that a fair characterisation?

John Fuller: There is a bit more system to it than that suggests. We have a tiered approach where stations are categorised into the top, middle or lowest band of risk. It does not require a detailed daily reassessment. You have that pattern already established, but that pattern can be adjusted according to what we are hearing from the intelligence agencies.

Q100 Steve Baker: If I were to put it another way, it is not about systematic measures that apply to the entire network uniformly because you just do not have the resources or it would be incompatible with mass transit.

John Fuller: There are three response levels. Each response level has measures that are in force for all the stations that fall into that group. If you put the three groups together, you have a set of measures that cover the whole network; it is just that they are not the same measures at every station. They are adjusted accordingly.

Mr Burns: It gives an approach where measures and resources can be placed where they are most needed at any given time. There is no point in spreading too thinly across a whole network where there is no threat. Given that a risk-based approach, which is frankly at the heart of our requirements, ensures that it has to be commensurate with current threat and vulnerabilities, effective, practical and sustainable, you can then concentrate your resources where they are most needed rather than wasting them by spreading them so thinly over a wider area.

Q101 Steve Baker: Are there any conceivable practical alternatives to a risk-based approach? At the moment, it sounds like there aren't.

John Fuller: Not with the current state of technology. If technology delivered us something that was able to scan without delay and to pick people out in a crowded environment, you can imagine a situation where technology would give us more options than we currently have. As it stands at the moment, a risk-based approach is the only feasible approach to allow enough security in the places where the threat is greatest.

Q102 Steve Baker: Are there any practical measures that could be applied across the network that the mass transit systems we have could survive? I rather imagine that, if we added airport-style security to a mass transit system, it would just bring all of our cities to a stop, wouldn't it?

Mr Burns: It depends what your definition of "mass transit" is. If you are talking about the rail network—**Steve Baker:** Underground and buses.

Mr Burns:—there are so many stations that it would be spread very thinly. Often, at the point where there

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is little or no threat, there is little point concentrating resources. What you want is to concentrate your resources where there are, potentially, far greater dangers and threat to be able to thwart, overcome or whatever. The idea of having police, to take the rail network, at every station is not necessary because there are many stations where there would not be a threat. You want more in the more high-profile stations that are considered to be at a far greater threat or potential threat.

Q103 Steve Baker: The point I was driving at, to see whether you would agree with me, is that, even if resources were infinite, the system could not bear the application of those resources to widespread checks. It is back to your technological point, isn't it?

John Fuller: With the current state of technology, it would be an insupportable cost and it would mean that the system could not deliver people quickly to where they needed to go.

Q104 Steve Baker: So there is no practical alternative to a risk-based system, because that is just physically the way the world is.

John Fuller: We don't believe so, no.

Mr Burns: We certainly think that is the most effective way.

Q105 Chair: Minister, you have said a few times that it is important to use resources where they are needed and not to spread them out. Does the present system accommodate the need to deal with cross-border services and where there are vulnerabilities at borders that can affect the safety of UK nationals and UK businesses? It could be to do with freight, road transport or rail. Does the current system allow us to deal with that?

Mr Burns: Yes; I think we do have a robust system in both spheres. The cross-border rail system, of course, is Eurostar. That has robust systems both on the French side of the channel tunnel and on the British side. It is a secure form of transportation of people. I suppose the nearest analogy is aviation because you go into a secure zone, your details are checked and you cannot get off the train, if you are going from England to France or Belgium, until you have left the UK and vice versa.

On the freight system, we operate a slightly different system from the French. Certainly, if you are an acknowledged organisation and you are putting the freight together in your own premises, whether it is a Ford car company or whatever, it will be done and the way you do it and your procedures will be checked and monitored. Then the freight is sealed so that, if any tampering is done, it will become apparent. If it is not a recognised freight deliverer, it will be done at the place of exit before the freight goes through the tunnel and on to the continent.

The French approach is not to seal freight but to check it all. Both approaches work well. We are obviously in close contact with the French, as they are with us, to ensure that the system is robust and secure.

Q106 Graham Stringer: This is a slightly depressing experience, Minister, because I agree with

most of what you have said, which makes it less exciting. It seems to me, having read the accession documents for Croatia, that one of the vulnerabilities of the European system that come in here is the European borders. Have you made any representations to the Commission to improve security at the borders of Europe, particularly with Croatia joining the EU later this year, probably?

Mr Burns: If you are talking about whether the Department for Transport has, I am almost certain in saying that the answer is no, because, of course, the lead Government Department on border control and illegal immigration is the Home Office. We work both at ministerial and official level very closely with the Home Office, but it is, of course, the lead Department in that area.

Q107 Graham Stringer: But there is an issue of transport security, isn't there, of containers, trains and lorries coming across the borders and not being properly checked at some of the more eastern and southern countries?

Mr Burns: There have historically been problems that you and I are familiar with. We certainly have confidence in the transportation of freight with the security systems that both the French operate for freight coming into this country and the systems that we have, which is probably less relevant to your question, of freight leaving our country and going to the continent. We believe that the system is robust and is serving its purpose. There are problems of human trafficking into this country. Again, through the lead of the Home Office, considerable work has been done both by the last Government and this Government to seek to minimise the problems. Although there is still a level of problem there, we will continue to work with the Home Office, and the Home Office will continue to work with other Governments to minimise problems there. We also have, of course, the ongoing situation with regard to Eurostar and Lille, and border controls there.

Q108 Graham Stringer: In answer to Mr Baker's questions, we came to the conclusion that there is no real alternative to a risk-based security system for this country. How can we, as a Committee, tell the difference between a risk-based system and just keeping our fingers crossed?

Mr Burns: Can I reassure this Committee that it certainly is not the approach of keeping our fingers crossed? We believe that a risk-based approach is the best and most effective approach. You can rest assured that considerable work is done, day in and day out, to give the highest level of protection to both the transportation system and to those using it.

Q109 Graham Stringer: I ask the question because, after the Atocha bombings in Madrid, where they had used a similar system of security and nearly 200 people ended up dead, they then completely changed their security system in Madrid after there had been that attack. My guess is that the Spanish wished they had had that system in place before the bombs and had saved those lives and injuries that took place.

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The question I am asking is how you can tell a system is working until it is failing. How can we assess whether you are testing that kind of system? Obviously, the Spanish, under, possibly, a similar threat to this country, have come to different conclusions in their capital city.

Mr Burns: I would certainly hesitate to comment on what the Spanish have and have not done or the changes they may have made. That is a matter for the Spanish Government and the Spanish security forces. What I would say is what I said earlier. We believe, from our experience and from the way in which the system operates and is worked, that it is the most effective way to give the maximum amount of protection in this country to the transportation system domestically—passengers and freight. I do not know if my colleagues would like to add to that.

Andrew Cook: Perhaps I can just articulate that measures are in place; there is a level of enforcement around to make sure that they are taken care of. What happens is that the Department for Transport has compliance inspectors who go round and check to make sure that the railway operators, whether it is Network Rail or train operating companies, are carrying out their inspections. Similarly, with Eurostar and Eurotunnel, there are procedures in place that they need to carry out and there are checks against them. There is a certainty that the level of security that the Government require is being met either through covert tests or regular frequent visits to the different sites.

Q110 Chair: Do you agree with the proposal to set up Advisory and Stakeholder Advisory Groups? How do you see the Department being involved with those?

Andrew Cook: Perhaps I can answer first. There is some caution about the need for the Advisory Group. Certainly, the Government's view is that it is certainly something it should be involved in. One area that we seem to be quite clear on is the sharing of best practice. That does seem to be a useful mechanism to do that. The proposal is to have two different types of Advisory Groups—

Chair: That is right.

Andrew Cook:—one with member states involved and one with the operators. Again, we welcome that in making sure that both sides of the equation are aware of what is available. It would allow for the sharing of best practice and, as technology comes on board, being able to disseminate that better.

Q111 Chair: Do you see that as the main work that those groups would do?

Andrew Cook: Certainly, yes; that is where it would bring the most advantage rather than trying to bring forward European legislation.

Q112 Chair: Is there any possibility that TruckPol could be reinstated?

Mr Burns: As you will appreciate, the decision was taken by the Home Office in the context of a budget of just under £9 billion. They took the decision that there were other ways to maximise the efficiency and effectiveness of their spending, but, frankly, it would be up to any police and crime commissioner who might wish to spend money from their budgets locally to take part in TruckPol to do so if they wanted to.

Chair: Thank you very much.

Written evidence

Written evidence from the Freight Transport Association (LTS 04)

INTRODUCTION

1. The Freight Transport Association (FTA) is pleased to respond to the Committee's inquiry into land transport security.

2. FTA is one of the UK's largest trade associations and represents over 14,000 companies relying on or providing the transport of freight both domestically and internationally, to or from the UK. Our members include hauliers, freight forwarders, rail and air freight operators, through to customers—producers, manufacturers, wholesalers and retailers. They cover all modes of transport—road, rail, air and sea. FTA members operate over 200,000 commercial goods vehicles in the UK, approximately half of the UK fleet of goods vehicles; 90% of goods moved by rail and around 70% of goods moved by air and sea. We operate a full campaigning presence in Brussels, which governs a significant proportion of the legislative and regulatory environment in which our members operate.

3. Please find below FTA's views on the issues raised by the Committee for this inquiry. We will respond to the issues that affect our members or where we have a view we wish to express.

4. In FTA's view the greatest efforts to improve transport security in Europe need to be made at the external border crossings of the Union in eastern and southern Europe where the risks to EU security are highest. FTA would also support the creation of an Expert Group on Land Transport Security within the EU to secure these borders more effectively and ensure trans-European working. For the best outcome, it is important for different administrations in different member states to share intelligence and not to work in silos.

5. Channels of communication between industry stakeholders must be created where none exist; and improved where they do, alongside the creation of a group of experts on land transport security. This will help to ensure the best possible outcomes for both European security bodies and industry stakeholders working across the EU.

6. The costs of providing this additional security and the expert group should be borne at the national or EU level and not by a levy imposed on road fleet operators at border crossings. Not only would imposing a cost on European road fleet operators provide a damaging competitive threat to EU companies where they are in a market with non-EU vehicles (who would be exempt from the charge), but funding it at a national or European level would reflect the importance of logistics to the economic recovery which is so vital to all member states and demonstrate that the EU and national Government understand this relationship.

7. There are many thousands of road freight transport companies in the EU and to measurably improve land security will be a hugely complex and expensive task. A risk-based approach must be adopted.

8. FTA is concerned that additional security could be counter-productive to the flexibility of land-based transport networks. By design, road freight is quickly responsive and can get anywhere relatively easily. Road-based transport operators in particular, in the event of extra security measures, could have to face a plethora of uncoordinated rules and regulations regarding supply chain security. The role of public authorities in the field of security as well as the cost implications for operators also needs to be considered.

9. Our members in the aviation and maritime sectors are well used to working within the restraints imposed by the security requirements of those sectors. But the number of transport operators in those modes of transport is significantly less than in the land freight sector; particularly of course where road freight, comprising many SMEs who are less easily able to absorb additional security costs, is concerned. This makes the implementation of similar systems to those present in aviation and maritime a significantly different and more difficult proposition.

10. Security issues such as cargo theft from vehicles is a large scale problem across the EU. Technology such as "track and trace" and modern vehicle telematics, which can alert an office hundreds of miles away if a vehicle unexpectedly deviates from its expected course, is increasingly used by FTA members as an aid to security. The Department for Transport must be encouraged to keep seeking to persuade the Commission for a simple and harmonised system of Intelligent Transport which can be easily accessed by vehicles irrespective of their member state of registration. Any technology introduced in Europe must not be discriminatory to UK businesses but apply fairly in all member states. Furthermore, it should also be monitored to ensure that any regulation introduced is observed in all member states in practice.

11. It is interesting to note that the Commission's report values lorry load theft at some €8 billion per annum. FTA has no reason to dispute this figure. Fortunately, drivers are not frequently attacked but it cannot be said that lorry and load theft crimes are victimless. Citizens do not receive the goods they have ordered and factories close down temporarily due to the lack of component supplies. FTA has had a long association with the Home Office and various police forces in the UK and was one of the earliest supporters of the Truckwatch scheme, which is the commercial vehicle fleet operator equivalent of Neighbourhood Watch for householders.

12. FTA regrets the closure early in 2012 of the Home Office and industry-funded TruckPol service, which comprised a small team of police active in compiling intelligence from across the UK on lorry and load theft. With an average theft reported to TruckPol valued at approximately £40,000 it was a valued resource, now sadly lost. The availability of secure lorry parking is pitifully small and measures need to be developed to facilitate the development of additional sites both at home and abroad. This requires genuine political leadership as, despite the strategic economic benefits of safe lorry parking, the creation of sites often meets considerable local opposition.

13. Metal theft from the rail sector is also a major problem in Europe, causing disruption to freight flows and thousands of passenger journeys.

14. FTA believes that HM Revenue and Customs could do more to simplify trade procedures whilst at the same time maintaining security standards by encouraging businesses to obtain Customs approved secure status such as AEO (Approved Economic Operator).

15. The presence of stowaways (“clandestines”) on board both lorries and coaches remains a problem for our members. Trading across the UK’s borders, our members’ biggest fear is that, unbeknown to the driver, their vehicles will be found to be concealing persons wishing to enter the UK illegally and that they will be faced with fines of up to £2,000 per person that can be imposed as a result. Any measures proposed to tackle this issue must be made in consultation with industry, and not impose impractical and excessively burdensome measures on the driver which yield little benefit. A fresh look at the problems faced by the industry and discussions on possible solutions is overdue.

Security is central to the logistics industry; both in terms of the commercial importance of what FTA members do, and the social importance of a safe and secure working environment for the many people in every area of the UK who work in the industry. FTA would be happy to discuss these matters further with the Committee if it would aid the effectiveness of the inquiry.

4 January 2013

Written evidence from the Road Haulage Association (LTS 10)

Thank you for the opportunity to contribute to your inquiry into the European Commission’s staff working document on transport security and related issues, which we refer to as “the EC document”.

The RHA represents 7,000 firms, providing road haulage and distribution to every sector of the economy. Members operate approaching 100,000 trucks and many thousands of warehouses. Security is a constant area of concern for our members and this is reflected in the content of a number of our member meetings, in our extensive dealings with the police and other agencies, in the RHA Security Forum. We also offer security assessments and training to our members.

Problem of scope of “transport security”

The term “transport security”, as used both generally and specifically in the EC document, covers an exceptionally wide range of issues. This creates difficulties when discussing the issue with respect to road transport of goods. Comments made with one aspect of security in mind may have much less relevance elsewhere—and is further complicated in the EC document, as both goods and passenger transport are discussed.

Unlike the EC document, which is concerned with both passenger and goods transport by various modes, our comments are largely restricted to goods transport by road, where we see three different categories of transport security threat, for ease of discussion.

1. Attacks on trucks—from a few pallets, to truckloads of finished goods, to metals; also theft of the vehicles themselves and of diesel from HGV tanks.
2. Trucks used as part of crime—smuggling of fuel, people, drugs etc; VAT fraud.
3. Potentially, as a vehicles used in acts of terrorism.

We note that the EC document asserts (page 3) that there has been insufficient effort to deal with cross-border crime possibilities along with the creation of the European Single Market and the application of Schengen Rules. This may be more of an issue on the Continent than in the UK. Also, the EC’s focus seems to be on cross-border activity but that relates to a small percentage of the total of European road haulage and distribution.

Strengths and weaknesses of current land transport security arrangements in the UK

A number of different agencies have involvement at various levels in the three categories outlined, including: The Home Office, with various branches of the police and other security services, HM Treasury and HMRC; and the Department for Transport, largely as infrastructure provider. This hints at the complexity of the security issue.

In terms of counter-terrorism, we believe that there is a reasonable level of awareness of risk within the industry and especially those sectors of the industry where risk may be greatest. We are conscious, too, that a large goods vehicle is not the only—or perhaps even the best—vehicle for delivering an attack by road. We consider current arrangements in terms of risk and resilience and are adequate and that we have a good foundation for improvement where the need arises.

Smuggling by truck remains a difficult issue, especially for the industry where the haulier may be ignorant of his driver's actions and, indeed, the driver may himself be ignorant of any crime. We have expressions of strong concern from members relating to smuggling of laundered diesel from the Republic of Ireland into both Northern Ireland and mainland GB. We are aware of concerns over levels of smuggling of alcohol and tobacco and the BBC recently reported that levels of alcohol VAT fraud risked undermining the legitimate bonded warehouse and retail operations. (File on 4 October 2012. Transcript at: http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/09_10_12_fo4_alcoholfraud.pdf)

The island nature of the UK gives, we assume, a degree of assistance to the enforcement effort of HMRC and other enforcement agencies that is not available elsewhere in the EU.

Security of trucks and the goods they are carrying is the area of greatest immediate concern to RHA members. Strengths in the UK include a clear legal system and, in parts, effective enforcement. The industry has made strong investment in areas such as processes, warehouse security and vehicle track and trace. These investments—themselves a significant cost burden to operators and their customers—tend to be strongest where the risk is greatest and the contribution of TAPA towards promoting the security of high value goods is rightly recognised by the EC document.

As a whole, we can say that the industry generally has tailored its own security arrangements to be broadly in line with risk—which, in terms of goods, range from nil (refuse collection) to very high (money, alcohol) and all stages between those poles. The industry's practical, pragmatic approach has been reasonably successful and suggests no need for further regulation. There may be room for improvement in terms of training and overall culture, particularly among SMEs, but we would not wish to overstate the need.

RHA members express growing concern over levels of crime against the haulage sector. Much of the crime is low-level but other crime includes assaults on the drivers. The areas of vulnerability and weakness most frequently identified by RHA members are:

1. A shortage of secure parking for vehicles when they are away from their depots. The lack of security offered by motorway service areas, the key parking stops on our national motorway network (and transport-EU network) is especially disappointing and we believe that MSA operators should be required to provide improved security as part of their operating agreement with government. Current standards at MSAs should be seen by the Department for Transport as an embarrassment. More generally, the DfT should do more to promote secure HGV parking provision across the UK.
2. Fuel theft from vehicles. This is a significant area of low-level crime against hauliers.
3. Police consistency and co-ordination. We would like to recognise the excellent work done by some officers and forces in countering crime against the haulage industry. However, overall there is a lack of consistency in approach. In some areas, freight crime appears to RHA members to be of low priority, with many anecdotes about an absence of follow-up by the police, even to quite serious thefts. Members who have suffered significant loss of goods from trucks have received nothing more than a crime number and the telephone number for counselling.

Co-ordination of effort across constabulary borders is often poor, in respect of investigation of single incidents where the operator is from one area and the crime has taken place in a second. That is compounded when the perpetrators are from a third area.

We have been unable to establish the extent of freight crime because the organisation for central aggregation of information and statistics, Truckpol, was only partially supported by police forces as a whole and was in any case wound up in April 2012. The future of even that system is now uncertain.

By its peripatetic nature road freight crime is complex and often falls across police force borders, each pursuing their own policy targets and unwilling to pick up the tab for investigation costs. This inconsistent and variable response by police forces to truck crime is a major concern. We have no reliable guide to the UK scale of crime against road haulage and distribution or of trends.

There is a specific concern in respect of theft of HGVs by organised gangs. At present, there is no differential between recording the theft of a moped and large goods vehicles. They are all classified as "Theft of Motor Vehicle" and police response is low due to the high volume status it engenders. The current method and classification system makes it nearly impossible for analysis of the industries crime figures. There is a need for Home Office crime statistics to identify between commercial vehicle theft and thefts of other types of vehicles and we are disappointed that no progress has been made.

We hope to make progress. Paul Broadbent, until this year Assistant Chief Constable and ACPO Lead on Business Crime, has been instrumental in setting up the National Business Crime Solution, a Public Private Partnership hub with business and law enforcement analysts developing cross sector intelligence which, we hope, will incorporate and resurrect Truckpol. The RHA is actively supporting this initiative and we hope that

it will provide a better platform for the sharing of good practice and information and also promote efficient reporting of incidents throughout the UK. That remains an aspiration rather than an achievement, however.

One positive step will be the adoption of a common minimum standard of reporting and investigation for road freight crime, developed by CEN. It will, we hope, increase chances of arrest, forensic capture and successful prosecution of offenders. This in turn will, we hope, contribute to a co-ordinated and appropriate level of response to these offences. Freight and lorry theft remains an attractive opportunity to organised crime as it is still considered to be a low risk and high profit option.

The creation of the National Crime Agency and of elected Police Crime Commissioners will bring new dimensions to national policing policy.

It is clear that the Department for Transport—as opposed to the Home Office and HM Treasury—has a relatively minor role in land transport security and we consider that appropriate.

Is there a need for further EU involvement in land transport security issues, as set out in the working document?

We are conscious that the challenges of consistency and co-ordination faced in the UK to improve security, set out above, are likely to be writ large on an EU scale. We would be surprised if many of the difficulties apparent in the UK are not replicated on a grand scale, with the additional complications of differing legal frameworks, culture and language.

We have not seen a need for significant further EU involvement in land transport security issues and we see little evidence of such a need in the new EC document—and particularly evidence of involvement driven by DG Move. We would wish to see clarity of analysis in respect of specific threats and problems in relation to passenger and freight—which may be different—and how greater EU involvement would improve security. We fear that greater EU involvement would risk adding further and unnecessary complexity to the mix and lead to regulation which might well be burdensome, costly, inappropriate and ineffective.

What would be the positive and negative impacts of potential proposals arising from the working document?

4.1 Establishing an Advisory Group on Land Transport Security. We are unclear as to the benefits such a group would bring or the extent to which there is a need for greater communication among member states than already exists. We believe the scoping of the Terms of Reference and activities would be challenging, due to the spread of activities covered by the term “transport security”.

Were such a group to be established, we believe industry stakeholders should be part of the group, rather than separate Stakeholder Advisory group, that SME representation should be included. DG Move’s recent record on the last point is at best patchy.

4.1.1 Security of transport interchanges The transport industry’s various sectors, their customers and insurers respond to assessed risk and appear to do so satisfactorily.

4.1.3 Consider bringing forward mandatory requirement for training of security staff and mandatory security awareness training for all persons working in the land transport domain. In the road haulage and distribution sector, we see no reason to give this issue further consideration. Any mandatory requirements are likely to be disproportionate to the threat in terms of cost and we doubt if they would be of great benefit. Goods already have competent security champions—their owners, shippers and receivers—who have responded appropriately to the level of risk, the nature of which is subject to change and to regional variation. Where we seek stronger government intervention is in the greater provision of secure truck parking at the level of local and national government and improved policing. Neither activity is best led top-down from Brussels.

4.1.4 Mandatory regular security exercises In the UK: certainly, very large operators already carry out such exercises and have contingency plans in place, so this proposal is unnecessary.

4.1.5 and 6 Technology and equipment We note an inference that technology suppliers will only invest in research to a specific regulatory standard that is mandated, giving a guaranteed market. We dispute the accuracy of that view. If it is true of some EU companies it is not true of others and nor is it true of firms globally.

Pre-defined standards risk becoming quickly out of date—the EC document states that “the threat the equipment has to detect is constantly changing”—and mandating their use risks large scale imposition on operations to which they are irrelevant or not cost-effective. The proposed approach risks stifling innovation and moving the emphasis from what is needed to what is regulated. We see no evidence that suppliers to the land transport security market—which is global—are failing to provide solutions to those who ship and move goods.

We are struck by the emphasis on technology and equipment throughout the EC document, and we wonder whether the research detailed in Annex II has provided value for money to EU taxpayers. If there is a need for research, there should be more weight given in future to training, culture and human factors relating to transport security.

On a point of detail, we are surprised by the funding reference to security equipment for screening liquids. If there is a lesson to be learned here, it is that the EU needs to improve its processes for any funding it wishes to make available to respond to new and unexpected circumstances.

4.1.7 *Sharing of information* We doubt that there is a ready read-across from air cargo terrorist risk to either terrorist or criminal activity relating to road haulage.

4.1.8 *Consider an EU standard for end-to-end security for transport operators* We reject most of this section. The EC document provides no evidence that the absence of common EU rules for supply chain security creates a weakness. The document itself recognises that “or course, not all cargo transported by lorry needs to be subject to end-to-end security” and that TAPA TSR is already an active standard for high value goods.

Defining who should and who should not be regulated, and in respect of what risk, would be endlessly problematic and there is a high risk that the administrative burden and cost risks would be added for little or no benefit. It may prove unaffordable to SMEs, who are essential element in any efficient supply chain but could find themselves excluded. (A previous EC proposal, for an Authorised Secure Operator (ASO) system, was rejected by the European Parliament as too expensive.)

No evidence is offered that airport operators and security experts are unhappy with having screening at airports and we are aware of none.

4.1.9 *Secure lorry parking* The EU has established a standard (SETPOS/LABEL) for rating the security and comfort of truckstops. The RHA was and is involved with this project. However, we believe that the private sector can take this project forward at both national and international level and that no further EU involvement is necessary.

4.1.10 *Cybercrime—requiring transport firms to have back-up systems, if appropriate* The issue of cybercrime is complex and fast-changing but we are aware of no evidence that the transport sector and its suppliers are unaware of the issue to the extent that the EU should mandate back-up systems, for which it would, we assume, require a specification. We do not consider in the least likely to be appropriate.

4.1.12 *Setting standards for international activity* The EC document states (p9) that “In the domain of land transport there is no international body that sets standards for transport security.” The accuracy of this statement depends on the meaning of “sets”. In the sense of “mandates”, it is true; in the sense of “defines”, it is not true and ignores work that has and is being done. ISO has done valuable work in this area. CEN has produced a guide for SMEs and has defined a standard crime reporting form that we hope will become standard in the UK, with police acceptance. And TAPA has in effect mandated standards for much of high value goods transport. We see no need for an additional standards body or for mandating standards.

Beyond the areas considered in the working document, are there other ways in which land transport security, both in the UK and across Europe, should be improved?

The EC document suggests a worrying picture in respect of potential levels of illegality in the EU but with little evidence of the scale of the problem in comparison to the scale of the industry as a whole.

Sharing of information and good practice in terms of policing can only be beneficial but we have yet to reach satisfactory levels in the UK, far less the EU. We need to build from the ground up. We see little role for further regulation and it clear that cuts in police and other budgets may make this more difficult rather than less so.

16 January 2013

Written evidence from Rail Freight Group (LTS 01)

1. Rail Freight Group (RFG) is pleased to submit evidence to the Transport Committee Inquiry into Land Security and in particular the European Commission’s working document on transport security published on 31 May 2012.

2. RFG is the representative body for rail freight in the UK. We have around 120 member companies who are active across all sectors of rail freight including train operators, ports, terminal operators, end customers, suppliers and support services. Our aim is to grow the volume of goods moved by rail where there are economic and environmental benefits in doing so.

LAND SECURITY AND RAIL FREIGHT

3. *Dangerous Goods* In so far as the movement of dangerous goods is concerned, there is already significant legislation in place at European level which has the effect of harmonising security across Europe. This existing legislation covers all modes, including rail freight.

4. The principal legislation is Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods, which extended existing international modal conventions for dangerous goods to domestic movements.

5. There are three key modal conventions which apply, and which are already aligned between modes:
- (a) The European Convention concerning the International Carriage of Dangerous Goods by road (ADR Convention)
 - (b) The European Convention concerning the International Carriage of Dangerous Goods by road (ADN Convention)
 - (c) The regulations concerning the International Carriage of Dangerous Goods by rail (RID Convention). Today, these regulations form Appendix C to the convention concerning international carriage by rail (COTIF), applicable in most European countries.

6. In each of these aligned conventions, there is a section on security, in the case of the RID it forms section 1.10 and deals with training, high consequence dangerous goods, security plans, supply and restriction of information about movements, etc. Likewise there are requirements for there to be emergency plans for marshalling yards.

7. These arrangements therefore ensure that the provisions for the security of dangerous goods are already fully harmonised both between the modes and also between the various Member States.

8. *Other Goods* For the movement of innocuous freight there is already substantial international coordination and harmonisation organised for example by the railway police services (see <http://www.colpofer.org/>). Colpofer defines a common strategy for railway security and has a dedicated working group for security for international freight traffic by rail.

9. *Future Developments* If further security initiatives are thought necessary, it might be more sensible to work through existing machinery than develop new legislation.

10. In that context it might be mentioned that the Commission awarded a study (MOVE/D3/2011–409) into the way dangerous goods legislation should be developed and it is understood that the report has recently been submitted.

11. It is particularly important that any new or revised requirements are fair between modes and do not give any greater financial or administrative burden to certain sectors. For example, the current €750 security fee levied on any through rail freight service entering the UK via the Channel Tunnel is proving prohibitive to traffic growth, particularly as a similar tariff is not applied to other modes.

SUMMARY

12. In summary therefore we consider that the current regulations and systems for transport security for freight are already well established, aligned between modes and generally working well. We consider that any reform should be within the existing framework rather than via new legislation. Any revised approach must continue to be aligned between modes, and ensure all modes are treated equitably.

December 2012

Written evidence from ATOC and Network Rail (LTS 05)

SUMMARY OF MAIN POINTS

ATOC and Network Rail have considered the content of the European Commission's working document.

We see its aim of improving transport security as sound and acknowledge that it raises some important issues.

However, in developing some of these themes, a number of the arguments are open to challenge and some of the conclusions appear flawed.

In particular we believe that sharing security related best practice and intelligence across Europe will be far more effective in securing the improvements the document is seeking than will be a legislation based approach.

1. The Association of Train Operating Companies (ATOC) represents train operators in Great Britain and provides services for the passenger rail sector, such as National Rail Enquiries and the Rail Settlement Plan. Our vision is of rail as a thriving business sector which makes an increasingly positive contribution to national life.

Network Rail is the not for dividend owner and operator of Britain's railway infrastructure, which includes the tracks, signals, tunnels, bridges, viaducts, level crossings and stations—the largest of which we also manage. We aim to provide a safe, reliable and efficient rail infrastructure for freight and passenger trains to use.

We have chosen to provide a joint response to demonstrate the shared position and objectives of the rail industry on this important issue.

2. *What are the strengths and weaknesses of current land transport security arrangements in the UK?*

2.1 The current UK land transport security arrangements in respect of main line rail are founded on a three way partnership between the DfT Land Transport Security Division, the British Transport Police (BTP) and

the rail industry itself. Broadly speaking the overall strategy is set by the DfT with the BTP leading on operational matters.

2.2 This relationship is well established and mature with the three parties combining their respective knowledge, expertise and experience to ensure as far as possible that the security measures put in place are effective and practical within the context of an open, mass transport system.

2.3 Network Rail and the train operators continue to be aware of the threat posed by terrorism and other forms of criminal activity. However, we are confident that transport is suitably considered in counter-terrorism work, and that the current arrangements are strong.

2.4 While we see benefits from sharing best practice and intelligence across Europe, do not believe that legislation on transport is necessary to achieve this.

2.5 One challenge we do face is maintaining a high level of both staff and passenger/public vigilance, particularly when the highest security level applies for prolonged periods. However, again this is not an area in which we see legislation as able to offer any benefits.

3. Is there a need for further EU involvement in land transport security issues, as set out in the working document?

3.1 The overall objective of the European Commission's Staff Working Document—"to consider what can be done at the EU level to improve transport security, particularly in areas where putting in place common security requirements would succeed in making Europe's transport systems more resilient to acts of unlawful experience" (section 1 of the document) is sound and it does raise some important issues.

3.2 We support both the decision to set up an Advisory Group on Land Transport Security and the proposal to set up a complementary Stakeholder Advisory Group (section 4.1). Both these provide a means of sharing experience and good practice between different organisations and countries. This seems a good way of expanding knowledge (both of threats and responses) and we see it as more likely to be effective than legislation at raising standards.

3.3 However, while we see the high level aims as having merit, we have concerns at some of the more detailed proposals. In particular, the document suggests consideration be given to introducing mandatory standards in a number of areas (for example, security standards in general for high speed rail in section 4.1.2 and training of staff in section 4.1.3 and 4.1.4). We do not support the development of legislation in such areas.

The UK government's approach to security is based on risk and ATOC and Network Rail firmly support this. The nature of threats to the railway can change rapidly, not only in severity but also in nature (for example the different modus operandi of Al Qaida and the IRA and its splinter groups). It is difficult to see how a legislation based approach would provide sufficient flexibility to respond quickly and effectively to emerging threats.

3.4 More generally, legislation provides a blunt tool that is likely to be insufficient for high risk parts of the network but excessive for much of the rest of it.

3.5 The severity of threat also varies geographically. This is the case within the UK but would apply to an even greater extent at a pan-European level. Self-evidently railways in, say, Finland or Cornwall face a far lower security threat than do major terminal stations in London, Paris or Madrid. Having common legal requirements that are excessive for many parts of the EU's transport networks but insufficient for those that are potential prime targets of terrorists makes little sense and indeed might result in measures at the latter becoming less onerous, hence rendering them more vulnerable to attack.

3.6 Exposure to international terrorism is likely to be linked to government policy and history—it follows that those countries whose governments do not engage in controversial conflicts (or which are too small to do so effectively) face a very much lower level of threat than those that do. Similarly, countries with a history of domestic terrorism (such as the UK and Spain) have a higher threat than those without. Clearly this is something that is entirely outside the transport operator's ability to influence.

3.7 Section 4.1.2 compares safety—where requirements are being increasingly harmonised across Europe—with security (where currently they are not). We do not see this as a valid comparison. Safety largely concerns risks which by definition are common across all railways—the reliability of physical components, the compatibility of vehicles with infrastructure and interface between the two, signalling systems, etc. This is not the case for security where risk is based on political, social and human factors.

3.8 Additionally, the specific focus on the trans-European high speed rail network in the same section is simplistic. While there are some examples where this is self contained (such as in Spain), it is more usually the case that trains on high speed routes start or continue their journeys on the "classic" network while increasingly newly built high-speed lines are designed to also be used by regional passenger services and freight trains.

3.9 The conclusion of the Commission's paper (section 5) states that "inaction has a high price". While this is true, pro-actively imposing arrangements that are costly to maintain and which are out of proportion or ill-suited to the risk faced may have a greater price.

4. What would be the positive and negative impacts of potential proposals arising from the working document?

4.1 As indicated above, we support the creation of decision to set up an Advisory Group on Land Transport Security and the proposal to set up a complementary Stakeholder Advisory Group (section 4.1) as a means of sharing best practice. Though as the Working Document notes, terrorism has an international aspect and such sharing should draw on experience from across the world rather than being limited to the EU.

4.2 The final point of section 4.1.2, proposing legislation requiring security features to be incorporated in the design of stock and infrastructure, has some merit but needs careful thinking through as to how this might impact on other priorities. For example, if such provision in a coach results in an increase in the overall weight then this will result in more energy being consumed for traction purposes and increased track maintenance costs.

4.3 The fourth paragraph of section 4.1.4 suggests that "a legal requirement that all staff working in the public transport domain have basic training to deal with the initial aftermath of a major incident is desirable."—presumably this is intended to include office based staff.

In reality, probably the maximum that can reasonably be required of staff in general is knowledge of how to alert the emergency services. To suggest that an individual member of staff can do much beyond this when confronted by a major incident is untenable. We have thorough plans in place for major incidents, which would include terrorism, and for which the appropriate staff are suitably trained.

4.4 As noted in our answer to Q3 above, we see the biggest risks from the proposals as on one hand adding costs which are disproportionate to the risks faced in those countries/areas where the security threat is minimal while at the same time leaving high risk targets more vulnerable to attack by imposing common standards that undermine the ability to respond quickly and flexibly in the light of emerging threats.

5. Beyond the areas considered in the working document, are there other ways in which land transport security, both in the UK and across Europe, should be improved?

5.1 There is an acknowledgement (section 2) that some transport operators do not see security as their responsibility to provide. That this issue is not explored further within the document seems a missed opportunity.

5.2 While criminal acts can be said to be targeted specifically at the transport undertaking and/or its passengers/customers/staff, a terrorist atrocity is really an attack on the country as a whole (or its government) with transport targets simply providing an effective means of doing so from a terrorist perspective, given the opportunity to cause mass casualties. It follows that entirely preventing terrorist attacks is beyond the ability of transport operators. It is, however, important that transport features in generic counter-terrorist planning and operations, and that transport operators consider terrorism among the threats they face. Thus transport operators need to work with police and security services to monitor and prepare for any threats. The UK's existing arrangements work well and there would seem to be merit in promoting a similar approach elsewhere within the EU.

5.3 It is here that a direct comparison with safety can usefully be made. A "reasonable practicability" requirement is enshrined in the Safety Directive and it seems that it is essential that a similar discipline be applied to security. While there may be challenges in doing so, as security risk will inevitably be far harder to quantify than safety risk, without it there is no basis for balancing expenditure and risk reduction. This might provide a very useful starting point for the Advisory Group.

5.4 Finally, the Working Document refers to more general criminal activity as well as terrorism. We note that the Committee's questions refer only to the security related proposals and our responses have been similarly targeted. While organised crime does affect the rail industry—including people, gun and drug trafficking and metal theft—we would expect the BTP to be better placed than ourselves to comment in more detail about the merits of greater EU involvement in such areas.

Further written evidence from Network Rail (LTS 05A)

ACTUAL TERRORIST-RELATED ATTACKS

There were no terrorist-related attacks on the National Rail infrastructure and stations in 2012.

ANONYMOUS THREAT MESSAGES

- During Jan—Dec 2012, 164 railway-specific locations were threatened.
- BTP categorised each threat message as *CATEGORY TWO*, meaning that the threat was significant enough for a search to be undertaken. This is an assessment of the *immediate threat*: it does not mean that an anonymous threat message could not have been made by terrorists (or their supporters) as a deliberate hoax.
- The 164 figure does not reflect the true scale and scope of the phenomenon. The counting rules mean that a threat against “all stations in London” is counted as ONE task. Similarly, a threat against “trains between London and Manchester” is counted as ONE task—irrespective of the number of stations and trains to which it *could* apply. In this regard, the 164 figure is not necessarily indicative of the response effort required.
- Experience shows that threat activity can increase dramatically, with little or no notice.
- It should also be remembered that a) terrorists do not always issue threats prior to an attack, and b) “real” threat messages are often ambiguous and/or delayed.

WIDER CONTEXT

Crime statistics for the period April–November 2012 are attached.

For context, there were 1.47 billion passenger journeys in Great Britain in 2011–12.

BTP CRIME STATISTICS 01 APR—30 NOV 2012

	<i>Recorded</i>	<i>Detected</i>
Total Violence against the Person	5,259	2,639
Total Sexual Offences	701	232
Total Criminal Damage/Malicious Mischief	2,764	717
Total Criminal Damage/Malicious Mischief	2,764	717
Total Line of Route Offences	1,051	201
Total Less Serious Line of Route Offences	7,107	1,852
Total Theft of Passenger Property	10,111	733
Total Motor Vehicle/Cycle Offences	6,534	646
Total Robbery Offences	433	199
Total Theft of Railway/Commercial Property and Burglary Offences	4,372	1,471
Total Public Disorder Offences	3,599	2,280
Total Less Serious Public Disorder Offences	6,247	3,758
Total Fraud Offences	606	424
Total Less Serious Fraud Offences	5,940	4,082
Total Drug Offences	2,569	2,471
Total Other Notifiable Offences/Crimes	620	329
Total Other Less Serious Offences	4,427	2,574
Total	65,104	25,325

4 February 2013

Written evidence from Eurostar (LTS 09)

INTRODUCTION

1. Eurostar is the high-speed train service linking the UK to destinations across France, Belgium, the Netherlands, Germany and Switzerland. We have been operating since 14 November 1994 and have since carried around 115 million passengers, doubling the size of the market for travel between London and Paris in the process.

2. Since September 2010 Eurostar has been a single British-registered company, Eurostar International Limited (EIL), having previously been an unincorporated joint partnership between the British, French and Belgian railways.

As well as helping to streamline decision-making and reduce unit costs, this will better equip us to meet the challenge of increased competition arising from the new Open Access framework. We also believe it will help us more effectively expand our own operations, as we seek to broaden our reach across the UK, regional France, and further into continental Europe.

3. We aim to become the leading travel experience in Europe, substantially increasing the number of connecting passengers to destinations beyond Brussels, Lille and Paris by 2015. At the same time, we want to maintain our leadership on the London-Paris route, which will be central to our success in the future.

STRENGTHS AND WEAKNESSES OF CURRENT LAND TRANSPORT SECURITY ARRANGEMENTS

4. Eurostar welcomes the Transport Select Committee's inquiry into the issue of land transport security, following the publication of the European Commission's working document on this subject.

As a cross-border high speed railway operator, Eurostar is in a specific situation compared to most other railway undertakings, having to comply with four different sets of security procedures, in all three of its core markets as well as for the Channel Tunnel crossing. Security requirements can differ very significantly from one market to another, which is a cause of complexity for our operations, and eventually of increased financial costs.

5. As a result, Eurostar is in broad agreement with the European Commission's assessment that "there is today no coherent approach to land transport security in the EU".

6. Issues experienced by Eurostar in its daily operation include for instance:

- *Different rules for legal responsibility in our restricted zones in stations.* In London, Eurostar has full legal responsibility and ability to take ownership for security measures; in Paris, Eurostar is only responsible for management of passenger flows, but not for security measures.

As an example of the practical consequences of this, on some of our trains -ahead of international football matches—our Conditions of Carriage (CoC) allow us to restrict alcohol on board to avoid incidents;

- We can apply these CoC easily and confiscate bottles in the UK since we operate X-ray machines there through our contractor; and
- in France, only customs can be in charge of the X ray machines. They can identify alcohol but will not confiscate it since it is not illegal under French law. Eurostar staff have to also be present to ensure the CoC are implemented.

Similarly, although our CoC take into account the different national rules on prohibited items on board, French customs in charge of X ray machines might only confiscate items which are illegal in France, resulting in confusing situations for passengers who might be allowed items on one leg of their journey and not on the return one:

- *Different rules on background checks* performed on staff (maintenance, train drivers, etc...). Security clearance might be outsourced in the UK in some cases but only performed by the police in France. Criminal records are not managed in the same way across countries; and
- *Security forces formerly part of the national monopoly* are sometimes only allowed to operate in the national incumbent's trains. In addition, the scope for operating is restricted to the national territory, which can obviously be an issue for a cross border operator.

7. In a nutshell, because rail-specific security standards have been developed on a purely national basis, there is no possibility for cross-border rail operators to benefit from common agreed international standards and procedures like in the maritime or airline sectors. This would become even more of an issue for any operator wishing to expand its services across several countries.

NEED FOR FURTHER EU INVOLVEMENT

8. In the context of supporting modal shift, Eurostar believes there is a case for increased coordination of security measures at EU level, at the very least for cross-border services, to reduce the costs of having to satisfy multiple and often inconsistent national regulations. We therefore support the idea of further EU level discussions on this issue if they can improve the current situation.

4 January 2013

Written evidence from the Department for Transport (LTS 02)

INTRODUCTION

On 31 May 2012 the European Commission published their Staff Working Document (SWD) on Transport Security. This examined all transport modes but concentrated largely on land transport security as the sector which is least regulated by the EU. The Document itself does not contain any legislative proposals, but suggests areas where the EU could add value, which at a future stage might become legislation.

At the same time the EC announced the setting up of an Expert Group on Land Transport Security (2012/286/EU) to review the SWD proposals. Minister of State, Department for Transport, Theresa Villiers submitted an Explanatory Memorandum (ref. 11037/12) on 5 July 2012, on the EC's SWD and confirmed the Government's position that it did not support the need for European standards or regulations favouring the principle of subsidiarity in the matter. The House of Commons referred it to their Transport Select Committee (TSC) and the following is the Government's written response to questions raised by the Committee.

What are the strengths and weaknesses of current land transport security arrangements in the UK?

1. The land transport sector, like the other sectors has its own challenges. One significant aspect is that we have “open” domestic rail and bus networks, operating on a “turn up and go” basis where it is not necessary to pre book your travel.

2. Unlike domestic services the Channel Tunnel railway network is not an open system and all passengers, vehicles and goods are subject to screening and searching prior to travel. The Governments of the UK and France jointly protect the Channel Tunnel as part of their territorial sovereignty.

3. It is therefore essential that any security measures deployed across the transport sector are proportionate, practicable and sustainable, ie costs are balanced against the risk, are not unduly burdensome to operators and the travelling public. The current Government security regimes which are tailored to the different modal challenges recognise and provide for this.

4. The strength of the UK transport security arrangements is to take a risk based approach which is proportionate to the current threats that the sector is exposed to, which results in different responses in different modal sectors. Risk is at the heart of the process for determining the level of security needed to manage the threat—one size does not fit all. The assessment of the risk is based upon an analysis of the threat, against the vulnerability of potential targets and the consequences of an attack. By introducing appropriate security measures where practicable, it is possible to reduce the level of risk to an acceptable level, but it is not possible to entirely eliminate it.

5. The terrorist threat is under constant review and may change quickly in level and/or nature so the ability of Government to respond promptly to any change is important. The Joint Terrorism Analysis Centre (JTAC) and the Security Services work together to assess the terrorist threat to the UK. They also conduct periodic updates and reviews to help inform Government of any underlying and future trends and so assist in the setting of transport security measures.

6. The principal aim of the current UK security regime is to ensure that proportionate protective security is delivered across the land transport modes. For the regulated sectors, response measures are designed so that security levels can be increased or decreased quickly, to a degree that corresponds to the level of risk of and likely nature of an attack. This is vital since the threat can change at any time and security measures might need to be amended promptly in response. The requirements for securely transporting dangerous goods take account of their properties. More security measures are applied to goods with the potential to yield high consequences as defined by regulation.

7. The primary powers which provide for the Secretary of State to regulate security on the railways are specific to Great Britain. Within Northern Ireland, security guidance is provided to the local railway operator by the Police Service of Northern Ireland. This is supplemented by PSNI’s own policing and security activities and is in recognition of the longstanding and specific security issues in the Province. Discussions with the Department for Regional Development (Northern Ireland) indicate that the totality of this activity delivers a protective security regime broadly similar to that for the railways in Great Britain.

8. In Great Britain, the rail network (the infrastructure operated by Network Rail and HS1 and the Train Operating Companies using it), London Underground, the Docklands Light Railway (DLR) and the Glasgow Subway is mainly regulated by instructions issued under the Railways Act 1993. Under these, the Government places legal obligations on these operators to put in place particular robust security arrangements.

9. The Channel Tunnel and the movement of dangerous goods by road and rail are covered by separate legislation. Channel Tunnel services are subject to specific directions served under the Channel Tunnel (Security) Order 1994 (CTSO) which ensure that passengers, vehicles and goods are subject to searching prior to boarding. Additionally, Channel Tunnel terminals are restricted zones only allowing persons with legitimate reason to enter them. Internationally, the Treaty of Canterbury 1986 provides for France and the UK to agree security arrangements regarding rail services using the Tunnel. The movement of dangerous goods is based on globally agreed recommendations that are made law by a European Directive.

10. Government compliance inspectors ensure that security requirements are applied and standards are maintained by operators. This includes the use of announced and unannounced inspections, as well as covert testing. A “stepped” approach to enforcement is applied, so depending upon the seriousness or frequency of a deficiency (non-compliance) the appropriate level of action can be taken against the operator.

11. With the smaller and more disparate networks such as trams and buses, which do not individually move such large volumes of passengers as national rail or the London Underground, the Department provides best practice guidance to the respective sectors, rather than formal regulation. For example we recently refreshed and reissued the Bus and Coach Security guidance in consultation with key stakeholders (<https://www.gov.uk/government/publications/bus-and-coach-security-recommended-best-practice>).

12. The security arrangements that the Department for Transport puts in place are only part of the holistic security arrangements that are delivered by Government. At the heart of the approach is the Government’s CONTEST strategy to deter terrorism, supported by the police and intelligence agencies using an intelligence based approach to detect and disrupt terrorist planning. At the next layer there is a mixture of visible policing to both deter terrorists and reassure the travelling public.

13. On top of this transport operators undertake a range of tasks under the Department's security regime which aim to provide reassurance and deterrence, eg by public awareness measures, regular searches of stations, and handling items of left property. The final layer is the "eyes and ears" of the travelling public, with public vigilance and reporting of suspicious items or activity to either police or transport staff. Many of these measures also support the crime reduction agenda—such as high visible staffing and policing and CCTV.

14. Whilst the security regimes help to reduce the risk of a terrorist attack, they are not sufficient to guarantee this and physical improvements are made to the highest risk rail stations as part of their construction, refurbishment or as bespoke programmes of work.

15. Working in conjunction with the Centre for Protection of National Infrastructure's advisors, and British Transport Police Counter Terrorism Security Advisors, the Department provides advice to rail companies and their design teams on security measures. We have recently published a supporting design guide which can be found at <https://www.gov.uk/government/publications/security-in-design-of-stations-sidos-guide>

16. The key weaknesses relate to the main strengths of these networks. Because they move large numbers of people quickly and efficiently over an extensive network, there are some risks. These are part and parcel of allowing passengers to turn up and travel without the need to pre-book or undergo security checks. The steps described above seek to manage risks in a proportionate way, but they cannot eliminate risk.

Is there a need for further EU involvement in land transport security issues, as set out in the working document?

17. The European Commission has regular programmes of work on aviation and maritime security where there is EU legislation. The Commission has hosted meetings on land transport security, which have largely concentrated on urban transport.

18. The Staff Working Document suggests a number of areas where the European Commission could bring forward proposals and provide value. These include training for security and public transport staff, cross border contingency plans and an EU quality standard for end to end security. However, without robust evidence, we are not convinced that there is a justification for further EU intervention in land transport security matters.

19. The Expert Group on Land Transport Security established by the Commission to enable Member States to consider security could be a useful forum. Closer alignment between policy and the large sums of money allocated to research would be welcomed. It is nevertheless important that both policy and research are guided by clear assessments of the risks. This should help ensure that resource is directed towards areas where the knowledge base requires improvement and where the outputs realised would be of most value.

20. The Government takes the view that Member States will be best placed to assess the level of risk they face in respect of a potential terrorist attack on their land transport networks and the measures appropriate to mitigate that risk. Even when there are cross border issues, where there is a case for cooperation, this does not necessarily mean security measures should be set at EU level if local agreements can be made bilaterally such as under the Treaty of Canterbury for the Channel Tunnel.

21. The terrorist threat for land transport varies across the different modes and Member States. The threat from terrorism can be from either domestic or international extremists, or both. Preferred attack methods can differ between these. So whilst one type of terrorism might be a major concern of a specific Member State this is not necessarily the case for all others. Security measures need to be tailored to the specific threat and to that Member State. Therefore an EU wide approach for land transport security is not felt to be the most effective solution.

What would be the positive and negative impacts of potential proposals arising from the working document?

22. There is little detail on what the Commission is currently proposing so it is difficult to assess the positive or negative impacts. However, more onerous legislation would have a financial burden on the transport industry, could delay passengers when using the network and mismatch measures with threat and risk.

23. Where the EU can make a positive contribution is by bringing Member States together to share information and best practice. This includes a mechanism to exchange threat information and enhance cyber crime resilience. This would enable Member States to learn from each another and should help improve security across the EU.

24. The Government has already issued guidance to ensure proportionate security features are incorporated into the design of railway infrastructure. The proposal to incorporate security features into the design of railway rolling stock is something that the Government also sees merit in doing and current findings align well with current UK vehicle interior safety standards. At the EU level this would be best delivered through updates to the standards found in the Technical Specifications for Interoperability (TSIs). However, exactly what specific security measures the Commission has in mind is unclear and any proposal would need to be considered against the risk and what is practicable, to avoid these being unnecessarily costly or of limited value.

25. As the UK security measures are risk based, any additional legislation brought forward by the Commission would need to be justified in order not to impose an undue burden or cost to operators and the

travelling public. Similarly if less onerous legislative proposals were to be brought forward by the Commission it would be important to ensure that this does not reduce the minimum level of security already provided, because this is specific to the threat faced within this country.

Beyond the areas considered in the working document, are there other ways in which land transport security, both in the UK and across Europe, should be improved?

26. The aviation and maritime sectors each have their respective global standard setting organisation. The land transport sector does not display a similar desire, as countries prefer to set their own national standards. They do however share advice and best practice. This enables governments to determine on a risk basis the most appropriate level of security for their country and whether legislation or advice is the best approach.

27. Therefore, an alternative to EU wide legislation is for the Commission to facilitate the sharing of best practice and information. We have advocated using a “tool box” approach, which means leaving individual Member States and operators the freedom to select the most appropriate security measures set against their different terrorist threat scenarios to mitigate those threats. This would also allow Member States to use legislation or advice, whichever they assess is the most suitable delivery mechanism for them.

28. Using this approach would also enable information to be shared and updated, without the need to agree standards based upon whose approach is best, which can be a lengthy process. It would also help identify where there are areas of security that could be improved and where more research is needed.

29. In addition to the EU there are several international organisations that are currently involved in land transport security. These organisations hold regular discussions with representatives from government and operator organisations, so the Government feels it is important to ensure, as far as possible, that there is no duplication of work, especially with the setting up by the Commission of an Expert Group on Land Transport Security.

30. With this in mind there has recently been some discussion between some of the organisations. It would be useful for the Commission to state how it could better coordinate information sharing with these groups. In doing this it should enable the groups to be more effective and improve land transport security.

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