



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT
 Directorate C Land
 Unit C3 Single European rail area

Call for tenders MOVE/2020/OP/0005

Pilot Project on the revitalisation of cross-border night trains

Open procedure

TENDER SPECIFICATIONS

Part 2: Technical specifications

Identification of measures to promote cross-border long-distance passenger rail services.

1 Introduction

This document provides the Terms of Reference (ToR) for the study "revitalisation of cross-border passenger night trains" to be carried out by a consultant. The scope of the study includes long distance cross-border passenger rail services.

The purpose of this ToR is to describe the aim and scope of the study and to give instructions and guidance to tenderers willing to submit their offers. The ToR, together with the offer submitted, will also serve as the contractor's mandate during the implementation of the study, after the selection of the successful tenderer. They will become part of the contract that will be concluded following the award of the tender.

1.1 Background

During the last 20 years or so, the network of European night trains has declined rapidly. The expanding high-speed rail network, the development of low cost options in aviation and the development of the coach market have introduced, along with private cars, additional and attractive options for long-distance travellers. As a consequence, the number and frequency of night train services have dropped significantly. In spite of the Union legal framework which allows for the introduction of new rail services on a commercial basis, this decline has hardly been compensated by new-entrant railway undertakings offering cross-border long-distance rail services.

However, recent developments suggest that night train services may be viable and do have a future in particular as a more sustainable way to travel. On the one hand private and public operators have started to (re-)introduce or expand their night trains offers: first of all, the network of so-called "night jets" developed by ÖBB, the Austrian historic incumbent state-owned operator, spans a considerable part of central Europe and has been expanding successfully in the last years. This network is strongly linked to the Austrian domestic rail network which receives compensation under a Public Service Obligation. ÖBB has even procured 13 new night train sets, due to enter into service in 2023¹. Also other, private operators, have introduced night train services in the past years, such as RegioJet, Leo Express and Snälltåget offering both national and cross-border services, without subsidies. Furthermore, Member States such as Sweden² and the Netherlands³ are actively preparing the introduction of further night train services with the aim to offer citizens a sustainable mode of long distance transport. The Netherlands have even higher ambitions when it comes to cross-border passenger services by rail and has taken the initiative to promote a European network of long distance rail connections⁴. On the other hand, a study of 2017 commissioned by the European Parliament⁵ suggests that consumer demand for night train services is still high.

Against the backdrop of the European Green Deal⁶, which aims inter alia at shifting transport to less polluting modes such as rail, the European Commission has been asked by the European Parliament, by means of a Pilot Project, to assess how cross-border night train services can be promoted. The study will address the relevant elements for cross-border passenger rail services in general, with a special focus on night trains as these two types of services complement and reinforce each other and are confronted with similar obstacles. A [detailed study](#) on night trains was prepared at the request of the European Parliament in 2017. Now it is time to go one step further and to propose concrete initiatives, where meaningful and effective.

1.2 Relevant legal framework

Four subsequent European "Railway Packages" have gradually opened the Union's rail market. Directive 2012/34/EU of November 2012 introduced the right to operate cross-border passenger services (Article 10(2)). As of the timetable 2021, starting in December 2020, railway undertakings have the right to operate freely passenger services in the Union (Article 10(2) of Directive 2012/34/EU as amended by (EU) 2016/2370 of 14 December 2016), provided that these services do not compromise the economic equilibrium of services operated under a Public Service Contract (in the Member States that have introduced the possibility to request an economic equilibrium test, in accordance with Article 11 of Directive 2012/34/EU as amended by (EU) 2016/2370 of 14 December 2016). This right to operate passenger services (the rail freight market has been opened already earlier) includes the right of access to infrastructure (Article 13(1) Directive 2012/34/EU) and to service facilities (Article 13(2) Directive 2012/34/EU).

¹ <https://www.railwaygazette.com/traction-and-rolling-stock/nightjet-plans-mini-capsules-for-private-travellers/55208.article>

² <https://www.trafikverket.se/om-oss/nyheter/Nationellt/2020-01/delredovisning-av-regeringsuppdraget-att-utreda-nattag-till-europa/>

³ <https://www.rijksoverheid.nl/ministeries/ministerie-van-infrastructuur-en-waterstaat/nieuws/2019/10/10/de-internationale-nachttrein-komt-terug-naar-nederland>

⁴ <https://www.rijksoverheid.nl/documenten/kamerstukken/2019/07/11/ontwikkelingen-internationaal-personenvervoer-per-spoor>

⁵ [https://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU\(2017\)601977](https://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU(2017)601977)

⁶ https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal_en

For connections which are considered desirable from a public transport policy perspective but for which operators see no opportunities to operate a commercially viable service, competent authorities may decide to contract these services out on the basis of a Public Service Contract (PSC), in accordance with Regulation (EC) No 1370/2007 on public passenger transport services by rail and by road as amended by Regulation 2016/2338 of 14 December 2016 concerning the opening of the market for domestic passenger transport services by rail. In Article 1(2), this Regulation stipulates that competent authorities based in different Member States can agree on the provision of cross-border PSO services. This possibility includes also long distance and night train services.

Furthermore, Union legislation aims at harmonising to the extent possible the technical and operational rules and procedures applicable to Union's railway network, including their governance (for example through Directive (EU) 2016/797 of 11 May 2016 on the interoperability of the rail system within the European Union, the various Technical Specifications for Interoperability (TSI's)⁷, Directive (EU) 2016/798 of 11 May 2016 on railway safety and Regulation (EU) 2016/796 of 11 May 2016 on the European Union Agency for Railways). Such a harmonisation increases interoperability of the Union's railway network so that railway undertakings can offer their services efficiently throughout Europe, using for example rolling stock and operating procedures irrespective of borders.

2 Rationale and aims of the study

2.1 Aim and scope of the study

As explained under section 1.2, the Union legal framework allows for the development of new (cross-border) rail services and for attracting investments and market players which are new to the railway sector, thereby boosting competition with expected benefits for innovation, consumer prices and quality. However, as described above, the number of night train services has declined in recent years. Also, in spite of the successful introduction of open access services by new market players such as RegioJet, Leo Express, NTV, Westbahn, Flixtrain and others, the entry to the European market of new players, when measured in number of services compared to the services provided by incumbent operators, has been limited, especially for cross-border services.

The objective of the study is to assess the main obstacles for the further development of night train and of cross—border (high speed)⁸ rail passenger services in Europe. Where relevant, concrete measures at the European level to overcome those obstacles are to be defined, as well as an analysis of their impacts. Areas of intervention might include but not limited to:

- legal framework;
- financial intervention;
- providing a platform for exchange of information;
- the use of the convening power of the Commission, achieving agreements between relevant stakeholders.

The geographical scope of the study includes the EU27 (minus Cyprus and Malta, which do not have a rail system), the United Kingdom, Norway and Switzerland. Cross-border (night train) services to the

⁷ https://www.era.europa.eu/activities/technical-specifications-interoperability_en

⁸ For the purpose of this study, the consultant may deviate from the definition of "high speed passenger services" as provided in Article 3 of Directive 2012/34/EU as amended by (EU) 2016/2370. This study covers long-distance cross-border rail services, including any type of high-speed services making use of high-speed rolling stock, high-speed infrastructure, or both.

Western Balkans, the Russian Federation, Belarus, Ukraine, Moldova and Turkey are to be described in a basic statistical way and should not be included in detailed analyses.

The type of rail services to be analysed in this study include:

- long-distance cross-border (high speed) passenger services;
- cross-border night train services.

2.2 Main stakeholders

When executing the study, input shall be sought from a broad range of stakeholders, including:

- passenger representatives;
- railway undertakings, both incumbent and new-entrants;
- competent authorities;
- transport ministries;- infrastructure managers;
- the European Railway Agency (ERA);
- rail regulatory bodies;
- National Competition Authorities;
- rolling stock manufacturing and leasing companies;
- ticket vendors;
- travel agents and tour operators;
- any other relevant stakeholder as needed to reach the objective of the study.

3 Description of tasks

The study will consist of the following main tasks:

- 1 Description and analysis of cross-border long-distance passenger services including cross-border night train services and their commercial and operational aspects;
- 2 Identification and analysis of obstacles hampering future development of cross-border services including cross-border night train services;
- 3 Identification of measures to remove obstacles;
- 4 Preliminary Impact Assessment of the most promising measures;
- 5 Organisation and management of a conference on the results of the study.

Each of these tasks will be described in more detail below. The level of detail of analyses or descriptions when executing the tasks must be coherent with the aim of each (sub-)task, the analyses to be made in the preliminary impact assessment and the total budget of the study.

3.1 Description and analysis of cross-border long-distance passenger services including cross-border night train services and their commercial and operational aspects

The consultant is requested to perform the following tasks:

- 3.1.1 Quantitative and qualitative (where needed to clarify the quantitative description) description of the cross-border (night and long distance trains) services in the geographical area described in section 2.1, between 2001 and 2019, both in terms of ridership and supply.
 - Where data for cross-border day-time services cannot be found or reconstructed, proxy indicators may be used (for example percentage of cross-border travel compared to the total number of rail passengers in Europe);
 - For night train services a higher level of detail is requested covering both supply and ridership;

- 3.1.2 Analyse to which extent the decline in night train services has been substituted by other rail services such as (cross-border) high-speed services and why (e.g. was the offer rationalised or did demand fall). Analyse the explanatory factors identified by passenger representative bodies (notably in terms of price, quality, comfort, safety, traveling times).
If demand figures are not available, this analysis may be based on the analysis of the offer of cross-border night train services;
- 3.1.3 Develop a matrix representing timetable 2019 connections by rail, air and coach between States covered by this study⁹;
- 3.1.4 Use the above-mentioned matrix, and based on simple criteria for distances, travel times and frequencies per origin-destination pair as well as the 2020 timetable, to assess whether night train services would be a valid substitute for other modes. The consultant can make use of publicly available recent studies¹⁰;
- 3.1.5 Assess the (future) potential of the rail network to increase connections, capacity or speeds in the light of existing investments. The Consultant can base this analysis on the study on high-speed rail commissioned by the Directorate General for Mobility and Transport which will provide a map of the planned rail network for 2030;
- 3.1.6 Provide an estimate, based on tasks 3.1.1 – 3.1.4 and on literature study, of the number of potential passengers for the night and long distance train relations identified in task 3.1.4 (level 2020). Provide a basic sensitivity analysis for 2030, using the result of task 3.1.5, initiatives foreseen in the framework of the European Green Deal and, if relevant at the time of writing the report, any measures taken to recover from the corona-outbreak;
- 3.1.6 Identify any other measures, either at European, (multi-)national or at industry level, which were meant to stimulate cross-border (night and long distance) train services or domestic night train services, including their level of success and failure;
- 3.1.8 Detail (for the situation at present or close to at present), the production costs for cross-border (night and long distance train) services (including the main cost drivers), their level of income and their profitability (including the required volume of passengers ensuring financial break-even). In view of the tasks described in section 3.2, the production costs related to the availability of rolling stock, as well the level of income and compensation related to the execution of a Public Service Contract (if any), should be described in detail;
- 3.1.9 Assess the commercial approach of railway undertakings to the provision of services in these market segments (night and long distance cross-border trains), in particular by incumbent operators and new-entrant, and the possibility to develop low-cost services as done in aviation.
- 3.1.10 Compare the main cost drivers identified in task 3.1.8 with those for aviation and long distance coaches. For aviation and coach services, the consultant can use a literature study.

To conduct the analyses described above, the consultant is requested to:

- conduct desk research and analysis;
- conduct interviews with key stakeholders. These include: passenger representative bodies (covering all modes of transport), operators of current night and long distance train services, operators which have stopped operating night train services, operators of cross-border passenger services (under

⁹ The Consultant is to use as a basis the matrix which is being developed in the framework of the study on high-speed rail, which has been commissioned by the Directorate General for Mobility and Transport in the first half of 2020

¹⁰ e.g. <https://www.rijksoverheid.nl/ministeries/ministerie-van-infrastructuur-en-waterstaat/documenten/rapporten/2019/07/11/kim-rapport-slapend-onderweg>

PSO or under open access regime), Member States which are interested to have night train services on their territory, railway infrastructure managers, train station managers, etc.

3.2 Identification and analysis of obstacles hampering future development of cross-border services including cross-border night train services

Based on desk research and in-depth interviews with relevant stakeholders, the consultant should identify and analyse obstacles which are deemed to hamper the development of cross-border rail services, including night trains. The analysis should include, but not be limited to, the elements listed in sections 3.2.1 – 3.2.6:

3.2.1 Availability of suitable rolling stock, including for high-speed services and for night trains:

The lack of suitable rolling stock is often quoted as one of the main reasons for the decline and for the limited uptake of (cross-border) night train services as well as for the limited development of cross-border (long-distance) passenger rail services. For night trains, a part of the rolling stock is dedicated, equipped with couchettes or with beds, which can only be used for night services and idles during day time. This does not only increase the acquisition costs of these vehicles, but also limits productive operating hours. Further, a lack of interoperable high-speed trains and rolling stock hampers the introduction of cross-border high-speed and conventional services by new-entrant companies or other companies wishing to expand their business.

The consultant is required to:

- 3.2.1.1 Evaluate the existing number of rolling stock dedicated to night train services. Assess whether there is a real shortage of suitable rolling stock, or if rolling stock is artificially kept from the market. If the former applies, the consultant should identify what are the current technical or commercial limitations of the existing rolling stock. If the latter applies, a quantitative analysis is to be performed and remedy measures are to be proposed;
- 3.2.1.2 Estimate how much rolling stock and of what type would be needed to:
 - a set up a night train network connecting the EU + the United Kingdom, Norway and Switzerland. The consultant may use a fictive, yet based on realistic assumptions, scenario to devise such a network;
 - b set up a network of long distance rail passenger services in the EU + the United Kingdom, Norway and Switzerland. Again, the consultant may use a fictive, yet based on realistic assumptions, scenario to devise such a network;[NB: for both networks the consultant is requested to use the matrix developed in task 3.1 and to make a basic distinction between existing cross-border services (timetable 2020) and fictive services constructed for the scope of this study];
- 3.2.1.3 Estimate the costs to set up and operate the fictive network developed in task 3.2.1.2;
- 3.2.1.4 Identify suitable measures to increase the availability of rolling stock for:
 - a cross-border long-distance (high-speed) passenger services;
 - b cross-border night train services;The consultant is requested to cover in his analysis both new-build rolling stock, second-hand rolling stock and reconstructed / modernised rolling stock.

3.2.2 Easy ticketing options for passengers

For rail passengers travelling cross-border within the Union, finding (on-line) tickets spanning more than one carrier is very difficult. Anecdotal evidence suggests that the situation is worsening and that this lack puts a real threat to rail being able to compete with other transport modes. Passengers

wanting to travel in a sustainable manner, simply cannot find information on the different cross-border train services or the train tickets they would like to buy, even for connections which seem straightforward. In some extreme cases this leads to misleading information to passengers and to a denial of passenger rights from the side of railway undertakings. Relevant information can be found in a report published by the Directorate General for Mobility and Transport in 2019 on Remaining challenges for EU-wide integrated ticketing and payment systems¹¹.

Sector initiatives, such as the Full Service Model (FSM)¹² and work undertaken by the Shift2Rail Joint Undertaking (S2R)¹³, aim at improving the availability of ticketing options for passengers.

Article 13a of Directive 2012/34/EU as amended by Directive (EU) 2016/2370 requires the Commission to monitor the situation and to report by December 2022 to the European Parliament and to the Council on the availability of common information and through-ticketing systems. The work of the consultant should result in the provision of essential information that would be used by the Commission in the context of its monitoring and reporting obligation.

The consultant is required to:

- 3.2.2.1 Identify the most coherent framework to ensure that cross-border rail services share their information data through the National Access Points¹⁴ (in compliance with Commission Delegated Regulation (EU) 2017/1926, supplementing Directive 2010/40/EU with regard to the provision of EU-wide multimodal travel information services);
- 3.2.2.2 Assess quantitatively and qualitatively the offer of rail through-tickets in Europe including the analysis of sales channels used and revenue sharing mechanisms, for both domestic and for cross-border travel for the 2020 timetable;
- 3.2.2.3 Assess (qualitatively) the development in the offer of through-tickets in the last decade and explain the reasons for that development;
- 3.2.2.4 Assess the developments envisaged by FSM and S2R and their impacts on the rail ticketing market;
- 3.2.2.5 Assess what would be the effect on passenger numbers if through-tickets would be easily available for all train travel in Europe by default (i.e. one ticket for any rail trip online ("one-click") and at desk counters);
- 3.2.2.6 Assess what would be the economic impact on railway undertakings if they would be obliged to generally offer and accept through-tickets, including offering the associated passenger rights (notably for re-routing and compensation);
- 3.2.2.7 As regards journey disruptions and the associated passenger rights (including re-routing and compensation), identify what liability scheme should be applied amongst railway undertakings performing different rail legs under one through-ticket; Identify what liability scheme should be applied in cases of journey disruptions between ticket vendors (who bundled tickets of different railway undertakings, possibly with an insufficient connection time) and the railway undertakings performing the journey under one through-ticket;
- 3.2.2.8 Identify suitable models to offer general through-ticketing in the Union, including any clearing house (directly between railway undertakings, via third-party platforms, via centralised public channels, etc.) and existing best practices;

¹¹ https://ec.europa.eu/transport/themes/its/studies/its_en

¹² <https://www.tsga.eu/fsm>

¹³ <https://shift2rail.org/>

¹⁴ https://ec.europa.eu/transport/themes/its/road/action_plan/nap_en

- 3.2.2.9 Develop a separate deliverable which acts as a monitoring report as requested in Article 13a of Directive 2012/34/EU as amended by Directive (EU) 2016/2370;
- 3.2.2.10 Identify (legal) measures to accelerate the offering of train through-tickets in Europe. Any proposed measure should take into due account and be aligned with the recommendations presented in the report published by the Directorate General for Mobility and Transport in 2019 on Remaining challenges for EU-wide integrated ticketing and payment systems.

3.2.3 Technical / operational barriers / safety-related for the operations of cross-border (night) train services

In spite of progressive harmonisation of technical, safety and operational rules and legislation in Europe, the cross-border operation of train services still entails additional barriers compared to operating domestic services. The consultant is to:

- 3.2.3.1 Identify and describe any technical/operational/safety-related barriers which hamper the operation of cross-border (night train) services, including basic requirements such as access to service facilities and neutrality of traffic management; estimate the related costs
- 3.2.3.2 Assess in cooperation with the Directorate General for Mobility and Transport whether additional measures, other than ongoing initiatives, would be required to lift these barriers.

3.2.4 Infrastructure capacity allocation for cross-border (night) train services

International passenger trains are in general not prioritised by infrastructure managers during the capacity allocation process. This may lead to suboptimal timetables for cross-border passenger services, leading to a lower level of attractiveness of the service for passengers. In addition, for night trains, priority issues may occur with capacity needed for maintenance works which often take place or intensify during night hours, as well as with freight trains.

The consultant is requested to:

- 3.2.4.1 Describe, national legislation/rules for infrastructure capacity allocation;
- 3.2.4.2 Describe the practical implementation of international timetable coordination by IMs;
- 3.2.4.3 Assess the impact of the above-mentioned rules/legislation on the timetabling of cross-border passenger services, with special attention to cross-border night trains. Analyse instructive examples of cross-border trains featuring in the 2020 timetable, if any;
- 3.2.4.4 Identify, any measures or best practices to improve infrastructure capacity allocation for cross-border services. Any issues related to capacity constraints, including for stations, should be taken into account.

3.2.5 Infrastructure track access charges and mark-ups for cross-border (night) train services

According to Directive 2012/34 EU, amended by Directive (EU) 2016/2370, track access charges are to be calculated based on direct costs. Mark-ups should be the exception. However, earlier findings suggest that in many Member States mark-ups are the rule and affect especially long distance passenger services and high speed services. It is needless to say that increased infrastructure charges ultimately have a negative effect on the offer of rail services as well as on the prices of train tickets and thus the attractiveness of cross-border rail travel.

The consultant is requested to:

- 3.2.5.1 Describe typical track access charges per train kilometre for the EU27 plus the United Kingdom, Switzerland and Norway, including the application, if any, of mark-ups for cross-border passenger services. The consultant may base its work on existing publications (e.g. IRG-Rail publications);

- 3.2.5.2 Assess, in conjunction with the work performed under task 3.1, the impact of mark-ups on the operating costs of long distance passenger services, including night train and cross-border services;
- 3.2.5.3 Assess by making use of elasticities (and by taken into account any findings of task 3.1.2), the impact on passenger numbers if ticket prices would fall in the absence of mark-ups. The consultant is requested to devise a fictive, yet based on realistic assumptions checked with railway undertakings, relation between the absence of mark-ups and the ticket price.

3.2.6 *Cross-border PSO services*

As described above, cross-border rail services can be operated under a Public Service Contract and a number of existing cross-border passenger services indeed are. The Commission is currently drafting guidelines to provide its interpretation of key provisions of Regulation 1370/2007, including on how cross-border PSO services can be established in line with Regulation (EU) 1370/2007. Also for night train services, some Member States (such as Sweden and the Netherlands) are considering the use of cross-border PSOs.

The consultant is requested to:

- 3.2.6.1 Identify cross-border PSO schemes for rail services in the EU27 + United Kingdom, Norway and Switzerland, for the timetable 2020;
- 3.2.6.2 Identify long-distance cross-border rail services which are operated by combining a PSO-leg and a leg operated under an open access regime, for the timetable 2020;
- 3.2.6.3 Identify PSO-schemes for domestic night train services in the EU27 + United Kingdom, Norway and Switzerland, for the timetable 2020;
- 3.2.6.4 Identify and describe in detail, for the three above-mentioned types of services the institutional, procedural and contractual arrangements in place as well as their financial features (e.g. revenues, cost coverage ratio, compensation required, etc.);
- 3.2.6.5 Analyse, in conjunction with the work performed under task 3.1, what types and structures of PSO schemes would be suitable to support:
 - ramp-up costs of a European network of cross-border (night) trains;
 - if deemed necessary, a European network of cross-border (night) trains permanently;

The above list (3.2.1 – 3.2.6) is non-exhaustive. The consultant, in discussion with the Commission, should calculate in their offer that in the course of the study at least one additional element will emerge and would need analysing. Primarily, the consultant should conduct interviews with railway undertakings and especially seek the expertise and experience of new-entrant companies. Subsequently and based on a preliminary analysis, the range of stakeholders to be interviewed can be extended.

3.3 Identification of measures to remove obstacles

Based on the identification and analysis of the (perceived) obstacles hampering the further development of cross-border (night train) services, the consultant is to formulate measures which would remove the identified obstacles. The consultant shall take into due consideration the recommendations included in earlier studies, including on ticketing and the European Parliament study on night train services.

In this stage of the study, the consultant has to determine per identified obstacle:

- the most appropriate level(s) to apply measures: at European, at Member State, at sector or at any other level;

- the most appropriate type of measure: legal, financial, sector agreement or any other type of measure;

After completion of this step, the consultant should formulate in discussion with the Directorate General for Mobility and Transport, especially for the measures proposed to be taken at European level, very concrete measures (including suggesting the revision of existing (legal) provisions) which would enable the Directorate General for Mobility and Transport to undertake action quickly and within the mandate of the current Commission. This discussion can for example take the form of a workshop.

This step will result in a coherent set of potential measures to be taken at either European, Member State or sector level.

3.4 Preliminary Impact Assessment of the most promising measures

For the set of measures to be taken at European level identified in task 3.3, the consultant is to perform a preliminary impact assessment, making use of the steps and questions described in section 2 (page 16 e.v.) of Chapter III Guidelines on impact assessment of the Better Regulation guidelines¹⁵.

The preliminary impact assessment should be evidence-based making use of quantitative analysis where possible. The Directorate General for Mobility and Transport will support in formulating the relevant questions which need to be answered in this task.

The consultant is not requested to:

- conduct a public consultation;
- perform tasks described in section 2 of Chapter III Guidelines on impact assessment of the Better Regulation guidelines, which are clearly administrative, Commission internal steps.

For measures at Member State or at sector level a simpler Impact Assessment is required.

3.5 Organisation and management of a conference on the results of the study

Towards the end of the study, the consultant is requested to organise and manage in one of the EU27 Member States a conference to present the results of the study. The main characteristics of the conference include:

- a one day conference;
- no participation costs for participants;
- a maximum of 200 attendees, plus live webstreaming;
- the conference will be held in English, no interpretation to be provided;
- provision of catering (welcome coffee, coffee breaks and standing lunch).

In his offer, if relevant, the consultant should list any other main characteristics that would have a significant impact on costs or planning.

The consultant will take care of:

- renting the venue;
- arrange for hotel rooms with a preferential rate (participants will have to pay themselves for the hotel rooms);
- participant registration;

¹⁵ <https://ec.europa.eu/info/sites/info/files/better-regulation-guidelines-impact-assessment.pdf>

- invitation of speakers, in coordination with the Directorate General for Mobility and Transport;
- operational management of the conference;
- marketing activities;
- provision of materials in hard and soft copy;
- developing a visual identity for the conference.

In his offer, if relevant, the consultant should list any other task which would have a significant impact on costs or planning.

4 Existing documentation and information

This ToR refers to relevant legislation, background material, administrative and technical files either in text, by footnotes or by hyperlinks. All other data shall be collected by the contractor.

The contractor shall treat with confidentiality any information and documents, in any form, disclosed in writing or orally in relation to this study and which have been identified in writing as confidential.

5 Methodology to be followed

As a general principle, the methodology followed by the contractor should respect the principles of objectivity, reliability and evidence-based assessment. Soundness and robustness of findings must be ensured and justified. Links between the findings and conclusions should be explained.

In their offer (and all main deliverables) the tenderers have to outline the proposed methodological approaches for each of the tasks mentioned in section 3. In particular, the offer should present how different tasks under the assignment are linked.

Whenever the tenderer deems the information provided in this ToR to be inaccurate, incomplete, unclear or contradicting itself or trusted sources, it shall inform the Commission immediately thereof and provide a justification.

More specifically, the tenderers shall take account of the following:

- analyses and conclusions must be based on recognised techniques and be conducted in such a way that the results are supported by evidence and rigorous analysis;
- the choice and detailed description of the methodology must form part of the offer submitted;
- considerable emphasis should be placed on the analysis. Assumptions of the analysis should be clearly presented and justified. In case of uncertainties, a sensitivity analysis should be carried out. Unless clearly and objectively justified, the contractor shall preferably make use of sources of quantitative data favoured by the Directorate General for Mobility and Transport. This includes in particular the most recent Statistical Pocketbook, the Reference scenario, Eurostat data and EEA data (European Environment Agency).

6 Reporting and deliverables

The contractor must ensure that all reports prepared under the contract are clear, concise and comprehensive. Reports should be drafted in English, using simple and non-technical language for a non-specialised audience. Technical explanations should be given in annexes.

The reports need to be drafted in such a way that they are ready for publication by the Directorate General for Mobility and Transport. Wherever commercial, confidential or personal data is included, this must be indicated or indexed clearly. The contractor is to prepare a separate version of the reports, suitable for publication and without commercial, confidential or personal data.

In view of its publication, the final report must be of high editorial quality. In cases where the contractor does not manage to produce a final report of high editorial quality within the timeframe defined by the contract, the contracting authority can decide to have the final report professionally edited at the expense of the contractor (e.g. deduction of these costs from the final payment).

All relevant evidence underpinning the analysis has to be annexed in a transparent manner to enable the reader to follow and verify the report's argumentation and analysis. The use of adequately designed and labelled visual communication tools (graphs, charts, etc.) is highly encouraged.

Revised reports are to be delivered in two versions, one final and one with track changes. The track-changed version of the report shall include explanations (i.e. in comments fields) describing if and how all comments made on the previous deliverable have been taken into account, on a comment by comment basis.

The contractor is requested to present:

- bi-weekly (i.e. every two weeks) progress reports (in the form of a concise e-mail) summarising for each task the state of play, progress made and next steps. It will mention issues encountered, including possible impact on the work programme and planning as well as possible risk mitigation options. Any potential issue shall be timely signalled.
- an inception report shall specify the detailed work programme, planning and the contractor's evolved understanding of the study requirements. The methodology presented in the inception report should be more developed compared to the offer and shall take into account the comments made by the Commission, in particular on the offer or on occasion of the kick-off meeting. The inception report shall include an updated methodology for the data analysis and data collection based on any data gaps identified. The updated methodology shall be agreed before the launch of the data collection phase of the study.

A detailed timetable and work plan including the allocation of experts per task and number of working days should also be provided.

The inception report shall not exceed 20 pages (annexes excluded).

- an interim report is to be provided after the completion of task 3.2 and should summarise the results reached until that moment. It should take into account of the comments made by the Commission earlier in the process. The intermediate report shall summarise the evidence collected from the research and highlight any evidence gaps. Based on the evidence gaps (if any) it should present an updated methodology. It should also give clear indications and detailed planning of the work to be carried out during the rest of the study. It should flag any changes in the initially planned methodology, specify the status of any findings/conclusions and raise any problems encountered. The interim report should include a proposal for the structure of the final report which needs to be agreed with the Commission.

The report shall not exceed 40 pages (annexes excluded). The approval by the Commission of this intermediate report is the pre-condition for the contractor being entitled to the interim payment.

- a draft final report should cover all study tasks and take account of the comments made earlier in the process. It should provide the analysis of the findings along with preliminary conclusions and recommendations, in line with the descriptions of the tasks in section 3. The draft final report should include at the minimum an introductory chapter, a methodological chapter, analytical chapters for each of the obstacles described in section 3.2 and a conclusive chapter.

The draft final report shall include an analytical annex, where the detailed analysis can be presented in technical language. The draft final report shall be accompanied by a summary document describing if and how all comments made on the intermediate report have been taken into account, on a comment by comment basis.

It shall not exceed 75 pages (annexes excluded).

- the final report follows in principle the same structure as the draft final report while taking into account any Commission's comments and requests. It is accompanied by an executive summary and an abstract (both to be provided in English, French and German) and is to be delivered in 3 hard copies. At the final delivery, a Power Point presentation – including slides on objectives, approach and main outcomes of the study – shall be submitted.

The contractor must ensure that there are no restrictions based on confidentiality and/or intellectual property rights expected from a third party that could limit the Commission's ability to publish the final report and disseminate any findings based on it.

The final report will be accompanied, digitally, by a set of minimum three, easily-to-understand infographics, aimed at disseminating the results of the study.

The payment of the balance is subject to the approval of the final report.

7 Organisation and timetable

7.1 Volume of the contract

The maximum price of the contract is EUR 500 000. In case the tender will exceed this amount, it will be excluded from the further evaluation and will not be ranked.

7.2 Organisation

The contract will be managed by unit C3 (Single European Railway Area) of the Directorate General for Mobility and Transport. The technical officers in charge will participate in meetings with the contractor, facilitate access to information, monitor and validate the results of the services of the contractor. A Steering Group will be involved in assessing the quality of the work and reports submitted by the contractor.

The contractor must ensure the activities progress properly, are reported upon regularly and for that reason designate a person responsible for permanent and regular contact with the Commission.

7.3 Meetings

It is expected that the contractor (the team leader and other relevant experts) participates in 4 meetings in Commission premises in Brussels with the Commission. A kick-off meeting will take place at the latest two weeks following the entry into force of the contract. The Commission of the contractor can initiate up to 2 intermediate meetings between the kick-off meeting and the final meeting. A final meeting will take place at the latest 2 weeks after delivery of the draft final report and accompanying deliverables in order to discuss the Commission's observations.

Minutes of the meetings should be drafted by the contractor within 5 working days and should be agreed among the participants.

7.4 Timing

The contract shall enter into force on the date in which is signed by all contracting parties. The indicative starting date of the study is 1 September 2020 (T0). The period of the execution of the contract is 9 months.

The following work plan and indicative timetable are envisaged, however it can be adapted if necessary (e.g. to accommodate holiday periods):

- Signature T0

- Kick-off meeting T0 + 2 weeks
The project is kicked off at the meeting between the contractor and the Commission. The kick-off meeting will ensure that the contractor has a clear understanding of the terms of the contract and the objectives of the project. The contractor will be provided with all relevant available documents and be informed of useful information sources for data collection.

- Inception report T0 + 6 weeks
The contractor submits an inception report. Within two weeks the report will be discussed in a meeting with the Commission and should be approved by the Commission.

- Interim report T0 + 20 weeks
The contractor submits an interim report. Within two weeks the report will be discussed in a meeting with the Commission. If necessary, the Contractor will revise the report and the amended interim report will be sent to the Commission within two weeks from the receipt of the Commission comments.

- Draft final report T0 + 30 weeks
The contractor submits the draft final report. Within two weeks the report will be discussed in a meeting with the Commission.

- Final report receipt of Commission comments on draft final report + 2 weeks
The contractor submits the final report, which reflects the comments of the Commission.

- Approval of the final report (10 working days from the receipt of the final report)
The Commission approves the final report.

The approval by the Commission of the intermediate report is the precondition for the contractor being entitled to the interim payment. The payment of the balance is subject to the approval of the final report.

8 Ownership of results

The Commission retains all the rights relating to the reports produced under this contract and to their reproduction and publication. The Commission services will be responsible for deciding the possible

dissemination of the findings and conclusions of the study and its related materials produced under this work contract.